

114TH CONGRESS  
1ST SESSION

# S. 1118

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

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## IN THE SENATE OF THE UNITED STATES

APRIL 28, 2015

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

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## A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Defense Au-  
5 thorization Act for Fiscal Year 2016”.

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

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

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

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

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

Sec. 1. Short title.

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

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Sec. 101. Army.

Sec. 102. Navy and Marine Corps.

Sec. 103. Air Force.

Sec. 104. Defense-wide activities.

Sec. 105. Defense Production Act purchases.

Sec. 106. Multiyear procurement authority for Standard Missile-3 Block IB  
 guided missiles.

Sec. 107. Repeal of limitation on retirement of U-2 aircraft.

Sec. 108. Availability of Air Force procurement funds for certain commercial  
 off-the-shelf parts for intercontinental ballistic missile fuzes.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Sec. 201. Authorization of appropriations.

Sec. 202. Repeal of requirement for initial operating capability of a conven-  
 tional long-range standoff weapon before retirement of the conven-  
 tionally armed AGM-86 missile.

TITLE III—OPERATION AND MAINTENANCE

Sec. 301. Operation and maintenance funding.

Sec. 302. Modification of requirements for transferring aircraft within the Air  
 Force inventory.

Sec. 303. Revision to scope of statutorily required review of projects relating to  
 potential obstructions to aviation so as to apply only to energy  
 projects.

Sec. 304. Establishment of Southern Sea Otter Military Readiness Areas.

## TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

## Subtitle A—Active Forces

Sec. 401. End strengths for active forces.

## Subtitle B—Reserve Forces

- Sec. 411. End strengths for Selected Reserve.  
 Sec. 412. End strengths for Reserves on active duty in support of the Reserves.  
 Sec. 413. End strengths for military technicians (dual status).  
 Sec. 414. Fiscal year 2016 limitation on number of non-dual status technicians.  
 Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.

## Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.

## TITLE V—MILITARY PERSONNEL POLICY

## Subtitle A—Officer Personnel Policy Generally

- Sec. 501. Enhanced flexibility for determination of officers to continue on active duty and for selective early retirement and early discharge.  
 Sec. 502. 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.  
 Sec. 503. Reduction in required number of members of Discharge Review Boards.  
 Sec. 504. Standardization of grade for certain medical and dental branch positions.  
 Sec. 505. Reinstatement of enhanced authority for selective early discharge of warrant officers.  
 Sec. 506. Authority to conduct warrant officer retired grade determinations.

## Subtitle B—Reserve Component Management

- Sec. 511. Increase from 90 to 180 in number of days of active duty required to be performed by reserve component members for that duty to be considered Federal service for purposes of unemployment compensation for ex-servicemembers.  
 Sec. 512. Reconciliation of contradictory provisions relating to citizenship qualifications for enlistment in the reserve components of the Armed Forces.  
 Sec. 513. Authority for the Secretary of Homeland Security to order a member of the Coast Guard Reserve to active duty for medical care or medical evaluation.  
 Sec. 514. Inclusion of duty performed by a reserve component member under a call or order to active duty for medical purposes as qualifying active duty time for purposes of Post-9/11 GI Bill education benefits.  
 Sec. 515. Authority to designate certain reserve officers as not to be considered for selection for promotion.  
 Sec. 516. Clarification of purpose of reserve component Special Selection Boards as limited to correction of error at a mandatory promotion board.

Sec. 517. Expansion of authorized primary duties of Air Force Reserve Component full-time support personnel.

Subtitle C—Member Education and Training

Sec. 521. 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.

Sec. 522. Retention of entitlement to educational assistance during certain additional periods of active duty.

Sec. 523. Authority for United States Air Force Institute of Technology to charge and retain tuition for instruction of persons other than Air Force personnel detailed for instruction at the institute.

Sec. 524. Repeal of time-in-service requirement for Funded Legal Education Program.

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

Sec. 531. 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.

Sec. 532. In-state tuition rates for Senior Reserve Officers' Training Corps cadets and midshipmen.

Subtitle E—Other Matters

Sec. 541. Expansion and extension of authority for pilot programs on career flexibility to enhance retention of members of the Armed Forces.

Sec. 542. Update to involuntary mobilization duty authorities exempt from five-year limit under the Uniformed Services Employment and Reemployment Rights Act.

Sec. 543. Enhancement of confidentiality of restricted reporting of sexual assault in the military.

Sec. 544. Enhanced flexibility in provision of relocation assistance to members of the Armed Forces and their families.

Sec. 545. Required provision of preseparation counseling.

Sec. 546. Enhancements to Yellow Ribbon Reintegration Program.

Sec. 547. Authority for applications for correction of military records to be initiated by Secretary concerned.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Fiscal year 2016 increase in military basic pay.

Sec. 602. Revision to method of computation of basic allowance for housing.

Subtitle B—Bonuses and Special Incentive Pays

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

Sec. 612. Modification to special aviation incentive pay and bonus authorities for officers.

Sec. 613. Increase in maximum annual amount of nuclear officer bonus pay.

Subtitle C—Other Matters

- Sec. 621. Revision to authorities relating to mail service for members of the Armed Forces and defense civilians overseas.
- Sec. 622. Repeal of obsolete special travel and transportation allowance for survivors of deceased members from the Vietnam conflict.
- Sec. 623. Clarification of authority for recording obligations for installment payments of incentive pays, allowances, and similar benefits when payment is due.
- Sec. 624. Additional coverage under homeowner assistance program for wounded members of the Armed Forces, Department of Defense and Coast Guard civilian employees, and their spouses.

#### TITLE VII—HEALTHCARE PROVISIONS

##### Subtitle A—TRICARE and Other Health Care Benefits

- Sec. 701. Consolidated TRICARE health plan.
- Sec. 702. Revisions to cost-sharing requirements for TRICARE for Life and the Pharmacy Benefits Program.

##### Subtitle B—Health Care Administration

- Sec. 711. Limitation on conversion of military medical and dental positions to civilian medical and dental positions.

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

##### Subtitle A—Acquisition Policy and Management

- Sec. 801. Program fraud civil remedies statute for the Department of Defense and the National Aeronautics and Space Administration.
- Sec. 802. Improvements to the operation of the Defense Acquisition Workforce Development Fund.
- Sec. 803. Revision to effective date applicable to prior extension of applicability of the senior executive benchmark compensation amount for purposes of allowable cost limitations under defense contracts.

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

- Sec. 811. Revision to method of rounding of acquisition-related dollar thresholds when adjusting for inflation.
- Sec. 812. Extension of authority to acquire products and services produced in countries along a major route of supply to Afghanistan.
- Sec. 813. Exception to requirement to include cost or price to the Government as a factor in the evaluation of proposals for certain task or delivery order contracts.

##### Subtitle C—Acquisition Reform Proposals

- Sec. 821. Modification to requirements relating to determination of contract type for major development programs.
- Sec. 822. Repeal of requirement for stand-alone manpower estimates for major defense acquisition programs.
- Sec. 823. Revision of milestone decision authority responsibilities for major defense acquisition programs.
- Sec. 824. Streamlining of requirements relating to defense business systems.
- Sec. 825. Revision to life-cycle management and product support requirements.

- Sec. 826. Acquisition strategy required for each major defense acquisition program.
- Sec. 827. Revision to requirements relating to risk reduction in development of major defense acquisition programs.

#### Subtitle D—Other Matters

- Sec. 831. Extension of the Department of Defense Mentor-Protégé Pilot Program.
- Sec. 832. Streamlining of reporting requirements applicable to Assistant Secretary of Defense for Research and Engineering regarding major defense acquisition programs.
- Sec. 833. Revision to required distribution of assistance under Procurement Technical Assistance Cooperative Agreement Program.
- Sec. 834. Expansion of rapid acquisition authority.
- Sec. 835. Modification of prohibition on contracting with Russian suppliers of rocket engines for the Evolved Expendable Launch Vehicle Program.
- Sec. 836. Treatment of lobbying and political activity costs as allowable costs under Department of Energy contracts.
- Sec. 837. Revisions to the Strategic and Critical Materials Stock Piling Act.
- Sec. 838. Authority to dispose of certain materials from and to acquire additional materials for the National Defense Stockpile.
- Sec. 839. Extension of authority for the Civilian Acquisition Workforce Personnel Demonstration Project.
- Sec. 840. Extension of special emergency procurement authority.
- Sec. 841. Micro-purchase threshold applicable to Government procurements.
- Sec. 842. Increase in simplified acquisition threshold and in small business set-aside threshold.
- Sec. 843. Innovation set aside program.

### TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

- Sec. 901. Reorganization and redesignation of Office of Family Policy and Office of Community Support for Military Families with Special Needs.
- Sec. 902. Change of period for Chairman of the Joint Chiefs of Staff review of the Unified Command Plan to not less than every four years.
- Sec. 903. Update of statutory specification of functions of the Chairman of the Joint Chiefs of Staff relating to advice on requirements, programs, and budget.
- Sec. 904. Statutory streamlining to enable Defense Commissary Agency to become partially self-sustaining.
- Sec. 905. Modification of requirements to maintain Navy airborne signals intelligence, surveillance, and reconnaissance capabilities.

### TITLE X—GENERAL PROVISIONS

#### Subtitle A—Financial Matters

- Sec. 1001. Enhancement of interagency support during contingency operations and transition periods.
- Sec. 1002. Repeal of requirement that the Department of the Navy provide funding for the Ocean Research Advisory Panel.

Subtitle B—Naval Vessels and Shipyards

- Sec. 1021. Extension of authority for reimbursement of expenses for certain Navy mess operations afloat.
- Sec. 1022. Refueling and complex overhaul of Nimitz-class aircraft carriers.

Subtitle C—Other Matters

- Sec. 1041. Transfer of functions of the Veterans' Advisory Board on Dose Reconstruction to the Secretaries of Veterans Affairs and Defense.
- Sec. 1042. Repeal and modification of reporting requirements.
- Sec. 1043. Protection for certain sensitive information.
- Sec. 1044. Consular notification compliance.
- Sec. 1045. Consular immunities.
- Sec. 1046. Revision of Freedom of Information Act to reinstate exemptions under that Act as in effect before the Supreme Court decision in *Milner v. Department of the Navy*.
- Sec. 1047. Exemption of information on military tactics, techniques, and procedures from release under Freedom of Information Act.

TITLE XI—CIVILIAN PERSONNEL MATTERS

- Sec. 1101. One-year extension of temporary authority to grant allowances, benefits, and gratuities to civilian personnel on official duty in a combat zone.
- Sec. 1102. Authority to provide additional allowances and benefits for Defense Clandestine Service employees.
- Sec. 1103. 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.
- Sec. 1104. Two-year extension of sunset provision applicable to expedited hiring authority for designated Defense Acquisition Workforce positions.
- 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.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

- Sec. 1201. Extension of authority to support operations and activities of the Office of Security Cooperation—Iraq.
- Sec. 1202. Extension of authority for reimbursement of certain coalition nations for support provided to United States military operations.
- Sec. 1203. Extension of authority to transfer defense articles and provide defense services to the military and security forces of Afghanistan.
- Sec. 1204. Authority for acceptance and use of contributions from Kuwait for certain mutually beneficial projects.
- Sec. 1205. Extension of Commanders' Emergency Response Program in Afghanistan.
- Sec. 1206. Increase in thresholds for definition of major defense equipment for purposes of Arms Export Control Act.
- Sec. 1207. Maintenance of prohibition on procurement by Department of Defense of Communist Chinese-origin items that meet the definition of goods and services controlled as munitions items when moved to the "600 series" of the Commerce Control List.

- Sec. 1208. Modification of global lift and sustain to support partners and allies.
- Sec. 1209. Reimbursements for certain counterinsurgency, counterterrorism and stabilization operations carried out by Pakistan.
- Sec. 1210. NATO Special Operations Headquarters.
- Sec. 1211. Afghanistan Security Forces Fund.
- Sec. 1212. Non-conventional assisted recovery capabilities.
- Sec. 1213. Permanent authority to provide rewards through Government personnel of allied forces and certain other modifications to Department of Defense program to provide rewards.
- Sec. 1214. Extension of authority to conduct activities to enhance the capability of foreign countries to respond to incidents involving weapons of mass destruction.
- Sec. 1215. Authority for Secretary of Defense to engage in commercial activities as security for military operations abroad.
- Sec. 1216. Extension of Afghan Special Immigrant Visa Program.
- Sec. 1217. Liquidation of unpaid credits accrued as a result of transactions under a cross-servicing agreement.
- Sec. 1218. Eastern European Training Initiative.
- Sec. 1219. Extension, expansion, and revision of authority for assistance to the Government of Jordan for border security operations.
- Sec. 1220. Permanent authority to transport allied personnel during contingencies or disaster responses.

#### TITLE XIII—[RESERVED]

#### TITLE XIV—OTHER AUTHORIZATIONS

##### Subtitle A—Military Programs

- Sec. 1401. Working capital funds.
- Sec. 1402. Joint Urgent Operational Needs Fund.
- Sec. 1403. Chemical Agents and Munitions Destruction, Defense.
- Sec. 1404. Drug Interdiction and Counter-Drug Activities, Defense-Wide.
- Sec. 1405. Defense Inspector General.
- Sec. 1406. Defense Health Program.

##### Subtitle B—Other Matters

- Sec. 1411. Authority for transfer of funds to joint Department of Defense–Department of Veterans Affairs Medical Facility Demonstration Fund for Captain James A. Lovell Health Care Center, Illinois.
- Sec. 1412. Authorization of appropriations for Armed Forces Retirement Home.

#### TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

- Sec. 1501. Purpose.
- Sec. 1502. Army procurement.
- Sec. 1503. Joint Improvised Explosive Device Defeat Fund.
- Sec. 1504. Navy and Marine Corps procurement.
- Sec. 1505. Air Force procurement.
- Sec. 1506. Defense-wide activities procurement.
- Sec. 1507. Research, development, test, and evaluation.
- Sec. 1508. Operation and maintenance.
- Sec. 1509. Military personnel.

- Sec. 1510. Working capital funds.
- Sec. 1511. Defense Health Program.
- Sec. 1512. Drug Interdiction and Counter-Drug Activities, Defense-wide.
- Sec. 1513. Defense Inspector General.

#### DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

- Sec. 2001. Short title.
- Sec. 2002. Expiration of authorizations and amounts required to be specified by law.
- Sec. 2003. Effective date.

#### TITLE XXI—ARMY MILITARY CONSTRUCTION

- Sec. 2101. Authorized Army construction and land acquisition projects.
- Sec. 2102. Family housing.
- Sec. 2103. Improvements to military family housing units.
- Sec. 2104. Authorization of appropriations, Army.
- Sec. 2105. Modification of authority to carry out certain fiscal year 2013 project.
- Sec. 2106. Extension of authorization of certain fiscal year 2012 project.
- Sec. 2107. Extension of authorizations of certain fiscal year 2013 projects.
- Sec. 2108. Additional authority to carry out certain fiscal year 2016 projects.

#### TITLE XXII—NAVY MILITARY CONSTRUCTION

- Sec. 2201. Authorized Navy construction and land acquisition projects.
- Sec. 2202. Family housing.
- Sec. 2203. Improvements to military family housing units.
- Sec. 2204. Authorization of appropriations, Navy.
- Sec. 2205. Extension of authorizations of certain fiscal year 2012 projects.
- Sec. 2206. Extension of authorizations of certain fiscal year 2013 projects.

#### TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

- Sec. 2301. Authorized Air Force construction and land acquisition projects.
- Sec. 2302. Family housing.
- Sec. 2303. Improvements to military family housing units.
- Sec. 2304. Authorization of appropriations, Air Force.
- Sec. 2305. Modification of authority to carry out certain fiscal year 2010 project.
- Sec. 2306. Modification of authority to carry out certain fiscal year 2014 project.
- Sec. 2307. Modification of authority to carry out certain fiscal year 2015 project.
- Sec. 2308. Extension of authorization of certain fiscal year 2012 project.
- Sec. 2309. Extension of authorization of certain fiscal year 2013 project.

#### TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION

- Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
- Sec. 2402. Authorized energy conservation projects.
- Sec. 2403. Authorization of appropriations, Defense Agencies.
- Sec. 2404. Modification of authority to carry out certain fiscal year 2012 project.
- Sec. 2405. Extension of authorizations of certain fiscal year 2012 projects.

- Sec. 2406. Extension of authorizations of certain fiscal year 2013 projects.  
 Sec. 2407. Additional authority to carry out certain fiscal year 2016 project.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION  
 SECURITY INVESTMENT PROGRAM

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

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Subtitle A—Project Authorizations and Authorization of Appropriations

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

Subtitle B—Other Matters

- Sec. 2611. Modification and extension of authority to carry out certain fiscal year 2013 project.  
 Sec. 2612. Modification of authority to carry out certain fiscal year 2015 projects.  
 Sec. 2613. Extension of authorizations of certain fiscal year 2012 projects.  
 Sec. 2614. Extension of authorizations of certain fiscal year 2013 projects.

TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES

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

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

- Sec. 2801. Change in authorities relating to scope of work variations for military construction projects.  
 Sec. 2802. Enhanced authority to carry out emergency military construction projects when necessary to support requirements of combatant commanders.  
 Sec. 2803. Annual locality adjustment of dollar thresholds applicable to unspecified minor military construction authorities.  
 Sec. 2804. Extension of temporary, limited authority to use operation and maintenance funds for construction projects outside the United States.  
 Sec. 2805. Production and use of natural gas at Fort Knox, Kentucky.  
 Sec. 2806. 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.

TITLE XXIX—DEFENSE BASE CLOSURE AND REALIGNMENT

- Sec. 2901. Short title and purpose.  
 Sec. 2902. The Commission.  
 Sec. 2903. Procedure for making recommendations for base closures and realignments.  
 Sec. 2904. Closure and realignment of military installations.  
 Sec. 2905. Implementation.  
 Sec. 2906. Department of Defense Base Closure Account 2015.  
 Sec. 2907. Reports.  
 Sec. 2908. Congressional consideration of Commission report.  
 Sec. 2909. Restriction on other base closure authority.  
 Sec. 2910. Definitions.  
 Sec. 2911. Treatment as a base closure law for purposes of other provisions of law.  
 Sec. 2912. Conforming amendments.

TITLE XXX—MILITARY CONSTRUCTION FUNDING

- Sec. 3001. Authorization of amounts in funding tables.  
 Sec. 3002. Military construction table.

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

4     **SEC. 101. ARMY.**

5         Funds are hereby authorized to be appropriated for  
 6     fiscal year 2016 for procurement for the Army as follows:

7             (1) For aircraft, \$5,689,357,000.

8             (2) For missiles, \$1,419,957,000.

9             (3) For weapons and tracked combat vehicles,  
 10     \$1,887,073,000.

11            (4) For ammunition, \$1,233,378,000.

12            (5) For other procurement, \$5,899,028,000.

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

14         Funds are hereby authorized to be appropriated for  
 15     fiscal year 2016 for procurement for the Navy and Marine  
 16     Corps as follows:

17            (1) For aircraft, \$16,126,405,000.

1           (2) For weapons, including missiles and tor-  
2 pedoes, \$3,154,154,000.

3           (3) For ammunition procurement, Navy and  
4 Marine Corps, \$723,741,000.

5           (4) For shipbuilding and conversion,  
6 \$16,597,457,000.

7           (5) For other procurement, \$6,614,715,000.

8           (6) For procurement, Marine Corps,  
9 \$1,131,418,000.

10 **SEC. 103. AIR FORCE.**

11       Funds are hereby authorized to be appropriated for  
12 fiscal year 2016 for procurement for the Air Force as fol-  
13 lows:

14           (1) For aircraft, \$15,657,769,000.

15           (2) For missiles, \$2,987,045,000.

16           (3) For space procurement, \$2,584,061,000.

17           (4) For ammunition, \$1,758,843,000.

18           (5) For other procurement, \$18,272,438,000.

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

20       Funds are hereby authorized to be appropriated for  
21 fiscal year 2016 for Defense-wide procurement in the  
22 amount of \$5,130,853,000.

23 **SEC. 105. DEFENSE PRODUCTION ACT PURCHASES.**

24       Funds are hereby authorized to be appropriated for  
25 fiscal year 2016 for purchases under the Defense Produc-

1 tion Act of 1950 (50 U.S.C. App. 2061 et seq.) in the  
2 amount of \$46,680,000.

3 **SEC. 106. MULTIYEAR PROCUREMENT AUTHORITY FOR**  
4 **STANDARD MISSILE-3 BLOCK IB GUIDED MIS-**  
5 **SILES.**

6 (a) **AUTHORITY FOR MULTIYEAR PROCUREMENT.**—  
7 Subject to section 2306b of title 10, United States Code,  
8 the Secretary of Defense may enter into one or more  
9 multiyear contracts, beginning with the fiscal year 2016  
10 program year, for the procurement of Standard Missile–  
11 3 Block IB guided missiles.

12 (b) **AUTHORITY FOR ADVANCE PROCUREMENT.**—The  
13 Secretary may enter into one or more contracts for ad-  
14 vance procurement associated with the SM–3 Block IB  
15 missiles for which authorization to enter into a multiyear  
16 procurement contract is provided under subsection (a).

17 (c) **CONDITION FOR OUT-YEAR CONTRACT PAY-**  
18 **MENTS.**—A contract entered into under subsection (a)  
19 shall provide that any obligation of the United States to  
20 make a payment under the contract for a fiscal year after  
21 fiscal year 2016 is subject to the availability of appropria-  
22 tions for that purpose for such later fiscal year.

1 **SEC. 107. REPEAL OF LIMITATION ON RETIREMENT OF U-**  
 2 **2 AIRCRAFT.**

3 (a) REPEAL OF LIMITATION.—Section 133 of the  
 4 John Warner National Defense Authorization Act for Fis-  
 5 cal Year 2007 (Public Law 109–364; 120 Stat. 2112), as  
 6 amended by section 132 of the National Defense Author-  
 7 ization Act for Fiscal Year 2008 (Public Law 110–181;  
 8 122 Stat. 30), is repealed.

9 (b) PRESERVATION OF RETIRED U–2 AIRCRAFT.—  
 10 (1) The Secretary of the Air Force shall provide that each  
 11 U–2 aircraft that is retired after the date of the enactment  
 12 of this Act shall be preserved for a period of not less than  
 13 three years in a condition such that the retired aircraft—  
 14 (A) is stored in flyable condition; and  
 15 (B) can be returned to service.

16 (2) Notwithstanding paragraph (1), the Sec-  
 17 retary of the Air Force may authorize retired U–2  
 18 aircraft to be used to transfer parts and systems to  
 19 aircraft other than U–2 aircraft.

20 **SEC. 108. AVAILABILITY OF AIR FORCE PROCUREMENT**  
 21 **FUNDS FOR CERTAIN COMMERCIAL OFF-THE-**  
 22 **SHELF PARTS FOR INTERCONTINENTAL BAL-**  
 23 **LISTIC MISSILE FUZES.**

24 (a) AVAILABILITY OF PROCUREMENT FUNDS.—Not-  
 25 withstanding section 1502(a) of title 31, United States  
 26 Code, of the amount authorized to be appropriated for fis-

1 cal year 2016 by section 103 for Missile Procurement, Air  
2 Force, \$13,700,000 shall be available for the procurement  
3 of covered parts pursuant to contracts entered into under  
4 section 1645 of the Carl Levin and Howard P. “Buck”  
5 McKeon National Defense Authorization Act for Fiscal  
6 Year 2015 (Public Law 113–291; 128 Stat. YYY).

7 (b) COVERED PARTS DEFINED.—In this section, the  
8 term “covered parts” has the meaning given that term in  
9 section 1645(c) of such Act.

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

13 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

14 Funds are hereby authorized to be appropriated for  
15 fiscal year 2016 for the use of the Department of Defense  
16 for research, development, test, and evaluation as follows:

17 (1) For the Army, \$6,924,959,000.

18 (2) For the Navy, \$17,885,916,000.

19 (3) For the Air Force, \$26,473,669,000.

20 (4) For Defense-wide activities,  
21 \$18,329,861,000.

22 (5) For the Director of Operational Test and  
23 Evaluation, \$170,558,000.

1 **SEC. 202. REPEAL OF REQUIREMENT FOR INITIAL OPER-**  
 2 **ATING CAPABILITY OF A CONVENTIONAL**  
 3 **LONG-RANGE STANDOFF WEAPON BEFORE**  
 4 **RETIREMENT OF THE CONVENTIONALLY**  
 5 **ARMED AGM-86 MISSILE.**

6 Section 217(a)(1) of the National Defense Authoriza-  
 7 tion Act for Fiscal Year 2014 (Public Law 113–66; 127  
 8 Stat. 706) is amended—

9 (1) by striking subparagraph (A);

10 (2) in subparagraph (B), by striking “and”;

11 (3) by redesignating subparagraph (B) as sub-  
 12 paragraph (A); and

13 (4) by inserting after subparagraph (A), as so  
 14 redesignated, the following new subparagraph (B):

15 “(B) is capable of being modified to carry  
 16 a conventional warhead; and”.

17 **TITLE III—OPERATION AND**  
 18 **MAINTENANCE**

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

20 Funds are hereby authorized to be appropriated for  
 21 fiscal year 2016 for the use of the Armed Forces and other  
 22 activities and agencies of the Department of Defense for  
 23 expenses, not otherwise provided for, for operation and  
 24 maintenance, in amounts as follows:

25 (1) For the Army, \$35,107,546,000.

26 (2) For the Navy, \$42,200,756,000.

- 1           (3) For the Marine Corps, \$6,228,782,000.
- 2           (4) For the Air Force, \$38,191,929,000.
- 3           (5)       For       Defense-wide       activities,  
4       \$32,440,843,000.
- 5           (6) For the Army Reserve, \$2,665,792,000.
- 6           (7) For the Navy Reserve, \$1,001,758,000.
- 7           (8)   For   the   Marine   Corps   Reserve,  
8       \$277,036,000.
- 9           (9) For the Air Force Reserve, \$3,064,257,000.
- 10          (10) For the Army National Guard,  
11       \$6,717,977,000.
- 12          (11) For the Air National Guard,  
13       \$6,956,210,000.
- 14          (12) For the United States Court of Appeals  
15       for the Armed Forces, \$14,078,000.
- 16          (13) For the Department of Defense Acquisi-  
17       tion Workforce Development Fund, \$84,140,000.
- 18          (14) For Environmental Restoration, Army,  
19       \$234,829,000.
- 20          (15) For Environmental Restoration, Navy,  
21       \$292,453,000.
- 22          (16) For Environmental Restoration, Air Force,  
23       \$368,131,000.
- 24          (17) For Environmental Restoration, Defense-  
25       wide, \$8,232,000.

1           (18) For Environmental Restoration, Formerly  
2           Used Defense Sites, \$203,717,000.

3           (19) For Overseas Humanitarian, Disaster, and  
4           Civic Aid programs, \$100,266,000.

5           (20) For Cooperative Threat Reduction pro-  
6           grams, \$358,496,000.

7   **SEC. 302. MODIFICATION OF REQUIREMENTS FOR TRANS-**  
8                   **FERRING AIRCRAFT WITHIN THE AIR FORCE**  
9                   **INVENTORY.**

10          (a) MODIFICATION OF REQUIREMENTS.—Section 345  
11          of the National Defense Authorization Act for Fiscal Year  
12          2011 (Public Law 111–383; 10 U.S.C. 8062 note) is  
13          amended—

14               (1) in subsection (a)—

15                   (A) by striking the first sentence and in-  
16                   serting the following: “Before making an air-  
17                   craft transfer described in subsection (c), the  
18                   Secretary of the Air Force shall ensure that a  
19                   written agreement regarding such transfer has  
20                   been entered into between the Chief of Staff of  
21                   the Air Force and the Director of the Air Na-  
22                   tional Guard or the Chief of Air Force Re-  
23                   serve.”; and

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

1           (2) by striking subsection (b) and inserting the  
2 following:

3           “(b) SUBMITTAL OF AGREEMENTS TO THE DEPART-  
4 MENT OF DEFENSE AND CONGRESS.—The Secretary of  
5 the Air Force may not take any action to transfer an air-  
6 craft until the Secretary ensures that the Air Force has  
7 complied with applicable Department of Defense regula-  
8 tions and, for a transfer described in subsection (c)(1),  
9 until the Secretary submits to the congressional defense  
10 committees an agreement entered into pursuant to sub-  
11 section (a) regarding the transfer of the aircraft.”; and

12           (3) by adding at the end the following new sub-  
13 sections:

14           “(c) COVERED AIRCRAFT TRANSFERS.—

15           “(1) COVERED TRANSFERS.—An aircraft trans-  
16 fer described in this subsection is the transfer (other  
17 than as specified in paragraph (2)) from a reserve  
18 component of the Air Force to the regular compo-  
19 nent of the Air Force of—

20                   “(A) the permanent assignment of an air-  
21 craft that terminates a reserve component’s eq-  
22 uitable interest in the aircraft; or

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

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

3           “(A) A routine temporary transfer of pos-  
4 session of an aircraft from a reserve component  
5 that is made solely for the benefit of the reserve  
6 component for the purpose of maintenance, up-  
7 grade, conversion, modification, or testing and  
8 evaluation.

9           “(B) A routine permanent transfer of as-  
10 signment of an aircraft that terminates a re-  
11 serve component’s equitable interest in the air-  
12 craft if notice of the transfer has previously  
13 been provided to the congressional defense com-  
14 mittees and the transfer has been approved by  
15 the Secretary of Defense pursuant to Depart-  
16 ment of Defense regulations.

17           “(C) A transfer described in paragraph  
18 (1)(A) when there is a reciprocal permanent as-  
19 signment of an aircraft from the regular compo-  
20 nent of the Air Force to the reserve component  
21 that does not degrade the capability of, or re-  
22 duce the total number of, aircraft assigned to  
23 the reserve component.

24           “(d) RETURN OF AIRCRAFT AFTER ROUTINE TEM-  
25 PORARY TRANSFER.—In the case of an aircraft trans-

1 ferred from a reserve component of the Air Force to the  
 2 regular component of the Air Force for which an agree-  
 3 ment under subsection (a) is not required by reason of  
 4 subsection (c)(2)(A), possession of the aircraft shall be  
 5 transferred back to the reserve component upon comple-  
 6 tion of the work described in subsection (c)(2)(A).”.

7 (b) CONFORMING AMENDMENT.—Subsection (a)(7)  
 8 of such section is amended by striking “Commander of  
 9 the Air Force Reserve Command” and inserting “Chief  
 10 of Air Force Reserve”.

11 (c) TECHNICAL AMENDMENTS TO DELETE REF-  
 12 ERENCES TO AIRCRAFT OWNERSHIP.—Subsection (a) of  
 13 such section is further amended by striking “the owner-  
 14 ship of” in paragraphs (2)(A), (2)(C), and (3).

15 **SEC. 303. REVISION TO SCOPE OF STATUTORILY REQUIRED**  
 16 **REVIEW OF PROJECTS RELATING TO POTEN-**  
 17 **TIAL OBSTRUCTIONS TO AVIATION SO AS TO**  
 18 **APPLY ONLY TO ENERGY PROJECTS.**

19 (a) SCOPE OF SECTION.—Section 358 of the Ike  
 20 Skelton National Defense Authorization Act for Fiscal  
 21 Year 2011 (Public Law 111–383; 124 Stat. 4200; 49  
 22 U.S.C. 44718 note) is amended—

23 (1) in subsection (c)(3), by striking “from State  
 24 and local officials or the developer of a renewable en-  
 25 ergy development or other energy project” and in-

1       serting “from a State government, an Indian tribal  
2       government, a local government, a landowner, or the  
3       developer of an energy project”;

4           (2) in subsection (c)(4), by striking “readiness,  
5       and” and all that follows and inserting “readiness  
6       and to clearly communicate actions being taken by  
7       the Department of Defense to the party requesting  
8       an early project review under this section.”;

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

11          (4) by redesignating subsection (j) as sub-  
12      section (k); and

13          (5) by inserting after subsection (i) the fol-  
14      lowing new subsection (j):

15      “(j) APPLICABILITY OF SECTION.—This section does  
16      not apply to a non-energy project.”.

17      (b) DEFINITIONS.—Subsection (k) of such section, as  
18      redesignated by paragraph (4) of subsection (a), is amend-  
19      ed by adding at the end the following new paragraphs:

20           “(4) The term ‘energy project’ means a project  
21      that provides for the generation or transmission of  
22      electrical energy.

23           “(5) The term ‘non-energy project’ means a  
24      project that is not an energy project.

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

5 **SEC. 304. ESTABLISHMENT OF SOUTHERN SEA OTTER MILI-**  
6 **TARY READINESS AREAS.**

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

11 **“§ 7235. Southern Sea Otter Military Readiness Areas**

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

16                 “(1) The area that includes Naval Base Ven-  
17                 tura County, San Nicolas Island, and Begg Rock  
18                 and the adjacent and surrounding waters within the  
19                 following coordinates:

20                         “N. Latitude/W. Longitude

21                                 “33°27.8′/119°34.3′

22                                 “33°20.5′/119°15.5′

23                                 “33°13.5′/119°11.8′

24                                 “33°06.5′/119°15.3′

25                                 “33°02.8′/119°26.8′

1 “33°08.8′/119°46.3′

2 “33°17.2′/119°56.9′

3 “33°30.9′/119°54.2′.

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

11 “(b) ACTIVITIES WITHIN THE SOUTHERN SEA  
12 OTTER MILITARY READINESS AREAS.—

13 “(1) INCIDENTAL TAKINGS UNDER ENDAN-  
14 GERED SPECIES ACT OF 1973.—Sections 4 and 9 of  
15 the Endangered Species Act of 1973 (16 U.S.C.  
16 1533, 1538) shall not apply with respect to the inci-  
17 dental taking of any southern sea otter in the South-  
18 ern Sea Otter Military Readiness Areas in the  
19 course of conducting a military readiness activity.

20 “(2) INCIDENTAL TAKINGS UNDER MARINE  
21 MAMMAL PROTECTION ACT OF 1972.—Sections 101  
22 and 102 of the Marine Mammal Protection Act of  
23 1972 (16 U.S.C. 1371, 1372) shall not apply with  
24 respect to the incidental taking of any southern sea  
25 otter in the Southern Sea Otter Military Readiness

1 Areas in the course of conducting a military readi-  
2 ness activity.

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

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

17 “(d) REVISION OR TERMINATION OF EXCEPTIONS.—  
18 The Secretary of the Interior may revise or terminate the  
19 application of subsection (b) if the Secretary of the Inte-  
20 rior, in consultation with the Secretary of the Navy, deter-  
21 mines that military activities occurring in the Southern  
22 Sea Otter Military Readiness Areas are impeding the  
23 southern sea otter conservation or the return of southern  
24 sea otters to optimum sustainable population levels.

25 “(e) MONITORING.—

1           “(1) IN GENERAL.—The Secretary of the Navy  
2 shall conduct monitoring and research within the  
3 Southern Sea Otter Military Readiness Areas to de-  
4 termine the effects of military readiness activities on  
5 the growth or decline of the southern sea otter popu-  
6 lation and on the near-shore ecosystem. Monitoring  
7 and research parameters and methods shall be deter-  
8 mined in consultation with the United States Fish  
9 and Wildlife Service.

10           “(2) TRIENNIAL REPORT.—Not later than 24  
11 months after the date of the enactment of this sec-  
12 tion and every three years thereafter, the Secretary  
13 of the Navy shall submit to Congress and the public  
14 a report on monitoring undertaken pursuant to  
15 paragraph (1).

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

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

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

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

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

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

10          “(4) MILITARY READINESS ACTIVITY.—The  
11          term ‘military readiness activity’ has the meaning  
12          given that term in section 315(f) of the Bob Stump  
13          National Defense Authorization Act for Fiscal Year  
14          2003 (16 U.S.C. 703 note) and includes all training  
15          and operations of the armed forces that relate to  
16          combat and the adequate and realistic testing of  
17          military equipment, vehicles, weapons, and sensors  
18          for proper operation and suitability for combat use.

19          “(5) OPTIMUM SUSTAINABLE POPULATION.—  
20          The term ‘optimum sustainable population’ means,  
21          with respect to any population stock, the number of  
22          animals that will result in the maximum productivity  
23          of the population or the species, keeping in mind the  
24          carrying capacity of the habitat and the health of

1 the ecosystem of which they form a constituent ele-  
2 ment.”.

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

“7235. Southern Sea Otter Military Readiness Areas.”.

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

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

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

12 The Armed Forces are authorized strengths for active  
13 duty personnel as of September 30, 2016, as follows:

- 14 (1) The Army, 475,000.  
15 (2) The Navy, 329,200.  
16 (3) The Marine Corps, 184,000.  
17 (4) The Air Force, 317,000.

18 **Subtitle B—Reserve Forces**

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

20 (a) IN GENERAL.—The Armed Forces are authorized  
21 strengths for Selected Reserve personnel of the reserve  
22 components as of September 30, 2016, as follows:

- 23 (1) The Army National Guard of the United  
24 States, 342,000.  
25 (2) The Army Reserve, 198,000.

1           (3) The Navy Reserve, 57,400.

2           (4) The Marine Corps Reserve, 38,900.

3           (5) The Air National Guard of the United  
4 States, 105,500.

5           (6) The Air Force Reserve, 69,200.

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

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

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

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

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

1 increased proportionately by the total authorized strengths  
2 of such units and by the total number of such individual  
3 members.

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

6 Within the end strengths prescribed in section  
7 411(a), the reserve components of the Armed Forces are  
8 authorized, as of September 30, 2016, the following num-  
9 ber of Reserves to be serving on full-time active duty or  
10 full-time duty, in the case of members of the National  
11 Guard, for the purpose of organizing, administering, re-  
12 cruiting, instructing, or training the reserve components:

13 (1) The Army National Guard of the United  
14 States, 30,770.

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

16 (3) The Navy Reserve, 9,934.

17 (4) The Marine Corps Reserve, 2,260.

18 (5) The Air National Guard of the United  
19 States, 14,748.

20 (6) The Air Force Reserve, 3,032.

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

23 The minimum number of military technicians (dual  
24 status) as of the last day of fiscal year 2016 for the re-  
25 serve components of the Army and the Air Force (notwith-

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

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

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

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

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

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

11 (a) LIMITATIONS.—

12 (1) NATIONAL GUARD.—Within the limitation  
13 provided in section 10217(c)(2) of title 10, United  
14 States Code, the number of non-dual status techni-  
15 cians employed by the National Guard as of Sep-  
16 tember 30, 2016, may not exceed the following:

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

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

21 (2) ARMY RESERVE.—The number of non-dual  
22 status technicians employed by the Army Reserve as  
23 of September 30, 2016, may not exceed 595.

24 (3) AIR FORCE RESERVE.—The number of non-  
25 dual status technicians employed by the Air Force

1 Reserve as of September 30, 2016, may not exceed  
2 90.

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

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

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

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

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

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

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

20 (5) The Air National Guard of the United  
21 States, 16,000.

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

1           **Subtitle C—Authorization of**  
 2                           **Appropriations**

3   **SEC. 421. MILITARY PERSONNEL.**

4           There is hereby authorized to be appropriated for  
 5 military personnel for fiscal year 2016 a total of  
 6 \$130,491,227,000.

7   **TITLE V—MILITARY PERSONNEL**  
 8                           **POLICY**

9           **Subtitle A—Officer Personnel**  
 10                           **Policy Generally**

11   **SEC. 501. ENHANCED FLEXIBILITY FOR DETERMINATION**  
 12                           **OF OFFICERS TO CONTINUE ON ACTIVE DUTY**  
 13                           **AND FOR SELECTIVE EARLY RETIREMENT**  
 14                           **AND EARLY DISCHARGE.**

15           Section 638a(d)(2) of title 10, United States Code,  
 16 is amended by striking “officers considered—” and all  
 17 that follows and inserting “officers considered.”.

18   **SEC. 502. AUTHORITY TO DEFER UNTIL AGE 68 MANDATORY**  
 19                           **RETIREMENT FOR AGE OF A GENERAL OR**  
 20                           **FLAG OFFICER SERVING AS CHIEF OR DEP-**  
 21                           **UTY CHIEF OF CHAPLAINS OF THE ARMY,**  
 22                           **NAVY, OR AIR FORCE.**

23           Section 1253 of title 10, United States Code, is  
 24 amended by adding at the end the following new sub-  
 25 section:

1       “(c) DEFERRED RETIREMENT OF CHAPLAINS.—The  
 2 Secretary of the military department concerned may defer  
 3 the retirement under subsection (a) of an officer serving  
 4 in a general or flag officer grade who is the Chief of Chap-  
 5 lains or Deputy Chief of Chaplains of that officer’s armed  
 6 force. Such a deferment may not extend beyond the first  
 7 day of the month following the month in which the officer  
 8 becomes 68 years of age.”.

9       **SEC. 503. REDUCTION IN REQUIRED NUMBER OF MEMBERS**  
 10                                   **OF DISCHARGE REVIEW BOARDS.**

11       Section 1553(a) of title 10, United States Code, is  
 12 amended by striking “five” and inserting “not less than  
 13 three”.

14       **SEC. 504. STANDARDIZATION OF GRADE FOR CERTAIN**  
 15                                   **MEDICAL AND DENTAL BRANCH POSITIONS.**

16       (a) ARMY.—

17               (1) CHIEF OF NURSE CORPS.—Section 3069(b)  
 18 of title 10, United States Code, is amended by strik-  
 19 ing “major general” in the second sentence and in-  
 20 serting “brigadier general”.

21               (2) DEPUTY AND ASSISTANT CHIEFS OF  
 22 BRANCHES.—Section 3039(b) of such title is amend-  
 23 ed by striking “major general” in the last sentence  
 24 and inserting “brigadier general”.

1           (3) CHIEF OF THE VETERINARY CORPS.—Sec-  
2           tion 3084 of such title is amended—

3                   (A) by striking “brigadier general” in the  
4                   second sentence and inserting “colonel”; and

5                   (B) by striking the third sentence.

6           (b) NAVY.—

7                   (1) CHIEF OF DENTAL CORPS.—Section  
8                   5138(a) of such title is amended by striking “not  
9                   below” and inserting “in”.

10                  (2) DIRECTOR OF NURSE CORPS.—Section  
11                  5150(e) of such title is amended—

12                          (A) in the first sentence, by striking “rear  
13                          admiral” the first place it appears and all that  
14                          follows through “Service Corps” and inserting  
15                          “rear admiral (lower half)”; and

16                          (B) by striking the last sentence.

17           (c) AIR FORCE.—

18                          (1) CHIEF OF NURSE CORPS.—Section 8069(b)  
19                          of such title is amended by striking “major general”  
20                          in the second sentence and inserting “brigadier gen-  
21                          eral”.

22                          (2) ASSISTANT SURGEON GENERAL FOR DEN-  
23                          TAL SERVICES.—Section 8081 of such title is  
24                          amended by striking “major general” in the second  
25                          sentence and inserting “brigadier general”.

1 (d) TRANSITION.—In the case of an officer who on  
2 the date of the enactment of this Act is serving in a posi-  
3 tion that is covered by an amendment made by this sec-  
4 tion, the continued service of that officer in such position  
5 after the date of the enactment of this Act shall not be  
6 affected by that amendment.

7 **SEC. 505. REINSTATEMENT OF ENHANCED AUTHORITY FOR**  
8 **SELECTIVE EARLY DISCHARGE OF WARRANT**  
9 **OFFICERS.**

10 Section 580a of title 10, United States Code, is  
11 amended—

12 (1) in subsection (a), by striking “November  
13 30, 1993, and ending on October 1, 1999” and in-  
14 serting “October 1, 2015, and ending on October 1,  
15 2019”; and

16 (2) in subsection (c)—

17 (A) by striking paragraph (3); and

18 (B) by redesignating paragraphs (4) and

19 (5) as paragraphs (3) and (4), respectively.

20 **SEC. 506. AUTHORITY TO CONDUCT WARRANT OFFICER RE-**  
21 **TIRED GRADE DETERMINATIONS.**

22 Section 1371 of title 10, United States Code, is  
23 amended—

24 (1) by inserting “highest” after “in the”; and

1           (2) by striking “that he held on the day before  
2           the date of his retirement, or in any higher warrant  
3           officer grade”.

4           **Subtitle B—Reserve Component**  
5                           **Management**

6   **SEC. 511. INCREASE FROM 90 TO 180 IN NUMBER OF DAYS**  
7                           **OF ACTIVE DUTY REQUIRED TO BE PER-**  
8                           **FORMED BY RESERVE COMPONENT MEM-**  
9                           **BERS FOR THAT DUTY TO BE CONSIDERED**  
10                          **FEDERAL SERVICE FOR PURPOSES OF UNEM-**  
11                          **PLOYMENT COMPENSATION FOR EX-**  
12                          **SERVICEMEMBERS.**

13           (a) INCREASE OF NUMBER OF DAYS.—Paragraph (1)  
14 of section 8521(a) of title 5, United States Code, is  
15 amended by striking “90 days” in the matter preceding  
16 subparagraph (A) and inserting “180 days”.

17           (b) EFFECTIVE DATE.—The amendment made by  
18 subsection (a) shall apply with respect to periods of Fed-  
19 eral service commencing on or after the date of the enact-  
20 ment of this Act.

1 **SEC. 512. RECONCILIATION OF CONTRADICTION PROVI-**  
2 **SIONS RELATING TO CITIZENSHIP QUALI-**  
3 **FICATIONS FOR ENLISTMENT IN THE RE-**  
4 **SERVE COMPONENTS OF THE ARMED**  
5 **FORCES.**

6 Paragraphs (1) and (2) of section 12102(b) of title  
7 10, United States Code, are amended to read as follows:

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

11 “(2) that person is authorized to enlist by the  
12 Secretary concerned under section 504(b)(2) of this  
13 title.”.

14 **SEC. 513. AUTHORITY FOR THE SECRETARY OF HOMELAND**  
15 **SECURITY TO ORDER A MEMBER OF THE**  
16 **COAST GUARD RESERVE TO ACTIVE DUTY**  
17 **FOR MEDICAL CARE OR MEDICAL EVALUA-**  
18 **TION.**

19 Subsection (h) of section 12301 of title 10, United  
20 States Code, is amended by striking “When authorized by  
21 the Secretary of Defense, the Secretary of a military de-  
22 partment may” and inserting “The Secretary of a military  
23 department (when authorized by the Secretary of De-  
24 fense), and the Secretary of Homeland Security with re-  
25 spect to the Coast Guard when it is not operating as a  
26 service in the Navy, may”.

1 **SEC. 514. INCLUSION OF DUTY PERFORMED BY A RESERVE**  
2 **COMPONENT MEMBER UNDER A CALL OR**  
3 **ORDER TO ACTIVE DUTY FOR MEDICAL PUR-**  
4 **POSES AS QUALIFYING ACTIVE DUTY TIME**  
5 **FOR PURPOSES OF POST-9/11 GI BILL EDU-**  
6 **CATION BENEFITS.**

7 Section 3301 of title 38, United States Code, is  
8 amended in subsection (a)(1)(B) by inserting “12301(h),”  
9 after “12301(g)”.

10 **SEC. 515. AUTHORITY TO DESIGNATE CERTAIN RESERVE**  
11 **OFFICERS AS NOT TO BE CONSIDERED FOR**  
12 **SELECTION FOR PROMOTION.**

13 Section 14301 of title 10, United States Code, is  
14 amended by adding at the end the following new sub-  
15 section:

16 “(j) CERTAIN OFFICERS NOT TO BE CONSIDERED  
17 FOR SELECTION FOR PROMOTION.—The Secretary of the  
18 military department concerned may provide that an officer  
19 who is in an active status, but is in a duty status in which  
20 the only points the officer accrues under section  
21 12732(a)(2) of this title are pursuant to subparagraph  
22 (C)(i) of that section (relating to membership in a reserve  
23 component), shall not be considered for selection for pro-  
24 motion at any time the officer otherwise would be so con-  
25 sidered. Any such officer may remain on the reserve ac-  
26 tive-status list.”.

1 **SEC. 516. CLARIFICATION OF PURPOSE OF RESERVE COM-**  
2 **PONENT SPECIAL SELECTION BOARDS AS**  
3 **LIMITED TO CORRECTION OF ERROR AT A**  
4 **MANDATORY PROMOTION BOARD.**

5 Section 14502(b) of title 10, United States Code, is  
6 amended—

7 (1) in paragraph (1)—

8 (A) in the matter preceding subparagraph  
9 (A), by striking “a selection board” and insert-  
10 ing “a mandatory promotion board convened  
11 under section 14101(a) of this title”; and

12 (B) in subparagraphs (A) and (B), by  
13 striking “selection board” and inserting “man-  
14 datory promotion board”; and

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

18 **SEC. 517. EXPANSION OF AUTHORIZED PRIMARY DUTIES OF**  
19 **AIR FORCE RESERVE COMPONENT FULL-**  
20 **TIME SUPPORT PERSONNEL.**

21 (a) DEFINITION OF ACTIVE GUARD AND RESERVE  
22 DUTY.—Section 101(d)(6)(A) of title 10, United States  
23 Code, is amended by striking “days or more” and all that  
24 follows and inserting “days or more—

1           “(i) for the purpose of organizing, admin-  
2           istering, recruiting, instructing, or training the re-  
3           serve components; and

4           “(ii) in the case of a member of a reserve com-  
5           ponent of the Air Force, for the purpose of instruct-  
6           ing or training in the United States or the Common-  
7           wealth of Puerto Rico or possessions of the United  
8           States—

9                   “(I) members of the armed forces on active  
10                  duty; or

11                   “(II) members of foreign military forces  
12                  (under the same authorities and restrictions as  
13                  are applicable to members of the regular com-  
14                  ponents providing such instruction or train-  
15                  ing).”.

16           (b) MILITARY TECHNICIANS (DUAL STATUS).—

17                   (1) ADDITIONAL DUTIES AS AUTHORIZED PRI-  
18                  MARY DUTIES FOR AIR COMPONENT MEMBERS.—

19                  Section 10216(a) of such title is amended—

20                           (A) in paragraph (1)(C), by striking “in  
21                           organizing” and all that follows and inserting  
22                           “with primary duties consisting of one or more  
23                           of the duties described in paragraph (2).”;

24                           (B) by redesignating paragraphs (2) and  
25                           (3) as paragraphs (4) and (5), respectively; and

1 (C) by inserting after paragraph (1) the  
2 following new paragraphs (2) and (3):

3 “(2) Duties referred to in this paragraph are the fol-  
4 lowing:

5 “(A) The organizing, administering, instructing,  
6 or training of the Selected Reserve.

7 “(B) The maintenance and repair of supplies or  
8 equipment issued to the Selected Reserve or the  
9 armed forces.

10 “(C) In the case of a Federal civilian employee  
11 who is a member of the Air Force Reserve or Air  
12 National Guard and subject to paragraph (3), the  
13 instructing or training in the United States or the  
14 Commonwealth of Puerto Rico or possessions of the  
15 United States of—

16 “(i) members of the armed forces on active  
17 duty; or

18 “(ii) members of foreign military forces  
19 (under the same authorities and restrictions as  
20 are applicable to members of the regular com-  
21 ponents providing such instruction or training).

22 “(3)(A) A Federal civilian employee is a military  
23 technician (dual status) by reason of paragraph (2)(C)  
24 only if the performance of duties described in that sub-

1 paragraph as the primary duties of the employee has been  
2 approved—

3 “(i) by the Chief of the Air Force Reserve, in  
4 the case of an employee who is a member of the Air  
5 Force Reserve; or

6 “(ii) by the Director of the Air National Guard,  
7 in the case of an employee who is a member of the  
8 Air National Guard.

9 “(B) Of the total number of Federal civilian employ-  
10 ees who are members of the Air Force Reserve or Air Na-  
11 tional Guard and who are military technicians (dual sta-  
12 tus), not more than five percent may be assigned to have  
13 duties described in paragraph (2)(C) as their primary du-  
14 ties. Of the members of the Air Force Reserve who are  
15 so assigned, no more than half may be assigned to provide  
16 instruction or training for equipment or missions that are  
17 not assigned to the Air Force Reserve as of the time of  
18 the provision of such instruction or training, and of the  
19 members of the Air National Guard who are so assigned,  
20 no more than half may be assigned to provide instruction  
21 or training for equipment or missions that are not as-  
22 signed to the Air National Guard as of the time of the  
23 provision of such instruction or training.”.

1           (2) TECHNICAL AMENDMENTS.—Subparagraph  
2           (C) of paragraph (5) of such section, as redesignated  
3           by paragraph (1)(B), is amended—

4                   (A) in clause (i), by striking “active-duty  
5                   members of the armed forces” and inserting  
6                   “members of the armed forces on active duty”;  
7                   and

8                   (B) in clause (ii), by striking “applicable to  
9                   active-duty members” and inserting “as are ap-  
10                  plicable to members of the regular compo-  
11                  nents”.

12          (c) FEDERAL ACTIVE DUTY.—

13           (1) ADDITIONAL DUTIES AS AUTHORIZED PRI-  
14           MARY DUTIES FOR AIR COMPONENT MEMBERS.—  
15           Subsection (a) of section 12310 of such title is  
16           amended—

17                   (A) in paragraph (1)—

18                           (i) by inserting “a Reserve who is”  
19                           after “may order”;

20                           (ii) by striking “organizing” and all  
21                           that follows through “components”; and

22                           (iii) by adding at the end the fol-  
23                           lowing new sentence: “However, only a Re-  
24                           serve who is a member of a reserve compo-  
25                           nent of the Air Force may be ordered to

1 active duty under this paragraph to per-  
2 form Active Guard and Reserve duty de-  
3 scribed in clause (ii) of section  
4 101(d)(6)(A) of this title, and such an  
5 order may be made only with the approval  
6 of the Chief of the Air Force Reserve, in  
7 the case of a member of the Air Force Re-  
8 serve, or the Director of the Air National  
9 Guard, in the case of a member of the Air  
10 National Guard.”; and

11 (B) by adding at the end the following new  
12 paragraphs:

13 “(3) A Reserve ordered to active duty under para-  
14 graph (1) shall perform duties specified in section  
15 101(d)(6)(A) of this title as that Reserve’s primary duties.

16 “(4) Of the total number of members of the Air Force  
17 Reserve and Air National Guard on active duty under  
18 paragraph (1), not more than 10 percent may be assigned  
19 to perform duties described in clause (ii) of section  
20 101(d)(6)(A) of this title as their primary duties. Of the  
21 members of the Air Force Reserve who are so assigned,  
22 no more than half may be assigned to provide instruction  
23 or training for equipment or missions that are not as-  
24 signed to the Air Force Reserve as of the time of the provi-  
25 sion of such instruction or training, and of the members

1 of the Air National Guard who are so assigned, no more  
2 than half may be assigned to provide instruction or train-  
3 ing for equipment or missions that are not assigned to  
4 the Air National Guard as of the time of the provision  
5 of such instruction or training.”.

6 (2) TECHNICAL AND CONFORMING AMEND-  
7 MENTS.—Subsection (b) of such section is amend-  
8 ed—

9 (A) in the matter preceding paragraph (1),  
10 by striking “primary Active Guard and Reserve  
11 duties (as described in subsection (a)(1))” and  
12 inserting “primary duties (as described in sub-  
13 section (a)(3))”;

14 (B) in paragraph (4)(A), by striking “ac-  
15 tive-duty members of the armed forces” and in-  
16 serting “members of the armed forces on active  
17 duty”; and

18 (C) in paragraph (4)(B), by striking “ap-  
19 plicable to active-duty members” and inserting  
20 “as are applicable to members of the regular  
21 components”.

22 (d) STATE ACTIVE DUTY.—Section 328(b) of title  
23 32, United States Code, is amended—

24 (1) by inserting “(1)” after “DUTIES.—”;

1           (2) by inserting “shall perform duties specified  
2           in section 101(d)(6)(A) of title 10 as that member’s  
3           primary duties and” after “under subsection (a)”;

4           (3) by striking “the member’s” and all that fol-  
5           lows and inserting “such primary duties.”; and

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

8           “(2) Of the total number of members of the Air Na-  
9           tional Guard performing duty under subsection (a), not  
10           more than 10 percent may be assigned to perform duties  
11           described in clause (ii) of section 101(d)(6)(A) of title 10  
12           as their primary duties, and of the members who are so  
13           assigned, no more than half may be assigned to provide  
14           instruction or training for equipment or missions that are  
15           not assigned to the Air National Guard as of the time  
16           of the provision of such instruction or training.”.

17           (e) NATIONAL GUARD TECHNICIANS.—

18           (1) ADDITIONAL DUTIES AS AUTHORIZED PRI-  
19           MARY DUTIES FOR AIR NATIONAL GUARD MEM-  
20           BERS.—Section 709 of such title is amended—

21           (A) in subsection (a)—

22                   (i) by redesignating paragraphs (2)  
23                   and (3) as paragraphs (3) and (4), respec-  
24                   tively; and

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

3 “(2) in the case of persons who are members of  
 4 the Air National Guard, in the instructing or train-  
 5 ing in the United States or the Commonwealth of  
 6 Puerto Rico or possessions of the United States of—

7 “(A) members of the armed forces on ac-  
 8 tive duty; or

9 “(B) members of foreign military forces  
 10 (under the same authorities and restrictions as  
 11 are applicable to members of the regular com-  
 12 ponents providing such instruction or train-  
 13 ing);”; and

14 (B) in subsection (b)—

15 (i) by inserting “(1)” after “(b)”;

16 (ii) by redesignating paragraphs (1),  
 17 (2), (3), and (4) as subparagraphs (A),  
 18 (B), (C), and (D), respectively; and

19 (iii) by adding at the end the fol-  
 20 lowing new paragraphs:

21 “(2) A person who is a member of the Air National  
 22 Guard may be employed as a technician under subsection  
 23 (a) in the performance of duties described in paragraph  
 24 (2) of that subsection as the primary duties of that person  
 25 only if the performance by that person of such duties as

1 the primary duties of that person is approved by the Di-  
2 rector of the Air National Guard.

3 “(3) Of the total number of members of the Air Na-  
4 tional Guard employed as technicians under subsection  
5 (a), not more than five percent may be assigned to per-  
6 form duties described in paragraph (2) of that subsection  
7 as their primary duties, and of the members who are so  
8 assigned, no more than half may be assigned to provide  
9 instruction or training for equipment or missions that are  
10 not assigned to the Air National Guard as of the time  
11 of the provision of such instruction or training.”

12 (2) TECHNICAL AND CONFORMING AMEND-  
13 MENTS.—Subsection (a) of such section, as amended  
14 by paragraph (1)(A), is further amended—

15 (A) in the matter preceding paragraph (1),  
16 by striking “technicians in—” and inserting  
17 “technicians—”;

18 (B) in paragraph (1), by inserting “in” be-  
19 fore “the organizing”;

20 (C) in paragraph (3), as redesignated by  
21 paragraph (1)(A)(i), by inserting “in the” be-  
22 fore “maintenance”; and

23 (D) in paragraph (4), as redesignated by  
24 paragraph (1)(A)(i)—

1 (i) in the matter preceding subpara-  
2 graph (A)—

3 (I) by inserting “in the” before  
4 “performance”; and

5 (II) by striking “duties described  
6 by paragraphs (1) and (2)” and in-  
7 serting “primary duties described by  
8 paragraphs (1), (2), and (3)”;

9 (ii) in subparagraph (C)(i), by strik-  
10 ing “active-duty members of the armed  
11 forces” and inserting “members of the  
12 armed forces on active duty”; and

13 (iii) in subparagraph (C)(ii), by strik-  
14 ing “applicable to active-duty members”  
15 and inserting “as are applicable to mem-  
16 bers of the regular components”.

17 (f) FURTHER CONFORMING AMENDMENT.—Section  
18 502(f)(2)(B)(ii) of title 32, United States Code, is amend-  
19 ed by striking “to instruct” and all that follows and insert-  
20 ing “to instruct—

21 “(I) members of the armed forces on  
22 active duty;

23 “(II) members of foreign military  
24 forces (under the same authorities and re-  
25 strictions as are applicable to members of

1 the regular components providing such in-  
 2 struction);

3 “(III) Department of Defense con-  
 4 tractor personnel; or

5 “(IV) Department of Defense civilian  
 6 employees.”.

## 7 **Subtitle C—Member Education and** 8 **Training**

### 9 **SEC. 521. REPEAL OF STATUTORY SPECIFICATION OF MIN-** 10 **IMUM DURATION OF IN-RESIDENT INSTRU-** 11 **CTION FOR COURSES OF INSTRUCTION OF-** 12 **FERED AS PART OF PHASE II JOINT PROFES-** 13 **SIONAL MILITARY EDUCATION.**

14 (a) REPEAL OF STATUTORY REQUIREMENT FOR IN-  
 15 RESIDENT INSTRUCTION.—Section 2154(a)(2)(A) of title  
 16 10, United States Code, is amended by striking “taught  
 17 in residence at” and inserting “offered through”.

18 (b) REPEAL OF STATUTORY DURATIONAL MIN-  
 19 IMUM.—

20 (1) REPEAL.—Section 2156 of such title is re-  
 21 pealed.

22 (2) CLERICAL AMENDMENT.—The table of sec-  
 23 tions at the beginning of chapter 107 of such title  
 24 is amended by striking the item relating to section  
 25 2156.

1 **SEC. 522. RETENTION OF ENTITLEMENT TO EDUCATIONAL**  
2 **ASSISTANCE DURING CERTAIN ADDITIONAL**  
3 **PERIODS OF ACTIVE DUTY.**

4 (a) **EDUCATIONAL ASSISTANCE ALLOWANCE.**—Sec-  
5 tion 16131(e)(3)(B)(i) of title 10, United States Code, is  
6 amended by striking “or 12304” and inserting “12304,  
7 12304a, or 12304b”.

8 (b) **EXPIRATION DATE.**—Section 16133(b)(4) of  
9 such title is amended by striking “or 12304” and inserting  
10 “12304, 12304a, or 12304b”.

11 **SEC. 523. AUTHORITY FOR UNITED STATES AIR FORCE IN-**  
12 **STITUTE OF TECHNOLOGY TO CHARGE AND**  
13 **RETAIN TUITION FOR INSTRUCTION OF PER-**  
14 **SONS OTHER THAN AIR FORCE PERSONNEL**  
15 **DETAILED FOR INSTRUCTION AT THE INSTI-**  
16 **TUTE.**

17 (a) **STATUTORY REORGANIZATION.**—Chapter 901 of  
18 title 10, United States Code, is amended—

19 (1) by transferring subsections (d) and (f) of  
20 section 9314 to the end of section 9314b and redesi-  
21 gnating those subsections as subsections (c) and  
22 (d), respectively;

23 (2) by striking the heading of section 9314a;  
24 and

25 (3) by inserting after subsection (c) of section  
26 9314 the following new section heading:

1 **“§ 9314a. United States Air Force Institute of Tech-**  
2 **nology: reimbursement and tuition; in-**  
3 **struction of persons other than Air Force**  
4 **personnel”.**

5 (b) INSTRUCTION OF PERSONS OTHER THAN AIR  
6 FORCE PERSONNEL.—Section 9314a of such title, as des-  
7 ignated by the amendment made by subsection (a)(3), is  
8 amended as follows:

9 (1) The first subsection of that section (for-  
10 merly subsection (e) of section 9314) is redesignated  
11 as subsection (a) and is amended—

12 (A) by striking “REIMBURSEMENT AND  
13 TUITION” and inserting “MEMBERS OF THE  
14 ARMED FORCES OTHER THAN THE AIR FORCE  
15 WHO ARE DETAILED TO THE INSTITUTE”; and

16 (B) in paragraph (3)—

17 (i) by striking “and” after “Marine  
18 Corps,” and inserting “or”;

19 (ii) by striking “permitted” and in-  
20 serting “detailed”; and

21 (iii) by striking “that member” and  
22 inserting “the Secretary concerned”.

23 (2) Such section is further amended—

24 (A) by redesignating paragraph (4) of such  
25 subsection (a) as subsection (b);

1 (B) by striking “(A)” in such subsection  
2 and inserting “FEDERAL CIVILIAN EMPLOYEES  
3 OTHER THAN AIR FORCE EMPLOYEES WHO  
4 ARE DETAILED TO THE INSTITUTE.—(1)”;

5 (C) by redesignating subparagraph (B) in  
6 such subsection as paragraph (2);

7 (D) by striking paragraph (5) of such sub-  
8 section; and

9 (E) by inserting after such subsection the  
10 following new subsection (c):

11 “(c) NON-DETAILED PERSONS.—(1) The Secretary  
12 of the Air Force may permit persons described in para-  
13 graph (2) to receive instruction at the United States Air  
14 Force Institute of Technology on a space-available basis.

15 “(2) Paragraph (1) applies to any of the following  
16 persons:

17 “(A) A member of the armed forces not detailed  
18 for that instruction by the Secretary concerned.

19 “(B) A civilian employee of a military depart-  
20 ment, of another component of the Department of  
21 Defense, of another Federal agency, or of a State’s  
22 National Guard not detailed for that instruction by  
23 the Secretary concerned or head of the other De-  
24 partment of Defense component, other Federal agen-  
25 cy, or the National Guard.

1           “(C) A United States citizen who is the recipi-  
2           ent of a competitively selected Federal or Depart-  
3           ment of Defense sponsored scholarship or fellowship  
4           with a defense focus in areas of study related to the  
5           academic disciplines offered by the Air Force Insti-  
6           tute of Technology and which requires a service  
7           commitment to the Federal Government in exchange  
8           for educational financial assistance.

9           “(3) If a scholarship or fellowship described in  
10          paragraph (2)(C) includes a stipend, the Institute  
11          may accept the stipend payment from the scholar-  
12          ship or fellowship sponsor and make a direct pay-  
13          ment to the individual.”.

14          (c) CONFORMING SUBSECTION REDESIGNATIONS  
15          AND OTHER CONFORMING AMENDMENTS.—Section  
16          9314a of such title, as designated by the amendment made  
17          by subsection (a)(3) and amended by subsection (b), is  
18          further amended—

19                 (1) by redesignating subsection (a) of the  
20                 former section 9314a (with the heading “ADMISSION  
21                 AUTHORIZED”) as subsection (d) and in that sub-  
22                 section—

23                         (A) by striking “ADMISSION AUTHORIZED”  
24                         and inserting “DEFENSE INDUSTRY EMPLOY-  
25                         EES”; and

1 (B) in paragraph (1), by striking “sub-  
2 section (b)” and inserting “paragraph (4)”;

3 (2) by redesignating subsection (b) of such  
4 former section 9314a as paragraph (4) and in that  
5 paragraph—

6 (A) by striking “ELIGIBLE DEFENSE IN-  
7 DUSTRY EMPLOYEES.—”; and

8 (B) by striking “only so long at” and in-  
9 serting “only so long as”;

10 (3) by redesignating subsection (c) of such  
11 former section 9314a as paragraph (5) and in that  
12 paragraph—

13 (A) by striking “ANNUAL DETERMINATION  
14 BY THE SECRETARY OF THE AIR FORCE.—”;  
15 and

16 (B) by redesignating paragraphs (1) and  
17 (2) therein as subparagraphs (A) and (B), re-  
18 spectively; and

19 (4) by redesignating subsection (d) of such  
20 former section 9314a as paragraph (6) and in that  
21 paragraph—

22 (A) by striking “PROGRAM REQUIRE-  
23 MENTS.—”;

1 (B) by redesignating paragraphs (1) and  
2 (2) therein as subparagraphs (A) and (B), re-  
3 spectively; and

4 (C) in subparagraph (A), as so redesign-  
5 nated—

6 (i) by striking “under this section”  
7 and inserting “under this subsection”; and

8 (ii) by striking “subsection (a)” and  
9 inserting “paragraph (1)”.

10 (d) TUITION.—Subsection (e) of such section is  
11 amended—

12 (1) by striking “under this section” and insert-  
13 ing “under subsections (c) and (d)”; and

14 (2) by inserting before the period at the end the  
15 following: “who are detailed to receive instruction at  
16 the Institute under subsection (b)”.

17 (e) STANDARDS OF CONDUCT.—Subsection (f) of  
18 such section is amended—

19 (1) by striking “defense industry employees”  
20 and inserting “persons”; and

21 (2) by inserting “who are not members of the  
22 armed forces or Government civilian employees”  
23 after “enrolled under this section”.

24 (f) CLERICAL AMENDMENTS.—



1 **Subtitle D—Defense Dependents’**  
2 **Education and Military Family**  
3 **Readiness Matters**

4 **SEC. 531. AUTHORITY TO USE APPROPRIATED FUNDS TO**  
5 **SUPPORT DEPARTMENT OF DEFENSE STU-**  
6 **DENT MEAL PROGRAMS IN DOMESTIC DE-**  
7 **PENDENT ELEMENTARY AND SECONDARY**  
8 **SCHOOLS LOCATED OUTSIDE THE UNITED**  
9 **STATES.**

10 Section 2243 of title 10, United States Code, is  
11 amended—

12 (1) in the heading, by inserting “defense” after  
13 “overseas”;

14 (2) in subsection (a)—

15 (A) by striking “the defense dependents’  
16 education system” and inserting “overseas de-  
17 fense dependents’ schools”; and

18 (B) by striking “students enrolled in that  
19 system” and inserting “a student enrolled in  
20 such a school”;

21 (3) in subsection (d), by striking “Department  
22 of Defense dependents schools which are located out-  
23 side the United States” and inserting “overseas de-  
24 fense dependents’ schools”; and

1           (4) by adding at the end the following new sub-  
2           section:

3           “(e) OVERSEAS DEFENSE DEPENDENTS’ SCHOOL  
4           DEFINED.—In this section, the term ‘overseas defense de-  
5           pendents’ school’ means—

6           “(1) a school established as part of the defense  
7           dependents’ education system provided for under the  
8           Defense Dependents’ Education Act of 1978 (20  
9           U.S.C. 921 et seq.); or

10           “(2) an elementary or secondary school estab-  
11           lished pursuant to section 2164 of this title that is  
12           located in a territory, commonwealth, or possession  
13           of the United States.”.

14           **SEC. 532. IN-STATE TUITION RATES FOR SENIOR RESERVE**  
15   **OFFICERS’ TRAINING CORPS CADETS AND**  
16   **MIDSHIPMEN.**

17           (a) REQUIREMENT TO CHARGE IN-STATE TUITION  
18           RATES TO SENIOR RESERVE OFFICERS’ TRAINING CORPS  
19           SCHOLARSHIP MEMBERS.—Section 2102(b) of title 10,  
20           United States Code, is amended—

21           (1) by striking “and” at the end of paragraph  
22           (2);

23           (2) by striking the period at the end of para-  
24           graph (3) and inserting “; and”; and

1           (3) by adding at the end the following new  
2 paragraph:

3           “(4) in the case of an institution that charges  
4 different rates of tuition based upon whether or not  
5 a student is a resident of the State in which the in-  
6 stitution is located, the institution charges a member  
7 of the program who is a cadet or midshipman ap-  
8 pointed under section 2107 of this title tuition at a  
9 rate that is no greater than the resident tuition rate  
10 offered by the institution.”.

11       (b) EFFECTIVE DATE.—The amendments made by  
12 this section shall take effect on August 1, 2018.

## 13           **Subtitle E—Other Matters**

### 14       **SEC. 541. EXPANSION AND EXTENSION OF AUTHORITY FOR** 15           **PILOT PROGRAMS ON CAREER FLEXIBILITY** 16           **TO ENHANCE RETENTION OF MEMBERS OF** 17           **THE ARMED FORCES.**

18       (a) EXPANSION OF ELIGIBLE MEMBERS.—Section  
19 533 of the Duncan Hunter National Defense Authoriza-  
20 tion Act for Fiscal Year 2009 (Public Law 110–417; 10  
21 U.S.C. prec. 701 note) is amended by striking subsections  
22 (b) and (c).

23       (b) EXTENSION OF PROGRAM.—

24           (1) DURATION OF PROGRAM AUTHORITY.—Sub-  
25 section (m) of such section is amended by striking

1 “December 31, 2015” and inserting “December 31,  
2 2018”.

3 (2) CONFORMING AMENDMENTS TO REPORTING  
4 REQUIREMENTS.—Subsection (k) of such section is  
5 amended—

6 (A) in paragraph (1), by striking “and  
7 2017” and inserting “, 2017, 2019, and 2021”;  
8 and

9 (B) in paragraph (2), by striking “March  
10 1, 2019” and inserting “March 1, 2022”.

11 **SEC. 542. UPDATE TO INVOLUNTARY MOBILIZATION DUTY**  
12 **AUTHORITIES EXEMPT FROM FIVE-YEAR**  
13 **LIMIT UNDER THE UNIFORMED SERVICES**  
14 **EMPLOYMENT AND REEMPLOYMENT RIGHTS**  
15 **ACT.**

16 Section 4312(c)(4)(A) of title 38, United States  
17 Code, is amended by inserting after “12304,” the fol-  
18 lowing: “12304a, 12304b,”.

19 **SEC. 543. ENHANCEMENT OF CONFIDENTIALITY OF RE-**  
20 **STRICTED REPORTING OF SEXUAL ASSAULT**  
21 **IN THE MILITARY.**

22 (a) PREEMPTION OF STATE LAW TO ENSURE CON-  
23 FIDENTIALITY OF REPORTING.—Subsection (b) of section  
24 1565b of title 10, United States Code, is amended by add-  
25 ing at the end the following new paragraph:

1           “(3) In the case of information disclosed pursuant to  
2 paragraph (1), any State law, regulation, or rule of profes-  
3 sional responsibility that would require an individual spec-  
4 ified in subsection (b)(2) to disclose the personally identifi-  
5 able information of the adult victim or alleged perpetrator  
6 of the sexual assault to a State or local law enforcement  
7 agency shall not apply, except when reporting is necessary  
8 to prevent or mitigate a serious and imminent threat to  
9 the health or safety of an individual.”.

10           (b) CLARIFICATION OF SCOPE.—Paragraph (1) of  
11 such subsection is amended by striking “a dependent” and  
12 inserting “an adult dependent”.

13           (c) DEFINITIONS.—Such section is further amended  
14 by adding at the end the following new subsection:

15           “(c) DEFINITIONS.—In this section:

16                   “(1) SEXUAL ASSAULT.—The term ‘sexual as-  
17 sult’ includes the offenses of rape, sexual assault,  
18 forcible sodomy, aggravated sexual contact, abusive  
19 sexual contact, and attempts to commit such of-  
20 fenses, as punishable under applicable Federal or  
21 State law.

22                   “(2) STATE.—The term ‘State’ includes the  
23 District of Columbia, the Commonwealth of Puerto  
24 Rico, the Commonwealth of the Northern Mariana

1 Islands, and any territory or possession of the  
2 United States.”.

3 **SEC. 544. ENHANCED FLEXIBILITY IN PROVISION OF RELO-**  
4 **CATION ASSISTANCE TO MEMBERS OF THE**  
5 **ARMED FORCES AND THEIR FAMILIES.**

6 (a) GEOGRAPHIC REQUIREMENT.—Paragraph (1) of  
7 subsection (c) of section 1056 of title 10, United States  
8 Code, is amended by striking the second, third, and fourth  
9 sentences and inserting the following new sentence: “Such  
10 relocation assistance programs shall ensure that members  
11 of the armed forces and their families are provided reloca-  
12 tion assistance regardless of geographic location.”.

13 (b) COMPUTERIZED INFORMATION SYSTEM.—Such  
14 subsection is further amended—

15 (1) in paragraph (2)—

16 (A) by striking “available through each  
17 military” and inserting “a”; and

18 (B) by striking “all other military reloca-  
19 tion assistance programs” and inserting “the  
20 relocation assistance programs”; and

21 (2) in paragraph (3), by striking “Duties of  
22 each military relocation assistance program shall in-  
23 clude assisting” and inserting “Assistance shall be  
24 provided to”.

1 (c) DIRECTOR.—Subsection (d) of such section is  
2 amended to read as follows:

3 “(d) PROGRAM MANAGER.—The Secretary of De-  
4 fense shall establish the position of Program Manager of  
5 Military Relocation Assistance in the office of the Assist-  
6 ance Secretary of Defense with responsibility for readiness  
7 and force management. The Program Manager shall over-  
8 see development and implementation of relocation assist-  
9 ance under this section.”.

10 **SEC. 545. REQUIRED PROVISION OF PRESEPARATION**  
11 **COUNSELING.**

12 (a) CLARIFICATION OF REQUIREMENT FOR 180 CON-  
13 TINUOUS DAYS OF ACTIVE DUTY SERVICE.—Subpara-  
14 graph (A) of section 1142(a)(4) of title 10, United States  
15 Code, is amended by inserting “continuous” after “first  
16 180”.

17 (b) EXCLUSION OF TRAINING FROM PERIODS OF AC-  
18 TIVE DUTY.—Such section is further amended by adding  
19 at the end the following new subparagraph:

20 “(C) For purposes of subparagraph (A), the term ‘ac-  
21 tive duty’ does not include full-time training duty, annual  
22 training duty, and attendance, while in the active military  
23 service, at a school designated as a service school by law  
24 or by the Secretary of the military department con-  
25 cerned.”.

1 **SEC. 546. ENHANCEMENTS TO YELLOW RIBBON RE-**  
2 **INTEGRATION PROGRAM.**

3 (a) SCOPE AND PURPOSE.—Section 582 of the Na-  
4 tional Defense Authorization Act for Fiscal Year 2008  
5 (Public Law 111–181; 10 U.S.C. 10101 note) is amend-  
6 ed—

7 (1) in subsection (a), by striking “combat vet-  
8 eran”; and

9 (2) in subsection (b), by striking “informational  
10 events and activities” and inserting “information,  
11 events, and activities”.

12 (b) ELIGIBILITY.—Such section is further amend-  
13 ed—

14 (1) in subsection (a), by striking “National  
15 Guard and Reserve members and their families” and  
16 inserting “eligible individuals”;

17 (2) in subsection (b), by striking “members of  
18 the reserve components of the Armed Forces, their  
19 families,” and inserting “eligible individuals”;

20 (3) in subsection (d)(2)(C), by striking “mem-  
21 bers of the Armed Forces and their families” and in-  
22 serting “eligible individuals”;

23 (4) in subsection (h), in the matter preceding  
24 paragraph (1)—

1 (A) by striking “members of the Armed  
2 Forces and their family members” and insert-  
3 ing “eligible individuals”; and

4 (B) by striking “such members and their  
5 family members” and inserting “such eligible  
6 individuals”;

7 (5) in subsection (j), by striking “members of  
8 the Armed Forces and their families” and inserting  
9 “eligible individuals”;

10 (6) in subsection (k), by striking “individual  
11 members of the Armed Forces and their families”  
12 and inserting “eligible individuals”; and

13 (7) by adding at the end the following new sub-  
14 section:

15 “(l) ELIGIBLE INDIVIDUALS.—For the purposes of  
16 this section, the term ‘eligible individual’ means a member  
17 of a reserve component, a member of their family, or a  
18 designated representative who the Secretary of Defense  
19 determines to be eligible for the Yellow Ribbon Reintegra-  
20 tion Program.”.

21 (c) OFFICE FOR REINTEGRATION PROGRAMS.—

22 (1) OVERSIGHT OF YELLOW RIBBON RE-  
23 INTEGRATION PROGRAM.—Subparagraph (1)(A) of  
24 subsection (d) of such section is amended by striking  
25 the second and third sentence and inserting “The of-

1        fice shall exercise oversight over the Yellow Ribbon  
2        Reintegration Program and shall be responsible for  
3        coordination with State National Guard and Reserve  
4        organizations, including existing family and support  
5        programs.”.

6            (2) PARTNERSHIPS TO PROVIDE QUALITY OF  
7        LIFE SERVICES.—Subparagraph (1)(B) of such sub-  
8        section is amended by striking “substance abuse and  
9        mental health treatment services” and inserting  
10       “substance abuse, mental health treatment, and  
11       other quality of life services”.

12           (3) GRANT AUTHORITY.—Such subsection is  
13       further amended by adding at the end the following  
14       new paragraph:

15           “(3) GRANTS.—The Office for Reintegration  
16       Programs may make grants to conduct data collec-  
17       tion, trend analysis, and curriculum development  
18       and to prepare reports in support of activities under  
19       this section.”.

20           (d) COORDINATION WITH COAST GUARD RE-  
21       SERVE.—Such section is amended—

22           (1) in subsection (d)(1)(A), by striking “and  
23       Air Force Reserve” and inserting “Air Force Re-  
24       serve, and Coast Guard Reserve”; and

1           (2) in subsection (e)(1), by striking “and Air  
2           Force Reserve” and inserting “Air Force Reserve,  
3           and Coast Guard Reserve”.

4           (e) DUE DATE OF ADVISORY BOARD ANNUAL RE-  
5           PORT.—Subsection (e)(4) of such section is amended by  
6           striking “March” and inserting “April”.

7           (f) SUPPORT TEAMS.—Subsection (f) of such section  
8           is amended—

9           (1) in the matter preceding paragraph (1), by  
10           striking “administer the Yellow Ribbon Reintegra-  
11           tion Program at the State level” and inserting “sup-  
12           port and assist State National Guard and Reserve  
13           organization efforts”; and

14           (2) by amending paragraph (1) to read as fol-  
15           lows:

16           “(1) to provide reintegration curriculum and in-  
17           formation;”.

18           (g) OPERATION OF PROGRAM.—

19           (1) ENHANCED FLEXIBILITY.—Subsection (g)  
20           of such section is amended to read as follows:

21           “(g) OPERATION OF PROGRAM.—

22           “(1) IN GENERAL.—The Office for Reintegra-  
23           tion Programs shall assist State National Guard and  
24           Reserve organizations with the development and pro-  
25           vision of information, events, and activities to sup-

1 port the health and well-being of eligible individuals  
2 before, during, and after periods of activation, mobi-  
3 lization, or deployment.

4 “(2) FOCUS OF INFORMATION, EVENTS, AND  
5 ACTIVITIES.—

6 “(A) BEFORE ACTIVATION, MOBILIZATION,  
7 OR DEPLOYMENT.—Before such a period, the  
8 information, events, and activities described in  
9 paragraph (1) should focus on preparing eligi-  
10 ble individuals and affected communities for the  
11 rigors of activation, mobilization, and deploy-  
12 ment.

13 “(B) DURING ACTIVATION, MOBILIZATION,  
14 OR DEPLOYMENT.—During such a period, the  
15 information, events, and activities described in  
16 paragraph (1) should focus on—

17 “(i) helping eligible individuals cope  
18 with the challenges and stress associated  
19 with such period;

20 “(ii) decreasing the isolation of eligi-  
21 ble individuals during such period; and

22 “(iii) preparing eligible individuals for  
23 the challenges associated with reintegra-  
24 tion.

1           “(C) AFTER ACTIVATION, MOBILIZATION,  
2           OR DEPLOYMENT.—After such a period, the in-  
3           formation, events, and activities described in  
4           paragraph (1) should focus on—

5                   “(i) reconnecting the member with  
6                   their families, friends, and communities;

7                   “(ii) providing information on employ-  
8                   ment opportunities;

9                   “(iii) helping eligible individuals deal  
10                  with the challenges of reintegration;

11                  “(iv) ensuring that eligible individuals  
12                  understand what benefits they are entitled  
13                  to and what resources are available to help  
14                  them overcome the challenges of reinte-  
15                  gration; and

16                  “(v) providing a forum for addressing  
17                  negative behaviors related to operational  
18                  stress and reintegration.

19           “(3) MEMBER PAY.—Members shall receive ap-  
20           propriate pay for days spent attending such events  
21           and activities.

22           “(4) MINIMUM NUMBER OF EVENTS AND AC-  
23           TIVITIES.—The State National Guard and Reserve  
24           Organizations shall provide to eligible individuals—

1           “(A) one event or activity before a period  
2 of activation, mobilization, or deployment;

3           “(B) one event or activity during a period  
4 of activation, mobilization, or deployment; and

5           “(C) two events or activities after a period  
6 of activation, mobilization, or deployment.”.

7           (2) CONFORMING AMENDMENTS.—Such section  
8 is amended—

9           (A) in subsection (a), by striking  
10 “throughout the entire deployment cycle”;

11           (B) in subsection (b)—

12                 (i) by striking “well-being through the  
13 4 phases” through the end of the sub-  
14 section and inserting “well-being.”; and

15                 (ii) in the heading, by striking “; DE-  
16 PLOYMENT CYCLE”;

17           (C) in subsection (d)(2)(C), by striking  
18 “throughout the deployment cycle described in  
19 subsection (g)”;

20           (D) in subsection (f), by striking “STATE  
21 DEPLOYMENT CYCLE” in the heading.

22           (h) ADDITIONAL PERMITTED OUTREACH SERVICE.—  
23 Subsection (h) of such section is amended by adding at  
24 the end the following new paragraph:

1           “(16) Stress management and positive coping  
2           skills.”.

3           (i) SUPPORT OF DEPARTMENT-WIDE SUICIDE PRE-  
4           VENTION EFFORTS.—Such section is further amended by  
5           inserting after subsection (h) the following new subsection:

6           “(i) SUPPORT OF SUICIDE PREVENTION EFFORTS.—  
7           The Office for Reintegration Programs shall assist the De-  
8           fense Suicide Prevention Office and the Defense Centers  
9           of Excellence for Psychological Health and Traumatic  
10          Brain Injury to collect and analyze information, sugges-  
11          tions, and best practices from State National Guard and  
12          Reserve organizations with suicide prevention and commu-  
13          nity response programs.”.

14          (j) CLERICAL AMENDMENTS.—Such section is  
15          amended—

16                (1) in subsection (d)(1)(B), by striking “Sub-  
17                stance Abuse and the Mental Health Services Ad-  
18                ministration” and inserting “Substance Abuse and  
19                Mental Health Services Administration”; and

20                (2) in subsection (e)(3)(C), by striking “Office  
21                of Reintegration Programs” and inserting “Office  
22                for Reintegration Programs”.

1 **SEC. 547. AUTHORITY FOR APPLICATIONS FOR CORREC-**  
 2 **TION OF MILITARY RECORDS TO BE INITI-**  
 3 **ATED BY SECRETARY CONCERNED.**

4 Section 1552(b) of title 10, United States Code, is  
 5 amended—

6 (1) by striking “or his heir or legal representa-  
 7 tive” and inserting “(or the claimant’s heir or legal  
 8 representative) or the Secretary concerned”; and

9 (2) by striking “he discovers” and inserting  
 10 “discovering”.

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

14 **SEC. 601. FISCAL YEAR 2016 INCREASE IN MILITARY BASIC**  
 15 **PAY.**

16 (a) **WAIVER OF SECTION 1009 ADJUSTMENT.**—The  
 17 adjustment to become effective during fiscal year 2016 re-  
 18 quired by section 1009 of title 37, United States Code,  
 19 in the rates of monthly basic pay authorized members of  
 20 the uniformed services shall not be made.

21 (b) **INCREASE IN BASIC PAY.**—Effective on January  
 22 1, 2016, the rates of monthly basic pay for members of  
 23 the uniformed services are increased by 1.3 percent.

1 **SEC. 602. REVISION TO METHOD OF COMPUTATION OF**  
2 **BASIC ALLOWANCE FOR HOUSING.**

3 Section 403(b)(3)(B) of title 37, United States Code,  
4 is amended by striking “one percent” and inserting “five  
5 percent”.

6 **Subtitle B—Bonuses and Special**  
7 **Incentive Pays**

8 **SEC. 611. ONE-YEAR EXTENSION OF CERTAIN EXPIRING**  
9 **BONUS AND SPECIAL PAY AUTHORITIES.**

10 (a) **AUTHORITIES RELATING TO RESERVE**  
11 **FORCES.**—The following sections of title 37, United  
12 States Code, are amended by striking “December 31,  
13 2015” and inserting “December 31, 2016”:

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

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

18 (3) Section 308d(c), relating to special pay for  
19 enlisted members assigned to certain high-priority  
20 units.

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

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

1           (6) Section 308i(f), relating to Selected Reserve  
2           enlistment and reenlistment bonus for persons with  
3           prior service.

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

8           (b) TITLE 10 AUTHORITIES RELATING TO HEALTH  
9           CARE PROFESSIONALS.—The following sections of title  
10          10, United States Code, are amended by striking “Decem-  
11          ber 31, 2015” and inserting “December 31, 2016”:

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

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

17           (c) TITLE 37 AUTHORITIES RELATING TO HEALTH  
18           CARE PROFESSIONALS.—The following sections of title  
19          37, United States Code, are amended by striking “Decem-  
20          ber 31, 2015” and inserting “December 31, 2016”:

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

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

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

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

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

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

10          (7) Section 302k(f), relating to accession bonus  
11 for medical officers in critically short wartime spe-  
12 cialties.

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

16          (d) AUTHORITIES RELATING TO NUCLEAR OFFI-  
17 CERS.—The following sections of title 37, United States  
18 Code, are amended by striking “December 31, 2015” and  
19 inserting “December 31, 2016”:

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

23           (2) Section 312b(c), relating to nuclear career  
24 accession bonus.

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

3           (e) AUTHORITIES RELATING TO TITLE 37 CONSOLI-  
4           DATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AU-  
5           THORITIES.—The following sections of title 37, United  
6           States Code, are amended by striking “December 31,  
7           2015” and inserting “December 31, 2016”:

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

10          (2) Section 332(g), relating to general bonus  
11          authority for officers.

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

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

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

18          (6) Section 336(g), relating to contracting  
19          bonus for cadets and midshipmen enrolled in the  
20          Senior Reserve Officers’ Training Corps.

21          (7) Section 351(h), relating to hazardous duty  
22          pay.

23          (8) Section 352(g), relating to assignment pay  
24          or special duty pay.

1           (9) Section 353(i), relating to skill incentive  
2 pay or proficiency bonus.

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

6           (f) OTHER TITLE 37 BONUS AND SPECIAL PAY AU-  
7 THORITIES.—The following sections of title 37, United  
8 States Code, are amended by striking “December 31,  
9 2015” and inserting “December 31, 2016”:

10           (1) Section 301b(a), relating to aviation officer  
11 retention bonus.

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

14           (3) Section 308(g), relating to reenlistment  
15 bonus for active members.

16           (4) Section 309(e), relating to enlistment  
17 bonus.

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

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

23           (7) Section 327(h), relating to incentive bonus  
24 for transfer between the Armed Forces.

1           (8) Section 330(f), relating to accession bonus  
2           for officer candidates.

3           (g) **AUTHORITY TO PROVIDE TEMPORARY INCREASE**  
4 **IN RATES OF BASIC ALLOWANCE FOR HOUSING.**—Section  
5 403(b)(7)(E) of title 37, United States Code, is amended  
6 by striking “December 31, 2015” and inserting “Decem-  
7 ber 31, 2016”.

8 **SEC. 612. MODIFICATION TO SPECIAL AVIATION INCENTIVE**  
9 **PAY AND BONUS AUTHORITIES FOR OFFI-**  
10 **CERS.**

11           (a) **CLARIFICATION OF SECRETARIAL AUTHORITY TO**  
12 **SET REQUIREMENTS FOR AVIATION INCENTIVE PAY ELI-**  
13 **GIBILITY.**—Subsection (a) of section 334 of title 37,  
14 United States Code, is amended—

15           (1) by inserting “(1)” before “The Secretary”;

16           (2) by redesignating paragraphs (1), (2), (3),  
17           (4), and (5) as subparagraphs (A), (B), (C), (D),  
18           and (E), respectively; and

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

21           “(2) The Secretary concerned may pay aviation in-  
22           centive pay under this section to an officer who is other-  
23           wise qualified for such pay but who is not currently en-  
24           gaged in the performance of operational flying duty or  
25           proficiency flying duty if the Secretary determines, under

1 regulations prescribed under section 374 of this title, that  
2 payment of aviation incentive pay to that officer is in the  
3 best interests of the service.”.

4 (b) RESTORATION OF AUTHORITY TO PAY AVIATION  
5 INCENTIVE PAY TO MEDICAL OFFICERS PERFORMING  
6 FLIGHT SURGEON DUTIES.—Subsection (h)(1) of such  
7 section is amended by striking “(except a flight surgeon  
8 or other medical officer)”.

9 (c) INCREASE IN MAXIMUM AMOUNT OF AVIATION  
10 SPECIAL PAYS.—

11 (1) MONTHLY AVIATION INCENTIVE PAY.—Sub-  
12 section (c)(1)(A) of such section is amended by  
13 striking “\$850” and inserting “\$1,000”.

14 (2) ANNUAL AVIATION INCENTIVE BONUS.—  
15 Subsection (c)(1)(B) of such section is amended by  
16 striking “\$25,000” and inserting “\$35,000”.

17 (d) AUTHORITY TO PAY AVIATION BONUS AND  
18 SKILL INCENTIVE PAY SIMULTANEOUSLY TO OFFI-  
19 CERS.—Subsection (f) of such section is amended—

20 (1) in paragraph (1), by striking “353” and in-  
21 serting “353(a)”; and

22 (2) in paragraph (2)—

23 (A) by inserting “bonus” after “may not  
24 receive a”; and

1 (B) by striking “353” and inserting  
2 “353(b)”.

3 **SEC. 613. INCREASE IN MAXIMUM ANNUAL AMOUNT OF NU-**  
4 **CLEAR OFFICER BONUS PAY.**

5 Section 333(d)(1)(A) of title 37, United States Code,  
6 is amended by striking “\$35,000” and inserting  
7 “\$50,000”.

8 **Subtitle C—Other Matters**

9 **SEC. 621. REVISION TO AUTHORITIES RELATING TO MAIL**  
10 **SERVICE FOR MEMBERS OF THE ARMED**  
11 **FORCES AND DEFENSE CIVILIANS OVERSEAS.**

12 (a) ELIGIBILITY FOR FREE MAIL.—Subsection (a) of  
13 section 3401 of title 39, United States Code, is amended  
14 to read as follows:

15 “(a) First Class letter mail correspondence shall be  
16 carried, at no cost to the sender, in the manner provided  
17 by this section, when mailed by an individual who is a  
18 member of the Armed Forces of the United States on ac-  
19 tive duty, as defined in section 101 of title 10, or a civil-  
20 ian, otherwise authorized to use postal services at Armed  
21 Forces installations, who is providing support to military  
22 operations, as designated by the military theater com-  
23 mander, and addressed to a place within the delivery limits  
24 of a United States post office, if—

1           “(1) such letter mail is mailed by such indi-  
2           vidual at an Armed Forces post office established in  
3           an overseas area designated by the President, where  
4           the Armed Forces of the United States are deployed  
5           for a contingency operation as determined by the  
6           Secretary of Defense; or

7           “(2) such individual is hospitalized as a result  
8           of disease or injury incurred as a result of service  
9           in an overseas area designated by the President  
10          under paragraph (1).”.

11          (b) SURFACE SHIPMENT OF MAIL AUTHORIZED.—  
12          Subsection (b) of such section is amended to read as fol-  
13          lows:

14          “(b) There shall be transported by either surface or  
15          air, between Armed Forces post offices or from an Armed  
16          Forces post office to a point of entry into the United  
17          States, the following categories of mail matter which are  
18          mailed at any such Armed Forces post office:

19                 “(1) Letter mail communications having the  
20                 character of personal correspondence.

21                 “(2) Any parcel exceeding one pound in weight  
22                 but less than 70 pounds in weight and less than 130  
23                 linear inches (length plus girth).

24                 “(3) Publications published once each week or  
25                 more frequently and featuring principally current

1 news of interest to members of the Armed Forces  
2 and the general public.”.

3 (c) CLERICAL AMENDMENT.—The heading for such  
4 section, and the item relating to such section in the table  
5 of sections at the beginning of chapter 34 of such title,  
6 are each amended by striking the last five words.

7 **SEC. 622. REPEAL OF OBSOLETE SPECIAL TRAVEL AND**  
8 **TRANSPORTATION ALLOWANCE FOR SUR-**  
9 **VIVORS OF DECEASED MEMBERS FROM THE**  
10 **VIETNAM CONFLICT.**

11 Section 481f of title 37, United States Code, is  
12 amended by striking subsection (d).

13 **SEC. 623. CLARIFICATION OF AUTHORITY FOR RECORDING**  
14 **OBLIGATIONS FOR INSTALLMENT PAYMENTS**  
15 **OF INCENTIVE PAYS, ALLOWANCES, AND**  
16 **SIMILAR BENEFITS WHEN PAYMENT IS DUE.**

17 (a) IN GENERAL.—Chapter 19 of title 37, United  
18 States Code, is amended by adding at the end the fol-  
19 lowing new section:

20 **“§ 1016. Recordation of installment payment obliga-**  
21 **tions**

22 “(a) In the case of any pay, allowance, bonus, or  
23 other benefit described in subsection (b) that is paid to  
24 a member of the uniformed services on an installment  
25 basis, each installment payment shall be charged to appro-

1 priations that are available for obligation at the time such  
2 payment is payable.

3 “(b) Subsection (a) applies to any incentive pay, spe-  
4 cial pay, or a bonus, or a similar periodic payment of pay  
5 or allowances, or of educational benefits or stipends, that  
6 is paid to a member of the uniformed services under this  
7 title or title 10.”.

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

“1016. Recordation of installment payment obligations.”.

11 **SEC. 624. ADDITIONAL COVERAGE UNDER HOMEOWNER AS-**  
12 **SISTANCE PROGRAM FOR WOUNDED MEM-**  
13 **BERS OF THE ARMED FORCES, DEPARTMENT**  
14 **OF DEFENSE AND COAST GUARD CIVILIAN**  
15 **EMPLOYEES, AND THEIR SPOUSES.**

16 (a) ADDITIONAL COVERAGE.—Section 1013(a)(2) of  
17 the Demonstration Cities and Metropolitan Development  
18 Act of 1966 (42 U.S.C. 3374(a)(2)) is amended by insert-  
19 ing “or, in the case of a wound, injury, or illness with  
20 delayed expression or delayed identification, was at the  
21 time of the relevant diagnosis,” after “which was at the  
22 time of the relevant wound, injury, or illness,”.

23 (b) TAX TREATMENT.—Section 132(n) of the Inter-  
24 nal Revenue Code of 1986 is amended by striking “Amer-  
25 ican Recovery and Reinvestment Tax Act of 2009” and

1 inserting “National Defense Authorization Act for Fiscal  
2 Year 2016”.

3           **TITLE VII—HEALTHCARE**  
4                           **PROVISIONS**  
5           **Subtitle A—TRICARE and Other**  
6                           **Health Care Benefits**

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

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

12 **“§ 1073c. TRICARE program: freedom of choice for**  
13                           **points of service**

14           “(a) **FREEDOM OF CHOICE.**—A covered beneficiary  
15 may choose to receive medical and dental care and health  
16 benefits care from any of the points of service specified  
17 in subsection (b), subject to availability.

18           “(b) **POINTS OF SERVICE.**—The points of service  
19 specified in this subsection are as follows:

20                           “(1) Facilities of the uniformed services.

21                           “(2) Providers under the TRICARE program  
22 designated as network providers for the purposes of  
23 this chapter by the Secretary of Defense.



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

6           “(i) covered by section 1086(c)(1) of  
7 this title by reason of being retired under  
8 chapter 61 of this title or being a depend-  
9 ent of such a member; or

10           “(ii) covered by section 1086(c)(2) of  
11 this title.

12           “(D) CATEGORY 4: OTHER RETIREES &  
13 FAMILY MEMBERS.—Category 4 consists of  
14 beneficiaries covered by section 1086(c) of this  
15 title other than Category 3 beneficiaries and  
16 Category 5 beneficiaries.

17           “(E) CATEGORY 5: MEDICARE-ELIGIBLE  
18 BENEFICIARIES.—Category 5 consists of bene-  
19 ficiaries who are described in section  
20 1086(d)(2) of this title.

21           “(F) CATEGORY 6: MEMBERS OF THE SE-  
22 LECTED RESERVE.—Category 6 consists of  
23 beneficiaries covered by section 1076d of this  
24 title.

1           “(2) COST-SHARING GROUPS.—The cost-sharing  
2 groups for purposes of cost-sharing requirements  
3 under the TRICARE program are as follows:

4           “(A) GROUP A: JUNIOR ENLISTED BENE-  
5 FICIARIES.—A beneficiary is a Group A bene-  
6 ficiary if the beneficiary is—

7           “(i) a Category 2 beneficiary who is a  
8 dependent of a member in pay grade E-1  
9 through E-4;

10          “(ii) a Category 6 beneficiary who is  
11 a member of the Selected Reserve of the  
12 Ready Reserve in pay grade E-1 through  
13 E-4 or dependent of such a member;

14          “(iii) a Category 3 beneficiary who re-  
15 tired under chapter 61 of this title in pay  
16 grade E-1 through E-4 or who is a de-  
17 pendent of such a member; or

18          “(iv) a Category 3 beneficiary who is  
19 covered by section 1086(c)(2) of this title  
20 by reason of being a dependent of a mem-  
21 ber who was in pay grade E-1 through E-  
22 4 at the time of death.

23          “(B) GROUP B: SENIOR ENLISTED BENE-  
24 FICIARIES; WARRANT OFFICERS; JUNIOR OFFI-

1 CERS.—A beneficiary is a Group B beneficiary  
2 if the beneficiary is—

3 “(i) a Category 2 beneficiary who is a  
4 dependent of a member in pay grade E–5  
5 through O–3;

6 “(ii) a Category 6 beneficiary who is  
7 a member of the Selected Reserve of the  
8 Ready Reserve in pay grade E–5 through  
9 O–3 or dependent of such a member;

10 “(iii) a Category 3 beneficiary who re-  
11 tired under chapter 61 of this title in pay  
12 grade E–5 through O–3 or who is a de-  
13 pendent of such a member; or

14 “(iv) a Category 3 beneficiary who is  
15 covered by section 1086(c)(2) of this title  
16 by reason of being a dependent of a mem-  
17 ber who was in pay grade E–5 through O–  
18 3 at the time of death.

19 “(C) GROUP C: MID-LEVEL AND SENIOR  
20 OFFICERS.—A beneficiary is a Group C bene-  
21 ficiary if the beneficiary is—

22 “(i) a Category 2 beneficiary who is a  
23 dependent of a member in pay grade O–4  
24 or above;

1           “(ii) a Category 6 beneficiary who is  
2           a member of the Selected Reserve of the  
3           Ready Reserve in pay grade O-4 or above  
4           or dependent of such a member;

5           “(iii) a Category 3 beneficiary who re-  
6           tired under chapter 61 of this title in pay  
7           grade O-4 or above or who is a dependent  
8           of such a member; or

9           “(iv) a Category 3 beneficiary who is  
10          covered by section 1086(c)(2) of this title  
11          by reason of being a dependent of a mem-  
12          ber who was in pay grade O-4 or above at  
13          the time of death.

14          “(D) GROUP D: OTHER RETIREES & FAM-  
15          ILY MEMBERS; MEDICARE-ELIGIBLE BENE-  
16          FICIARIES FOR CARE COVERED BY THE  
17          TRICARE PROGRAM.—A beneficiary is a Group  
18          D beneficiary if the beneficiary is—

19                 “(i) a Category 4 beneficiary; or

20                 “(ii) a Category 5 beneficiary with re-  
21                 spect to care not covered by section  
22                 1086(d)(3).

23          “(3) PRIMARY CARE MANAGER PROGRAM EN-  
24          ROLLMENT STATUS.—The Primary Care Manager  
25          Program enrollment status for purposes of cost-

1 sharing requirements under the TRICARE program  
2 are as follows:

3 “(A) PCM-MANAGED.—A beneficiary is a  
4 PCM-Managed beneficiary if the beneficiary is  
5 enrolled in the Primary Care Manager Program  
6 established in accordance with subsection (c).

7 “(B) SELF-MANAGED.—A beneficiary is a  
8 Self-Managed beneficiary if the beneficiary is  
9 not enrolled in the Primary Care Manager Pro-  
10 gram and is not a remote area dependent.

11 “(4) REMOTE AREA DEPENDENTS.—A bene-  
12 ficiary is a remote area dependent if the beneficiary  
13 is—

14 “(A) a dependent of a member of the uni-  
15 formed services referred to in section  
16 1074(c)(3) of this title and is residing with the  
17 member;

18 “(B) a dependent of a member who, after  
19 having served in a duty assignment described in  
20 section 1074(c)(3) of this title, has relocated  
21 without the dependent pursuant to orders for a  
22 permanent change of duty station from a re-  
23 mote location described in subparagraph (B)(ii)  
24 of such section where the member and the de-  
25 pendent resided together while the member

1 served in such assignment, if the orders do not  
2 authorize dependents to accompany the member  
3 to the new duty station at the expense of the  
4 United States and the dependent continues to  
5 reside at the same remote location;

6 “(C) a dependent of a reserve component  
7 member ordered to active duty for a period of  
8 more than 30 days and is residing with the  
9 member, and the residence is located more than  
10 50 miles, or approximately one hour of driving  
11 time, from the nearest military medical treat-  
12 ment facility adequate to provide the needed  
13 care; or

14 “(D) a dependent other than one described  
15 in subparagraphs (A) through (C) if the Sec-  
16 retary of Defense determines that exceptional  
17 circumstances warrant designation for this pur-  
18 pose.

19 “(c) PRIMARY CARE MANAGER PROGRAM.—

20 “(1) IN GENERAL.—The Secretary of Defense  
21 may establish a program, to be known as the Pri-  
22 mary Care Manager Program, to provide reduced  
23 cost-sharing amounts for enrolled beneficiaries  
24 whose care is provided by or managed by a des-  
25 ignated primary care manager.

1           “(2) ELIGIBILITY.—A Category 2 beneficiary  
2 who is not a remote area dependent is eligible to en-  
3 roll in the Primary Care Manager Program.

4           “(3) REFERRAL REQUIRED.—A PCM-Managed  
5 beneficiary shall, subject to such rules and regula-  
6 tions as the Secretary of Defense shall establish, be  
7 required to obtain care or a referral for care from  
8 a designated primary care manager prior to obtain-  
9 ing care under the TRICARE program.

10           “(4) POINT OF SERVICE CHARGE.—If a PCM-  
11 Managed beneficiary obtains care without a referral  
12 as required under paragraph (3), the cost-sharing  
13 requirement for such care shall be equal to the  
14 amount that is 50 percent of the allowed charge for  
15 such care.

16           “(d) INAPPLICABILITY OF COST-SHARING REQUIRE-  
17 MENTS TO CERTAIN CATEGORIES OF BENEFICIARIES AND  
18 TYPES OF CARE.—

19           “(1) CATEGORY 1 BENEFICIARIES (ACTIVE  
20 DUTY MEMBERS).—There are no cost-sharing re-  
21 quirements under this section for Category 1 bene-  
22 ficiaries.

23           “(2) CATEGORY 5 BENEFICIARIES (MEDICARE-  
24 ELIGIBLE BENEFICIARIES).—Cost sharing under this  
25 section does not apply to a Category 5 beneficiary

1 for care covered by section 1086(d)(3) of this title,  
2 except that the catastrophic cap under subsection  
3 (h)(3) does apply to such care.

4 “(3) PCM-MANAGED BENEFICIARIES AND RE-  
5 MOTE AREA DEPENDENTS.—(A) Except as provided  
6 in subparagraph (B) and subsection (c)(4), there are  
7 no out-patient cost-sharing requirements under sub-  
8 section (i) or in-patient cost-sharing requirements  
9 under subsection (j) for PCM-Managed beneficiaries  
10 and remote area dependents.

11 “(B) For non-emergency care provided by an  
12 emergency department to PCM-Managed bene-  
13 ficiaries and remote area dependents, the cost-shar-  
14 ing requirements applicable to Self-Managed bene-  
15 ficiaries under subsection (i) apply.

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

20 “(5) OTHER PROGRAMS.—This section does not  
21 apply to premiums established under this chapter  
22 under sections other than 1079 and 1086. For a  
23 program under this chapter for which such a pre-  
24 mium applies, the enrollment fee under subsection  
25 (f) does not apply.

1 “(e) SPECIAL RULES.—

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

8 “(2) CALENDAR YEAR ENROLLMENT PERIOD.—  
9 Enrollment fees, deductible amounts, and cata-  
10 strophic caps under this section are on a calendar-  
11 year basis.

12 “(3) CREDITING OF AMOUNTS RECEIVED.—  
13 Amounts received under this section for care pro-  
14 vided by a facility of the uniformed services shall be  
15 deposited to the credit of the appropriation sup-  
16 porting the maintenance and operation of that facil-  
17 ity.

18 “(f) ANNUAL ENROLLMENT FEE FOR CATEGORY 4  
19 BENEFICIARIES (OTHER RETIREES AND FAMILY MEM-  
20 BERS).—

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

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

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

10 “(g) ANNUAL DEDUCTIBLE.—

11 “(1) REQUIREMENT.—For Group A, B, C, and  
12 D beneficiaries, the cost-sharing requirements appli-  
13 cable under this section include an annual deductible  
14 of the charges for outpatient care received under the  
15 TRICARE program during a year.

16 “(2) AMOUNT.—The annual deductible de-  
17 scribed in paragraph (1) is the following:

18 “(A) GROUP A.—For a Group A bene-  
19 ficiary, the first \$150 (or \$300 for a family  
20 group of two or more persons) each year of the  
21 charges for outpatient care provided by out-of-  
22 network providers.

23 “(B) GROUP B.—For a Group B bene-  
24 ficiary, the first \$300 (or \$600 for a family  
25 group of two or more persons) each year for

1           outpatient care provided by out-of-network pro-  
2           viders.

3           “(C) GROUP C.—For a Group C bene-  
4           ficiary, the first \$300 (or \$600 for a family  
5           group of two or more persons) each year for  
6           outpatient care provided by out-of-network pro-  
7           viders.

8           “(D) GROUP D.—For a Group D bene-  
9           ficiary, the first \$300 (or \$600 for a family  
10          group of two or more persons) each year for  
11          outpatient care provided by out-of-network pro-  
12          viders.

13          “(h) CATASTROPHIC CAP.—

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

18               “(2) EXCLUSIONS.—The following shall not be  
19               counted toward the catastrophic cap:

20                       “(A) An enrollment fee paid under sub-  
21                       section (f).

22                       “(B) A point-of-service charge under sub-  
23                       section (e)(2).

24               “(3) AMOUNT.—The catastrophic cap has been  
25               reached for a beneficiary during a year if the total

1 amount of cost sharing requirements (other than  
2 amounts excluded under paragraph (2)) incurred  
3 under the TRICARE program by all beneficiaries in  
4 the beneficiary's family group during that year is  
5 the following:

6           “(A) For a Category 2, 3 or 6 beneficiary,  
7           \$1,500 for health care provided by network pro-  
8           viders or \$2,500 for all health care.

9           “(B) For Category 4 or 5 beneficiary,  
10          \$3,000 for health care provided by military  
11          treatment facilities and network providers or  
12          \$5,000 for all health care.

13          “(i) OUTPATIENT COST SHARING.—

14                 “(1) IN GENERAL.—A Group A, B, C, or D  
15          beneficiary shall be subject to cost-sharing for out-  
16          patient care in accordance with the amounts and  
17          percentages under the following table, as such  
18          amounts are adjusted under subsection (k):

“Services	TRICARE Network and Facilities of the Uniformed Services (FUS)			Out-of-Network	
	Group A/Group B/ Group C		Group D	Groups A, B, and C	Group D
	PCM Man- aged c/ Remote Area Dependent	Self- Managed			
Clinical preven- tive serv- ices <sup>a</sup>	\$0	\$0	\$0	\$0	\$0
Primary care visit	\$0/0/0 FUS; \$0/0/0 net- work re- ferral	\$0/0/0 FUS; \$10/15/20 network	\$10 FUS; \$20 net- work	20% <sup>b</sup>	25% <sup>b</sup>
Specialty care visit (includ- ing PT, OT, speech)	\$0/0/0 FUS or network BH group visit; \$0/0/0 net- work visit	\$0/0/0 FUS; \$20/25/30 network	\$20 FUS or net- work BH group visit; \$30 net- work	20% <sup>b</sup>	25% <sup>b</sup>
Urgent care cen- ter	\$0/0/0 FUS visit; \$0/0/0 net- work re- ferral	\$0/0/0 FUS; \$25/40/50 network	\$30 FUS; \$50 net- work	20% <sup>b</sup>	25% <sup>b</sup>
Emergency depart- ment— emer- gency care	\$0/0/0 FUS visit; \$0/0/0 net- work	\$0/0/0 FUS; \$30/50/70 network	\$50 FUS; \$75 net- work	20% <sup>b</sup>	25% <sup>b</sup>
Emergency depart- ment— non- emer- gency care	\$30/50/70 FUS for misuse; \$30/50/70 network fee for misuse	\$30/50/70 FUS for misuse; \$30/50/70 network	\$50 FUS; \$75 net- work	20% <sup>b</sup>	25% <sup>b</sup>

“Services	TRICARE Network and Facilities of the Uniformed Services (FUS)			Out-of-Network	
	Group A/Group B/ Group C		Group D	Groups A, B, and C	Group D
	PCM Man- aged <sup>c/</sup> Remote Area Dependent	Self- Managed			
Ambulance regard- less of destina- tion (FUS or network	\$0/0/0 trip	\$10/15/20 trip	\$20 trip	20% <sup>b</sup>	25% <sup>b</sup>
DME, pros- thetics, orthotics, and sup- plies	\$0/0/0 FUS; \$0/0/0 net- work re- ferral	10% of negotiated network fee	20% of FUS cost or network nego- tiated fee	20% <sup>b</sup>	25% <sup>b</sup>
Ambulatory surgery	\$0/0/0 FUS; \$0/0/0 net- work re- ferral	\$0/0/0 FUS; \$25/50/75 network	\$50 FUS; \$100 net- work	20% <sup>b</sup>	25% <sup>b</sup>

<sup>a</sup>No cost for clinical preventive services as determined by the Secretary consistent with criteria applicable under the Patient Protection and Affordable Care Act (Public Law 111–148), as amended.

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

<sup>c</sup>If a PCM managed beneficiary obtains care without a referral, Point of Service charges will apply; 50% of the allowed charge after deductible is met.

Note: PT—physical therapy; OT—occupational therapy; BH—behavioral health; DME—durable medical equipment.

1 “(2) APPLICABILITY OF DEDUCTIBLE.—The  
2 cost sharing amounts specified in the table under  
3 paragraph (1) shall apply only after any applicable  
4 deductible under subsection (g) has been met.

5 “(3) EMERGENCY ROOM MISUSE.—For pur-  
6 poses of the table under paragraph (1), the Sec-  
7 retary of Defense shall develop guidance for deter-

1 mining emergency room care is clearly inappropriate  
2 under the TRICARE program. The Secretary will  
3 establish procedures to provide information to bene-  
4 ficiaries about the appropriate sites for such health  
5 conditions and services. The Secretary will ensure  
6 the availability of, and wide dissemination of infor-  
7 mation concerning, means (such as a nurse advice  
8 line and other methods) for beneficiaries with uncer-  
9 tainty about the appropriate site for care in specific  
10 cases to obtain guidance. In any case in which a  
11 beneficiary has a reasonable belief, taking into ac-  
12 count the beneficiary's (or in the case of a minor,  
13 the parent or guardians) level of maturity and un-  
14 derstanding, that the circumstances presented a  
15 medical emergency, the care provided will not be  
16 considered emergency room misuse.

17 “(j) INPATIENT COST-SHARING.—A Group A, B, C,  
18 or D beneficiary shall be subject to cost sharing for inpa-  
19 tient care in accordance with the amounts and percentages  
20 under the following table, as such amounts are adjusted  
21 under subsection (k):

“Services	TRICARE Network and Facility of the Uniformed Services (FUS)			Out-of-Network	
	Group A/Group B/ Group C		Group D	Group A/ Group B/ Group C	Group D
	PCM Managed/ Remote Area Dependents	Self-Managed			
Hospitalization	\$0 FUS; \$0 net-work referred	\$0 FUS per day; \$50/80/110 per day net-work	\$17.35 FUS per day; \$200 net-work per admission	20% <sup>a</sup>	25% <sup>a</sup>
Inpatient skilled nursing/rehabilitation <sup>b</sup>	\$0 net-work referred	\$17/25/35 network per day	\$25 per day	\$25/35/45 per day	\$250 per day or 20% <sup>a</sup> of billed charges for institutional services, whichever is less, plus 20% for separately billed services

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

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

1 “(k) ANNUAL ADJUSTMENT TO CERTAIN COST-  
2 SHARING AMOUNTS.—

3 “(1) ADJUSTMENT.—For any year after 2017,  
4 the dollar amounts specified in paragraph (2) shall  
5 be equal to such dollar amounts increased by the  
6 percentage by which retired pay has been increased  
7 under section 1401a(b)(2) of this title since 2017,  
8 rounded to the next lower multiple of \$1.

1           “(2) AMOUNTS SUBJECT TO ADJUSTMENT.—

2           Paragraph (1) applies to the following:

3                   “(A) The amount of the enrollment fee in  
4                   effect under subsection (f).

5                   “(B) Each deductible amount in effect  
6                   under subsection (g).

7                   “(C) Each catastrophic cap amount in ef-  
8                   fect under subsection (h).

9                   “(D) Each amount in effect under sub-  
10                  section (i) for outpatient care.

11                  “(E) Each amount in effect under sub-  
12                  section (j) for inpatient care.

13           “(1) REGULATIONS.—

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

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

21                           “(A) Provisions to ensure, to the extent  
22                           practicable, the availability of network providers  
23                           to at least 85 percent of beneficiaries for whom  
24                           the TRICARE program provides primary health  
25                           benefits.

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

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

7           “(3) ADDITIONAL MATTERS.—Those regula-  
8 tions may provide for TRICARE eligibility and al-  
9 ternate cost sharing for beneficiaries other than Cat-  
10 egory 1 beneficiaries who have other health insur-  
11 ance that provides primary health benefits.

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

19           “(m) DEFINITIONS.—In this section:

20           “(1) The term ‘network provider’ means a  
21 health care provider referred to in section  
22 1073c(b)(2) of this title.

23           “(2) The term ‘out-of-network provider’ means  
24 a health care provider referred to in section  
25 1073c(b)(3) of this title.”.

1           (c) TRANSITION RULES FOR LAST QUARTER OF CAL-  
2    ENDAR YEAR 2016.—With respect to cost sharing require-  
3    ments applicable under sections 1079, 1086, or 1097 of  
4    title 10, United States Code, to a covered beneficiary  
5    under such sections during the period October 1, 2016,  
6    through December 31, 2016:

7           (1) Any enrollment fee shall be one-fourth of  
8    the amount in effect during fiscal year 2016.

9           (2) Any deductible amount applicable during  
10   fiscal year 2016 shall apply for the 15-month period  
11   of October 1, 2015, through December 31, 2016.

12          (3) Any catastrophic cap applicable during fis-  
13   cal year 2016 shall apply for the 15-month period of  
14   October 1, 2015, through December 31, 2016.

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

17          (1) Section 1078 of title 10, United States  
18   Code.

19          (2) Section 1097a of title 10, United States  
20   Code.

21          (3) Section 1099 of title 10, United States  
22   Code.

23          (4) Section 731 of the National Defense Au-  
24   thorization Act for Fiscal Year 1994 (Public Law  
25   103–160; 10 U.S.C. 1073 note).

1 (e) CONFORMING AMENDMENTS TO TITLE 10,  
2 UNITED STATES CODE.—Title 10, United States Code is  
3 amended as follows:

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

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

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

17 (3) Section 1076d is amended—

18 (A) by striking “TRICARE Standard”  
19 each place it appears (including in the heading  
20 of such section) and inserting “TRICARE Re-  
21 serve Select”, and

22 (B) in clause (f)(2)(B), by striking “sub-  
23 ject to the same rates and conditions as apply  
24 to persons covered under that section” and sub-  
25 stituting “subject to the same scope of benefits

1 as apply to persons covered under that section  
2 and cost sharing requirements as provided in  
3 section 1075 of this title”.

4 (4) Section 1076e is amended by striking  
5 “TRICARE Standard” each place it appears (in-  
6 cluding in the heading of such section) and inserting  
7 “TRICARE Retired Reserve”.

8 (5) Section 1076e is further amended by strik-  
9 ing “TRICARE Retired Reserve Coverage at age  
10 60” (as inserted by paragraph (4)) and inserting  
11 “TRICARE coverage at age 60”.

12 (6) Section 1079 is amended—

13 (A) in subsection (b), by striking “of the  
14 following amounts:” and all that follows and in-  
15 serting “of amounts as provided under section  
16 1075 of this title.”; and

17 (B) by striking subsections (c), (g), and  
18 (p).

19 (7) Section 1079a is amended—

20 (A) by striking “**CHAMPUS**” in the head-  
21 ing and inserting “**TRICARE PROGRAM**”; and

22 (B) by striking “the Civilian Health and  
23 Medical Program of the Uniformed Services”  
24 and inserting “the TRICARE program”.

1           (8) Section 1086(b) is amended by striking  
2           “contain the following” and all that follows and in-  
3           serting “include provisions for payment by the pa-  
4           tient as provided under section 1075 of this title.”.

5           (9) Section 1097(e) is amended to read as fol-  
6           lows:

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

10          (f) OTHER CONFORMING AMENDMENTS.—

11           (1) Section 721 of the National Defense Au-  
12           thorization Act for Fiscal Year 1997 (Public Law  
13           104–201; 10 U.S.C. 1073 note) is amended—

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

17                   (B) in paragraph (9), by striking all that  
18                   follows “The term ‘TRICARE program’” and  
19                   inserting “has the meaning given that term in  
20                   section 1072(7) of title 10, United States  
21                   Code.”.

22           (2) Section 723(a) of such Act (Public Law  
23           104–201; 10 U.S.C. 1073 note) is amended by strik-  
24           ing “section 731 of the National Defense Authoriza-  
25           tion Act for Fiscal Year 1994 (Public Law 103–160;

1 10 U.S.C. 1073 note)” and inserting “section 1075  
2 of title 10, United States Code”.

3 (3) Section 706 of the National Defense Au-  
4 thorization Act for Fiscal Year 2000 (Public Law  
5 106–65; 113 Stat. 684) is amended—

6 (A) in subsection (c), by striking “Prime  
7 Remote”; and

8 (B) in subsection (d), by striking “the  
9 TRICARE Standard plan” and inserting “the  
10 TRICARE program”.

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

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

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

16 (2) by inserting after the item relating to sec-  
17 tion 1074n the following new item:

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

18 (3) in the item relating to section 1076d, by  
19 striking “TRICARE Standard” and inserting  
20 “TRICARE Reserve Select”;

21 (4) in the item relating to section 1076e, by  
22 striking “TRICARE Standard” and inserting  
23 “TRICARE Retired Reserve”;

1 (5) in the item relating to section 1079a, by  
 2 striking “CHAMPUS” and inserting “TRICARE  
 3 program”; and

4 (6) by striking the items relating to sections  
 5 1078, 1097a, and 1099.

6 (h) EFFECTIVE DATES.—

7 (1) IN GENERAL.—Except as provided in para-  
 8 graph (2), this section and the amendments made by  
 9 the section shall take effect on January 1, 2017.

10 (2) TRANSITION RULES.—Subsection (c) shall  
 11 take effect on October 1, 2016.

12 **SEC. 702. REVISIONS TO COST-SHARING REQUIREMENTS**  
 13 **FOR TRICARE FOR LIFE AND THE PHARMACY**  
 14 **BENEFITS PROGRAM.**

15 (a) TRICARE FOR LIFE ENROLLMENT FEE.—

16 (1) ANNUAL ENROLLMENT FEE FOR CERTAIN  
 17 BENEFICIARIES.—Section 1086(d)(3) of title 10,  
 18 United States Code, is amended—

19 (A) by redesignating subparagraph (C) as  
 20 subparagraph (D); and

21 (B) by inserting after subparagraph (B)  
 22 the following new subparagraph (C):

23 “(C)(i) A person described in paragraph (2) (except  
 24 as provided in clauses (vi) and (vii)) shall be required to  
 25 pay an annual enrollment fee as a condition of eligibility

1 for health care benefits under this section. Such enroll-  
 2 ment fee shall be an amount (rounded to the nearest dol-  
 3 lar) equal to the applicable percentage (specified in clause  
 4 (ii)) of the annual retired pay of the member or former  
 5 member upon whom the covered beneficiary’s eligibility is  
 6 based, except that the amount of such enrollment fee shall  
 7 not be in excess of the applicable maximum enrollment fee  
 8 (specified in clause (iii)). In the case of enrollment for a  
 9 period less than a full calendar year, the enrollment fee  
 10 shall be a pro-rated amount of the full-year enrollment fee.

11 “(ii) The applicable percentage of retired pay shall  
 12 be determined in accordance with the following table:

“For:	The applicable percentage for a family group of two or more persons is:	The applicable percentage for an individual is:
2016 .....	0.50%	0.25%
2017 .....	1.00%	0.50%
2018 .....	1.50%	0.75%
2019 and after .....	2.00%	1.00%.

13 “(iii) For any year 2016 through 2019, the applicable  
 14 maximum enrollment fee for a family group of two or more  
 15 persons shall be determined in accordance with the fol-  
 16 lowing table:

“For:	The applicable maximum enrollment fee for a family group whose eligibility is based upon a member or former member of retired grade O-7 or above is:	The applicable maximum enrollment fee for a family group whose eligibility is based upon a member or former member of retired grade O-6 or below is:
2016 .....	\$200	\$150
2017 .....	\$400	\$300
2018 .....	\$600	\$450
2019 .....	\$800	\$600.

1           “(iv) For any year after 2019, the applicable max-  
 2 imum enrollment fee shall be equal to the maximum en-  
 3 rollment fee for the previous year increased by the per-  
 4 centage by which retired pay is increased under section  
 5 1401a(b)(2) of this title for such year.

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

10          “(vi) Clause (i) does not apply to—

11               “(I) a dependent of a member of the uniformed  
 12 services who dies while on active duty;

13               “(II) a member retired under chapter 61 of this  
 14 title; or

15               “(III) a dependent of such a member.

16          “(vii) Clause (i) does not apply to a person who, be-  
 17 fore January 1, 2016, met the conditions described in  
 18 paragraphs (2) (A) and (B).”.

1 (2) EFFECTIVE DATE.—Subparagraph (C) of  
 2 section 1086(d)(3) of title 10, United States Code,  
 3 as added by paragraph (1), shall take effect on Jan-  
 4 uary 1, 2016.

5 (b) TRICARE PHARMACY PROGRAM COST-SHARING  
 6 AMOUNTS.—Paragraph (6) of section 1074g(a) of such  
 7 title is amended to read as follows:

8 “(6)(A) In the case of any of the calendar years 2016  
 9 through 2024 the cost sharing referred to in paragraph  
 10 (5) shall be payment by an eligible covered beneficiary of  
 11 amounts determined in accordance with the following  
 12 table:

“For:	The cost sharing amount for a 30-day supply of a retail generic is:	The cost sharing amount for a 30-day supply of a retail formulary is:	The cost sharing amount for a 90-day supply of a mail order generic is:	The cost sharing amount for a 90-day supply of a mail order formulary is:	The cost amount for a 90-day supply of a mail order non-formulary is:
2016	\$8	\$28	\$0	\$28	\$54
2017	\$8	\$30	\$0	\$30	\$58
2018	\$8	\$32	\$0	\$32	\$62
2019	\$9	\$34	\$9	\$34	\$66
2020	\$10	\$36	\$10	\$36	\$70
2021	\$11	\$38	\$11	\$38	\$75
2022	\$12	\$40	\$12	\$40	\$80
2023	\$13	\$43	\$13	\$43	\$85
2024	\$14	\$45	\$14	\$45	\$90.

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

8 “(C) Notwithstanding subparagraphs (A) and (B),  
9 the cost-sharing amounts referred to in paragraph (5) for  
10 any year after 2015 shall be the cost-sharing amounts,  
11 if any, under this section as of January 1, 2015, in the  
12 case of—

13 “(i) a dependent of a member of the uniformed  
14 services who dies while on active duty;

15 “(ii) a member retired under chapter 61 of this  
16 title; or

17 “(iii) a dependent of such a member.”.

18 (c) AUTHORITY TO ADJUST PAYMENTS INTO THE  
19 MEDICARE-ELIGIBLE RETIREE HEALTH CARE FUND.—  
20 Section 1116 of such title is amended—

21 (1) in subsection (a)(1), by striking “subsection  
22 (c), which” and inserting “subsection (c)(1), which  
23 (together with any amount paid into the Fund under  
24 subsection (c)(4))”; and

25 (2) in subsection (c)—

1           (A) by striking “The Secretary” and in-  
2           serting “(1) Except as provided in paragraph  
3           (2), the Secretary”; and

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

6           “(2) If for any fiscal year the Secretary of Defense  
7           determines at the beginning of that fiscal year that the  
8           amount that would otherwise be required to be certified  
9           under paragraph (1) for that fiscal year would not be ac-  
10          curate if there were to be enacted during the current ses-  
11          sion of Congress a significant change in law requested in  
12          the Budget of the President for that fiscal year that upon  
13          enactment would reduce the amount otherwise required to  
14          be certified under paragraph (1) for that fiscal year, the  
15          Secretary may certify to the Secretary of the Treasury  
16          under paragraph (1) a reduced amount for that fiscal year  
17          taking into consideration the amount of the reduction for  
18          that fiscal year that would occur upon enactment of such  
19          change in law.

20          “(3) Not later than 120 days after the beginning of  
21          a fiscal year for which a certification under paragraph (1)  
22          is submitted pursuant to paragraph (2), the Secretary of  
23          Defense—

24                 “(A) shall notify the Secretary of the Treasury  
25                 whether since the beginning of the fiscal year a sig-

1       nificant change in law has been enacted which if in  
 2       effect at the beginning of the fiscal year would have  
 3       resulted in a revised amount certified under para-  
 4       graph (1) without regard to paragraph (2); and

5               “(B) based upon any such change in law since  
 6       the beginning of the fiscal year, shall certify a final  
 7       amount for the fiscal year.

8               “(4) If a final amount certified under paragraph (3)  
 9       for any fiscal year is greater than the amount certified  
 10       pursuant to paragraph (2) for that fiscal year, the Sec-  
 11       retary of the Treasury shall promptly pay into the Fund  
 12       from the General Fund of the Treasury the difference be-  
 13       tween those amounts.”.

14                               **Subtitle B—Health Care**  
 15                                       **Administration**

16       **SEC. 711. LIMITATION ON CONVERSION OF MILITARY MED-**  
 17                               **ICAL AND DENTAL POSITIONS TO CIVILIAN**  
 18                               **MEDICAL AND DENTAL POSITIONS.**

19               (a) LIMITED AUTHORITY FOR CONVERSION.—Chap-  
 20       ter 49 of title 10, United States Code, is amended by add-  
 21       ing after section 976 the following new section:

1 **“§ 977. Limitation on conversion of military medical**  
2 **and dental positions to civilian medical**  
3 **and dental positions**

4 “(a) REQUIREMENTS RELATING TO CONVERSION.—

5 A military medical or dental position within the Depart-  
6 ment of Defense may not be converted to a civilian medical  
7 or dental position unless the Secretary of Defense deter-  
8 mines—

9 “(1) that the position is not a military essential  
10 position;

11 “(2) that conversion of the position would not  
12 result in the degradation of medical care or the med-  
13 ical readiness of the armed forces; and

14 “(3) that converting the position to a civilian  
15 medical or dental position is more cost effective than  
16 retaining the position as a military medical or dental  
17 position, consistent with Department of Defense In-  
18 struction 7041.04.

19 “(b) DEFINITIONS.—In this section:

20 “(1) The term ‘military medical or dental posi-  
21 tion’ means a position for the performance of health  
22 care functions within the armed forces held by a  
23 member of the armed forces.

24 “(2) The term ‘civilian medical or dental posi-  
25 tion’ means a position for the performance of health  
26 care functions within the Department of Defense

1 held by an employee of the Department or of a con-  
2 tractor of the Department.

3 “(3) The term ‘military essential’ means, with  
4 respect to a position, that the position must be held  
5 by a member of the armed forces, as determined in  
6 accordance with regulations prescribed by the Sec-  
7 retary.

8 “(4) The term ‘conversion’, with respect to a  
9 military medical or dental position, means a change  
10 of the position to a civilian medical or dental posi-  
11 tion, effective as of the date of the manning author-  
12 ization document of the military department making  
13 the change (through a change in designation from  
14 military to civilian in the document, the elimination  
15 of the listing of the position as a military position  
16 in the document, or through any other means indi-  
17 cating the change in the document or otherwise).”.

18 (b) CLERICAL AMENDMENT.—The table of sections  
19 at the beginning of such chapter is amended by inserting  
20 after the item relating to section 576, the following new  
21 item:

“977. Limitation on conversion of military medical and dental positions to civil-  
ian medical and dental positions.”.

22 (c) REPEAL OF PROHIBITION.—Section 721 of the  
23 National Defense Authorization Act for Fiscal Year 2008  
24 (Public Law 110–181; 10 U.S.C. 129e note) is repealed.

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

5 **Subtitle A—Acquisition Policy and**  
6 **Management**

7 **SEC. 801. PROGRAM FRAUD CIVIL REMEDIES STATUTE FOR**  
8 **THE DEPARTMENT OF DEFENSE AND THE NA-**  
9 **TIONAL AERONAUTICS AND SPACE ADMINIS-**  
10 **TRATION.**

11 (a) **PURPOSE.**—The purpose of this section is to pro-  
12 vide the Secretary of Defense and the Administrator of  
13 the National Aeronautics and Space Administration with  
14 an effective administrative remedy to obtain recompense  
15 for the Department of Defense and the National Aero-  
16 nautics and Space Administration for losses resulting from  
17 the submission to the Department or the Administration,  
18 respectively, of false, fictitious, or fraudulent claims and  
19 statements.

20 (b) **PROGRAM FRAUD CIVIL REMEDIES.**—

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

1 **“CHAPTER 164—ADMINISTRATIVE REM-**  
 2 **EDIES FOR FALSE CLAIMS AND STATE-**  
 3 **MENTS**

“Sec.

“2751. Applicability of chapter; definitions.

“2752. False claims and statements; liability.

“2753. Hearing and determinations.

“2754. Payment; interest on late payments.

“2755. Judicial review.

“2756. Collection of civil penalties and assessments.

“2757. Right to administrative offset.

“2758. Limitations.

“2759. Effect on other laws.

4 **“§ 2751. Applicability of chapter; definitions**

5 “(a) **APPLICABILITY OF CHAPTER.**—This chapter ap-  
 6 plies to the following agencies:

7 “(1) The Department of Defense.

8 “(2) The National Aeronautics and Space Ad-  
 9 ministration.

10 “(b) **DEFINITIONS.**—In this chapter:

11 “(1) **HEAD OF AN AGENCY.**—The term ‘head of  
 12 an agency’ means the Secretary of Defense and the  
 13 Administrator of the National Aeronautics and  
 14 Space Administration.

15 “(2) **CLAIM.**—The term ‘claim’ means any re-  
 16 quest, demand, or submission—

17 “(A) made to the head of an agency for  
 18 property, services, or money (including money  
 19 representing grants, loans, insurance, or bene-  
 20 fits);

1           “(B) made to a recipient of property, serv-  
2           ices, or money received directly or indirectly  
3           from the head of an agency or to a party to a  
4           contract with the head of an agency—

5                   “(i) for property or services if the  
6           United States—

7                           “(I) provided such property or  
8                           services;

9                           “(II) provided any portion of the  
10                          funds for the purchase of such prop-  
11                          erty or services; or

12                          “(III) will reimburse such recipi-  
13                          ent or party for the purchase of such  
14                          property or services; or

15                   “(ii) for the payment of money (in-  
16                   cluding money representing grants, loans,  
17                   insurance, or benefits) if the United  
18                   States—

19                           “(I) provided any portion of the  
20                           money requested or demanded; or

21                           “(II) will reimburse such recipi-  
22                          ent or party for any portion of the  
23                          money paid on such request or de-  
24                          mand; or

1           “(C) made to the head of an agency which  
2           has the effect of decreasing an obligation to pay  
3           or account for property, services, or money.

4           “(3) KNOWS OR HAS REASON TO KNOW.—The  
5           term ‘knows or has reason to know’, for purposes of  
6           establishing liability under section 2752 of this title,  
7           means that a person, with respect to a claim or  
8           statement—

9           “(A) has actual knowledge that the claim  
10          or statement is false, fictitious, or fraudulent;

11          “(B) acts in deliberate ignorance of the  
12          truth or falsity of the claim or statement; or

13          “(C) acts in reckless disregard of the truth  
14          or falsity of the claim or statement, and no  
15          proof of specific intent to defraud is required.

16          “(4) RESPONSIBLE OFFICIAL.—The term ‘re-  
17          sponsible official’ means a designated debarring and  
18          suspending official of the agency named in sub-  
19          section (a).

20          “(5) RESPONDENT.—The term ‘respondent’  
21          means a person who has received notice from a re-  
22          sponsible official asserting liability under section  
23          2752 of this title.

24          “(6) STATEMENT.—The term ‘statement’  
25          means any representation, certification, affirmation,

1 document, record, or an accounting or bookkeeping  
2 entry made—

3 “(A) with respect to a claim or to obtain  
4 the approval or payment of a claim (including  
5 relating to eligibility to make a claim); or

6 “(B) with respect to (including relating to  
7 eligibility for)—

8 “(i) a contract with, or a bid or pro-  
9 posal for a contract with the head of an  
10 agency; or

11 “(ii) a grant, loan, or benefit from the  
12 head of an agency.

13 “(c) CLAIMS.—For purposes of paragraph (2) of sub-  
14 section (b)—

15 “(1) each voucher, invoice, claim form, or other  
16 individual request or demand for property, services,  
17 or money constitutes a separate claim;

18 “(2) each claim for property, services, or money  
19 is subject to this chapter regardless of whether such  
20 property, services, or money is actually delivered or  
21 paid; and

22 “(3) a claim shall be considered made, pre-  
23 sented, or submitted to the head of an agency, re-  
24 cipient, or party when such claim is actually made  
25 to an agent, fiscal intermediary, or other entity act-

1 ing for or on behalf of such authority, recipient, or  
2 party.

3 “(d) STATEMENTS.—For purposes of paragraph (6)  
4 of subsection (b)—

5 “(1) each written representation, certification,  
6 or affirmation constitutes a separate statement; and

7 “(2) a statement shall be considered made, pre-  
8 sented, or submitted to the head of an agency when  
9 such statement is actually made to an agent, fiscal  
10 intermediary, or other entity acting for or on behalf  
11 of such authority.

12 **“§ 2752. False claims and statements; liability**

13 “(a) FALSE CLAIMS.—Any person who makes, pre-  
14 sents, or submits, or causes to be made, presented, or sub-  
15 mitted, to the head of an agency a claim that the person  
16 knows or has reason to know—

17 “(1) is false, fictitious, or fraudulent;

18 “(2) includes or is supported by any written  
19 statement which asserts a material fact this is false,  
20 fictitious, or fraudulent;

21 “(3) includes or is supported by any written  
22 statement that—

23 “(A) omits a material fact;

24 “(B) is false, fictitious, or fraudulent as a  
25 result of such omission; and

1           “(C) the person making, presenting, or  
2           submitting such statement has a duty to in-  
3           clude such material fact; or

4           “(4) is for payment for the provision of prop-  
5           erty or services which the person has not provided  
6           as claimed,

7 shall, in addition to any other remedy that may be pre-  
8 scribed by law, be subject to a civil penalty of not more  
9 than \$5,000 for each such claim. Such person shall also  
10 be subject to an assessment of not more than twice the  
11 amount of such claim, or the portion of such claim which  
12 is determined by the responsible official to be in violation  
13 of the preceding sentence.

14           “(b) FALSE STATEMENTS.—Any person who makes,  
15 presents, submits, or causes to be made, presented, or sub-  
16 mitted, a written statement in conjunction with a procure-  
17 ment program or acquisition of an agency named in sec-  
18 tion 2751(a) of this title that—

19           “(1) the person knows or has reason to know—

20                   “(A) asserts a material fact that is false,  
21                   fictitious, or fraudulent; or

22                   “(B)(i) omits a material fact; and

23                   “(ii) is false, fictitious, or fraudulent as a  
24                   result of such omission;

1           “(2) in the case of a statement described in  
2           subparagraph (B) of paragraph (1), is a statement  
3           in which the person making, presenting, or submit-  
4           ting such statement has a duty to include such ma-  
5           terial fact; and

6           “(3) contains or is accompanied by an express  
7           certification or affirmation of the truthfulness and  
8           accuracy of the contents of the statement,  
9           shall be subject to, in addition to any other remedy that  
10          may be prescribed by law, a civil penalty of not more than  
11          \$5,000 for each such statement.

12          **“§ 2753. Hearing and determinations**

13          “(a) TRANSMITTAL OF NOTICE TO ATTORNEY GEN-  
14          ERAL.—If a responsible official determines that there is  
15          adequate evidence to believe that a person is liable under  
16          section 2752 of this title, the responsible official shall  
17          transmit to the Attorney General, or any other officer or  
18          employee of the Department of Justice designated by the  
19          Attorney General, a written notice of the intention of such  
20          official to initiate an action under this section. The notice  
21          shall include the following:

22                 “(1) A statement of the reasons for initiating  
23                 an action under this section.

24                 “(2) A statement specifying the evidence which  
25                 supports liability under section 2752 of this title.

1           “(3) A description of the claims or statements  
2 for which liability under section 2752 of this title is  
3 alleged.

4           “(4) An estimate of the penalties and assess-  
5 ments that will be demanded under section 2752 of  
6 this title.

7           “(5) A statement of any exculpatory or miti-  
8 gating circumstances which may relate to such  
9 claims or statements.

10          “(b) STATEMENT FROM ATTORNEY GENERAL.—

11           “(1) Within 90 days after receipt of a notice  
12 from a responsible official under subsection (a), the  
13 Attorney General, or any other officer or employee  
14 of the Department of Justice designated by the At-  
15 torney General, shall transmit a written statement  
16 to the responsible official which specifies—

17           “(A) that the Attorney General, or any  
18 other officer or employee of the Department of  
19 Justice designated by the Attorney General, ap-  
20 proves or disapproves initiating an action under  
21 this section based on the allegations of liability  
22 stated in such notice; and

23           “(B) in any case in which the initiation of  
24 an action under this section is disapproved, the  
25 reasons for such disapproval.

1           “(2) If at any time after the initiation of an ac-  
2           tion under this section the Attorney General, or any  
3           other officer or employee of the Department of Jus-  
4           tice designated by the Attorney General, transmits  
5           to a responsible official a written determination that  
6           the continuation of any action under this section  
7           may adversely affect any pending or potential crimi-  
8           nal or civil action, such action shall be immediately  
9           stayed and may be resumed only upon written au-  
10          thorization from the Attorney General, or any other  
11          officer or employee of the Department of Justice  
12          designated by the Attorney General.

13          “(c) LIMITATION ON AMOUNT OF CLAIM THAT MAY  
14          BE PURSUED UNDER THIS SECTION.—No action shall be  
15          initiated under this section, nor shall any assessment be  
16          imposed under this section, if the total amount of the  
17          claim determined by the responsible official to violate sec-  
18          tion 2752(a) of this title exceeds \$500,000. The \$500,000  
19          threshold does not include penalties or any assessment  
20          permitted under 2752(a) of this title greater than the  
21          amount of the claim determined by the responsible official  
22          to violate such section.

23          “(d) PROCEDURES FOR RESOLVING CLAIMS.—(1)  
24          Upon receiving approval under subsection (b) to initiate  
25          an action under this section, the responsible official shall

1 mail, by registered or certified mail, or other similar com-  
2 mercial means, or shall deliver, a notice to the person al-  
3 leged to be liable under section 2752 of this title. Such  
4 notice shall specify the allegations of liability against such  
5 person, specify the total amount of penalties and assess-  
6 ments sought by the United States, advise the person of  
7 the opportunity to submit facts and arguments in opposi-  
8 tion to the allegations set forth in the notice, advise the  
9 person of the opportunity to submit offers of settlement  
10 or proposals of adjustment, and advise the person of the  
11 procedures of the agency named in section 2751(a) of this  
12 title governing the resolution of actions initiated under  
13 this section.

14       “(2) Within 30 days after receiving a notice under  
15 paragraph (1), or any additional period of time granted  
16 by the responsible official, the respondent may submit in  
17 person, in writing, or through a representative, facts and  
18 arguments in opposition to the allegations set forth in the  
19 notice, including any additional information that raises a  
20 genuine dispute of material fact.

21       “(3) If the respondent fails to respond within 30  
22 days, or any additional time granted by the responsible  
23 official, the responsible official may issue a written deci-  
24 sion disposing of the matters raised in the notice. Such  
25 decision shall be based on the record before the responsible

1 official. If the responsible official concludes that the re-  
2 spondent is liable under section 2752 of this title, the deci-  
3 sion shall include the findings of fact and conclusions of  
4 law which the responsible official relied upon in deter-  
5 mining that the respondent is liable, and the amount of  
6 any penalty and/or assessment to be imposed on the re-  
7 spondent. Any such determination shall be based on a pre-  
8 ponderance of the evidence. The responsible official shall  
9 promptly send to the respondent a copy of the decision  
10 by registered or certified mail, or other similar commercial  
11 means, or shall hand deliver a copy of the decision.

12       “(4) If the respondent makes a timely submission,  
13 and the responsible official determines that the respondent  
14 has not raised any genuine dispute of material fact, the  
15 responsible official may issue a written decision disposing  
16 of the matters raised in the notice. Such decision shall  
17 be based on the record before the responsible official. If  
18 the responsible official concludes that the respondent is  
19 liable under section 2752 of this title, the decision shall  
20 include the findings of fact and conclusions of law which  
21 the responsible official relied upon in determining that the  
22 respondent is liable, and the amount of any penalty or as-  
23 sessment to be imposed on the respondent. Any such de-  
24 termination shall be based on a preponderance of the evi-  
25 dence. The responsible official shall promptly send to the

1 respondent a copy of the decision by registered or certified  
2 mail, or other similar commercial means, or shall hand  
3 deliver a copy of the decision.

4       “(5) If the respondent makes a timely submission,  
5 and the responsible official determines that the respondent  
6 has raised a genuine dispute of material fact, the respon-  
7 sible official shall commence a hearing to resolve the genu-  
8 inely disputed material facts by mailing by registered or  
9 certified mail, or other similar commercial means, or by  
10 hand delivery of, a notice informing the respondent of—

11               “(A) the time, place, and nature of the hearing;

12               “(B) the legal authority under which the hear-  
13 ing is to be held;

14               “(C) the material facts determined by the re-  
15 sponsible official to be genuinely in dispute that will  
16 be the subject of the hearing; and

17               “(D) a description of the procedures for the  
18 conduct of the hearing.

19       “(6) The responsible official and any person against  
20 whom liability is asserted under this chapter may agree  
21 to a compromise or settle an action at any time. Any com-  
22 promise or settlement must be in writing.

23       “(e) RESPONDENT ENTITLED TO COPY OF THE  
24 RECORD.—At any time after receiving a notice under  
25 paragraph (1) of subsection (d), the respondent shall be

1 entitled to a copy of the entire record before the respon-  
2 sible official.

3 “(f) HEARINGS.—Any hearing commenced under this  
4 section shall be conducted by the responsible official, or  
5 a fact-finder designated by the responsible official, solely  
6 to resolve genuinely disputed material facts identified by  
7 the responsible official and set forth in the notice to the  
8 respondent.

9 “(g) PROCEDURES FOR HEARINGS.—(1) Each hear-  
10 ing shall be conducted under procedures prescribed by the  
11 head of the agency. Such procedures shall include the fol-  
12 lowing:

13 “(A) The provision of written notice of the  
14 hearing to the respondent, including written notice  
15 of—

16 “(i) the time, place, and nature of the  
17 hearing;

18 “(ii) the legal authority under which the  
19 hearing is to be held;

20 “(iii) the material facts determined by the  
21 responsible official to be genuinely in dispute  
22 that will be the subject of the hearing; and

23 “(iv) a description of the procedures for  
24 the conduct of the hearing.

1           “(B) The opportunity for the respondent to  
2           present facts and arguments through oral or docu-  
3           mentary evidence, to submit rebuttal evidence, and  
4           to conduct such cross-examination as may be re-  
5           quired to resolve any genuinely disputed material  
6           facts identified by the responsible official.

7           “(C) The opportunity for the respondent to be  
8           accompanied, represented, and advised by counsel or  
9           such other qualified representative as the Secretary  
10          may specify in such regulations.

11          “(2) For the purpose of conducting hearings under  
12          this section, the responsible official is authorized to admin-  
13          ister oaths or affirmations.

14          “(3) Hearings shall be held at the responsible offi-  
15          cial’s office, or at such other place as may be agreed upon  
16          by the respondent and the responsible official.

17          “(h) DECISION FOLLOWING HEARING.—The respon-  
18          sible official shall issue a written decision within 60 days  
19          after the conclusion of the hearing. That decision shall set  
20          forth specific findings of fact resolving the genuinely dis-  
21          puted material facts that were the subject of the hearing.  
22          The written decision shall also dispose of the matters  
23          raised in the notice required under paragraph (1) of sub-  
24          section (d). If the responsible official concludes that the  
25          respondent is liable under section 2752 of this title, the

1 decision shall include the findings of fact and conclusions  
2 of law which the responsible official relied upon in deter-  
3 mining that the respondent is liable, and the amount of  
4 any penalty or assessment to be imposed on the respond-  
5 ent. Any decisions issued under this subparagraph shall  
6 be based on the record before the responsible official and  
7 shall be supported by a preponderance of the evidence.  
8 The responsible official shall promptly send to the re-  
9 spondent a copy of the decision by registered or certified  
10 mail, or other similar commercial means, or shall hand  
11 deliver a copy of the decision.

12 **“§ 2754. Payment; interest on late payments**

13       “(a) PAYMENT OF ASSESSMENTS AND PENALTIES.—  
14 A respondent shall render payment of any assessment and  
15 penalty imposed by a responsible official, or any amount  
16 otherwise agreed to as part of a settlement or adjustment,  
17 not later than the date—

18               “(1) that is 30 days after the date of the re-  
19 ceipt by the respondent of the responsible official’s  
20 decision; or

21               “(2) as otherwise agreed to by the respondent  
22 and the responsible official.

23       “(b) INTEREST.—If there is an unpaid balance as of  
24 the date determined under paragraph (1), interest shall  
25 accrue from that date on any unpaid balance. The rate

1 of interest charged shall be the rate in effect as of that  
2 date that is published by the Secretary of the Treasury  
3 under section 3717 of title 31.

4 “(c) TREATMENT OF RECEIPTS.—All penalties, as-  
5 sessments, or interest paid, collected, or otherwise recov-  
6 ered under this chapter shall be deposited into the Treas-  
7 ury as miscellaneous receipts as provided in section 3302  
8 of title 31.

9 **“§ 2755. Judicial review**

10 “A decision by a responsible official under section  
11 2753(d) or 2753(h) of this title shall be final. Any such  
12 final decision is subject to judicial review only under chap-  
13 ter 7 of title 5.

14 **“§ 2756. Collection of civil penalties and assessments**

15 “(a) JUDICIAL ENFORCEMENT OF CIVIL PENALTIES  
16 AND ASSESSMENTS.—The Attorney General shall be re-  
17 sponsible for judicial enforcement of any civil penalty or  
18 assessment imposed under this chapter.

19 “(b) CIVIL ACTIONS FOR RECOVERY.—Any penalty  
20 or assessment imposed in a decision by a responsible offi-  
21 cial, or amounts otherwise agreed to as part of a settle-  
22 ment or adjustment, along with any accrued interest, may  
23 be recovered in a civil action brought by the Attorney Gen-  
24 eral. In any such action, no matter that was raised or that  
25 could have been raised in a proceeding under this chapter

1 or pursuant to judicial review under section 2755 of this  
2 title may be raised as a defense, and the determination  
3 of liability and the determination of amounts of penalties  
4 and assessments shall not be subject to review.

5 “(c) JURISDICTION OF UNITED STATES DISTRICT  
6 COURTS.—The district courts of the United States shall  
7 have jurisdiction of any action commenced by the United  
8 States under subsection (b).

9 “(d) JOINING AND CONSOLIDATING ACTIONS.—Any  
10 action under subsection (b) may, without regard to venue  
11 requirements, be joined and consolidated with or asserted  
12 as a counterclaim, cross-claim, or setoff by the United  
13 States in any other civil action which includes as parties  
14 the United States, and the person against whom such ac-  
15 tion may be brought.

16 “(e) JURISDICTION OF UNITED STATES COURT OF  
17 FEDERAL CLAIMS.—The United States Court of Federal  
18 Claims shall have jurisdiction of any action under sub-  
19 section (b) to recover any penalty or assessment, or  
20 amounts otherwise agreed to as part of a settlement or  
21 adjustment, along with any accrued interest, if the cause  
22 of action is asserted by the United States as a counter-  
23 claim in a matter pending in such court. The counterclaim  
24 need not relate to the subject matter of the underlying  
25 claim.

1 **“§ 2757. Right to administrative offset**

2 “The amount of any penalty or assessment that has  
3 been imposed by a responsible official, or any amount  
4 agreed upon in a settlement or compromise, along with  
5 any accrued interest, may be collected by administrative  
6 offset.

7 **“§ 2758. Limitations**

8 “(a) LIMITATION ON PERIOD FOR INITIATION OF AD-  
9 MINISTRATIVE ACTION.—An action under section 2752 of  
10 this title with respect to a claim or statement shall be com-  
11 menced within six years after the date on which such claim  
12 or statement is made, presented, or submitted.

13 “(b) LIMITATION PERIOD FOR INITIATION OF CIVIL  
14 ACTION FOR RECOVERY OF ADMINISTRATIVE PENALTY  
15 OR ASSESSMENT.—A civil action to recover a penalty or  
16 assessment under section 2756 of this title shall be com-  
17 menced within three years after the date of the decision  
18 of the responsible official imposing the penalty or assess-  
19 ment.

20 **“§ 2759. Effect on other laws**

21 “(a) RELATIONSHIP TO TITLE 44 AUTHORITIES.—  
22 This chapter does not diminish the responsibility of the  
23 head of an agency to comply with the provisions of chapter  
24 35 of title 44, relating to coordination of Federal informa-  
25 tion policy.

1       “(b) RELATIONSHIP TO TITLE 31 AUTHORITIES.—  
 2 The procedures set forth in this chapter apply to the agen-  
 3 cies named in section 2751(a) of this title in lieu of the  
 4 procedures under chapter 38 of title 31, relating to admin-  
 5 istrative remedies for false claims and statements.

6       “(c) RELATIONSHIP TO OTHER AUTHORITIES.—Any  
 7 action, inaction, or decision under this chapter shall be  
 8 based solely upon the information before the responsible  
 9 official and shall not limit or restrict any agency of the  
 10 Government from instituting any other action arising out-  
 11 side this chapter, including suspension or debarment,  
 12 based upon the same information. Any action, inaction or  
 13 decision under this chapter shall not restrict the ability  
 14 of the Attorney General to bring judicial action, based  
 15 upon the same information as long as such action is not  
 16 otherwise prohibited by law.”.

17           (2) CLERICAL AMENDMENT.—The tables of  
 18 chapters at the beginning of subtitle A, and at the  
 19 beginning of part IV of subtitle A, of such title are  
 20 each amended by inserting after the item relating to  
 21 chapter 163 the following new item:

**“164. ADMINISTRATIVE REMEDIES FOR FALSE CLAIMS AND  
 STATEMENTS.....2751”.**

22       (c)       CONFORMING       AMENDMENTS.—Section  
 23 3801(a)(1) of title 31, United States Code, is amended—



1 (A) in subparagraph (A), by striking  
2 “credited to the Fund under paragraph (2)”  
3 and inserting “appropriated to the Fund”;

4 (B) in subparagraph (B), by striking  
5 “paragraph (3)” and inserting “paragraph  
6 (2)”; and

7 (C) by striking subparagraph (C);  
8 (2) by striking paragraphs (2) and (4);  
9 (3) by redesignating paragraph (3) as para-  
10 graph (2);

11 (4) in paragraph (2), as so redesignated—

12 (A) in the first sentence, by striking “24-  
13 month period” and inserting “36-month pe-  
14 riod”; and

15 (B) in the second sentence, by striking  
16 “credited to the Fund” and inserting “credited  
17 to amounts appropriated to the Fund for the  
18 fiscal year in which such funds are trans-  
19 ferred”; and

20 (5) by inserting after paragraph (2), as so re-  
21 designated, the following new paragraph (3):

22 “(3) PRIOR NOTICE TO CONGRESSIONAL COM-  
23 MITTEES OF CERTAIN TRANSFERS.—The Secretary  
24 of Defense may make a transfer to the Fund pursu-  
25 ant to paragraph (2) that increases to an amount

1 greater than \$500,000,000 the total amount made  
2 available to the Fund for a fiscal year only after the  
3 Secretary submits to the congressional defense com-  
4 mittees notice of the Secretary's intent to make such  
5 transfer and a period of 10 days has elapsed fol-  
6 lowing the date of the notification.”.

7 (b) AVAILABILITY OF FUNDS.—Subsection (e) of  
8 such section is amended—

9 (1) in paragraph (1), by inserting “appropria-  
10 tions available to” after “for transfer to”; and

11 (2) in paragraph (6)—

12 (A) by striking “credited to the Fund in  
13 accordance with subsection (d)(2),”;

14 (B) by striking “subsection (d)(3),” and  
15 inserting “subsection (d)(2) or”;

16 (C) by striking “, or deposited to the  
17 Fund”; and

18 (D) by striking “for which credited” and  
19 all that follows and inserting “in which trans-  
20 ferred, or for which appropriated, and the suc-  
21 ceeding fiscal year.”.

22 (c) ANNUAL REPORT.—Subsection (f)(1) of such sec-  
23 tion is amended by striking “remitted” and all that follows  
24 through “credited” and inserting “transferred to the  
25 Fund in such fiscal year or appropriated”.

1 **SEC. 803. REVISION TO EFFECTIVE DATE APPLICABLE TO**  
 2 **PRIOR EXTENSION OF APPLICABILITY OF**  
 3 **THE SENIOR EXECUTIVE BENCHMARK COM-**  
 4 **PENSATION AMOUNT FOR PURPOSES OF AL-**  
 5 **LOWABLE COST LIMITATIONS UNDER DE-**  
 6 **FENSE CONTRACTS.**

7 (a) REPEAL OF RETROACTIVE APPLICABILITY.—Sec-  
 8 tion 803(c) of the National Defense Authorization Act for  
 9 Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1485)  
 10 is amended by striking “amendments made by” and all  
 11 that follows and inserting “amendments made by this sec-  
 12 tion shall apply with respect to costs of compensation in-  
 13 curred after January 1, 2012, under contracts entered  
 14 into on or after December 31, 2011.”.

15 (b) APPLICABILITY.—The amendment made by sub-  
 16 section (a) shall take effect as of December 31, 2011, and  
 17 shall apply as if included in the National Defense Author-  
 18 ization Act for Fiscal Year 2012 as enacted.

19 **Subtitle B—Amendments to Gen-**  
 20 **eral Contract Authorities, Pro-**  
 21 **cedures, and Limitations**

22 **SEC. 811. REVISION TO METHOD OF ROUNDING OF ACQUI-**  
 23 **SITION-RELATED DOLLAR THRESHOLDS**  
 24 **WHEN ADJUSTING FOR INFLATION.**

25 Section 1908(e)(2) of title 41, United States Code,  
 26 is amended—

1 (1) in the matter preceding subparagraph (A),  
2 by striking “on the day before the adjustment” and  
3 inserting “as calculated under paragraph (1)”;

4 (2) by striking “and” at the end of subpara-  
5 graph (C); and

6 (3) by striking subparagraph (D) and inserting  
7 the following:

8 “(D) not less than \$1,000,000, but less  
9 than \$10,000,000, to the nearest \$500,000;

10 “(E) not less than \$10,000,000, but less  
11 than \$100,000,000, to the nearest \$5,000,000;

12 “(F) not less than \$100,000,000, but less  
13 than \$1,000,000,000, to the nearest  
14 \$50,000,000; and

15 “(G) \$1,000,000,000 or more, to the near-  
16 est \$500,000,000.”.

17 **SEC. 812. EXTENSION OF AUTHORITY TO ACQUIRE PROD-**  
18 **UCTS AND SERVICES PRODUCED IN COUN-**  
19 **TRIES ALONG A MAJOR ROUTE OF SUPPLY**  
20 **TO AFGHANISTAN.**

21 Section 801(f) of the National Defense Authorization  
22 Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat.  
23 2399), as most recently amended by section 832 of the  
24 National Defense Authorization Act for Fiscal Year 2014  
25 (Public Law 113–66; 127 Stat. 814), is further amended

1 by striking “December 31, 2015” and inserting “Decem-  
2 ber 31, 2018”.

3 **SEC. 813. EXCEPTION TO REQUIREMENT TO INCLUDE COST**  
4 **OR PRICE TO THE GOVERNMENT AS A FAC-**  
5 **TOR IN THE EVALUATION OF PROPOSALS**  
6 **FOR CERTAIN TASK OR DELIVERY ORDER**  
7 **CONTRACTS.**

8 (a) CONTRACTING UNDER TITLE 41, UNITED  
9 STATES CODE.—Section 3306(c) of title 41, United States  
10 Code, is amended—

11 (1) in paragraph (1), by inserting “except as  
12 provided in paragraph (3),” in subparagraphs (B)  
13 and (C) after the subparagraph designation; and

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

16 “(3) EXCEPTIONS FOR CERTAIN INDEFINITE  
17 DELIVERY, INDEFINITE QUANTITY CONTRACTS.—If  
18 the head of an agency issues a solicitation for mul-  
19 tiple task or delivery order contracts under section  
20 4103(d) of this title for the same or similar services  
21 and intends to make a contract award to each quali-  
22 fying offeror—

23 “(A) cost or price to the Federal Govern-  
24 ment need not, at the Government’s discretion,  
25 be considered under subparagraph (B) of para-

1 graph (1) as an evaluation factor for the con-  
2 tract award; and

3 “(B) if, pursuant to subparagraph (A),  
4 cost or price to the Federal Government is not  
5 considered as an evaluation factor for the con-  
6 tract award—

7 “(i) the disclosure requirement of sub-  
8 paragraph (C) of paragraph (1) shall not  
9 apply; and

10 “(ii) cost or price to the Federal Gov-  
11 ernment shall be considered in conjunction  
12 with the issuance pursuant to section  
13 4106(c) of this title of a task or delivery  
14 order under any contract resulting from  
15 the solicitation.

16 “(4) QUALIFYING OFFEROR DEFINED.—In  
17 paragraph (3), the term ‘qualifying offeror’ means  
18 an offeror that—

19 “(A) is determined to be a responsible  
20 source;

21 “(B) submits a proposal that conforms to  
22 the requirements of the solicitation; and

23 “(C) the contracting officer has no reason  
24 to believe would likely offer other than fair and  
25 reasonable pricing.”.

1 (b) CONTRACTING UNDER TITLE 10, UNITED  
2 STATES CODE.—Section 2305(a)(3) of title 10, United  
3 States Code, is amended—

4 (1) in subparagraph (A), by inserting “(except  
5 as provided in subparagraph (C))” in clauses (ii)  
6 and (iii) after “shall”; and

7 (2) by adding at the end the following new sub-  
8 paragraphs:

9 “(C) If the head of an agency issues a solicitation  
10 for multiple task or delivery order contracts under section  
11 2304a(d)(1)(B) of this title for the same or similar serv-  
12 ices and intends to make a contract award to each quali-  
13 fying offeror—

14 “(i) cost or price to the Federal Government  
15 need not, at the Government’s discretion, be consid-  
16 ered under clause (ii) of subparagraph (A) as an  
17 evaluation factor for the contract award; and

18 “(ii) if, pursuant to clause (i), cost or price to  
19 the Federal Government is not considered as an  
20 evaluation factor for the contract award—

21 “(I) the disclosure requirement of clause  
22 (iii) of subparagraph (A) shall not apply; and

23 “(II) cost or price to the Federal Govern-  
24 ment shall be considered in conjunction with  
25 the issuance pursuant to section 2304c(b) of

1           this title of a task or delivery order under any  
2           contract resulting from the solicitation.

3           “(D) In subparagraph (C), the term ‘qualifying offer-  
4 or’ means an offeror that—

5           “(i) is determined to be a responsible source;

6           “(ii) submits a proposal that conforms to the  
7           requirements of the solicitation; and

8           “(iii) the contracting officer has no reason to  
9           believe would likely offer other than fair and reason-  
10          able pricing.”.

## 11           **Subtitle C—Acquisition Reform** 12           **Proposals**

### 13   **SEC. 821. MODIFICATION TO REQUIREMENTS RELATING TO** 14           **DETERMINATION OF CONTRACT TYPE FOR** 15           **MAJOR DEVELOPMENT PROGRAMS.**

16           (a) DETERMINATION OF CONTRACT TYPE.—Section  
17 2306 of title 10, United States Code, is amended by add-  
18 ing at the end the following new subsection:

19           “(i) REQUIRED ELEMENTS OF GUIDANCE RELATING  
20 TO CONTRACT TYPE.—(1) The Secretary of Defense shall  
21 ensure that the guidance of the Department of Defense  
22 relating to major defense acquisition programs and major  
23 automated information systems includes—

24           “(A) a requirement that the acquisition strat-  
25          egy for such a program or system include identifica-

1       tion of the contract type for development of the pro-  
2       gram or system; and

3               “(B) a justification of the contract type identi-  
4       fied.

5       “(2) The contract type identified in accordance with  
6 paragraph (1)(A) may be—

7               “(A) a fixed-price type contract (including a  
8       fixed-price incentive contract); or

9               “(B) a cost-type contract (including a cost-plus-  
10       incentive-fee contract).

11       “(3) The guidance referred to in paragraph (1) shall  
12 require that the justification for the contract type selected  
13 explain—

14               “(A) how the level of program risk relates to  
15       the contract type selected; and

16               “(B) how the use of incentives (especially cost  
17       incentives) in the contract, if any, supports the ob-  
18       jectives of the development program.

19       “(4) The guidance shall also specify that the use of  
20 contracts with target costs, target profits or fees, and  
21 profit or fee adjustment formulas, during development,  
22 where applicable, is ordinarily in the interest of the Gov-  
23 ernment.”.

24       (b) REPEAL.—Section 818 of the John Warner Na-  
25 tional Defense Authorization Act for Fiscal Year 2007

1 (Public Law 109–364; 10 U.S.C. 2306 note) is amended  
2 by striking subsections (b), (c), (d), and (e).

3 (c) MODIFICATION OF REGULATIONS.—Not later  
4 than 120 days after the date of the enactment of this Act,  
5 the Secretary of Defense shall modify the regulations of  
6 the Department of Defense regarding the determination  
7 of contract type for development programs to be consistent  
8 with the amendments made by this section.

9 **SEC. 822. REPEAL OF REQUIREMENT FOR STAND-ALONE**  
10 **MANPOWER ESTIMATES FOR MAJOR DE-**  
11 **FENSE ACQUISITION PROGRAMS.**

12 (a) REPEAL OF REQUIREMENT.—Subsection (a)(1)  
13 of section 2434 of title 10, United States Code, is amend-  
14 ed by striking “and a manpower estimate for the program  
15 have” and inserting “has”.

16 (b) CONFORMING AMENDMENTS RELATING TO REG-  
17 ULATIONS.—Subsection (b) of such section is amended—

18 (1) by striking paragraph (2);

19 (2) by striking “shall require—” and all that  
20 follows through “that the independent” and insert-  
21 ing “shall require that the independent”;

22 (3) by redesignating subparagraphs (A) and  
23 (B) as paragraphs (1) and (2), respectively, and re-  
24 aligning those paragraphs so as to be two ems from  
25 the left margin; and

1 (4) in paragraph (2), as so redesignated—

2 (A) by striking “and operations and sup-  
3 port,” and inserting “operations and support,  
4 and manpower to operate, maintain, and sup-  
5 port the program upon full operational deploy-  
6 ment,”; and

7 (B) by striking “; and” at the end and in-  
8 serting a period.

9 (c) CLERICAL AMENDMENTS.—

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

12 **“§ 2434. Independent cost estimates”.**

13 (2) TABLE OF SECTIONS.—The item relating to  
14 such section in the table of sections at the beginning  
15 of chapter 144 of such title is amended to read as  
16 follows:

“2434. Independent cost estimates.”.

17 **SEC. 823. REVISION OF MILESTONE DECISION AUTHORITY**  
18 **RESPONSIBILITIES FOR MAJOR DEFENSE AC-**  
19 **QUISITION PROGRAMS.**

20 (a) REVISION.—

21 (1) IN GENERAL.—Sections 2366a and 2366b  
22 of title 10, United States Code, are amended to read  
23 as follows:

1 **“§ 2366a. Major defense acquisition programs: re-**  
2 **sponsibilities at Milestone A approval**

3 “(a) RESPONSIBILITIES.—Before granting Milestone  
4 A approval for a major defense acquisition program or a  
5 major subprogram, the Milestone Decision Authority for  
6 the program or subprogram shall ensure—

7 “(1) that information about the program or  
8 subprogram is sufficient to warrant entry of the pro-  
9 gram or subprogram into the risk reduction phase;  
10 and

11 “(2) that there are sound plans for progression  
12 of the program or subprogram to the development  
13 phase.

14 “(b) CONSIDERATIONS.—In carrying out subsection  
15 (a), the Milestone Decision Authority shall consider to  
16 what extent the program or subprogram—

17 “(1) meets a joint military requirement;

18 “(2) responds to an anticipated or likely threat;

19 “(3) has been developed in light of a review of  
20 alternative approaches;

21 “(4) is affordable;

22 “(5) has (A) identified areas of risk and, (B)  
23 for each such identified area of risk, has a plan to  
24 reduce the risk that is documented in the acquisition  
25 strategy for the program or subprogram;

26 “(6) addresses planning for sustainment; and

1           “(7) meets any other considerations the Mile-  
2           stone Decision Authority considers relevant.

3           “(c) RELATIONSHIP TO OTHER STATUTES.—In as-  
4           sessing the considerations in subsection (b), the Milestone  
5           Decision Authority shall include consideration of the fol-  
6           lowing:

7           “(1) With respect to joint military require-  
8           ments, the requirements of section 181 of this title.

9           “(2) With respect to alternative approaches, the  
10          requirements of section 201 of the Weapon Systems  
11          Acquisition Reform Act of 2009 (Public Law 111–  
12          23; 10 U.S.C. 2302 note).

13          “(3) With respect to affordability and cost esti-  
14          mates and analyses, the requirements of section  
15          2334 of this title.

16          “(4) With respect to risk, the requirements  
17          of—

18                 “(A) section 138b of this title; and

19                 “(B) section 203 of the Weapon Systems  
20          Acquisition Reform Act of 2009 (Public Law  
21          111–23; 10 U.S.C. 2430 note).

22          “(5) With respect to sustainment, the require-  
23          ments of section 2337 and section 2464 of this title.

24          “(d) NOTIFICATION.—Not later than 30 days after  
25          granting Milestone A approval for a major defense acquisi-

1 tion program or major subprogram, the Milestone Deci-  
2 sion Authority for that program or subprogram shall sub-  
3 mit to the congressional defense committees notice of such  
4 approval in writing. The Milestone Decision Authority's  
5 decision memorandum with respect to such approval shall  
6 be available to the congressional defense committees upon  
7 request, consistent with any relevant classification require-  
8 ments.

9 “(e) DEFINITIONS.—In this section:

10 “(1) The term ‘major defense acquisition pro-  
11 gram’ means a Department of Defense acquisition  
12 program that is a major defense acquisition program  
13 for purposes of section 2430 of this title.

14 “(2) The term ‘major subprogram’ means a  
15 major subprogram of a major defense acquisition  
16 program designated under section 2430a(a)(1) of  
17 this title.

18 “(3) The term ‘Milestone Decision Authority’,  
19 with respect to a major defense acquisition program  
20 or a major subprogram, means the official within the  
21 Department of Defense designated with the overall  
22 responsibility and authority for acquisitions decisions  
23 for the program or subprogram, including authority  
24 to approve entry of the program or subprogram into  
25 the next phase of the acquisition process.

1           “(4) The term ‘Milestone A approval’ means a  
2           decision to enter into a risk reduction phase pursu-  
3           ant to guidance prescribed by the Secretary of De-  
4           fense for the management of Department of Defense  
5           acquisition programs.

6           “(5) The term ‘joint military requirement’ has  
7           the meaning given that term in section 181(g)(1) of  
8           this title.

9   **“§ 2366b. Major defense acquisition programs: re-**  
10                                   **sponsibilities at Milestone B approval**

11           “(a) RESPONSIBILITIES.—Before granting Milestone  
12   B approval for a major defense acquisition program or a  
13   major subprogram, the Milestone Decision Authority for  
14   the program or subprogram shall ensure—

15           “(1) that information about the program or  
16           subprogram is sufficient to warrant entry of the pro-  
17           gram or subprogram into the development phase;  
18           and

19           “(2) that there are sound plans in place for the  
20           program or subprogram to deliver the required capa-  
21           bility.

22           “(b) CONSIDERATIONS.—In carrying out subsection  
23   (a), the Milestone Decision Authority shall consider to  
24   what extent the program or subprogram will do each of  
25   the following:

- 1           “(1) Provide a capability that is affordable.
- 2           “(2) Identify and mitigate programmatic risks.
- 3           “(3) Deliver a capability with acceptable per-  
4           formance to fulfill a joint military requirement.
- 5           “(4) Utilize technologies assessed to be mature.
- 6           “(5) Effectively utilize competition.
- 7           “(6) Enable sustainment of the capability that  
8           is provided by the program or subprogram.
- 9           “(7) Continue to address, as necessary, the con-  
10          siderations for Milestone A approval (or in the case  
11          that the program has not previously been granted  
12          Milestone A approval, address such considerations).
- 13          “(8) Respond to anticipated or likely threats.
- 14          “(9) Meet any other considerations the Mile-  
15          stone Decision Authority considers relevant.
- 16          “(c) RELATIONSHIP TO OTHER STATUTES.—In ad-  
17          dressing the considerations in subsection (b), the Mile-  
18          stone Decision Authority shall include consideration of the  
19          following:
- 20                 “(1) With respect to affordability, the require-  
21                 ments of section 2334 of this title.
- 22                 “(2) With respect to risk, the requirements  
23                 of—

1           “(A) section 203 of the Weapon Systems  
2           Acquisition Reform Act of 2009 (Public Law  
3           111–23; 10 U.S.C. 2430 note); and

4           “(B) section 138b of this title.

5           “(3) With respect to fulfilling a joint military  
6           requirement, the requirements of section 181 of this  
7           title.

8           “(4) With respect to competition, the require-  
9           ments of—

10           “(A) section 202 of the Weapon Systems  
11           Acquisition Reform Act of 2009 (Public Law  
12           111–23; 10 U.S.C. 2430 note); and

13           “(B) section 2304 of this title.

14           “(5) With respect to sustainment, the require-  
15           ments of section 2337 and section 2464 of this title.

16           “(d) NOTIFICATION.—Not later than 30 days after  
17           granting Milestone B approval for a major defense acqui-  
18           sition program or major subprogram, the Milestone Deci-  
19           sion Authority for the program or subprogram shall sub-  
20           mit to the congressional defense committees notice of such  
21           approval in writing. The Milestone Decision Authority’s  
22           decision memorandum with respect to such approval shall  
23           be available to the congressional defense committees upon  
24           request, consistent with any relevant classification require-  
25           ments.

1 “(e) DEFINITIONS.—In this section:

2 “(1) The term ‘major defense acquisition pro-  
3 gram’ means a Department of Defense acquisition  
4 program that is a major defense acquisition program  
5 for purposes of section 2430 of this title.

6 “(2) The term ‘major subprogram’ means a  
7 major subprogram of a major defense acquisition  
8 program designated under section 2430a(a)(1) of  
9 this title.

10 “(3) The term ‘Milestone Decision Authority’,  
11 with respect to a major defense acquisition program  
12 or a major subprogram, means the official within the  
13 Department of Defense designated with the overall  
14 responsibility and authority for acquisition decisions  
15 for the program or subprogram, including authority  
16 to approve entry of the program or subprogram into  
17 the next phase of the acquisition process.

18 “(4) The term ‘Milestone A approval’ means a  
19 decision to enter into a risk reduction phase pursu-  
20 ant to guidance prescribed by the Secretary of De-  
21 fense for the management of Department of Defense  
22 acquisition programs.

23 “(5) The term ‘Milestone B approval’ means a  
24 decision to enter into a development phase pursuant  
25 to guidance prescribed by the Secretary of Defense

1 for the management of Department of Defense ac-  
2 quisition programs.

3 “(6) The term ‘joint military requirement’ has  
4 the meaning given that term in section 181(g)(1) of  
5 this title.”.

6 (2) CLERICAL AMENDMENT.—The items relat-  
7 ing to such sections in the table of sections at the  
8 beginning of chapter 139 of such title are amended  
9 to read as follows:

“2366a. Major defense acquisition programs: responsibilities at Milestone A ap-  
approval.

“2366b. Major defense acquisition programs: responsibilities at Milestone B ap-  
approval.”.

10 (b) CONFORMING AMENDMENTS.—

11 (1) Section 139b of this title is amended—

12 (A) in subsection (a)(5)—

13 (i) in subparagraph (B), by striking  
14 “review and approve or disapprove” and  
15 inserting “advise the milestone decision au-  
16 thority regarding review and approval of”;  
17 and

18 (ii) in subparagraph (C), by inserting  
19 “in order to advise relevant technical au-  
20 thorities for such programs on the incorpo-  
21 ration of best practices for developmental  
22 test from across the Department” after  
23 “programs”; and

1 (B) in subsection (b)(5)—

2 (i) in subparagraph (B), by striking  
3 “review and approve” and inserting “ad-  
4 vise the milestone decision authority re-  
5 garding review and approval of”; and

6 (ii) in subparagraph (C), by inserting  
7 “in order to advise relevant technical au-  
8 thorities for such programs on the incorpo-  
9 ration of best practices for systems engi-  
10 neering from across the Department” after  
11 “programs”.

12 (2) Section 2334(a)(6)(A)(i) of such title is  
13 amended by striking “any certification under” and  
14 inserting “any decision to grant milestone approval  
15 pursuant to”.

16 **SEC. 824. STREAMLINING OF REQUIREMENTS RELATING TO**  
17 **DEFENSE BUSINESS SYSTEMS.**

18 (a) IN GENERAL.—

19 (1) REVISION.—Section 2222 of title 10,  
20 United States Code, is amended to read as follows:

21 **“§ 2222. Defense business systems: business process**  
22 **reengineering; enterprise architecture;**  
23 **management**

24 “(a) DEFENSE BUSINESS SYSTEMS GENERALLY.—

25 The Secretary of Defense shall ensure that each covered

1 defense business system developed, deployed, and operated  
2 by the Department of Defense—

3 “(1) supports efficient business processes that  
4 have been reviewed, and as appropriate revised,  
5 through business process reengineering;

6 “(2) is integrated into a comprehensive defense  
7 business enterprise architecture; and

8 “(3) is managed in a manner that provides visi-  
9 bility into, and traceability of, expenditures for the  
10 system.

11 “(b) ISSUANCE OF GUIDANCE.—

12 “(1) SECRETARY OF DEFENSE GUIDANCE.—

13 The Secretary shall issue guidance to provide for the  
14 coordination of, and decisionmaking for, the plan-  
15 ning, programming, and control of investments in  
16 covered defense business systems.

17 “(2) SUPPORTING GUIDANCE.—The Secretary  
18 shall direct the Deputy Chief Management Officer of  
19 the Department of Defense, the Under Secretary of  
20 Defense for Acquisition, Technology, and Logistics,  
21 the Chief Information Officer, and the Chief Man-  
22 agement Officer of each of the military departments  
23 to issue and maintain supporting guidance, as ap-  
24 propriate, for the guidance of the Secretary issued  
25 under paragraph (1).

1       “(c) GUIDANCE ELEMENTS.—The guidance issued  
2 pursuant to subsection (b)(1) shall include the following  
3 elements:

4           “(1) Policy to ensure that the business proc-  
5 esses of the Department of Defense are continuously  
6 evolved to—

7           “(A) implement the most streamlined and  
8 efficient business process practicable; and

9           “(B) enable the use of commercial off-the-  
10 shelf business systems with the fewest changes  
11 necessary to accommodate requirements and  
12 interfaces that are unique to the Department of  
13 Defense.

14          “(2) A process to establish requirements for  
15 covered defense business systems.

16          “(3) Mechanisms for the planning and control  
17 of investments in covered defense business systems,  
18 including a process for the collection and review of  
19 programming and budgeting information for covered  
20 defense business systems.

21          “(4) Policy requiring the periodic review of cov-  
22 ered defense business systems that have been fully  
23 deployed, by portfolio, to ensure that investments in  
24 such portfolios are appropriate.

1       “(d) DEFENSE BUSINESS ENTERPRISE ARCHITEC-  
2 TURE.—

3           “(1) BLUEPRINT.—The Secretary, working  
4 through the Deputy Chief Management Officer of  
5 the Department of Defense, shall develop and main-  
6 tain a blueprint to guide the development of inte-  
7 grated business processes within the Department of  
8 Defense. Such blueprint shall be known as the ‘de-  
9 fense business enterprise architecture’.

10          “(2) PURPOSE.—The defense business enter-  
11 prise architecture shall be sufficiently defined to ef-  
12 fectively guide implementation of interoperable de-  
13 fense business system solutions and shall be con-  
14 sistent with the policies and procedures established  
15 by the Director of the Office of Management and  
16 Budget.

17          “(3) ELEMENTS.—The defense business enter-  
18 prise architecture shall—

19           “(A) include policies, procedures, business  
20 data standards, business performance measures,  
21 and business information requirements that  
22 apply uniformly throughout the Department of  
23 Defense; and

24           “(B) enable the Department of Defense  
25 to—

1           “(i) comply with all applicable law, in-  
2           cluding Federal accounting, financial man-  
3           agement, and reporting requirements;

4           “(ii) routinely produce verifiable,  
5           timely, accurate, and reliable business and  
6           financial information for management pur-  
7           poses; and

8           “(iii) integrate budget, accounting,  
9           and program information and systems.

10           “(4) INTEGRATION INTO INFORMATION TECH-  
11           NOLOGY ARCHITECTURE.—The defense business en-  
12           terprise architecture shall integrate into an informa-  
13           tion technology enterprise architecture, developed by  
14           the Chief Information Officer of the Department of  
15           Defense, which describes a target business systems  
16           computing environment for each of the major busi-  
17           ness processes conducted by the Department of De-  
18           fense.

19           “(e) DEFENSE BUSINESS COUNCIL.—

20           “(1) REQUIREMENT FOR COUNCIL.—The Sec-  
21           retary shall establish a Defense Business Council to  
22           provide advice to the Secretary on developing the de-  
23           fense business enterprise architecture, reengineering  
24           the Department’s business processes, and require-  
25           ments for defense business systems. The Council

1 shall be chaired by the Deputy Chief Management  
2 Officer and the Chief Information Officer of the De-  
3 partment of Defense.

4 “(2) MEMBERSHIP.—The membership of the  
5 Council shall include the following:

6 “(A) The Chief Management Officers of  
7 the military departments, or their designees.

8 “(B) The following officials of the Depart-  
9 ment of Defense, or their designees:

10 “(i) The Under Secretary of Defense  
11 for Acquisition, Technology, and Logistics  
12 with respect to acquisition, logistics, and  
13 installations management processes.

14 “(ii) The Under Secretary of Defense  
15 (Comptroller) with respect to financial  
16 management and planning and budgeting  
17 processes.

18 “(iii) The Under Secretary of Defense  
19 for Personnel and Readiness with respect  
20 to human resources management proc-  
21 esses.

22 “(f) APPROVALS REQUIRED FOR DEVELOPMENT.—

23 “(1) INITIAL APPROVAL REQUIRED.—The Sec-  
24 retary shall ensure that a covered defense business  
25 system program cannot proceed into development

1 (or, if no development is required, into production or  
2 fielding) unless the appropriate approval official (as  
3 specified in paragraph (2)) has determined that the  
4 covered defense business system concerned—

5 “(A) supports a business process that has  
6 been, or is being as a result of the acquisition  
7 program, reengineered to be as streamlined and  
8 efficient as practicable consistent with the guid-  
9 ance issued pursuant to subsection (b), includ-  
10 ing business process mapping;

11 “(B) is in compliance with the defense  
12 business enterprise architecture developed pur-  
13 suant to subsection (d) or will be in compliance  
14 as a result of modifications planned;

15 “(C) has valid, achievable requirements;  
16 and

17 “(D) is in compliance with the Depart-  
18 ment’s auditability requirements.

19 “(2) APPROPRIATE OFFICIAL.—For purposes of  
20 paragraph (1), the appropriate approval official with  
21 respect to a covered defense business system is the  
22 following:

23 “(A) In the case of a system of a military  
24 department, the Chief Management Officer of  
25 that military department.

1           “(B) In the case of a system of a Defense  
2           Agency or Defense Field Activity or a system  
3           that will support the business process of more  
4           than one military department or Defense Agen-  
5           cy or Defense Field Activity, the Deputy Chief  
6           Management Officer of the Department of De-  
7           fense.

8           “(C) In the case of any system, such offi-  
9           cial other than the applicable official under sub-  
10          paragraph (A) or (B) as the Secretary des-  
11          ignates for such purpose.

12          “(3) ANNUAL CERTIFICATION.—For any fiscal  
13          year in which funds are expended for development  
14          pursuant to a covered defense business system pro-  
15          gram, the Defense Business Council shall review the  
16          system and certify (or decline to certify as the case  
17          may be) that it continues to satisfy the requirements  
18          of paragraph (1). If the Council determines that cer-  
19          tification cannot be granted, the chairman of the  
20          Council shall notify the Appropriate Approving Offi-  
21          cial and the acquisition Milestone Decision Authority  
22          for the program and provide a recommendation for  
23          corrective action.

24          “(4) OBLIGATION OF FUNDS IN VIOLATION OF  
25          REQUIREMENTS.—The obligation of Department of

1 Defense funds for a covered defense business system  
2 program that has not been certified in accordance  
3 with paragraph (3) is a violation of section  
4 1341(a)(1)(A) of title 31.

5 “(g) RESPONSIBILITY OF MILESTONE DECISION AU-  
6 THORITY.—The Secretary shall ensure that, as part of the  
7 defense acquisition system, the requirements of this sec-  
8 tion are fully addressed by the Milestone Decision Author-  
9 ity for a covered defense business system program as ac-  
10 quisition process approvals are considered for such system.

11 “(h) ANNUAL REPORT.—Not later than March 15 of  
12 each year from 2016 through 2020, the Secretary shall  
13 submit to the congressional defense committees a report  
14 on activities of the Department of Defense pursuant to  
15 this section. Each report shall include the following:

16 “(1) A description of actions taken and planned  
17 with respect to the guidance required by subsection  
18 (b) and the defense business enterprise architecture  
19 developed pursuant to subsection (d).

20 “(2) A description of actions taken and planned  
21 for the reengineering of business processes by the  
22 Defense Business Council established pursuant to  
23 subsection (e).

1           “(3) A summary of covered defense business  
2 system funding and covered defense business sys-  
3 tems approved pursuant to subsection (f).

4           “(4) Identification of any covered defense busi-  
5 ness system program that during the preceding fis-  
6 cal year was reviewed and not approved pursuant to  
7 subsection (f) and the reasons for the lack of ap-  
8 proval.

9           “(5) Identification of any covered defense busi-  
10 ness system program that during the preceding fis-  
11 cal year failed to achieve initial operational capa-  
12 bility within five years of when the program received  
13 Milestone B approval.

14           “(6) For any program identified under para-  
15 graph (5), a description of the plan to address the  
16 issues which caused the failure.

17           “(7) A discussion of specific improvements in  
18 business operations and cost savings resulting from  
19 successful covered defense business systems pro-  
20 grams.

21           “(8) A copy of the most recent report of the  
22 Chief Management Officer of each military depart-  
23 ment on implementation of business transformation  
24 initiatives by such military department in accordance  
25 with section 908 of the Duncan Hunter National

1 Defense Authorization Act for Fiscal Year 2009  
2 (Public Law 110–417; 122 Stat. 4569; 10 U.S.C.  
3 2222 note).

4 “(i) DEFINITIONS.—In this section:

5 “(1)(A) DEFENSE BUSINESS SYSTEM.—The  
6 term ‘defense business system’ means an informa-  
7 tion system that is operated by, for, or on behalf of  
8 the Department of Defense, including any of the fol-  
9 lowing:

10 “(i) A financial system.

11 “(ii) A financial data feeder system.

12 “(iii) A contracting system.

13 “(iv) A logistics system.

14 “(v) A planning and budgeting system.

15 “(vi) An installations management system.

16 “(vii) A human resources management sys-  
17 tem.

18 “(viii) A training and readiness system.

19 “(B) The term does not include—

20 “(i) a national security system; or

21 “(ii) an information system used exclu-  
22 sively by and within the defense commissary  
23 system or the exchange system or other instru-  
24 mentality of the Department of Defense con-  
25 ducted for the morale, welfare, and recreation

1 of members of the armed forces using non-  
2 appropriated funds.

3 “(2) COVERED DEFENSE BUSINESS SYSTEM.—

4 The term ‘covered defense business system’ means a  
5 defense business system that is expected to have a  
6 total amount of budget authority over the period of  
7 the current future-years defense program submitted  
8 to Congress under section 221 of this title, in excess  
9 of the threshold established for the use of special  
10 simplified acquisition procedures pursuant to section  
11 2304(g)(1)(B) of this title.

12 “(3) COVERED DEFENSE BUSINESS SYSTEM

13 PROGRAM.—The term ‘covered defense business sys-  
14 tem program’ means a defense acquisition program  
15 to develop and field a covered defense business sys-  
16 tem or an increment of a covered defense business  
17 system.

18 “(4) ENTERPRISE ARCHITECTURE.—The term

19 ‘enterprise architecture’ has the meaning given that  
20 term in section 3601(4) of title 44.

21 “(5) INFORMATION SYSTEM.—The term ‘infor-

22 mation system’ has the meaning given that term in  
23 section 11101 of title 40.

1           “(6) NATIONAL SECURITY SYSTEM.—The term  
2           ‘national security system’ has the meaning given  
3           that term in section 3542(b)(2) of title 44.

4           “(7) MILESTONE DECISION AUTHORITY.—The  
5           term ‘Milestone Decision Authority’, with respect to  
6           a defense acquisition program, means the individual  
7           within the Department of Defense designated with  
8           the responsibility to grant milestone approvals for  
9           that program.

10           “(8) BUSINESS PROCESS MAPPING.—The term  
11           ‘business process mapping’ means a procedure in  
12           which the steps in a business process are clarified  
13           and documented in both written form and in a flow  
14           chart.”.

15           (2) TABLE OF SECTIONS.—The table of sections  
16           at the beginning of chapter 131 of such title is  
17           amended to read as follows:

          “2222. Defense business systems: business process reengineering; enterprise architecture; management.”.

18           (b) DEADLINE FOR GUIDANCE.—The guidance re-  
19           quired by subsection (b)(1) of section 2222 of title 10,  
20           United States Code, as amended by subsection (a)(1),  
21           shall be issued not later than December 31, 2016.

22           (c) REPEAL.—Section 811 of the John Warner Na-  
23           tional Defense Authorization Act for Fiscal Year 2007  
24           (Public Law 109–364; 10 U.S.C. 2222 note) is repealed.

1 **SEC. 825. REVISION TO LIFE-CYCLE MANAGEMENT AND**  
2 **PRODUCT SUPPORT REQUIREMENTS.**

3 (a) CONSOLIDATION OF CERTAIN LOGISTICS AND  
4 SUSTAINMENT-RELATED PROVISIONS.—Section  
5 2337(b)(2) of title 10, United States Code, is amended—

6 (1) in subparagraph (A), by inserting before the  
7 semicolon the following: “in order to sustain the sys-  
8 tem until either (i) a replacement system is fielded  
9 and assumes the majority of responsibility for the  
10 mission of the existing system, or (ii) the mission of  
11 the system is eliminated and the system is disposed  
12 of”;

13 (2) in subparagraph (D), by inserting  
14 “sustainment of core logistics capabilities specified  
15 in section 2464 of this title and” after “ensure”;

16 (3) by striking “and” at the end of subpara-  
17 graph (H);

18 (4) by striking the period at the end of sub-  
19 paragraph (I) and inserting a semicolon; and

20 (5) by adding at the end the following new sub-  
21 paragraphs:

22 “(J) make a determination regarding the appli-  
23 cability of preservation and storage of unique tooling  
24 associated with the production of program-specific  
25 hardware, if relevant, including a plan for the pres-

1       ervation, storage, or disposal of all production tool-  
2       ing; and

3               “(K) identify obsolete electronic parts that are  
4       included in the specifications of the system being ac-  
5       quired and determine suitable replacements for such  
6       parts.”.

7       (b) CORE LOGISTICS CAPABILITIES.—Section 2464  
8 of such title is amended—

9               (1) by redesignating subsections (d) and (e) as  
10       subsections (e) and (f), respectively; and

11              (2) by inserting after subsection (c) the fol-  
12       lowing new subsection (d):

13       “(d) ACQUISITION MANAGEMENT INFORMATION RE-  
14       QUIREMENTS.—The Secretary of Defense shall ensure  
15       that, when milestone approval for a major defense acqui-  
16       sition program is under consideration, matters relating to  
17       core logistics capabilities are considered as follows:

18              “(1) Before Milestone A approval for the pro-  
19       gram is granted, an analysis of the applicability of  
20       core logistics capabilities requirements to the pro-  
21       gram shall be considered.

22              “(2) Before Milestone B approval for the pro-  
23       gram is granted, an estimate of the requirements for  
24       core logistics capabilities for the program, and the

1 associated sustaining workloads required to support  
2 such requirements, shall be considered.

3 “(3) Before approval is granted for the pro-  
4 gram to enter low-rate initial production, a descrip-  
5 tion of requirements for core depot-level mainte-  
6 nance and repair capabilities, as well as the associ-  
7 ated logistics capabilities and the associated sus-  
8 taining workloads required to support such require-  
9 ments, shall be considered.”.

10 (c) CONFORMING REPEALS AND AMENDMENTS.—

11 (1)(A) Section 2437 of title 10, United States  
12 Code, is repealed.

13 (B) The table of sections at the beginning of  
14 chapter 144 is amended by striking the item relating  
15 to section 2437.

16 (2) Section 815 of the Duncan Hunter National  
17 Defense Authorization Act for Fiscal Year 2009  
18 (Public Law 110–417; 122 Stat. 4530) is repealed.

19 (3) Section 803(b) of the National Defense Au-  
20 thorization Act for Fiscal Year 2014 (Public Law  
21 113–66; 10 U.S.C. prec. 2571 note) is amended—

22 (A) by inserting “and” at the end of para-  
23 graph (3);

24 (B) striking “; and” at the end of para-  
25 graph (4) and inserting a period; and

1 (C) by striking paragraph (5).

2 **SEC. 826. ACQUISITION STRATEGY REQUIRED FOR EACH**  
3 **MAJOR DEFENSE ACQUISITION PROGRAM.**

4 (a) CONSOLIDATION OF REQUIREMENTS RELATING  
5 TO ACQUISITION STRATEGY.—

6 (1) NEW TITLE 10 SECTION.—Chapter 144 of  
7 title 10, United States Code, is amended by insert-  
8 ing after section 2431 the following new section:

9 **“§ 2431a. Acquisition strategy**

10 “(a) REQUIREMENT.—(1) There shall be an acqui-  
11 sition strategy for each major defense acquisition program.  
12 The acquisition strategy for a major defense acquisition  
13 program shall be reviewed by the Milestone Decision Au-  
14 thority for the program at each time specified in para-  
15 graph (2). The Milestone Decision Authority may approve,  
16 disapprove, or revise the acquisition strategy at any such  
17 time.

18 “(2) The times at which the acquisition strategy for  
19 a major defense acquisition program shall be reviewed by  
20 the Milestone Decision Authority for the program under  
21 paragraph (1) are the following:

22 “(A) Program initiation.

23 “(B) Each subsequent milestone.

24 “(C) Full-Rate Production Decision Review.

1           “(D) Any other time considered relevant by the  
2 Milestone Decision Authority.

3           “(b) CONSIDERATIONS.—The acquisition strategy for  
4 a major defense acquisition program shall present a top-  
5 level description of the business and technical manage-  
6 ment approach designed to achieve the objectives of the  
7 program within the resource constraints imposed. The  
8 strategy shall clearly express the program manager’s ap-  
9 proach to the program in sufficient detail to allow the  
10 Milestone Decision Authority to assess the viability of ap-  
11 proach, implementation of laws and policies, and program  
12 objectives. The content and review and approval process  
13 for the acquisition strategy for a major defense acquisition  
14 program shall be issued and maintained by the Under Sec-  
15 retary of Defense for Acquisition, Technology, and Logis-  
16 tics; however, the acquisition strategy should consider the  
17 following:

18           “(1) Tailoring.

19           “(2) Acquisition approach, including industrial  
20 base considerations in accordance with section 2440  
21 of this title and, if applicable, plans for increments  
22 or evolutionary acquisition.

23           “(3) Risk management, in accordance with sec-  
24 tion 203 of the Weapon Systems Acquisition Reform

1 Act of 2009 (Public Law 111–23; 10 U.S.C. 2430  
2 note).

3 “(4) Business strategy, including measures to  
4 ensure competition in accordance with section 202 of  
5 the Weapon Systems Acquisition Reform Act of  
6 2009 (Public Law 111–23; 10 U.S.C. 2430 note).

7 “(5) Contracting strategy, including sources,  
8 contract bundling, if applicable, and small business  
9 participation.

10 “(6) Intellectual property strategy, in accord-  
11 ance with section 2320 of this title.

12 “(7) International involvement, including For-  
13 eign Military Sales and Cooperative Opportunities,  
14 in accordance with section 2350a of this title.

15 “(c) In this section, the term ‘Milestone Decision Au-  
16 thority’, with respect to a major defense acquisition pro-  
17 gram, means the official within the Department of De-  
18 fense designated with the overall responsibility and au-  
19 thority for acquisition decisions for the program, including  
20 authority to approve entry of the program into the next  
21 phase of the acquisition process.”.

22 (2) CLERICAL AMENDMENT.—The table of sec-  
23 tions at the beginning of such chapter is amended  
24 by inserting after the item relating to section 2431  
25 the following new item:

“2431a. Acquisition strategy.”.

1 (b) CONFORMING AMENDMENTS.—

2 (1) Section 2350a(e) of such title is amended—

3 (A) in the subsection heading, by striking  
4 “DOCUMENT”;

5 (B) in paragraph (1), by striking “the  
6 Under Secretary of Defense for” and all that  
7 follows through “of the Board” and inserting  
8 “opportunities for such cooperative research  
9 and development shall be addressed in the ac-  
10 quisition strategy for the project”; and

11 (C) in paragraph (2)—

12 (i) in the matter preceding subpara-  
13 graph (A)—

14 (I) by striking “document” and  
15 inserting “discussion”; and

16 (II) by striking “include” and in-  
17 sserting “consider”;

18 (ii) in subparagraph (A), by striking  
19 “A statement indicating”;

20 (iii) in subparagraph (B)—

21 (I) by striking “by the Under  
22 Secretary of Defense for Acquisition,  
23 Technology, and Logistics”; and

1 (II) by striking “of the United  
2 States under consideration by the De-  
3 partment of Defense”; and

4 (iv) in subparagraph (D)—

5 (I) by striking “The” and insert-  
6 ing “A”;

7 (II) by striking “of” and insert-  
8 ing “to”; and

9 (III) by striking “Under Sec-  
10 retary” and inserting “Milestone De-  
11 cision Authority”.

12 (2) Section 803 of the Bob Stump National De-  
13 fense Authorization Act for Fiscal Year 2003 (Pub-  
14 lic Law 107–314; 10 U.S.C. 2430 note) is repealed.

15 **SEC. 827. REVISION TO REQUIREMENTS RELATING TO RISK**

16 **REDUCTION IN DEVELOPMENT OF MAJOR**  
17 **DEFENSE ACQUISITION PROGRAMS.**

18 Section 203 of the Weapon Systems Acquisition Re-  
19 form Act of 2009 is amended to read as follows:

20 **“SEC. 203. RISK REDUCTION IN MAJOR DEFENSE ACQUI-**  
21 **SION PROGRAMS.**

22 **“(a) GUIDANCE ON RISK REDUCTION IN MAJOR DE-**  
23 **FENSE ACQUISITION PROGRAMS.—**The Secretary of De-  
24 fense shall ensure that the acquisition strategy for each

1 major defense acquisition program for which development  
2 activities are required includes the following:

3           “(1) A comprehensive approach to identifying  
4           and addressing risk (including technical, cost and  
5           schedule risk) during the period preceding full rate  
6           production as a means to improve programmatic de-  
7           cisionmaking and appropriately manage program  
8           concurrency.

9           “(2) Documentation of the major sources of  
10          risk identified and the approach to retiring that risk.

11          “(b) ELEMENTS OF COMPREHENSIVE APPROACH TO  
12          RISK REDUCTION.—The elements of a comprehensive ap-  
13          proach to identifying and addressing risk for purposes of  
14          subsection (a)(1) shall include some combination of the  
15          following as appropriate for the item or system being ac-  
16          quired:

17               “(1) Development planning.

18               “(2) Systems engineering.

19               “(3) Integrated developmental and operational  
20          test.

21               “(4) Preliminary and critical design reviews and  
22          technical reviews.

23               “(5) Prototyping (including prototyping at the  
24          system or subsystem level and competitive proto-  
25          typing, where appropriate).

1 “(6) Modeling and simulation.

2 “(7) Technology demonstrations and technology  
3 off ramps.

4 “(8) Multiple design approaches.

5 “(9) Alternative, lower risk reduced perform-  
6 ance designs.

7 “(10) Schedule and funding margins for spe-  
8 cific risks.

9 “(11) Independent risk element assessments by  
10 outside subject matter experts.

11 “(12) Program phasing to address high risk  
12 areas as early as possible.”.

### 13 **Subtitle D—Other Matters**

#### 14 **SEC. 831. EXTENSION OF THE DEPARTMENT OF DEFENSE** 15 **MENTOR-PROTÉGÉ PILOT PROGRAM.**

16 Section 831(j) of the National Defense Authorization  
17 Act for Fiscal Year 1991 (10 U.S.C. 2302 note) is amend-  
18 ed—

19 (1) in paragraph (1), by striking “September  
20 30, 2015” and inserting “September 30, 2020”; and

21 (2) in paragraph (2), by striking “September  
22 30, 2018” and inserting “September 30, 2023”.

1 **SEC. 832. STREAMLINING OF REPORTING REQUIREMENTS**  
2 **APPLICABLE TO ASSISTANT SECRETARY OF**  
3 **DEFENSE FOR RESEARCH AND ENGINEERING**  
4 **REGARDING MAJOR DEFENSE ACQUISITION**  
5 **PROGRAMS.**

6 (a) REPORTING TO UNDER SECRETARY OF DEFENSE  
7 FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS BE-  
8 FORE MILESTONE B APPROVAL.—Subparagraph (A) of  
9 paragraph (8) of section 138(b) of title 10, United States  
10 Code, as amended by section 901(h)(2) of the Carl Levin  
11 and Howard P. “Buck” McKeon National Defense Au-  
12 thorization Act for Fiscal Year 2015 (Public Law 113–  
13 291; 128 Stat. YYYY), is amended—

14 (1) by striking “periodically”;

15 (2) by striking “the major defense acquisition  
16 programs” and inserting “each major defense acqui-  
17 sition program”;

18 (3) by inserting “before the Milestone B ap-  
19 proval for that program” after “Department of De-  
20 fense”; and

21 (4) by striking “such reviews and assessments”  
22 and inserting “such review and assessment”.

23 (b) ANNUAL REPORT TO SECRETARY OF DEFENSE  
24 AND CONGRESSIONAL DEFENSE COMMITTEES.—Subpara-  
25 graph (B) of such paragraph is amended by inserting “for

1 which a Milestone B approval occurred during the pre-  
2 ceding fiscal year” after “Department of Defense”.

3 **SEC. 833. REVISION TO REQUIRED DISTRIBUTION OF AS-**  
4 **SISTANCE UNDER PROCUREMENT TECH-**  
5 **NICAL ASSISTANCE COOPERATIVE AGREE-**  
6 **MENT PROGRAM.**

7 (a) MINIMUM GEOGRAPHIC DISTRIBUTION.—Section  
8 2413(c) of title 10, United States Code, is amended by  
9 striking “Department of Defense contract administration  
10 services district” and inserting “State”.

11 (b) DISTRIBUTION.—Section 2415 of such title is  
12 amended—

13 (1) in the first sentence—

14 (A) by striking “The Secretary” and in-  
15 serting “After apportioning funds available for  
16 assistance under this chapter for any fiscal year  
17 for efficient coverage of distressed areas re-  
18 ferred to in section 2411(2)(B) of this title by  
19 programs operated by eligible entities referred  
20 to in section 2411(1)(D) of this title, the Sec-  
21 retary”;

22 (B) by inserting “the remaining” before  
23 “funds available”; and

1 (C) by striking “Department of Defense  
2 contract administration services district” and  
3 inserting “State”; and

4 (2) in the second sentence—

5 (A) by striking “district” each place it ap-  
6 pears and inserting “State”; and

7 (B) by striking “districts” and inserting  
8 “States”.

9 **SEC. 834. EXPANSION OF RAPID ACQUISITION AUTHORITY.**

10 Section 806(c) of the Bob Stump National Defense  
11 Authorization Act for Fiscal Year 2003 (Public Law 107–  
12 314; 10 U.S.C. 2302 note) is amended to read as follows:

13 “(c) RESPONSE TO COMBAT EMERGENCIES AND  
14 CERTAIN URGENT OPERATIONAL NEEDS.—

15 “(1) DETERMINATION OF NEED FOR RAPID AC-  
16 QUISSION AND DEPLOYMENT.—(A) In the case of  
17 any supplies and associated support services that, as  
18 determined in writing by the Secretary of Defense,  
19 are urgently needed to eliminate a documented defi-  
20 ciency that has resulted in combat casualties, or is  
21 likely to result in combat casualties, the Secretary  
22 may use the procedures developed under this section  
23 in order to accomplish the rapid acquisition and de-  
24 ployment of the needed supplies and associated sup-  
25 port services.

1           “(B) In the case of any supplies and associated  
2 support services that, as determined in writing by  
3 the Secretary of Defense, are urgently needed to  
4 eliminate a documented deficiency that impacts an  
5 ongoing or anticipated contingency operation and  
6 that, if left unfulfilled, could potentially result in  
7 loss of life or critical mission failure, the Secretary  
8 may use the procedures developed under this section  
9 in order to accomplish the rapid acquisition and de-  
10 ployment of the needed supplies and associated sup-  
11 port services.

12           “(2) DESIGNATION OF SENIOR OFFICIAL RE-  
13 SPONSIBLE.—(A) Whenever the Secretary makes a  
14 determination under subparagraph (A) or (B) of  
15 paragraph (1) that certain supplies and associated  
16 support services are urgently needed to eliminate a  
17 deficiency described in that subparagraph, the Sec-  
18 retary shall designate a senior official of the Depart-  
19 ment of Defense to ensure that the needed supplies  
20 and associated support services are acquired and de-  
21 ployed as quickly as possible, with a goal of award-  
22 ing a contract for the acquisition of the supplies and  
23 associated support services within 15 days.

24           “(B) Upon designation of a senior official under  
25 subparagraph (A), the Secretary shall authorize that

1 official to waive any provision of law, policy, direc-  
2 tive, or regulation described in subsection (d) that  
3 such official determines in writing would unneces-  
4 sarily impede the rapid acquisition and deployment  
5 of the needed supplies and associated support serv-  
6 ices. In a case in which the needed supplies and as-  
7 sociated support services cannot be acquired without  
8 an extensive delay, the senior official shall require  
9 that an interim solution be implemented and de-  
10 ployed using the procedures developed under this  
11 section to minimize adverse consequences resulting  
12 in the urgent need.

13 “(3) USE OF FUNDS.—(A) In any fiscal year in  
14 which the Secretary makes a determination de-  
15 scribed in subparagraph (A) or (B) of paragraph  
16 (1), the Secretary may use any funds available to  
17 the Department of Defense for acquisitions of sup-  
18 plies and associated support services if the deter-  
19 mination includes a written finding that the use of  
20 such funds is necessary to address the deficiency in  
21 a timely manner.

22 “(B) The authority of this section may only be  
23 used to acquire supplies and associated support serv-  
24 ices—

1           “(i) in the case of determinations by the  
2           Secretary under paragraph (1)(A), in an  
3           amount aggregating not more than  
4           \$200,000,000 during any fiscal year; and

5           “(ii) in the case of determinations by the  
6           Secretary under paragraph (1)(B), in an  
7           amount aggregating not more than  
8           \$200,000,000 during any fiscal year.

9           “(4) NOTIFICATION TO CONGRESSIONAL DE-  
10          FENSE COMMITTEES.—(A) In the case of a deter-  
11          mination by the Secretary under paragraph (1)(A),  
12          the Secretary shall notify the congressional defense  
13          committees of the determination within 15 days  
14          after the date of the determination.

15          “(B) In the case of a determination by the Sec-  
16          retary under paragraph (1)(B) the Secretary shall  
17          notify the congressional defense committees of the  
18          determination at least 10 days before the date on  
19          which the determination is effective.

20          “(C) A notice under this paragraph shall in-  
21          clude the following:

22                 “(i) The supplies and associated support  
23                 services to be acquired.

24                 “(ii) The amount anticipated to be ex-  
25                 pended for the acquisition.

1           “(iii) The source of funds for the acquisi-  
2           tion.

3           “(D) A notice under this paragraph shall be  
4           sufficient to fulfill any requirement to provide notifi-  
5           cation to Congress for a new start program.

6           “(E) A notice under this paragraph shall be  
7           provided in consultation with the Director of the Of-  
8           fice of Management and Budget.

9           “(5) TIME FOR TRANSITIONING TO NORMAL AC-  
10          QUISITION SYSTEM.—Any acquisition initiated under  
11          this subsection shall transition to the normal acqui-  
12          sition system not later than two years after the date  
13          on which the Secretary makes the determination de-  
14          scribed in paragraph (1) with respect to the supplies  
15          and associated support services concerned.

16          “(6) LIMITATION ON OFFICERS WITH AUTHOR-  
17          ITY TO MAKE A DETERMINATION.—The authority to  
18          make a determination under paragraph (1)(A) or  
19          paragraph (1)(B) may be exercised only by the Sec-  
20          retary or Deputy Secretary of Defense.”.

1 **SEC. 835. MODIFICATION OF PROHIBITION ON CON-**  
2 **TRACTING WITH RUSSIAN SUPPLIERS OF**  
3 **ROCKET ENGINES FOR THE EVOLVED EX-**  
4 **PENDABLE LAUNCH VEHICLE PROGRAM.**

5 (a) **MODIFICATION OF WAIVER.**—Subsection (b) of  
6 section 1608 of the Carl Levin and Howard P. “Buck”  
7 McKeon National Defense Authorization Act for Fiscal  
8 Year 2015 (Public Law 113–291; 128 Stat. xxx; 10  
9 U.S.C. 2271 note) is amended—

10 (1) by striking “waiver takes effect” and all  
11 that follows through “(1) the waiver” and inserting  
12 “waiver takes effect, that the waiver”;

13 (2) by striking “; and” and inserting a period;  
14 and

15 (3) by striking paragraph (2).

16 (b) **MODIFICATION OF EXCEPTION.**—Subsection (c)  
17 of such section is amended—

18 (1) in paragraph (1)—

19 (A) by striking “that prior to” and insert-  
20 ing “if prior to”; and

21 (B) by striking “were either fully paid for”  
22 and all that follows through the end of the sen-  
23 tence and inserting “the contractor had fully  
24 paid for such rocket engines or had entered into  
25 a contract under which such rocket engines  
26 would be procured.”; and

1           (2) in paragraph (2), by striking “prior to Feb-  
2           ruary 1, 2014” and all that follows through the end  
3           of the sentence and inserting “the offeror has met  
4           the terms specified in subparagraph (B) of para-  
5           graph (1) for the exception under that subpara-  
6           graph.”.

7   **SEC. 836. TREATMENT OF LOBBYING AND POLITICAL AC-**  
8                   **TIVITY COSTS AS ALLOWABLE COSTS UNDER**  
9                   **DEPARTMENT OF ENERGY CONTRACTS.**

10           (a) ALLOWABLE COSTS.—

11                   (1) Section 4801(b) of the Atomic Energy De-  
12                   fense Act (50 U.S.C. 2781(b)) is amended—

13                           (A) by striking “(1)” and all that follows  
14                           through “the Secretary” and inserting “The  
15                           Secretary”; and

16                           (B) by striking paragraph (2).

17                   (2) Section 305 of the Energy and Water De-  
18                   velopment Appropriation Act, 1988, as contained in  
19                   section 101(d) of Public Law 100–202 (101 Stat.  
20                   1329–125), is repealed.

21           (b) REGULATIONS REVISED.—The Secretary of En-  
22           ergy shall revise existing regulations consistent with the  
23           amendments made by subsection (a) no later than 150  
24           days after the date of the enactment of this Act. Such

1 regulations shall be consistent with the Federal Acquisi-  
2 tion Regulation 48 C.F.R. 31.205–22.

3 **SEC. 837. REVISIONS TO THE STRATEGIC AND CRITICAL**  
4 **MATERIALS STOCK PILING ACT.**

5 (a) MATERIALS CONSTITUTING THE NATIONAL DE-  
6 FENSE STOCKPILE.—Section 4 of the Strategic and Crit-  
7 ical Materials Stock Piling Act (50 U.S.C. 98c) is amend-  
8 ed—

9 (1) in subsection (b), by striking “required for”  
10 and inserting “suitable for transfer to or disposal  
11 through”; and

12 (2) in subsection (c)—

13 (A) by striking “(1)” and all the follows  
14 through “(2)”; and

15 (B) by striking “this subsection” and in-  
16 serting “subsection (b)”.

17 (b) QUALIFICATION OF DOMESTIC SOURCES.—Sec-  
18 tion 15(a) of such Act (50 U.S.C. 98h–6(a)) is amended—

19 (1) by striking “and” at the end of paragraph  
20 (1);

21 (2) by striking the period at the end of para-  
22 graph (2) and inserting a semicolon; and

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

1           “(3) by qualifying existing domestic facilities  
2           and domestically produced strategic and critical ma-  
3           terials to meet the requirements of defense and es-  
4           sential civilian industries in times of national emer-  
5           gencies when existing domestic sources of supply are  
6           either insufficient or vulnerable to single points of  
7           failure; and

8           “(4) by contracting with domestic facilities to  
9           recycle strategic and critical materials, thereby in-  
10          creasing domestic supplies when those materials  
11          would otherwise be insufficient to support defense  
12          and essential civilian industries in times of national  
13          emergencies.”.

14 **SEC. 838. AUTHORITY TO DISPOSE OF CERTAIN MATERIALS**  
15                                   **FROM AND TO ACQUIRE ADDITIONAL MATE-**  
16                                   **RIALS FOR THE NATIONAL DEFENSE STOCK-**  
17                                   **PILE.**

18           (a) DISPOSAL AUTHORITY.—Pursuant to section 5(b)  
19 of the Strategic and Critical Materials Stock Piling Act  
20 (50 U.S.C. 98d(b)), the National Defense Stockpile Man-  
21 ager may dispose of the following materials contained in  
22 the National Defense Stockpile in the following quantities:

23           (1) 27 short tons of beryllium.

24           (2) 131,000 short tons of chromium, ferroalloy.

25           (3) 2,973 short tons of chromium metal.

1 (4) 8,380 troy ounces of platinum.

2 (5) 275,741 pounds of contained tungsten  
3 metal powder.

4 (6) 12,433,796 pounds of contained tungsten  
5 ores and concentrates.

6 (b) ACQUISITION AUTHORITY.—

7 (1) AUTHORITY.—Using funds available in the  
8 National Defense Stockpile Transaction Fund, the  
9 National Defense Stockpile Manager may acquire  
10 the following materials determined to be strategic  
11 and critical materials required to meet the defense,  
12 industrial, and essential civilian needs of the United  
13 States:

14 (A) High modulus and intermediate mod-  
15 ulus high strength carbon fibers.

16 (B) Tantalum.

17 (C) Germanium metal.

18 (D) Tungsten rhenium metal.

19 (E) Boron carbide powder.

20 (2) AMOUNT OF AUTHORITY.—The National  
21 Defense Stockpile Manager may use up to  
22 \$58,000,000 in the National Defense Stockpile  
23 Transaction Fund for acquisition of the materials  
24 specified paragraph (1).

1           (3) FISCAL YEAR LIMITATION.—The authority  
2           under paragraph (1) is available for purchases dur-  
3           ing fiscal year 2016 through fiscal year 2021.

4 **SEC. 839. EXTENSION OF AUTHORITY FOR THE CIVILIAN**  
5                           **ACQUISITION WORKFORCE PERSONNEL DEM-**  
6                           **ONSTRATION PROJECT.**

7           Section 1762(g) of title 10, United States Code, is  
8           amended by striking “September 30, 2017” and inserting  
9           “December 31, 2020”.

10 **SEC. 840. EXTENSION OF SPECIAL EMERGENCY PROCURE-**  
11                           **MENT AUTHORITY.**

12           Section 1903(a) of title 41, United States Code, is  
13           amended—

14           (1) by striking “or” at the end of paragraph  
15           (1);

16           (2) by striking the period at the end of para-  
17           graph (2) and inserting a semicolon; and

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

20           “(3) in support of a request from the Secretary  
21           of State or the Administrator of the Agency for  
22           International Development to facilitate the provision  
23           of international disaster assistance pursuant to the  
24           Foreign Assistance Act of 1961 (22 U.S.C. 2151 et  
25           seq.); or

1           “(4) in support of an emergency or major dis-  
2           aster (as those terms are defined in section 102 of  
3           the Robert T. Stafford Disaster Relief and Emer-  
4           gency Assistance Act (42 U.S.C. 5122)).”.

5 **SEC. 841. MICRO-PURCHASE THRESHOLD APPLICABLE TO**  
6 **GOVERNMENT PROCUREMENTS.**

7           (a) INCREASE IN THRESHOLD.—Section 1902 of title  
8 41, United States Code, is amended—

9           (1) in subsection (a), by striking “\$3,000” and  
10          inserting “\$10,000”; and

11          (2) in subsections (d) and (e), by striking “not  
12          greater than \$3,000” and inserting “with a price  
13          not greater than the micro-purchase threshold”.

14          (b) OMB GUIDANCE.—The Director of the Office of  
15 Management and Budget shall update the guidance in Cir-  
16 cular A–123, Appendix B, as appropriate, to ensure that  
17 agencies—

18          (1) follow sound acquisition practices when  
19          making purchases using the Government purchase  
20          card; and

21          (2) maintain internal controls that reduce the  
22          risk of fraud, waste, and abuse in Government  
23          charge card programs.

24          (c) CONVENIENCE CHECKS.—A convenience check  
25 may not be used for an amount in excess of one half of

1 the micro-purchase threshold under section 1902(a) of  
 2 title 41, United States Code, or a lower amount set by  
 3 the head of the agency, and use of convenience checks  
 4 shall comply with controls prescribed in OMB Circular A-  
 5 123, Appendix B.

6 **SEC. 842. INCREASE IN SIMPLIFIED ACQUISITION THRESH-**  
 7 **OLD AND IN SMALL BUSINESS SET-ASIDE**  
 8 **THRESHOLD.**

9 (a) SIMPLIFIED ACQUISITION THRESHOLD.—

10 (1) GENERAL THRESHOLD.—Section 134 of  
 11 title 41, United States Code, is amended by striking  
 12 “\$100,000” and inserting “\$500,000”.

13 (2) SPECIAL EMERGENCY PROCUREMENT AU-  
 14 THORITY DOMESTIC THRESHOLD.—Section  
 15 1903(b)(2) of such title is amended by striking  
 16 “means—” and all that follows in that section and  
 17 inserting “means \$1,000,000; and”.

18 (b) SMALL BUSINESS ACT SET-ASIDE THRESH-  
 19 OLD.—Section 15(j) of the Small Business Act (15 U.S.C.  
 20 644(j)), is amended—

21 (1) in paragraph (1), by striking “\$100,000”  
 22 and inserting “\$500,000”; and

23 (2) in paragraph (3), by striking “\$100,000”  
 24 and inserting “\$500,000”.

1 **SEC. 843. INNOVATION SET ASIDE PROGRAM.**

2 (a) IN GENERAL.—The Director of the Office of  
3 Management and Budget may, in consultation with the  
4 Administrator of the Small Business Administration, con-  
5 duct a pilot program to increase the participation of new,  
6 innovative entities in Federal contracting through the use  
7 of innovation set-asides.

8 (b) AUTHORITY.—Notwithstanding the competition  
9 requirements in chapter 33 of title 41, United States  
10 Code, and the set-aside requirements in section 15 of the  
11 Small Business Act (15 U.S.C. 644), a Federal agency,  
12 with the concurrence of the Director, may set aside a con-  
13 tract award to one or more new entrant contractors. The  
14 Director shall consult with the Administrator prior to pro-  
15 viding concurrence to the agency.

16 (c) CONDITIONS FOR USE.—The authority provided  
17 in subsection (b) may be used under the following condi-  
18 tions:

19 (1) The agency has a requirement for new  
20 methods, processes, or technologies, which may in-  
21 clude research and development, or new applications  
22 of existing methods, processes or technologies, to im-  
23 prove quality, reduce costs, or both.

24 (2) Based on market research, the agency has  
25 determined that the requirement cannot be easily  
26 provided through an existing Federal contract.

1           (3) The agency intends either to make an  
2           award to a small business concern or to give special  
3           consideration to a small business concern before  
4           making an award to other than a small business.

5           (4) The length of the resulting contract will not  
6           exceed 2 years.

7           (d) NUMBER OF PILOTS.—The Director may author-  
8           ize the use of up to 25 innovation set-asides acquisitions.

9           (e) AWARD AMOUNT.—

10           (1) Except as provided in paragraph (2), the  
11           amount of an award under the pilot program under  
12           this section may not exceed \$2,000,000 (including  
13           any options).

14           (2) The Director may authorize not more than  
15           5 set-asides with an award amount greater than  
16           \$2,000,000 but not greater than \$5,000,000 (includ-  
17           ing any options).

18           (f) GUIDANCE AND REPORTING.—

19           (1) The Director shall issue guidance, as nec-  
20           essary, to implement the pilot program under this  
21           section.

22           (2) Within 3 years after the date of enactment  
23           of this Act, the Director, in consultation with the  
24           Administrator, shall submit to Congress a report in-  
25           cluding the following:

1 (A) The number of awards made under the  
2 authority of this section.

3 (B) For each award—

4 (i) the agency that made the award;

5 (ii) the amount of the award; and

6 (iii) a brief description of the award,  
7 including the nature of the requirement  
8 and the innovation produced from the  
9 award (or expected if contract performance  
10 is not completed).

11 (g) SUNSET.—The authority to award an innovation  
12 set-aside under this section shall terminate on December  
13 31, 2019.

14 (h) DEFINITION.—For purposes of this section, the  
15 term “new entrant contractor”, with respect to any con-  
16 tract under the program, means an entity that has not  
17 been awarded a contract directly by the Federal Govern-  
18 ment within the 5-year period ending on the date on which  
19 a solicitation for that contract is issued under the pro-  
20 gram.

1 **TITLE IX—DEPARTMENT OF DE-**  
2 **FENSE ORGANIZATION AND**  
3 **MANAGEMENT**

4 **SEC. 901. REORGANIZATION AND REDESIGNATION OF OF-**  
5 **FICE OF FAMILY POLICY AND OFFICE OF**  
6 **COMMUNITY SUPPORT FOR MILITARY FAMI-**  
7 **LIES WITH SPECIAL NEEDS.**

8 (a) OFFICE OF FAMILY POLICY.—

9 (1) REDESIGNATION AS OFFICE OF MILITARY  
10 FAMILY READINESS POLICY.—Section 1781(a) of  
11 title 10, United States Code, is amended—

12 (A) by striking “Office of Family Policy”  
13 and inserting “Office of Military Family Readiness  
14 Policy”; and

15 (B) by striking “Director of Family Pol-  
16 icy” and inserting “Director of Military Family  
17 Readiness Policy”.

18 (2) REQUIREMENT FOR DIRECTOR TO BE MEM-  
19 BER OF THE SENIOR EXECUTIVE SERVICE OR A GEN-  
20 ERAL OF FLAG OFFICER.—Such section is further  
21 amended by adding at the end the following new  
22 sentence: “The Director shall be a member of the  
23 Senior Executive Service or a general officer or flag  
24 officer.”.

1           (3) INCLUSION OF DIRECTOR ON MILITARY  
2 FAMILY           READINESS           COUNCIL.—Section  
3 1781a(b)(1)(E) of such title is amended by striking  
4 “Office of Community Support for Military Families  
5 with Special Needs” and inserting “Office of Mili-  
6 tary Family Readiness Policy”.

7           (4) CONFORMING AMENDMENT.—Section  
8 131(b)(7)(F) of such title is amended by striking  
9 “Director of Family Policy” and inserting “Director  
10 of Military Family Readiness Policy”.

11           (5) REVISED SECTION HEADING.—

12                   (A) REVISED HEADING.—The heading of  
13 section 1781 of such title is amended to read as  
14 follows:

15 **“§ 1781. Office of Military Family Readiness Policy”.**

16                   (B) CLERICAL AMENDMENT.—The item re-  
17 lating to section 1781 in the table of sections  
18 at the beginning of chapter 88 of such title is  
19 amended to read as follows:

“1781. Office of Military Family Readiness Policy.”.

20           (b) OFFICE OF COMMUNITY SUPPORT FOR MILITARY  
21 FAMILIES WITH SPECIAL NEEDS.—

22                   (1) REORGANIZATION UNDER THE OFFICE OF  
23 MILITARY FAMILY READINESS POLICY.—Subsection  
24 (a) of section 1781c of such title is amended by  
25 striking “Office of the Under Secretary of Defense

1 for Personnel and Readiness” and inserting “Office  
2 of Military Readiness Policy”.

3 (2) REDESIGNATION AS OFFICE OF SPECIAL  
4 NEEDS.—Such section is amended—

5 (A) in subsection (a), by striking “Office  
6 of Community Support for Military Families  
7 with Special Needs” and inserting “Office of  
8 Special Needs”; and

9 (B) in the heading, by striking “**Office**  
10 **of Community Support for Military**  
11 **Families with Special Needs**” and in-  
12 sserting “**Office of Special Needs**”.

13 (3) REPEAL OF REQUIREMENT FOR HEAD OF  
14 OFFICE TO BE MEMBER OF SENIOR EXECUTIVE  
15 SERVICE OR A GENERAL OR FLAG OFFICER.—Such  
16 section is further amended by striking subsection  
17 (c).

18 (4) CLERICAL AMENDMENT.—The item relating  
19 to section 1781c in the table of sections at the be-  
20 ginning of chapter 88 of such title is amended to  
21 read as follows:

“1781c. Office of Special Needs.”.

1 **SEC. 902. CHANGE OF PERIOD FOR CHAIRMAN OF THE**  
2 **JOINT CHIEFS OF STAFF REVIEW OF THE**  
3 **UNIFIED COMMAND PLAN TO NOT LESS THAN**  
4 **EVERY FOUR YEARS.**

5 Section 161(b)(1) of title 10, United States Code, is  
6 amended by striking “two years” and inserting “four  
7 years”.

8 **SEC. 903. UPDATE OF STATUTORY SPECIFICATION OF**  
9 **FUNCTIONS OF THE CHAIRMAN OF THE**  
10 **JOINT CHIEFS OF STAFF RELATING TO AD-**  
11 **VICE ON REQUIREMENTS, PROGRAMS, AND**  
12 **BUDGET.**

13 Section 153(a)(4) of title 10, United States Code, is  
14 amended by adding at the end the following new subpara-  
15 graph:

16 “(H) Advising the Secretary on development of  
17 joint command, control, communications, and cyber  
18 capability, including integration and interoperability  
19 of such capability, through requirements, integrated  
20 architectures, data standards, and assessments.”.

21 **SEC. 904. STATUTORY STREAMLINING TO ENABLE DEFENSE**  
22 **COMMISSARY AGENCY TO BECOME PAR-**  
23 **TIALLY SELF-SUSTAINING.**

24 (a) **PURPOSE OF THE COMMISSARY SYSTEM.**—Sec-  
25 tion 2481 of title 10, United States Code, is amended—

1 (1) in subsection (a), by striking “, at reduced  
2 prices,”;

3 (2) in subsection (b)—

4 (A) by inserting “each” before “intended”;

5 and

6 (B) by inserting “and provide access to  
7 products for” after “life of”; and

8 (3) by striking subsection (d).

9 (b) CRITERIA FOR ESTABLISHMENT OR CLOSURE OF  
10 COMMISSARY STORES.—

11 (1) CRITERIA FOR ESTABLISHMENT.—Sub-  
12 section (a) of section 2482 of such title is amend-  
13 ed—

14 (A) by inserting “(1)” after “ESTABLISH-  
15 MENT.—”;

16 (B) by redesignating paragraphs (1) and  
17 (2) as subparagraphs (A) and (B), respectively;

18 (C) in subparagraph (A), as so redesign-  
19 ated, by inserting “outside the United States”  
20 after “commissary store”; and

21 (D) by adding at the end the following new  
22 paragraph:

23 “(2) The feasibility of cost recovery shall be the pri-  
24 mary consideration whenever the Secretary of Defense—

1           “(A) assesses the need to establish a com-  
2           missary store in the United States; and

3           “(B) selects the actual location for the store.”.

4           (2) CRITERIA FOR CLOSURE.—Paragraph (1) of  
5           subsection (c) of such section is amended by striking  
6           “Whenever assessing” and all that follows and in-  
7           serting “Whenever the Secretary of Defense is as-  
8           sessing whether to close a commissary store, the fol-  
9           lowing shall be primary considerations in such as-  
10          sessment:

11           “(A) The extent by which the operation of the  
12          commissary store is able to recover costs.

13           “(B) The effect of the closure on the quality of  
14          life of members of the armed forces on active duty  
15          and their dependents who use the store and on the  
16          welfare and security of the military community in  
17          which the commissary is located.”.

18          (d) FINANCING OF COMMISSARY SYSTEM OPERATING  
19          EXPENSES AND INVENTORIES.—

20           (1) IN GENERAL.—Section 2483 of such title is  
21          amended to read as follows:

1 **“§ 2483. Commissary stores: use of defense working**  
2 **capital funds to cover operating expenses**  
3 **and to finance resale inventories**

4 “(a) OPERATION OF AGENCY AND SYSTEM.—Except  
5 as otherwise provided in this title, working capital funds  
6 established under section 2208 of this title shall be used  
7 to fund the operations and merchandise resale inventories  
8 of the defense commissary system. Those working capital  
9 funds shall be credited with such amounts as are appro-  
10 priated for such purposes and with receipts described in  
11 subsections (d) and (e).

12 “(b) OPERATING EXPENSES.—Working capital funds  
13 established under section 2208 of this title shall be used  
14 to finance operating expenses of the defense commissary  
15 system and the acquisition of merchandise resale inven-  
16 tories. Operating expenses of the defense commissary sys-  
17 tem include the following:

18 “(1) Salaries and wages of employees of the  
19 United States, host nations, and contractors sup-  
20 porting commissary store operations.

21 “(2) Utilities.

22 “(3) Communications.

23 “(4) Operating services.

24 “(5) Advertising.

25 “(6) Any cost associated with above-store-level  
26 management or other indirect support of a com-

1       missary store or a central product processing facil-  
2       ity, including equipment maintenance and informa-  
3       tion technology costs.

4       “(c) TRANSPORTATION COSTS.—Appropriated funds  
5       may be used to pay any costs associated with the transpor-  
6       tation of commissary goods and supplies to overseas areas,  
7       but only to the extent that the working capital fund for  
8       commissary operations is reimbursed for the payment of  
9       such costs. The sales prices in commissary stores world-  
10      wide shall be adjusted in an equal percentage to the extent  
11      necessary to provide sufficient gross revenues from such  
12      sales to make such reimbursements.

13      “(d) FUNDING OF COMMISSARY OPERATIONS.—(1)  
14      The defense commissary system shall be managed with the  
15      objectives of attaining—

16              “(A) uniform system-wide pricing; and

17              “(B) a proportional allocation of funding  
18      sources for operating expenses.

19      “(2) The Secretary of Defense shall seek to achieve  
20      the objective of attaining a proportional allocation of fund-  
21      ing sources for operating expenses for the defense com-  
22      missary system as follows:

23              “(A) The Secretary shall prepare an estimation  
24      of the portion of the total operating expenses for the  
25      defense commissary system that are allocable to op-

1 erations overseas and at commissaries within the  
2 United States that are designated by the Secretary  
3 for appropriated fund support.

4 “(B) The portion of operating expenses esti-  
5 mated under subparagraph (A) shall be programmed  
6 to be financed through annual appropriations for de-  
7 fense working capital funds.

8 “(C) The estimation of the remaining portion of  
9 operating expenses for the defense commissary sys-  
10 tem shall be financed as described in paragraph (3)  
11 and shall be used to establish prices for commissary  
12 merchandise and services consistent with the objec-  
13 tive of attaining uniform system-wide pricing.

14 “(3) The portion of operating expenses for the de-  
15 fense commissary system that are not financed from ap-  
16 propriations for defense working capital funds shall be fi-  
17 nanced from receipts from the following (and from the ex-  
18 ercise of authority provided by section 2208 of this title):

19 “(A) The sale of products.

20 “(B) The sale of services.

21 “(e) FUNDING OF MERCHANDISE RESALE INVEN-  
22 TORIES.—Prices established for resale merchandise shall  
23 include amounts sufficient to finance replenishment of in-  
24 ventories.”.

1           (2) CLERICAL AMENDMENT.—The item relating  
2           to such section in the table of sections at the begin-  
3           ning of subchapter I of chapter 147 of such title is  
4           amended to read as follows:

“2483. Commissary stores: use of defense working capital funds to cover oper-  
ating expenses and to finance resale inventories.”.

5           (f) MERCHANDISE AND PRICING.—Section 2484 of  
6           such title is amended—

7           (1) by striking subsection (g);

8           (2) by redesignating subsection (h) as sub-  
9           section (g);

10          (3) by amending subsections (a) through (c) to  
11          read as follows:

12          “(a) IN GENERAL.—Commissary stores are intended  
13          to be similar to commercial supermarkets and, except for  
14          distilled spirits, may as described in regulations issued by  
15          the Secretary of Defense, sell all merchandise and provide  
16          services similar to the merchandise sold and the services  
17          provided in commercial supermarkets. A product or service  
18          may be sold in, at, or by a commissary store only if the  
19          product or service is commissary store inventory or is au-  
20          thorized for sale by a third party under an agreement or  
21          contract with the Defense Commissary Agency.

22          “(b) FEE FOR SERVICES.—The Secretary of Defense  
23          may apply an additional user fee for services provided to  
24          commissary customers on orders of merchandise sold in

1 commissary stores by electronic or mobile commerce meth-  
2 ods commonly used in the retail supermarket sector.

3       “(c) FEE ASSESSED ON SINGLE USE CARRYOUT  
4 BAGS.—(1) Notwithstanding any other fee or surcharge  
5 imposed by this chapter a ten cent charge shall be imposed  
6 on each single use carryout bag provided to a customer.  
7 A ‘single use carryout bag’ means a paper or plastic bag  
8 provided to a customer at the point of sale and intended  
9 for a single use for carrying tangible personal property  
10 purchased. A single use carryout bag shall not include  
11 bags used by customers inside stores, including those—

12               “(A) for loose bulk items such as produce, nuts,  
13               candy, meat, or fish;

14               “(B) for unwrapped prepared foods such as  
15               bakery goods;

16               “(C) for flowers, potted plants or other items  
17               where dampness may be a problem; or

18               “(D) to prevent damage to a good or contami-  
19               nation of other goods placed together in the same  
20               bag.

21       “(2) The provision of subsection (d) does not apply  
22 to the charge for single use carryout bags. No charge shall  
23 be assessed on a customer’s own reusable carryout bag  
24 brought into the store and used to carry purchased items  
25 from the store. The proceeds from the charge for single

1 use carryout bags shall be deposited to the defense work-  
2 ing capital fund and used as provided in section  
3 2483(d)(3) of this title.”;

4 (4) by amending subsection (e) to read as fol-  
5 lows:

6 “(e) SALES PRICE ESTABLISHMENT.—The Secretary  
7 of Defense shall establish the sales price of merchandise  
8 sold in, at, or by commissary stores in amounts sufficient  
9 to finance operating expenses as prescribed in section  
10 2483(b) of this title and the replenishment of inven-  
11 tories.”; and

12 (5) in subsection (g), as redesignated by para-  
13 graph (2)—

14 (A) by striking “AND” in the title and in-  
15 serting “AND THE PURCHASE OF OPERATING  
16 SUPPLIES” after “MAINTENANCE”;

17 (B) in paragraph (1)(A)—

18 (i) by striking “and” at the end of  
19 clause (i);

20 (ii) by striking the period at the end  
21 of clause (ii) and inserting “; and”; and

22 (iii) by adding at the end the fol-  
23 lowing new clause:

24 “(iii) to purchase operating supplies for com-  
25 missary stores.”; and

1 (C) in paragraph (2)(A)—

2 (i) by inserting “the Defense Com-  
3 missary Agency or” after “authorize”; and

4 (ii) by inserting before the period at  
5 the end the following: “or authorize the  
6 Defense Commissary Agency to be reim-  
7 bursed by a nonappropriated fund instru-  
8 mentality for the portion of the cost of the  
9 contract that is attributable to construc-  
10 tion of a nonappropriated fund facility”.

11 (g) OPERATION OF COMMISSARIES.—Section 2485 of  
12 such title is amended—

13 (1) by striking subsection (d);

14 (2) by redesignating subsections (e), (f), (g),  
15 and (h) as subsections (d), (e), (f), and (g), respec-  
16 tively;

17 (3) by amending subsection (a) to read as fol-  
18 lows:

19 “(a) OPERATION BY PRIVATE PERSONS.—

20 “(1) AUTHORITY.—When patron savings can be  
21 improved, or operating costs reduced, the Secretary  
22 of Defense may contract with private persons to op-  
23 erate selected commissary store functions.

1           “(2) LIMITATION.—The following functions  
2 may not be contracted for operation by a private  
3 person under paragraph (1):

4           “(A) Functions relating to the procure-  
5 ment of products to be sold in a commissary  
6 store, except for a full or substantially full  
7 product line acquired for resale from a whole-  
8 saler, distributor, or similar vendor.

9           “(B) Functions relating to the overall  
10 management of a commissary system or the  
11 management of a commissary store.

12           “(3) PERFORMANCE OF FUNCTIONS EXCLUDED  
13 FROM PERFORMANCE BY PRIVATE PERSONS.—Func-  
14 tions specified in paragraph (2) shall be carried out  
15 by personnel of the Department of Defense under  
16 regulations approved by the Secretary of Defense.

17           “(4) DEMONSTRATION PROJECT.—The Sec-  
18 retary of Defense may conduct a demonstration  
19 project in accordance with this section, in no more  
20 than two regions in the United States selected by  
21 the Secretary, for purpose of testing the viability of  
22 the Defense Commissary Agency using a contractor  
23 to order, receive, service, and manage the produce  
24 departments in military commissaries as part of a  
25 contract for produce items. All products covered by

1 this project would be provided and owned by the  
2 contractor until such time as the product is sold.

3 “(5) DEMONSTRATION PROJECT PROCUREMENT  
4 PROCEDURES.—As part of the demonstration project  
5 under paragraph (4), the Secretary of Defense may  
6 conduct a competition in which there is a provision  
7 in contract solicitations and request for proposal  
8 documents to—

9 “(A) obtain a reliable, effective contractor  
10 provided workforce, in lieu of Government em-  
11 ployees, to order, receive, service and manage a  
12 commissary produce department; and

13 “(B) for a base period of not less than two  
14 years, with a further provision for not more  
15 than three one-year option periods.

16 “(6) EVALUATION OF DEMONSTRATION  
17 PROJECT.—The Secretary shall evaluate the dem-  
18 onstration project for the following:

19 “(A) The costs and benefits of including  
20 contractor provided labor in the cost of goods  
21 sold.

22 “(B) The program’s potential as a revenue  
23 generating activity to offset commissary oper-  
24 ating costs, while maximizing patron savings.

1           “(C) Improvement in the quality of  
2           produce provided.

3           “(D) Customer satisfaction with the dem-  
4           onstration project.

5           “(7) REPORT.—Not later than two years after  
6           implementation of the demonstration project begins,  
7           the Secretary shall submit to the Committees on  
8           Armed Services of the Senate and House of Rep-  
9           resentatives a report on the demonstration project.  
10          The report shall contain—

11           “(A) the evaluation required by paragraph  
12           (6); and

13           “(B) recommendations on whether perma-  
14           nent authority should be provided to use con-  
15           tractor provided labor to operate military com-  
16           missary produce departments.

17           “(8) CONTINUATION OF DEMONSTRATION  
18           PROJECT.—If the Secretary recommends in the re-  
19           port under paragraph (7) that permanent authority  
20           should be provided, the Secretary may continue the  
21           demonstration project for up to three years after  
22           submitting the report.

23           “(9) DEFINITION.—In paragraph (4), the term  
24           ‘region’ means the geographical area of the United

1 States currently served by a Defense Commissary  
2 Agency produce supplier.”; and

3 (4) in subsection (b)—

4 (A) by striking “(1)” before “The De-  
5 fense”;

6 (B) by inserting “goods or” after “provide  
7 or obtain”;

8 (C) by striking “service provided by the  
9 United States Transportation Command” and  
10 inserting “good or service provided by any enti-  
11 ty of the United States in”; and

12 (D) by striking paragraph (2).

13 (h) REPEAL OF OBSOLETE AUTHORITY.—

14 (1) IN GENERAL.—Sections 2488 and 2685 of  
15 such title are repealed.

16 (2) CLERICAL AMENDMENTS.—(A) The table of  
17 sections at the beginning of subchapter II of chapter  
18 147 of such title is amended by striking the item re-  
19 lating to section 2488.

20 (B) The table of sections at the beginning of  
21 chapter 159 of such title is amended by striking the  
22 item relating to section 2685.

23 (i) AUTHORITY TO PURCHASE BEER AND WINE.—

24 (1) IN GENERAL.—Subsection (d)(1) of section  
25 2495 of such title is amended by inserting before the

1 period the following: “and purchases of beer and  
2 wine by the Defense Commissary Agency with funds  
3 from the defense working capital resale stock fund”.

4 (2) CLERICAL AMENDMENTS.—

5 (A) SECTION HEADING.—The heading of  
6 such section is amended to read as follows:

7 **“§ 2495. Defense retail system: purchase of alcoholic**  
8 **beverages”.**

9 (B) TABLE OF SECTIONS.—The item relating to  
10 such section in the table of sections at the beginning  
11 of subchapter III of chapter 147 of such title is  
12 amended to read as follows:

“2495. Defense retail system: purchase of alcoholic beverages.”.

13 (j) TREATMENT OF UNITED STATES WINES IN  
14 OVERSEAS COMMISSARY STORES.—

15 (1) IN GENERAL.—Section 2495a of such title  
16 is amended—

17 (A) by striking “nonappropriated fund”  
18 and inserting “defense retail”; and

19 (B) by inserting “, and each commissary  
20 store located outside the United States that  
21 sells wine,” after “outside the United States”.

22 (2) CLERICAL AMENDMENTS.—

23 (A) SECTION HEADING.—The heading of  
24 such section is amended to read as follows:

1 **“§ 2495a. Overseas package stores and commissaries:**  
2 **treatment of United States wines”.**

3 (B) TABLE OF SECTIONS.—The item relat-  
4 ing to such section in the table of sections at  
5 the beginning of subchapter III of chapter 147  
6 of such title is amended to read as follows:

“2495a. Overseas package stores and commissaries: treatment of United States  
wines.”.

7 (k) MODIFICATION OF BERRY AMENDMENT.—Sec-  
8 tion 2533a(g) of such title is amended by inserting before  
9 the period the following: “, or for the operating supplies  
10 necessary to complete the resale of such items so pur-  
11 chased”.

12 (l) OVERSEAS TRANSPORTATION.—Section 2643(b)  
13 of such title is amended by striking the first sentence and  
14 inserting “Defense working capital funds may be used to  
15 cover the transportation costs of commissary supplies and  
16 products as provided in Section 2483(c) of this title.”.

17 (m) REPAIR AND MAINTENANCE OF COMMISSARY  
18 FACILITIES.—Section 2682(a) of such title is amended by  
19 adding at the end the following new sentence: “However,  
20 any maintenance and repair project for a commissary  
21 store or a commissary central product processing facility  
22 may be accomplished under the direction and supervision  
23 of the Director of the Defense Commissary Agency.”.

1           (n) SUPERVISION OF COMMISSARY CONSTRUCTION  
2 PROJECTS.—Section 2851(b) of such title is amended by  
3 adding at the end the following new sentence: “However,  
4 a project for the construction of a commissary store, a  
5 commissary central product processing facility, or a shop-  
6 ping mall or similar facility for a commissary store and  
7 one or more nonappropriated fund instrumentality activi-  
8 ties authorized under section 2484(g) of this title may be  
9 accomplished under the direction and supervision of the  
10 Director of the Defense Commissary Agency.”.

11           (o) SERVICE CONTRACT ACT EXEMPTIONS.—Section  
12 6702(b) of title 41, United States Code, is amended by  
13 adding at the end the following new paragraph:

14                   “(8) A contract with an entity of the defense  
15           retail systems, the principal purpose of which is the  
16           sale of goods or services to authorized beneficiaries.  
17           The term ‘defense retail systems’ means the defense  
18           commissary system and exchange stores system and  
19           other revenue-generating facilities operated by non-  
20           appropriated fund instrumentalities of the Depart-  
21           ment of Defense for the morale, welfare, and recre-  
22           ation of members of the armed forces.”.

1 **SEC. 905. MODIFICATION OF REQUIREMENTS TO MAINTAIN**  
2 **NAVY AIRBORNE SIGNALS INTELLIGENCE,**  
3 **SURVEILLANCE, AND RECONNAISSANCE CA-**  
4 **PABILITIES.**

5 (a) **REQUIREMENT TO MAINTAIN CAPABILITIES.**—  
6 Subsection (b) of section 112 of the Ike Skelton National  
7 Defense Authorization Act for Fiscal Year 2011 (Public  
8 Law 111–383; 112 Stat. 4152) is amended—

9 (1) by striking paragraph (1);

10 (2) by redesignating paragraph (2) as para-  
11 graph (1) and in that paragraph—

12 (A) by striking “in order to provide capa-  
13 bilities” and inserting “in sufficient quantities  
14 to provide capabilities and capacity”; and

15 (B) by inserting before the period at the  
16 end the following: “while fielding a mix of new  
17 platforms and sensors”; and

18 (3) by redesignating paragraphs (3) and (4) as  
19 paragraphs (2) and (3), respectively.

20 (b) **REPEAL OF RESTRICTION ON TRANSFER OF**  
21 **SABER FOCUS PROGRAM ISR CAPABILITIES.**—Such sec-  
22 tion is further amended by striking subsection (c).

1 **TITLE X—GENERAL PROVISIONS**

2 **Subtitle A—Financial Matters**

3 **SEC. 1001. ENHANCEMENT OF INTERAGENCY SUPPORT**  
4 **DURING CONTINGENCY OPERATIONS AND**  
5 **TRANSITION PERIODS.**

6 (a) **AUTHORITY.**—The Secretary of Defense and the  
7 Secretary of State may enter into an agreement under  
8 which each Secretary may provide covered support, sup-  
9 plies, and services on a reimbursement basis, or by ex-  
10 change of covered support, supplies, and services, to the  
11 other Secretary during a contingency operation and re-  
12 lated transition period for up to two years following the  
13 end of such contingency operation.

14 (b) **AGREEMENT.**—An agreement entered into under  
15 this section shall be in writing and shall include the fol-  
16 lowing terms:

17 (1) The price charged by a supplying agency  
18 shall be the direct costs that such agency incurred  
19 by providing the covered support, supplies, or serv-  
20 ices to the requesting agency under this section.

21 (2) Credits and liabilities of the agencies ac-  
22 crued as a result of acquisitions and transfers of  
23 covered support, supplies, and services under this  
24 section shall be liquidated not less often than once  
25 every 3 months by direct payment to the agency

1 supplying such support, supplies, or services by the  
2 agency receiving such support, supplies, or services.

3 (3) Exchange entitlements accrued as a result  
4 of acquisitions and transfers of covered support,  
5 supplies, and services under this section shall be sat-  
6 isfied within 12 months after the date of the delivery  
7 of the covered support, supplies, or services. Ex-  
8 change entitlements not so satisfied shall be imme-  
9 diately liquidated by direct payment to the agency  
10 supplying such covered support, supplies, or services.

11 (c) EFFECT OF OBLIGATION AND AVAILABILITY OF  
12 FUNDS.—An order placed by an agency pursuant to an  
13 agreement under this section is deemed to be an obligation  
14 in the same manner that a similar order or contract placed  
15 with a private contractor is an obligation. Appropriations  
16 remain available to pay an obligation to the servicing  
17 agency in the same manner as appropriations remain  
18 available to pay an obligation to a private contractor.

19 (d) DEFINITIONS.—In this section:

20 (1) The term “covered support, supplies, and  
21 services” means food, billeting, transportation (in-  
22 cluding airlift), petroleum, oils, lubricants, commu-  
23 nications services, medical services, ammunition,  
24 base operations support (and construction incident  
25 to base operations support), use of facilities, spare

1 parts and components, repair and maintenance serv-  
2 ices, and calibration services.

3 (2) The term “contingency operation” has the  
4 meaning given that term in section 101(a)(13) of  
5 title 10, United States Code.

6 (e) CREDITING OF RECEIPTS.—Any receipt as a re-  
7 sult of an agreement entered into under this section shall  
8 be credited, at the option of the Secretary of Defense with  
9 respect to the Department of Defense and the Secretary  
10 of State with respect to the Department of State, to—

11 (1) the appropriation, fund, or account used in  
12 incurring the obligation; or

13 (2) an appropriate appropriation, fund, or ac-  
14 count currently available for the purposes for which  
15 the expenditures were made.

16 **SEC. 1002. REPEAL OF REQUIREMENT THAT THE DEPART-**  
17 **MENT OF THE NAVY PROVIDE FUNDING FOR**  
18 **THE OCEAN RESEARCH ADVISORY PANEL.**

19 Section 7903 of title 10, United States Code, is  
20 amended by striking subsection (e).

1           **Subtitle B—Naval Vessels and**  
2                           **Shipyards**

3   **SEC. 1021. EXTENSION OF AUTHORITY FOR REIMBURSE-**  
4                           **MENT OF EXPENSES FOR CERTAIN NAVY**  
5                           **MESS OPERATIONS AFLOAT.**

6           (a) EXTENSION.—Subsection (b) of section 1014 of  
7 the Duncan Hunter National Defense Authorization Act  
8 for Fiscal Year 2009 (Public Law 110–417; 122 Stat.  
9 4585), as amended by section 1021 of the Ike Skelton Na-  
10 tional Defense Authorization Act for Fiscal Year 2011  
11 (Public Law 111–383, 124 Stat. 4348), is amended by  
12 striking “September 30, 2015” and inserting “September  
13 30, 2020”.

14           (b) TECHNICAL AND CLARIFYING AMENDMENTS.—  
15 Subsection (a) of such section is amended—

16                   (1) in the matter preceding paragraph (1), by  
17 striking “not more than” and inserting “not more  
18 than”; and

19                   (2) in paragraph (2), by striking “Naval ves-  
20 sels” and inserting “such vessels”.

21   **SEC. 1022. REFUELING AND COMPLEX OVERHAUL OF NIM-**  
22                           **ITZ-CLASS AIRCRAFT CARRIERS.**

23           (a) OVERHAUL EXECUTION AUTHORITY.—The Sec-  
24 retary of the Navy is authorized to carry out a nuclear

1 refueling and complex overhaul on each of the following  
2 Nimitz-class aircraft carriers:

3 (1) U.S.S. George Washington (CVN-73).

4 (2) U.S.S. John C. Stennis (CVN-74).

5 (3) U.S.S. Harry S. Truman (CVN-75).

6 (4) U.S.S. Ronald Reagan (CVN-76).

7 (5) U.S.S. George H.W. Bush (CVN-77).

8 Each such refueling and overhaul shall be carried out from  
9 amounts appropriated or otherwise made available within  
10 Shipbuilding and Conversion, Navy, for refueling the Nim-  
11 itz-class aircraft carriers.

12 (b) SPECIAL FUNDING AUTHORITY WHEN A CON-  
13 TINUING RESOLUTION IS IN EFFECT.—Unless expressly  
14 prohibited in a continuing resolution enacted after this  
15 date, if advance procurement funds are appropriated for  
16 a fiscal year to begin a refueling and complex overhaul  
17 on a Nimitz-class aircraft carrier identified in subsection  
18 (a), then Shipbuilding and Conversion, Navy, appropria-  
19 tions in the amounts contained in the President's Budget  
20 for that refueling and complex overhaul for the following  
21 Fiscal Year shall be available for obligation under a con-  
22 tinuing resolution enacted for the following fiscal year to  
23 continue the refueling and complex overhaul on that air-  
24 craft carrier.

1           (c) INCREMENTAL FUNDING AUTHORITY.—The Sec-  
 2 retary of the Navy is authorized to incrementally fund  
 3 contracts entered into for a nuclear refueling and complex  
 4 overhaul authorized in subsection (a), for a period not to  
 5 exceed six years after advance procurement funds for the  
 6 nuclear refueling and complex overhaul effort are first ob-  
 7 ligated, from amounts appropriated or otherwise made  
 8 available within Shipbuilding and Conversion, Navy for re-  
 9 fueling the Nimitz-class aircraft carriers.

10          (d) CONDITION FOR OUT-YEAR CONTRACT PAY-  
 11 MENTS.—A contract entered into under subsection (c)  
 12 shall provide that any obligation of the United States to  
 13 make a payment under a contract for carrier refueling in  
 14 a fiscal year subsequent to the initial year of contract exe-  
 15 cution is subject to the availability of appropriations.

## 16                           **Subtitle C—Other Matters**

17   **SEC. 1041. TRANSFER OF FUNCTIONS OF THE VETERANS’**  
 18                           **ADVISORY BOARD ON DOSE RECONSTRUC-**  
 19                           **TION TO THE SECRETARIES OF VETERANS**  
 20                           **AFFAIRS AND DEFENSE.**

21           Section 601 of the Veterans Benefits Act of 2003  
 22 (Public Law 108–183; 117 Stat. 2667; 38 U.S.C. 1154  
 23 note) is amended to read as follows:

1 **“SEC. 601. RADIATION DOSE RECONSTRUCTION PROGRAM**  
2 **OF THE DEPARTMENT OF DEFENSE.**

3 “(a) REVIEW AND OVERSIGHT.—The Secretary of  
4 Veterans Affairs and the Secretary of Defense shall jointly  
5 take appropriate actions to ensure the on-going inde-  
6 pendent review and oversight of the Radiation Dose Re-  
7 construction Program of the Department of Defense.

8 “(b) DUTIES.—In carrying out subsection (a), the  
9 Secretaries shall—

10 “(1) conduct periodic, random audits of dose  
11 reconstructions under the Radiation Dose Recon-  
12 struction Program and of decisions by the Depart-  
13 ment of Veterans Affairs on claims for service con-  
14 nection of radiogenic diseases;

15 “(2) communicate to veterans information on  
16 the mission, procedures, and evidentiary require-  
17 ments of the Program; and

18 “(3) carry out such other activities with respect  
19 to the review and oversight of the Program as the  
20 Secretaries shall jointly specify.

21 “(c) RECOMMENDATIONS.—The Secretaries may  
22 make such recommendations on modifications in the mis-  
23 sion or procedures of the Program as they consider appro-  
24 priate as a result of the audits conducted under subsection  
25 (b)(1).”.

1 **SEC. 1042. REPEAL AND MODIFICATION OF REPORTING RE-**  
2 **QUIREMENTS.**

3 (a) ANNUAL REPORT OF OFFICE OF COMMUNITY  
4 SUPPORT FOR MILITARY FAMILIES WITH SPECIAL  
5 NEEDS.—Section 1781e of title 10, United States Code,  
6 is amended by striking subsection (h).

7 (b) ANNUAL AUDIT OF THE AMERICAN RED  
8 CROSS.—Section 300110(b) of title 36, United States  
9 Code, is amended—

10 (1) by striking “AND SUBMISSION TO CON-  
11 GRESS” in the subsection heading; and

12 (2) by striking “and submit a copy of the au-  
13 dited report to Congress”.

14 (c) ANNUAL REPORT ON MITIGATION OF POWER  
15 OUTAGE RISKS FOR DEPARTMENT OF DEFENSE FACILI-  
16 TIES AND ACTIVITIES.—Section 335 of the Duncan Hun-  
17 ter Nation Defense Authorization Act for Fiscal Year  
18 2009 (Public Law 110–417; 122 Stat. 4422; 10 U.S.C.  
19 2911 note) is amended by striking subsection (c).

20 (d) INCLUSION OF EXTREMITY TRAUMA AND AMPU-  
21 TATION CENTER OF EXCELLENCE AND DEPARTMENT OF  
22 VETERANS AFFAIRS—DEPARTMENT OF DEFENSE JOINT  
23 EXECUTIVE COMMITTEE REPORTS IN DEPARTMENT OF  
24 VETERANS AFFAIRS AND DEPARTMENT OF DEFENSE  
25 JOINT ANNUAL REPORT ON HEALTH CARE COORDINA-  
26 TION AND SHARING ACTIVITIES.—

1           (1) Section 723 of the Duncan Hunter National  
2           Defense Authorization Act for Fiscal Year 2009  
3           (Public Law 110–417; 122 Stat. 4508) is amended  
4           by striking subsection (d).

5           (2) Section 8111(f) of title 38, United States  
6           Code, is amended by adding at the end the following  
7           new paragraph:

8           “(6) The two Secretaries shall include in the annual  
9           report under this subsection a report on the activities of  
10          the Center of Excellence in the Mitigation, Treatment, and  
11          Rehabilitation of Traumatic Extremity Injuries and Am-  
12          putations (established pursuant to section 723 of the Dun-  
13          can Hunter National Defense Authorization Act for Fiscal  
14          Year 2009 (Public Law 110–417)) during the one-year pe-  
15          riod ending on the date of such report. Each such report  
16          shall include a description of the activities of the center  
17          during such period and an assessment of the role of such  
18          activities in improving and enhancing the efforts of the  
19          Department of Defense and the Department of Veterans  
20          Affairs for the mitigation, treatment, and rehabilitation  
21          of traumatic extremity injuries and amputations.”.

22          (3) Section 320(c)(2) of title 38, United States  
23          Code, is amended by striking “and to Congress”.

1 **SEC. 1043. PROTECTION FOR CERTAIN SENSITIVE INFOR-**  
2 **MATION.**

3 Section 130c(h)(1) of title 10, United States Code,  
4 is amended by adding at the end the following new sub-  
5 paragraph, consistent with section 552(b)(3) of title 5:

6 “(D) The Secretary of State, with respect  
7 to information of concern to the Department of  
8 State, as determined by the Secretary.”.

9 **SEC. 1044. CONSULAR NOTIFICATION COMPLIANCE.**

10 (a) PETITION FOR REVIEW.—

11 (1) JURISDICTION.—Notwithstanding any other  
12 provision of law, a Federal court shall have jurisdic-  
13 tion to review the merits of a petition claiming viola-  
14 tion of Article 36(1) (b) or (c) of the Vienna Con-  
15 vention on Consular Relations, done at Vienna April  
16 24, 1963, or a comparable provision of a bilateral  
17 international agreement addressing consular notifi-  
18 cation and access, filed by an individual convicted  
19 and sentenced to death by any Federal or State  
20 court before the date of enactment of this Act.

21 (2) STANDARD.—To obtain relief, an individual  
22 described in paragraph (1) must make a showing of  
23 actual prejudice to the criminal conviction or sen-  
24 tence as a result of the violation. The court may  
25 conduct an evidentiary hearing if necessary to sup-  
26 plement the record and, upon a finding of actual

1 prejudice, shall order a new trial or sentencing pro-  
2 ceeding.

3 (3) LIMITATIONS.—

4 (A) INITIAL SHOWING.—To qualify for re-  
5 view under this subsection, a petition must  
6 make an initial showing that—

7 (i) a violation of Article 36(1) (b) or  
8 (c) of the Vienna Convention on Consular  
9 Relations, done at Vienna April 24, 1963,  
10 or a comparable provision of a bilateral  
11 international agreement addressing con-  
12 sular notification and access, occurred with  
13 respect to the individual described in para-  
14 graph (1); and

15 (ii) if such violation had not occurred,  
16 the consulate would have provided assist-  
17 ance to the individual.

18 (B) EFFECT OF PRIOR ADJUDICATION.—A  
19 petition for review under this subsection shall  
20 not be granted if the claimed violation described  
21 in paragraph (1) has previously been adju-  
22 dicated on the merits by a Federal or State  
23 court of competent jurisdiction in a proceeding  
24 in which no Federal or State procedural bars  
25 were raised with respect to such violation and

1 in which the court provided review equivalent to  
2 the review provided in this subsection, unless  
3 the adjudication of the claim resulted in a deci-  
4 sion that was based on an unreasonable deter-  
5 mination of the facts in light of the evidence  
6 presented in the prior Federal or State court  
7 proceeding.

8 (C) FILING DEADLINE.—A petition for re-  
9 view under this subsection shall be filed within  
10 1 year of the later of—

11 (i) the date of enactment of this Act;

12 (ii) the date on which the Federal or  
13 State court judgment against the indi-  
14 vidual described in paragraph (1) became  
15 final by the conclusion of direct review or  
16 the expiration of the time for seeking such  
17 review; or

18 (iii) the date on which the impediment  
19 to filing a petition created by Federal or  
20 State action in violation of the Constitu-  
21 tion or laws of the United States is re-  
22 moved, if the individual described in para-  
23 graph (1) was prevented from filing by  
24 such Federal or State action.

1           (D) TOLLING.—The time during which a  
2 properly filed application for State post-convie-  
3 tion or other collateral review with respect to  
4 the pertinent judgment or claim is pending  
5 shall not be counted toward the 1-year period of  
6 limitation.

7           (E) TIME LIMIT FOR REVIEW.—A Federal  
8 court shall give priority to a petition for review  
9 filed under this subsection over all noncapital  
10 matters. With respect to a petition for review  
11 filed under this subsection and claiming only a  
12 violation described in paragraph (1), a Federal  
13 court shall render a final determination and  
14 enter a final judgment not later than one year  
15 after the date on which the petition is filed.

16          (4) HABEAS PETITION.—A petition for review  
17 under this subsection shall be part of the first Fed-  
18 eral habeas corpus application or motion for Federal  
19 collateral relief under chapter 153 of title 28, United  
20 States Code, filed by an individual, except that if an  
21 individual filed a Federal habeas corpus application  
22 or motion for Federal collateral relief before the date  
23 of enactment of this Act or if such application is re-  
24 quired to be filed before the date that is 1 year after  
25 the date of enactment of this Act, such petition for

1 review under this subsection shall be filed not later  
2 than 1 year after the date of enactment of this Act  
3 or within the period prescribed by paragraph  
4 (3)(C)(iii), whichever is later. No petition filed in  
5 conformity with the requirements of the preceding  
6 sentence shall be considered a second or successive  
7 habeas corpus application or subjected to any bars  
8 to relief based on preenactment proceedings other  
9 than as specified in paragraph (2).

10 (5) REFERRAL TO MAGISTRATE.—A Federal  
11 court acting under this subsection may refer the pe-  
12 tition for review to a Federal magistrate for pro-  
13 posed findings and recommendations pursuant to 28  
14 U.S.C. 636(b)(1)(B).

15 (6) APPEAL.—

16 (A) IN GENERAL.—A final order on a peti-  
17 tion for review under paragraph (1) shall be  
18 subject to review on appeal by the court of ap-  
19 peals for the circuit in which the proceeding is  
20 held.

21 (B) APPEAL BY PETITIONER.—An indi-  
22 vidual described in paragraph (1) may appeal a  
23 final order on a petition for review under para-  
24 graph (1) only if a district or circuit judge  
25 issues a certificate of appealability. A district or

1 circuit court judge shall issue or deny a certifi-  
2 cate of appealability not later than 30 days  
3 after an application for a certificate of  
4 appealability is filed. A district judge or circuit  
5 judge may issue a certificate of appealability  
6 under this subparagraph if the individual has  
7 made a substantial showing of actual prejudice  
8 to the criminal conviction or sentence of the in-  
9 dividual as a result of a violation described in  
10 paragraph (1).

11 (b) VIOLATION.—

12 (1) IN GENERAL.—An individual not covered by  
13 subsection (a) who is arrested, detained, or held for  
14 trial on a charge that would expose the individual to  
15 a capital sentence if convicted may raise a claim of  
16 a violation of Article 36(1) (b) or (c) of the Vienna  
17 Convention on Consular Relations, done at Vienna  
18 April 24, 1963, or of a comparable provision of a bi-  
19 lateral international agreement addressing consular  
20 notification and access, at a reasonable time after  
21 the individual becomes aware of the violation, before  
22 the court with jurisdiction over the charge. Upon a  
23 finding of such a violation—

24 (A) the consulate of the foreign state of  
25 which the individual is a national shall be noti-

1           fied immediately by the detaining authority,  
2           and consular access to the individual shall be  
3           afforded in accordance with the provisions of  
4           the Vienna Convention on Consular Relations,  
5           done at Vienna April 24, 1963, or the com-  
6           parable provisions of a bilateral international  
7           agreement addressing consular notification and  
8           access; and

9           (B) the court—

10           (i) shall postpone any proceedings to  
11           the extent the court determines necessary  
12           to allow for adequate opportunity for con-  
13           sular access and assistance; and

14           (ii) may enter necessary orders to fa-  
15           cilitate consular access and assistance.

16           (2) EVIDENTIARY HEARINGS.—The court may  
17           conduct evidentiary hearings if necessary to resolve  
18           factual issues.

19           (3) RULE OF CONSTRUCTION.—Nothing in this  
20           subsection shall be construed to create any addi-  
21           tional remedy.

22           (c) DEFINITIONS.—In this section, the term “State”  
23           means any State of the United States, the District of Co-  
24           lumbia, the Commonwealth of Puerto Rico, and any terri-  
25           tory or possession of the United States.

1 **SEC. 1045. CONSULAR IMMUNITIES.**

2       The Secretary of State, in consultation with the At-  
3 torney General, may, on the basis of reciprocity and under  
4 such terms and conditions as the Secretary may deter-  
5 mine, specify privileges and immunities for a consular  
6 post, the members of a consular post and their families  
7 which result in more favorable or less favorable treatment  
8 than is provided in the Vienna Convention on Consular  
9 Relations, of April 24, 1963 (T.I.A.S. 6820), entered into  
10 force for the United States December 24, 1969.

11 **SEC. 1046. REVISION OF FREEDOM OF INFORMATION ACT**  
12                   **TO REINSTATE EXEMPTIONS UNDER THAT**  
13                   **ACT AS IN EFFECT BEFORE THE SUPREME**  
14                   **COURT DECISION IN MILNER V. DEPART-**  
15                   **MENT OF THE NAVY.**

16       Paragraph (2) of section 552(b) of title 5, United  
17 States Code is amended—

- 18           (1) by inserting “(A)” before “related”;
- 19           (2) by inserting “or” after “an agency;” and
- 20           (3) by adding at the end the following new sub-  
21 paragraph:

22           “(B) predominantly internal to an agency, but  
23 only to the extent that disclosure could reasonably  
24 be expected to risk impairment of the effective oper-  
25 ation of an agency or circumvention of statute or  
26 regulation;”.

1 **SEC. 1047. EXEMPTION OF INFORMATION ON MILITARY**  
2 **TACTICS, TECHNIQUES, AND PROCEDURES**  
3 **FROM RELEASE UNDER FREEDOM OF INFOR-**  
4 **MATION ACT.**

5 (a) EXEMPTION.—Chapter 3 of title 10, United  
6 States Code, is amended by adding at the end the fol-  
7 lowing new section:

8 **“§ 130g. Nondisclosure of information: military tac-**  
9 **tics, techniques, and procedures**

10 “(a) AUTHORITY FOR NONDISCLOSURE.—The Sec-  
11 retary of Defense may withhold from public disclosure oth-  
12 erwise required by law information on military tactics,  
13 techniques, and procedures in accordance with this sec-  
14 tion.

15 “(b) STANDARD FOR EXEMPTION FROM DISCLO-  
16 SURE.—For the purposes of this section, information on  
17 a military tactic, technique, or procedure may be withheld  
18 from public disclosure only if the Secretary makes each  
19 of the following determinations with respect to the infor-  
20 mation:

21 “(1) That the public disclosure of the informa-  
22 tion could reasonably be expected to risk impairment  
23 of the effective operation of the armed forces.

24 “(2) That either of the following condition is  
25 met:



1 of the Duncan Hunter National Defense Authorization  
2 Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat.  
3 4616) and as most recently amended by section 1102 of  
4 the National Defense Authorization Act for Fiscal Year  
5 2015 (Public Law 113–291; 128 Stat. zzz), is further  
6 amended by striking “2016” and inserting “2017”.

7 **SEC. 1102. AUTHORITY TO PROVIDE ADDITIONAL ALLOW-**  
8 **ANCES AND BENEFITS FOR DEFENSE CLAN-**  
9 **DESTINE SERVICE EMPLOYEES.**

10 Section 1603 of title 10, United States Code, is  
11 amended by adding at the end the following new sub-  
12 section:

13 “(c) **ADDITIONAL ALLOWANCES AND BENEFITS FOR**  
14 **EMPLOYEES OF THE DEFENSE CLANDESTINE SERV-**  
15 **ICE.**—In addition to the authority to provide compensation  
16 under subsection (a), the Secretary of Defense may pro-  
17 vide an employee in a defense intelligence position who is  
18 assigned to the Defense Clandestine Service allowances  
19 and benefits under paragraph (1) of section 9904 of title  
20 5 without regard to the limitations in that section—

21 “(1) that the employee be assigned to activities  
22 outside the United States; or

23 “(2) that the activities to which the employee is  
24 assigned be in support of Department of Defense ac-  
25 tivities abroad.”.

1 **SEC. 1103. EXTENSION OF RATE OF OVERTIME PAY FOR DE-**  
2 **PARTMENT OF THE NAVY EMPLOYEES PER-**  
3 **FORMING WORK ABOARD OR DOCKSIDE IN**  
4 **SUPPORT OF THE NUCLEAR-POWERED AIR-**  
5 **CRAFT CARRIER FORWARD DEPLOYED IN**  
6 **JAPAN.**

7 Subparagraph (B) of section 5542(a)(6) of title 5,  
8 United States Code, is amended by striking “September  
9 30, 2015” and inserting “September 30, 2017”.

10 **SEC. 1104. TWO-YEAR EXTENSION OF SUNSET PROVISION**  
11 **APPLICABLE TO EXPEDITED HIRING AU-**  
12 **THORITY FOR DESIGNATED DEFENSE ACQUI-**  
13 **SITION WORKFORCE POSITIONS.**

14 Section 1705(g)(2) of title 10, United States Code,  
15 is amended by striking “September 30, 2017” and insert-  
16 ing “September 30, 2019”.

17 **SEC. 1105. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE**  
18 **ANNUAL LIMITATION ON PREMIUM PAY AND**  
19 **AGGREGATE LIMITATION ON PAY FOR FED-**  
20 **ERAL CIVILIAN EMPLOYEES WORKING OVER-**  
21 **SEAS.**

22 Effective January 1, 2016, section 1101(a) of the  
23 Duncan Hunter National Defense Authorization Act for  
24 Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4615),  
25 as most recently amended by section 1101 of the National  
26 Defense Authorization Act for Fiscal Year 2015 (Public

1 Law 113–291; 128 Stat. zzz), is further amended by strik-  
2 ing “through 2015” and inserting “through 2016”.

3 **TITLE XII—MATTERS RELATING**  
4 **TO FOREIGN NATIONS**

5 **SEC. 1201. EXTENSION OF AUTHORITY TO SUPPORT OPER-**  
6 **ATIONS AND ACTIVITIES OF THE OFFICE OF**  
7 **SECURITY COOPERATION—IRAQ.**

8 (a) **EXTENSION OF AUTHORITY.**—Subsection (f)(1)  
9 of section 1215 of the National Defense Authorization Act  
10 for Fiscal Year 2012 (Public Law 112–81; 10 U.S.C. 113  
11 note) is amended by striking “fiscal year 2015” and in-  
12 serting “fiscal year 2016”.

13 (b) **AMOUNT AVAILABLE.**—Such section is further  
14 amended—

15 (1) in subsection (e), by striking “fiscal year  
16 2015” and all that follows and inserting “fiscal year  
17 2016 may not exceed \$143,000,000.”; and

18 (2) in subsection (d), by striking “fiscal year  
19 2015” and inserting “fiscal year 2016”.

20 (c) **REPEAL OF EXPIRED REPORTING REQUIRE-**  
21 **MENT.**—Subsection (g) of such section is repealed.

1 **SEC. 1202. EXTENSION OF AUTHORITY FOR REIMBURSE-**  
2 **MENT OF CERTAIN COALITION NATIONS FOR**  
3 **SUPPORT PROVIDED TO UNITED STATES**  
4 **MILITARY OPERATIONS.**

5 (a) **EXTENSION OF AUTHORITY.**—Subsection (a) of  
6 section 1233 of the National Defense Authorization Act  
7 for Fiscal Year 2008 (Public Law 110–181; 122 Stat.  
8 393), as most recently amended by section 1222 of the  
9 National Defense Authorization Act for Fiscal Year 2015  
10 (Public Law 113–291; 128 Stat. yyy), is further amended  
11 by striking “fiscal year 2015” and inserting “fiscal year  
12 2016”.

13 (b) **AMOUNTS AVAILABLE.**—Subsection (d)(1) of  
14 such section is amended—

15 (1) by striking “during fiscal year 2015 may  
16 not exceed \$1,200,000,000” and inserting “during  
17 fiscal year 2016 may not exceed \$1,260,000,000”;  
18 and

19 (2) by striking the third sentence.

20 **SEC. 1203. EXTENSION OF AUTHORITY TO TRANSFER DE-**  
21 **FENSE ARTICLES AND PROVIDE DEFENSE**  
22 **SERVICES TO THE MILITARY AND SECURITY**  
23 **FORCES OF AFGHANISTAN.**

24 (a) **EXTENSION.**—Subsection (h) of section 1222 of  
25 the National Defense Authorization Act for Fiscal Year  
26 2013 (Public Law 112–239; 126 Stat. 1992), as amended

1 by section 1231 of the Carl Levin and Howard P. “Buck”  
2 McKeon National Defense Authorization Act for Fiscal  
3 Year 2015 (Public Law 113–291; 128 Stat. XXX), is fur-  
4 ther amended by striking “December 31, 2015” and in-  
5 serting “December 31, 2016”.

6 (b) EXCESS DEFENSE ARTICLES.—Subsection (i)(2)  
7 of such section is amended by striking “During fiscal  
8 years 2013, 2014, and 2015” in subparagraphs (A) and  
9 (B) and inserting “Through December 31, 2016”.

10 **SEC. 1204. AUTHORITY FOR ACCEPTANCE AND USE OF CON-**  
11 **TRIBUTIONS FROM KUWAIT FOR CERTAIN**  
12 **MUTUALLY BENEFICIAL PROJECTS.**

13 (a) AUTHORITY.—Subchapter II of chapter 138 of  
14 title 10, United States Code, is amended by adding at the  
15 end the following new section:

16 **“§ 2350n. Construction, maintenance, and repair**  
17 **projects mutually beneficial to the De-**  
18 **partment of Defense and Kuwait Armed**  
19 **Forces**

20 “(a) AUTHORITY TO ACCEPT CONTRIBUTIONS.—The  
21 Secretary of Defense, after consultation with the Secretary  
22 of State, may accept cash contributions from the State  
23 of Kuwait, for the purposes specified in subsection (c).

24 “(b) ACCOUNTING.—Contributions accepted under  
25 subsection (a) shall be placed in an account established

1 by the Secretary of Defense and shall remain available  
2 until expended for the purposes specified in subsection (c).

3 “(c) AVAILABILITY OF CONTRIBUTIONS.—Contribu-  
4 tions accepted under subsection (a) shall be available only  
5 for payment of costs in connection with mutually beneficial  
6 construction (including military construction not otherwise  
7 authorized by law), maintenance, and repair projects in  
8 Kuwait.

9 “(d) MUTUALLY BENEFICIAL DEFINED.—A project  
10 shall be considered to be ‘mutually beneficial’ for purposes  
11 of this section if—

12 “(1) the project is in support of a bilateral  
13 United States and Kuwait defense cooperation  
14 agreement; or

15 “(2) the Secretary of Defense determines that  
16 the United States may derive a benefit from the  
17 project, including—

18 “(A) access to and use of facilities of the  
19 Kuwait Armed Forces;

20 “(B) ability or capacity for future posture;  
21 and

22 “(C) increased interoperability between the  
23 Department of Defense and Kuwait Armed  
24 Forces.”.

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

“2350n. Construction, maintenance, and repair projects mutually beneficial to  
the Department of Defense and Kuwait Armed Forces.”.

4 **SEC. 1205. EXTENSION OF COMMANDERS’ EMERGENCY RE-**  
5 **SPONSE PROGRAM IN AFGHANISTAN.**

6 Section 1201 of the National Defense Authorization  
7 Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat.  
8 1619), as most recently amended by section 1221 of the  
9 National Defense Authorization Act for Fiscal Year 2015  
10 (Public Law 113–291; 128 Stat. yyy), is further amended  
11 by striking “fiscal year 2015” in subsections (a), (b), and  
12 (f) and inserting “fiscal year 2016”.

13 **SEC. 1206. INCREASE IN THRESHOLDS FOR DEFINITION OF**  
14 **MAJOR DEFENSE EQUIPMENT FOR PUR-**  
15 **POSES OF ARMS EXPORT CONTROL ACT.**

16 Section 47(6) of the Arms Export Control Act (22  
17 U.S.C. 2794(6)) is amended—

18 (1) by striking “\$50,000,000” and inserting  
19 “\$200,000,000”; and

20 (2) by striking “\$200,000,000” and inserting  
21 “\$800,000,000”.

1 **SEC. 1207. MAINTENANCE OF PROHIBITION ON PROCURE-**  
2 **MENT BY DEPARTMENT OF DEFENSE OF**  
3 **COMMUNIST CHINESE-ORIGIN ITEMS THAT**  
4 **MEET THE DEFINITION OF GOODS AND SERV-**  
5 **ICES CONTROLLED AS MUNITIONS ITEMS**  
6 **WHEN MOVED TO THE “600 SERIES” OF THE**  
7 **COMMERCE CONTROL LIST.**

8 (a) IN GENERAL.—Section 1211 of the National De-  
9 fense Authorization Act for Fiscal Year 2006 (Public Law  
10 109–163; 10 U.S.C. 2302 note) is amended—

11 (1) in subsection (b), by inserting “or in the  
12 600 series of the control list of the Export Adminis-  
13 tration Regulations” after “in Arms Regulations,”;  
14 and

15 (2) in subsection (e), by adding at the end the  
16 following new paragraph:

17 “(3) The term ‘600 series of the control list of  
18 the Export Administration Regulations’ means the  
19 600 series of the Commerce Control List contained  
20 in Supplement No. 1 to part 774 of subtitle B of  
21 title 15 of the Code of Federal Regulations.”.

22 (b) TECHNICAL CORRECTIONS TO ITAR REF-  
23 ERENCES.—Subsections (b) and (e)(2) of such section are  
24 amended by striking “Trafficking” and inserting “Traf-  
25 fic”.

1 **SEC. 1208. MODIFICATION OF GLOBAL LIFT AND SUSTAIN**  
2 **TO SUPPORT PARTNERS AND ALLIES.**

3 Subsection (b) of section 127d of title 10, United  
4 States Code, is amended by adding at the end the fol-  
5 lowing new paragraph:

6 “(3) Clause (ii) of paragraph (2)(B) does not apply  
7 in a case in which the Secretary determines that the provi-  
8 sion of assistance is critical to the timely and effective par-  
9 ticipation of the allied forces in the combined operation.”.

10 **SEC. 1209. REIMBURSEMENTS FOR CERTAIN COUNTER-**  
11 **INSURGENCY, COUNTERTERRORISM AND**  
12 **STABILIZATION OPERATIONS CARRIED OUT**  
13 **BY PAKISTAN.**

14 (a) **AUTHORITY.**—From funds made available for the  
15 Department of Defense for operation and maintenance,  
16 the Secretary of Defense, with the concurrence of the Sec-  
17 retary of State and in consultation with the Director of  
18 the Office of Management and Budget, may provide reim-  
19 bursements for counterinsurgency, counterterrorism, and  
20 stabilization operations carried out by the Government of  
21 Pakistan in its campaign against al-Qaeda, the Tehrik-  
22 e-Taliban Pakistan, and associated militants.

23 (b) **TYPES OF REIMBURSEMENTS.**—Reimbursements  
24 made under the authority in subsection (a) may be made,  
25 in such amounts as the Secretary of Defense considers ap-

1 appropriate, for logistical, military, and other expenditures  
2 associated with the operations specified in subsection (a).

3 (c) LIMITATIONS.—

4 (1) PROHIBITION ON CONTRACTUAL OBLIGA-  
5 TIONS TO MAKE PAYMENTS.—The Secretary of De-  
6 fense may not enter into any contractual obligation  
7 to make a reimbursement under the authority in  
8 subsection (a).

9 (2) PROHIBITION ON REIMBURSEMENT OF  
10 PAKISTAN FOR SUPPORT DURING PERIODS CLOSED  
11 TO TRANSSHIPMENT.—The Secretary of Defense  
12 may not provide a reimbursement under the author-  
13 ity in subsection (a) for claims of support provided  
14 during any period when the ground lines of supply  
15 through Pakistan were closed to the transshipment  
16 of equipment and supplies in support of United  
17 States military operations in Afghanistan.

18 (d) NOTICE TO CONGRESSIONAL COMMITTEES.—The  
19 Secretary of Defense shall notify the appropriate congres-  
20 sional committees not later than 15 days before making  
21 any reimbursement under the authority in subsection (a).

22 (e) TERMINATION.—The Secretary of Defense may  
23 not use the authority in subsection (a) to provide reim-  
24 bursement for any costs that are incurred after September  
25 30, 2018.

1 (f) LIMITATION ON REIMBURSEMENTS TO THE GOV-  
2 ERNMENT OF PAKISTAN UNDER SECTION 1233 OF THE  
3 NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL  
4 YEAR 2008.—No reimbursement may be provided to the  
5 Government of Pakistan under section 1233 of the Na-  
6 tional Defense Authorization Act for Fiscal Year 2008  
7 (Public Law 110–181, 122 Stat. 393), as most recently  
8 amended by section 1222 of the National Defense Author-  
9 ization Act for Fiscal Year 2015 (Public Law 113–291,  
10 128 Stat. yyy), for any period during which this section  
11 is also in effect.

12 (g) DEFINITIONS.—In this section, the term “appro-  
13 priate congressional committees” means—

14 (1) the Committee on Armed Services, the  
15 Committee on Foreign Affairs, and the Committee  
16 on Appropriations of the House of Representatives;  
17 and

18 (2) the Committee on Armed Services, the  
19 Committee on Foreign Relations, and the Committee  
20 on Appropriations of the Senate.

21 **SEC. 1210. NATO SPECIAL OPERATIONS HEADQUARTERS.**

22 Section 1244(a) of the National Defense Authoriza-  
23 tion Act for Fiscal Year 2010 (Public Law 111–84; 123  
24 Stat. 2541), as most recently amended by section 1272  
25 of the National Defense Authorization Act for Fiscal Year

1 2013 (Public Law 112–239; 126 Stat. 2023), is further  
2 amended by striking “for each of fiscal years 2013, 2014,  
3 and 2015 pursuant to section 301” and inserting “for any  
4 fiscal year”.

5 **SEC. 1211. AFGHANISTAN SECURITY FORCES FUND.**

6 (a) CONTINUATION OF PRIOR AUTHORITIES AND NO-  
7 TICE AND REPORTING REQUIREMENTS.—Funds available  
8 to the Department of Defense for the Afghanistan Secu-  
9 rity Forces Fund for fiscal year 2016 shall be subject to  
10 the conditions contained in subsections (b) through (g) of  
11 section 1513 of the National Defense Authorization Act  
12 for Fiscal Year 2008 (Public Law 110–181; 122 Stat.  
13 428), as amended by section 1531(b) of the Ike Skelton  
14 National Defense Authorization Act for Fiscal Year 2011  
15 (Public Law 111–383; 124 Stat. 4424).

16 (b) EXTENSION OF AUTHORITY TO ACCEPT CERTAIN  
17 EQUIPMENT.—Subsection (d)(1) of section 1531 of the  
18 National Defense Authorization Act for Fiscal Year 2014  
19 (Public Law 113–66; 10 U.S.C. 2302 note) is amended  
20 by striking “prior Acts” and inserting “Acts enacted be-  
21 fore the date of the enactment of the National Defense  
22 Authorization Act for Fiscal Year 2016”.

1 **SEC. 1212. NON-CONVENTIONAL ASSISTED RECOVERY CA-**  
2 **PABILITIES.**

3 (a) EXTENSION.—Subsection (h) of section 943 of  
4 the Duncan Hunter National Defense Authorization Act  
5 for Fiscal Year 2009 (Public Law 110–417; 122 Stat.  
6 4579), as most recently amended by section 1261 of the  
7 National Defense Authorization Act for Fiscal Year 2015  
8 (Public Law 113–291; 128 Stat. yyy), is further amended  
9 by striking “2016” and inserting “2017”.

10 (b) REVISION TO ANNUAL LIMITATION ON FUNDS.—  
11 Subsection (a) of such section is amended—

12 (1) by striking “Upon” and inserting the fol-  
13 lowing:

14 “(1) IN GENERAL.—Upon”;

15 (2) by striking “an amount” and all that fol-  
16 lows through “may be” and inserting “amounts ap-  
17 propriated or otherwise made available for the De-  
18 partment of Defense for operation and maintenance  
19 may be”; and

20 (3) by adding at the end the following new  
21 paragraph:

22 “(2) ANNUAL LIMIT.—The total amount made  
23 available for support of non-conventional assisted re-  
24 covery activities under this subsection in any fiscal  
25 year may not exceed \$25,000,000.”.

1 **SEC. 1213. PERMANENT AUTHORITY TO PROVIDE REWARDS**  
2 **THROUGH GOVERNMENT PERSONNEL OF AL-**  
3 **LIED FORCES AND CERTAIN OTHER MODI-**  
4 **FICATIONS TO DEPARTMENT OF DEFENSE**  
5 **PROGRAM TO PROVIDE REWARDS.**

6 (a) PERMANENT AUTHORITY.—Subsection (c)(3) of  
7 section 127b of title 10, United States Code, is amended  
8 by striking subparagraph (C).

9 (b) REPEAL OF COMPLETED REPORTING REQUIRE-  
10 MENT.—Such subsection is further amended by striking  
11 subparagraph (D).

12 (c) CHANGE OF SECTION HEADING TO REFLECT  
13 NAME OF PROGRAM.—

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

16 **“§ 127b. Department of Defense Rewards Program”.**

17 (2) CLERICAL AMENDMENT.—The item relating  
18 to such section in the table of sections at the begin-  
19 ning of chapter 3 of such title is amended to read  
20 as follows:

“127b. Department of Defense Rewards Program.”.

1 **SEC. 1214. EXTENSION OF AUTHORITY TO CONDUCT AC-**  
2 **TIVITIES TO ENHANCE THE CAPABILITY OF**  
3 **FOREIGN COUNTRIES TO RESPOND TO INCI-**  
4 **DENTS INVOLVING WEAPONS OF MASS DE-**  
5 **STRUCTION.**

6 Section 1204(h) of the National Defense Authoriza-  
7 tion Act for Fiscal Year 2014 (Public Law 113–66; 127  
8 Stat. 897; 10 U.S.C. 401 note) is amended by striking  
9 “September 30, 2017” and inserting “September 30,  
10 2018”.

11 **SEC. 1215. AUTHORITY FOR SECRETARY OF DEFENSE TO**  
12 **ENGAGE IN COMMERCIAL ACTIVITIES AS SE-**  
13 **CURITY FOR MILITARY OPERATIONS**  
14 **ABROAD.**

15 (a) **AUTHORITY TO ENGAGE IN COMMERCIAL ACTIVI-**  
16 **TIES AS SECURITY FOR MILITARY OPERATIONS.**—Sub-  
17 section (a) of section 431 of title 10, United States Code,  
18 is amended by inserting “and military operations” after  
19 “intelligence collection activities”.

20 (b) **CONGRESSIONAL COMMITTEE REFERENCES.**—

21 (1) **DEFINITIONS.**—Subsection (c) of such sec-  
22 tion is amended by adding at the end the following  
23 new paragraphs:

24 “(3) The term ‘congressional intelligence com-  
25 mittees’ has the meaning given that term in section

1 3 of the National Security Act of 1947 (50 U.S.C.  
2 3003).

3 “(4) The term ‘appropriate congressional com-  
4 mittees’ means—

5 “(A) with respect to a matter that pertains  
6 to a commercial activity undertaken under this  
7 subchapter to provide security for intelligence  
8 collection activities, the congressional defense  
9 committees and the congressional intelligence  
10 committees; and

11 “(B) with respect to a matter that pertains  
12 to a commercial activity undertaken under this  
13 subchapter to provide security for military oper-  
14 ations, the Committee on Armed Services of the  
15 Senate and the Committee on Armed Services  
16 of the House of Representatives.”.

17 (2) CONFORMING AMENDMENT.—Section 437  
18 of such title is amended by striking subsection (c).

19 (c) REPORTING OF AUDITS.—The second sentence of  
20 section 432(b)(2) of such title is amended to read as fol-  
21 lows: “The results of any such audit shall be promptly re-  
22 ported to the appropriate congressional committees.”.

23 (d) AUTHORITY TO WAIVE OTHER FEDERAL LAWS  
24 WHEN NECESSARY TO MAINTAIN SECURITY.—Section

1 433(b)(1) of such title is amended by inserting “or mili-  
2 tary operation” after “intelligence activity”.

3 (e) LIMITATIONS.—Section 435 of such title is  
4 amended—

5 (1) in subsection (a), by inserting “or military  
6 operation” after “intelligence activity”; and

7 (2) in subsection (b), by inserting “or military  
8 operations” after “intelligence activities”.

9 (f) CONGRESSIONAL OVERSIGHT.—Section 437 of  
10 such title is amended by striking “congressional defense  
11 committees and the congressional intelligence committees”  
12 in subsections (a) and (b) and inserting “appropriate con-  
13 gressional committees”.

14 (g) CLERICAL AMENDMENTS.—

15 (1) SUBCHAPTER HEADING.—(A) The heading  
16 of subchapter II of chapter 21 of such title is  
17 amended to read as follows:

18 “SUBCHAPTER II—DEFENSE COMMERCIAL  
19 ACTIVITIES”.

20 (B) The item relating to that subchapter in the  
21 table of subchapters at the beginning of such chap-  
22 ter is amended to read as follows:

“II. Defense Commercial Activities ..... 431”.

23 (2) SECTION HEADING.—(A) The heading of  
24 section 431 of such title is amended to read as fol-  
25 lows:

1 **“§ 431. Authority to engage in commercial activities**  
2 **as security for intelligence collection ac-**  
3 **tivities and military operations”.**

4 (B) The item relating to that section in the  
5 table of sections at the beginning of subchapter II  
6 of chapter 21 of such title is amended to read as fol-  
7 lows:

“431. Authority to engage in commercial activities as security for intelligence  
collection activities and military operations.”.

8 **SEC. 1216. EXTENSION OF AFGHAN SPECIAL IMMIGRANT**  
9 **VISA PROGRAM.**

10 (a) **EXTENSION.**—Section 602(b)(3)(F) of the Af-  
11 ghan Allies Protection Act of 2009 (title VI of Public Law  
12 111–8; 8 U.S.C. 1101 note) is amended by striking  
13 “4,000” at the end of the first sentence and inserting  
14 “9,000”.

15 (b) **TECHNICAL AMENDMENTS.**—

16 (1) Section 601 of such Act is amended by  
17 striking “This Act” and inserting “This title”.

18 (2) Section 602(c)(3) of such Act is amended  
19 by striking “section 4 of the Office of Federal Pro-  
20 curement Policy Act (41 U.S.C. 403)” and inserting  
21 “section 133 of title 41, United States Code”.

1 **SEC. 1217. LIQUIDATION OF UNPAID CREDITS ACCRUED AS**  
2 **A RESULT OF TRANSACTIONS UNDER A**  
3 **CROSS-SERVICING AGREEMENT.**

4 (a) LIQUIDATION OF UNPAID CREDITS.—Section  
5 2345 of title 10, United States Code, is amended by add-  
6 ing at the end the following new subsection:

7 “(c)(1) Any credits of the United States accrued as  
8 a result of the provision of logistic support, supplies, and  
9 services under the authority of this subchapter that re-  
10 main unliquidated more than 18 months after the date  
11 of delivery of the logistic support, supplies, or services  
12 may, at the option of the Secretary of Defense in coordina-  
13 tion with the Secretary of State, be liquidated by offsetting  
14 the credits against any amount owed by the Department  
15 of Defense, pursuant to a transaction or transactions con-  
16 cluded under the authority of this subchapter, to the gov-  
17 ernment or international organization to which the logistic  
18 support, supplies, or services were provided by the United  
19 States.

20 “(2) The amount of any credits offset pursuant to  
21 paragraph (1) shall be credited as specified in section  
22 2346 of this title as if it were a receipt of the United  
23 States.”.

24 (b) EFFECTIVE DATE.—Subsection (c) of section  
25 2345 of title 10, United States Code, as added by sub-  
26 section (a), shall apply with respect to credits accrued by

1 the United States which (1) were accrued prior to, and  
2 remain unpaid as of, the date of the enactment of this  
3 Act, or (2) are accrued after the date of the enactment  
4 of this Act.

5 **SEC. 1218. EASTERN EUROPEAN TRAINING INITIATIVE.**

6 (a) **AUTHORITY.**—The Secretary of Defense, with the  
7 concurrence of the Secretary of State, may carry out a  
8 program, to be known as the Eastern European Training  
9 Initiative, to provide training, and pay the incremental ex-  
10 penses incurred by a country as the direct result of partici-  
11 pation in such training, for the national military forces  
12 of—

13 (1) a country that is a signatory to the Part-  
14 nership for Peace Framework Documents, but is not  
15 a member of the North Atlantic Treaty Organization  
16 (NATO); or

17 (2) a country that became a member of NATO  
18 after January 1, 1999.

19 (b) **TYPES OF TRAINING.**—The training provided to  
20 the national military forces of a country under subsection  
21 (a) shall be limited to multilateral or regional training  
22 to—

23 (1) maintain and increase interoperability and  
24 readiness;

1           (2) increase the capacity to respond to external  
2 threats; or

3           (3) increase the capacity to respond to calls for  
4 collective action within NATO.

5       (c) REQUIRED ELEMENTS.—Training provided to the  
6 national military forces of a country under subsection (a)  
7 shall include elements that promote—

8           (1) observance of and respect for human rights  
9 and fundamental freedoms; and

10          (2) respect for legitimate civilian authority  
11 within that country.

12       (d) LIMITATION ON FUNDS.—

13           (1) ANNUAL FUNDING LIMITATION.—The Sec-  
14 retary of Defense may use up to \$28,000,000 of  
15 funds available for operation and maintenance for  
16 any fiscal year to provide training and pay incre-  
17 mental expenses under subsection (a) in that fiscal  
18 year.

19           (2) AVAILABILITY OF FUNDS FOR ACTIVITIES  
20 ACROSS FISCAL YEARS.—Amounts made available in  
21 a fiscal year to carry out the authority in subsection  
22 (a) may be used for training under that authority  
23 that begins in the fiscal year for which such  
24 amounts are made available and ends in the next fis-  
25 cal year.

1 (e) CONGRESSIONAL NOTIFICATION.—

2 (1) NOTIFICATION.—Not less than 15 days be-  
3 fore providing training to the national military  
4 forces of a country under subsection (a), the Sec-  
5 retary of Defense shall submit to the congressional  
6 committees specified in paragraph (2) a notice of the  
7 following:

8 (A) The country with which the training  
9 will be conducted.

10 (B) The type of training to be provided.

11 (2) SPECIFIED CONGRESSIONAL COMMIT-  
12 TEES.—The congressional committees specified in  
13 this paragraph are the following:

14 (A) The Committee on Armed Services, the  
15 Committee on Foreign Affairs, and the Com-  
16 mittee on Appropriations of the House of Rep-  
17 resentatives.

18 (B) The Committee on Armed Services,  
19 the Committee on Foreign Relations, and the  
20 Committee on Appropriations of the Senate.

21 (f) ADDITIONAL AUTHORITY.—The authority pro-  
22 vided in subsection (a) is in addition to any other author-  
23 ity provided by law authorizing the provision of training  
24 for the national military forces of a foreign country, in-  
25 cluding section 2282 of title 10, United States Code.

1 (g) DEFINITION.—In this section, the term “incre-  
2 mental expenses” means the reasonable and proper cost  
3 of the goods and services that are consumed by a country  
4 as a direct result of that country’s participation in train-  
5 ing under the authority of this section, including rations,  
6 fuel, training ammunition, and transportation. Such term  
7 does not include pay, allowances, and other normal costs  
8 of such country’s personnel.

9 (h) TERMINATION OF AUTHORITY.—The authority  
10 under this section shall terminate on September 30, 2020.  
11 Any activity under this section initiated before that date  
12 may be completed, but only using funds available for fiscal  
13 years 2016 through 2020.

14 **SEC. 1219. EXTENSION, EXPANSION, AND REVISION OF AU-**  
15 **THORITY FOR ASSISTANCE TO THE GOVERN-**  
16 **MENT OF JORDAN FOR BORDER SECURITY**  
17 **OPERATIONS.**

18 (a) AUTHORITY.—Subsection (a)(1) of section 1207  
19 of the National Defense Authorization Act for Fiscal Year  
20 2014 (Public Law 113–66; 22 U.S.C. 2151 note) is  
21 amended—

22 (1) by striking “maintaining” and inserting  
23 “enhancing”; and

24 (2) by striking “increase security and sustain  
25 increased security along the border between Jordan

1 and Syria” and inserting “sustain security along the  
2 border of Jordan with Syria and Iraq”.

3 (b) FUNDS.—Subsection (b) of such section is  
4 amended by striking “2014” and inserting “2016 and  
5 2017”.

6 (c) LIMITATIONS.—Subsection (c) of such section is  
7 amended—

8 (1) By striking “LIMITATIONS.—” and all that  
9 follows through “The total” and inserting “LIMITA-  
10 TION ON AMOUNT.—From funds made available to  
11 the Department of Defense, the total”;

12 (2) by inserting “in any fiscal year” before  
13 “may not exceed \$150,000,000”; and

14 (3) by striking paragraph (2).

15 (e) EXPIRATION OF AUTHORITY.—Subsection (f) of  
16 such section is amended by striking “December 31, 2015”  
17 and inserting “December 31, 2017”.

18 **SEC. 1220. PERMANENT AUTHORITY TO TRANSPORT AL-**  
19 **LIED PERSONNEL DURING CONTINGENCIES**  
20 **OR DISASTER RESPONSES.**

21 Section 2649(c) of title 10, United States Code, is  
22 amended by striking “Until January 6, 2016, when” and  
23 inserting “When”.

1           **TITLE XIII—[RESERVED]**  
2           **TITLE XIV—OTHER**  
3           **AUTHORIZATIONS**  
4           **Subtitle A—Military Programs**

5   **SEC. 1401. WORKING CAPITAL FUNDS.**

6           Funds are hereby authorized to be appropriated for  
7   fiscal year 2016 for the use of the Armed Forces and other  
8   activities and agencies of the Department of Defense for  
9   providing capital for working capital and revolving funds  
10  in the amount of \$1,786,732,000.

11 **SEC. 1402. JOINT URGENT OPERATIONAL NEEDS FUND.**

12           Funds are hereby authorized to be appropriated for  
13  fiscal year 2016 for the Joint Urgent Operational Needs  
14  Fund in the amount of \$99,701,000.

15 **SEC. 1403. CHEMICAL AGENTS AND MUNITIONS DESTRUC-**  
16                                   **TION, DEFENSE.**

17           (a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds  
18  are hereby authorized to be appropriated for the Depart-  
19  ment of Defense for fiscal year 2016 for expenses, not oth-  
20  erwise provided for, for Chemical Agents and Munitions  
21  Destruction, Defense, in the amount of \$720,721,000, of  
22  which—

23                   (1) \$139,098,000 is for Operation and Mainte-  
24           nance;

1           (2) \$579,342,000 is for Research, Development,  
2           Test, and Evaluation; and

3           (3) \$2,281,000 is for Procurement.

4           (b) USE.—Amounts authorized to be appropriated  
5 under subsection (a) are authorized for—

6           (1) the destruction of lethal chemical agents  
7           and munitions in accordance with section 1412 of  
8           the Department of Defense Authorization Act, 1986  
9           (50 U.S.C. 1521); and

10          (2) the destruction of chemical warfare materiel  
11          of the United States that is not covered by section  
12          1412 of such Act.

13 **SEC. 1404. DRUG INTERDICTION AND COUNTER-DRUG AC-**  
14 **TIVITIES, DEFENSE-WIDE.**

15          Funds are hereby authorized to be appropriated for  
16 the Department of Defense for fiscal year 2016 for ex-  
17 penses, not otherwise provided for, for Drug Interdiction  
18 and Counter-Drug Activities, Defense-wide, in the amount  
19 of \$850,598,000.

20 **SEC. 1405. DEFENSE INSPECTOR GENERAL.**

21          Funds are hereby authorized to be appropriated for  
22 the Department of Defense for fiscal year 2016 for ex-  
23 penses, not otherwise provided for, for the Office of the  
24 Inspector General of the Department of Defense, in the  
25 amount of \$316,159,000, of which—

1           (1) \$310,459,000 is for Operation and Maintenance;  
2

3           (2) \$4,700,000 is for Research, Development,  
4           Test and Evaluation; and

5           (3) \$1,000,000 is for Procurement.

6 **SEC. 1406. DEFENSE HEALTH PROGRAM.**

7           Funds are hereby authorized to be appropriated for  
8 the Department of Defense for fiscal year 2016 for ex-  
9 penses, not otherwise provided for, for the Defense Health  
10 Program, in the amount of \$32,243,328,000, of which—

11           (1) \$30,889,940,000 is for Operation and  
12           Maintenance;

13           (2) \$980,101,000 is for Research, Development,  
14           Test, and Evaluation; and

15           (3) \$373,287,000 is for Procurement.

16           **Subtitle B—Other Matters**

17 **SEC. 1411. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT**

18                           **DEPARTMENT OF DEFENSE—DEPARTMENT OF**

19                           **VETERANS AFFAIRS MEDICAL FACILITY DEM-**

20                           **ONSTRATION FUND FOR CAPTAIN JAMES A.**

21                           **LOVELL HEALTH CARE CENTER, ILLINOIS.**

22           (a) AUTHORITY FOR TRANSFER OF FUNDS.—Of the  
23 funds authorized to be appropriated for section 506 and  
24 available for the Defense Health Program for operation  
25 and maintenance, \$120,387,000 may be transferred by the

1 Secretary of Defense to the Joint Department of Defense—  
2 Department of Veterans Affairs Medical Facility Dem-  
3 onstration Fund established by subsection (a)(1) of sec-  
4 tion 1704 of the National Defense Authorization Act for  
5 Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2571).  
6 For purposes of subsection (a)(2) of such section 1704,  
7 any funds so transferred shall be treated as amounts au-  
8 thorized and appropriated specifically for the purpose of  
9 such a transfer.

10 (b) USE OF TRANSFERRED FUNDS.—For the pur-  
11 poses of subsection (b) of such section 1704, facility oper-  
12 ations for which funds transferred under subsection (a)  
13 may be used are operations of the Captain James A.  
14 Lovell Federal Health Care Center, consisting of the  
15 North Chicago Veterans Affairs Medical Center, the Navy  
16 Ambulatory Care Center, and supporting facilities des-  
17 igned as a combined Federal medical facility under an  
18 operational agreement covered by section 706 of the Dun-  
19 can Hunter National Defense Authorization Act for Fiscal  
20 Year 2009 (Public Law 110–417; 122 Stat. 4500).

21 **SEC. 1412. AUTHORIZATION OF APPROPRIATIONS FOR**  
22 **ARMED FORCES RETIREMENT HOME.**

23 There is hereby authorized to be appropriated for fis-  
24 cal year 2016 from the Armed Forces Retirement Home

1 Trust Fund the sum of \$64,300,000 for the operation of  
2 the Armed Forces Retirement Home.

3 **TITLE XV—AUTHORIZATION OF**  
4 **ADDITIONAL APPROPRIA-**  
5 **TIONS FOR OVERSEAS CON-**  
6 **TINGENCY OPERATIONS**

7 **SEC. 1501. PURPOSE.**

8 The purpose of this title is to authorize appropria-  
9 tions for the Department of Defense for fiscal year 2016  
10 to provide additional funds for overseas contingency oper-  
11 ations being carried out by the Armed Forces.

12 **SEC. 1502. ARMY PROCUREMENT.**

13 Funds are hereby authorized to be appropriated for  
14 fiscal year 2016 for procurement for the Army in amounts  
15 as follows:

16 (1) For aircraft procurement, \$164,987,000.

17 (2) For missile procurement, \$37,260,000.

18 (3) For weapons and tracked combat vehicles,  
19 \$26,030,000.

20 (3) For ammunition procurement,  
21 \$192,040,000.

22 (4) For other procurement, \$1,205,596,000.

1 **SEC. 1503. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT**  
2 **FUND.**

3 Funds are hereby authorized to be appropriated for  
4 fiscal year 2016 for the Joint Improvised Explosive Device  
5 Defeat Fund in the amount of \$493,271,000.

6 **SEC. 1504. NAVY AND MARINE CORPS PROCUREMENT.**

7 Funds are hereby authorized to be appropriated for  
8 fiscal year 2016 for procurement for the Navy and Marine  
9 Corps in amounts as follows:

10 (1) For aircraft procurement, Navy,  
11 \$217,394,000.

12 (2) For weapons procurement, Navy,  
13 \$3,344,000.

14 (3) For ammunition procurement, Navy and  
15 Marine Corps, \$136,930,000.

16 (4) For other procurement, Navy, \$12,186,000.

17 (5) For procurement, Marine Corps,  
18 \$48,934,000.

19 **SEC. 1505. AIR FORCE PROCUREMENT.**

20 Funds are hereby authorized to be appropriated for  
21 fiscal year 2016 for procurement for the Air Force in  
22 amounts as follows:

23 (1) For aircraft procurement, \$128,900,000.

24 (2) For missile procurement, \$289,142,000.

25 (3) For ammunition procurement,  
26 \$228,874,000.

1 (4) For other procurement, \$3,859,964,000.

2 **SEC. 1506. DEFENSE-WIDE ACTIVITIES PROCUREMENT.**

3 Funds are hereby authorized to be appropriated for  
4 fiscal year 2016 for the procurement account for Defense-  
5 wide activities in the amount of \$212,418,000.

6 **SEC. 1507. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**  
7 **TION.**

8 Funds are hereby authorized to be appropriated for  
9 fiscal year 2016 for the use of the Department of Defense  
10 for research, development, test, and evaluation as follows:

11 (1) For the Army, \$1,500,000.

12 (2) For the Navy, \$35,747,000.

13 (3) For the Air Force, \$17,100,000.

14 (4) For Defense-wide activities, \$137,087,000.

15 **SEC. 1508. OPERATION AND MAINTENANCE.**

16 Funds are hereby authorized to be appropriated for  
17 fiscal year 2016 for the use of the Armed Forces for ex-  
18 penses, not otherwise provided for, for operation and  
19 maintenance, in amounts as follows:

20 (1) For the Army, \$11,382,750,000.

21 (2) For the Navy, \$5,131,588,000.

22 (3) For the Marine Corps, \$952,534,000.

23 (4) For the Air Force, \$9,090,013,000.

24 (5) For Defense-wide activities,  
25 \$5,805,633,000.

1 (6) For the Army Reserve, \$24,559,000.

2 (7) For the Navy Reserve, \$31,643,000.

3 (8) For the Marine Corps Reserve, \$3,455,000.

4 (9) For the Air Force Reserve, \$58,106,000.

5 (10) For the Army National Guard,  
6 \$60,845,000.

7 (11) For the Air National Guard, \$19,900,000.

8 (12) For the Afghanistan Security Forces  
9 Fund, \$3,762,257,000.

10 (13) For the Counterterrorism Partnerships  
11 Fund, \$2,100,000,000.

12 (14) For the Iraq Train and Equip Fund,  
13 \$715,000,000.

14 (15) For the Syria Train and Equip Fund,  
15 \$600,000,000.

16 **SEC. 1509. MILITARY PERSONNEL.**

17 Funds are hereby authorized to be appropriated for  
18 fiscal year 2016 to the Department of Defense for military  
19 personnel accounts in the total amount of \$3,204,758,000.

20 **SEC. 1510. WORKING CAPITAL FUNDS.**

21 Funds are hereby authorized to be appropriated for  
22 fiscal year 2016 for the use of the Armed Forces and other  
23 activities and agencies of the Department of Defense for  
24 providing capital for Defense Working Capital Funds in  
25 the amount of \$88,850,000.

1 **SEC. 1511. DEFENSE HEALTH PROGRAM.**

2 Funds are hereby authorized to be appropriated for  
3 the Department of Defense for fiscal year 2016 for ex-  
4 penses, not otherwise provided for, for the Defense Health  
5 Program in the amount of \$272,704,000 for operation and  
6 maintenance.

7 **SEC. 1512. DRUG INTERDICTION AND COUNTER-DRUG AC-**  
8 **TIVITIES, DEFENSE-WIDE.**

9 Funds are hereby authorized to be appropriated for  
10 the Department of Defense for fiscal year 2016 for ex-  
11 penses, not otherwise provided for, for Drug Interdiction  
12 and Counter-Drug Activities, Defense-wide in the amount  
13 of \$186,000,000.

14 **SEC. 1513. DEFENSE INSPECTOR GENERAL.**

15 Funds are hereby authorized to be appropriated for  
16 the Department of Defense for fiscal year 2016 for ex-  
17 penses, not otherwise provided for, for the Office of the  
18 Inspector General of the Department of Defense in the  
19 amount of \$10,262,000.

20 **DIVISION B—MILITARY CON-**  
21 **STRUCTION AUTHORIZA-**  
22 **TIONS**

23 **SEC. 2001. SHORT TITLE.**

24 This division may be cited as the “Military Construc-  
25 tion Authorization Act for Fiscal Year 2016”.

1 **SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND**  
2 **AMOUNTS REQUIRED TO BE SPECIFIED BY**  
3 **LAW.**

4 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE  
5 YEARS.—Except as provided in subsection (b), all author-  
6 izations contained in titles XXI through XXVII for mili-  
7 tary construction projects, land acquisition, family housing  
8 projects and facilities, and contributions to the North At-  
9 lantic Treaty Organization Security Investment Program  
10 (and authorizations of appropriations therefor) shall ex-  
11 pire on the later of—

12 (1) October 1, 2018; or

13 (2) the date of the enactment of an Act author-  
14 izing funds for military construction for fiscal year  
15 2019.

16 (b) EXCEPTION.—Subsection (a) shall not apply to  
17 authorizations for military construction projects, land ac-  
18 quisition, family housing projects and facilities, and con-  
19 tributions to the North Atlantic Treaty Organization Se-  
20 curity Investment Program (and authorizations of appro-  
21 priations therefor), for which appropriated funds have  
22 been obligated before the later of—

23 (1) October 1, 2018; or

24 (2) the date of the enactment of an Act author-  
25 izing funds for fiscal year 2018 for military con-  
26 struction projects, land acquisition, family housing

1 projects and facilities, or contributions to the North  
 2 Atlantic Treaty Organization Security Investment  
 3 Program.

4 **SEC. 2003. EFFECTIVE DATE.**

5 Titles XXI through XXVII shall take effect on the  
 6 later of—

7 (1) October 1, 2015; or

8 (2) the date of the enactment of this Act.

9 **TITLE XXI—ARMY MILITARY**  
 10 **CONSTRUCTION**

11 **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND**  
 12 **ACQUISITION PROJECTS.**

13 (a) **INSIDE THE UNITED STATES.**—Using amounts  
 14 appropriated pursuant to the authorization of appropria-  
 15 tions in section 2104(a) and available for military con-  
 16 struction projects inside the United States as specified in  
 17 the funding table in section 3002, the Secretary of the  
 18 Army may acquire real property and carry out military  
 19 construction projects for the installations or locations in-  
 20 side the United States, and in the amounts, set forth in  
 21 the following table:

**Army: Inside the United States**

State	Installation	Amount
Alaska .....	Fort Greely .....	\$7,800,000
California .....	Concord .....	\$98,000,000
Colorado .....	Fort Carson .....	\$5,800,000
Georgia .....	Fort Gordon .....	\$90,000,000
New York .....	Fort Drum .....	\$19,000,000
	U.S. Military Academy .....	\$70,000,000
Oklahoma .....	Fort Sill .....	\$69,400,000
Texas .....	Corpus Christi .....	\$85,000,000

**Army: Inside the United States**—Continued

<b>State</b>	<b>Installation</b>	<b>Amount</b>
Virginia .....	Joint Base San Antonio .....	\$43,000,000
	Fort Lee .....	\$33,000,000
	Joint Base Myer-Henderson .....	\$37,000,000.

1 (b) OUTSIDE THE UNITED STATES.—Using amounts  
2 appropriated pursuant to the authorization of appropria-  
3 tions in section 2104(a) and available for military con-  
4 struction projects outside the United States as specified  
5 in the funding table in section 3002, the Secretary of the  
6 Army may acquire real property and carry out the military  
7 construction project for the installations or locations out-  
8 side the United States, and in the amount, set forth in  
9 the following table:

**Army: Outside the United States**

<b>Country</b>	<b>Installation</b>	<b>Amount</b>
Germany .....	Grafenwoehr .....	\$51,000,000.

10 **SEC. 2102. FAMILY HOUSING.**

11 (a) CONSTRUCTION AND ACQUISITION.—Using  
12 amounts appropriated pursuant to the authorization of ap-  
13 propriations in section 2104(a) and available for military  
14 family housing functions as specified in the funding table  
15 in section 3002, the Secretary of the Army may construct  
16 or acquire family housing units (including land acquisition  
17 and supporting facilities) at the installations or locations,  
18 in the number of units, and in the amounts set forth in  
19 the following table:

**Army: Family Housing**

<b>State/Country</b>	<b>Installation</b>	<b>Units</b>	<b>Amount</b>
Florida .....	Camp Rudder .....	Family Housing New Con- struction.	\$8,000,000
Illinois .....	Rock Island .....	Family Housing New Con- struction.	\$20,000,000
Korea .....	Camp Walker .....	Family Housing New Con- struction.	\$61,000,000.

1 (b) **PLANNING AND DESIGN.**—Using amounts appro-  
2 priated pursuant to the authorization of appropriations in  
3 section 2104(a) and available for military family housing  
4 functions as specified in the funding table in section 3002,  
5 the Secretary of the Army may carry out architectural and  
6 engineering services and construction design activities  
7 with respect to the construction or improvement of family  
8 housing units in an amount not to exceed \$7,195,000.

9 **SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
10 **UNITS.**

11 Subject to section 2825 of title 10, United States  
12 Code, and using amounts appropriated pursuant to the  
13 authorization of appropriations in section 2104(a) and  
14 available for military family housing functions as specified  
15 in the funding table in section 3002, the Secretary of the  
16 Army may improve existing military family housing units  
17 in an amount not to exceed \$3,500,000.

1 **SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

2 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds  
3 are hereby authorized to be appropriated for fiscal years  
4 beginning after September 30, 2015, for military con-  
5 struction, land acquisition, and military family housing  
6 functions of the Department of the Army as specified in  
7 the funding table in section 3002.

8 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION  
9 PROJECTS.—Notwithstanding the cost variations author-  
10 ized by section 2853 of title 10, United States Code, and  
11 any other cost variation authorized by law, the total cost  
12 of all projects carried out under section 2101 of this Act  
13 may not exceed the total amount authorized to be appro-  
14 priated under subsection (a), as specified in the funding  
15 table in section 3002.

16 **SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT**  
17 **CERTAIN FISCAL YEAR 2013 PROJECT.**

18 In the case of the authorization contained in the table  
19 in section 2101(a) of the Military Construction Authoriza-  
20 tion Act for Fiscal Year 2013 (division B of Public Law  
21 112–239; 126 Stat. 2119) for the United States Military  
22 Academy, New York, for construction of a Cadet barracks  
23 building at the installation, the Secretary of the Army may  
24 install mechanical equipment and distribution lines suffi-  
25 cient to provide chilled water for air conditioning the nine

1 existing historical Cadet barracks which are being ren-  
 2 ovated through the Cadet Barracks Upgrade Program.

3 **SEC. 2106. EXTENSION OF AUTHORIZATION OF CERTAIN**  
 4 **FISCAL YEAR 2012 PROJECT.**

5 (a) EXTENSION.—Notwithstanding section 2002 of  
 6 the Military Construction Authorization Act for Fiscal  
 7 Year 2012 (division B of Public Law 112–81; 125 Stat.  
 8 1660), the authorization set forth in the table in sub-  
 9 section (b), as provided in section 2101 of that Act (125  
 10 Stat. 1661), shall remain in effect until October 1, 2016,  
 11 or the date of the enactment of an Act authorizing funds  
 12 for military construction for fiscal year 2017, whichever  
 13 is later.

14 (b) TABLE.—The table referred to in subsection (a)  
 15 is as follows:

**Army: Extension of 2012 Project Authorization**

State	Installation or Location	Project	Amount
Virginia .....	Fort Belvoir .....	Road and Infrastruc- ture Improvements.	\$25,000,000.

16 **SEC. 2107. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
 17 **FISCAL YEAR 2013 PROJECTS.**

18 (a) EXTENSION.—Notwithstanding section 2002 of  
 19 the Military Construction Authorization Act for Fiscal  
 20 Year 2013 (division B of Public Law 112–239; 126 Stat.  
 21 2118), the authorizations set forth in the table in sub-  
 22 section (b), as provided in section 2101 of that Act (126

1 Stat. 2119) shall remain in effect until October 1, 2016,  
 2 or the date of the enactment of an Act authorizing funds  
 3 for military construction for fiscal year 2017, whichever  
 4 is later.

5 (b) TABLE.—The table referred to in subsection (a)  
 6 is as follows:

**Army: Extension of 2013 Project Authorizations**

State	Installation or Location	Project	Amount
District of Columbia	Fort McNair .....	Vehicle Storage Building, Installation.	\$7,191,000
Kansas .....	Fort Riley .....	Unmanned Aerial Vehicle Complex.	\$12,184,000
North Carolina .....	Fort Bragg .....	Aerial Gunnery Range.	\$41,945,000
Texas .....	JB San Antonio .....	Barracks .....	\$20,971,000
Virginia .....	Fort Belvoir .....	Secure Admin/Operations Facility.	\$93,876,000
Italy .....	Camp Ederle .....	Barracks .....	\$35,952,000
Japan .....	Sagami .....	Vehicle Maintenance Shop.	\$17,976,000.

7 **SEC. 2108. ADDITIONAL AUTHORITY TO CARRY OUT CER-**  
 8 **TAIN FISCAL YEAR 2016 PROJECTS.**

9 (a) BRUSSELS.—

10 (1) PROJECT AUTHORIZATION.—The Secretary  
 11 of the Army may carry out a military construction  
 12 project to construct a multi-sport athletic field and  
 13 track and perimeter road and fencing and acquire  
 14 approximately 5 acres of land adjacent to the exist-  
 15 ing Sterrebeek Dependent School site to allow relo-  
 16 cation of Army functions to the site in support of  
 17 the European Infrastructure Consolidation effort, in  
 18 the amount of \$6,000,000.

1           (2) USE OF UNOBLIGATED PRIOR-YEAR ARMY  
2           MILITARY CONSTRUCTION FUNDS.—The Secretary  
3           may use available, unobligated Army military con-  
4           struction funds appropriated for a fiscal year before  
5           fiscal year 2016 for the project described in para-  
6           graph (1).

7           (b) RHINE ORDNANCE BARRACKS.—

8           (1) PROJECT AUTHORIZATION.—The Secretary  
9           of the Army may carry out a military construction  
10          project to construct a vehicle bridge and traffic cir-  
11          cle to facilitate traffic flow to and from the Medical  
12          Center at Rhine Ordnance Barracks, Germany, in  
13          the amount of \$12,400,000.

14          (2) USE OF HOST-NATION PAYMENT-IN-KIND  
15          FUNDS.—The Secretary may use available host-na-  
16          tion Payment-in-Kind funding for the project de-  
17          scribed in paragraph (1).

18           **TITLE XXII—NAVY MILITARY**  
19           **CONSTRUCTION**

20           **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND**  
21           **ACQUISITION PROJECTS.**

22          (a) INSIDE THE UNITED STATES.—Using amounts  
23          appropriated pursuant to the authorization of appropria-  
24          tions in section 2204(a) and available for military con-  
25          struction projects inside the United States as specified in

1 the funding table in section 3002, the Secretary of the  
 2 Navy may acquire real property and carry out military  
 3 construction projects for the installations or locations in-  
 4 side the United States, and in the amounts, set forth in  
 5 the following table:

**Navy: Inside the United States**

State	Installation or Location	Amount
Arizona .....	Yuma .....	\$50,635,000
California .....	Camp Pendleton .....	\$44,540,000
	Coronado .....	\$4,856,000
	Lemoore .....	\$71,830,000
	Point Mugu .....	\$22,427,000
	San Diego .....	\$37,366,000
	Twentynine Palms .....	\$9,160,000
Florida .....	Jacksonville .....	\$16,751,000
	Mayport .....	\$16,159,000
	Pensacola .....	\$18,347,000
	Whiting Field .....	\$10,421,000
Georgia .....	Albany .....	\$7,851,000
	Kings Bay .....	\$8,099,000
	Townsend .....	\$48,279,000
Hawaii .....	Barking Sands .....	\$30,623,000
	Joint Base Pearl Harbor-Hickam .....	\$14,881,000
	Kaneohe Bay .....	\$106,618,000
Maryland .....	Patuxent River .....	\$40,935,000
North Carolina .....	Camp Lejeune .....	\$54,849,000
	Cherry Point Marine Corps Air Sta- tion.	\$34,426,000
	New River .....	\$8,230,000
South Carolina .....	Parris Island .....	\$27,075,000
Virginia .....	Dam Neck .....	\$23,066,000
	Norfolk .....	\$126,677,000
	Portsmouth .....	\$45,513,000
	Quantico .....	\$58,199,000
Washington .....	Bangor .....	\$34,177,000
	Bremerton .....	\$22,680,000
	Indian Island .....	\$4,472,000.

6 (b) OUTSIDE THE UNITED STATES.—Using amounts  
 7 appropriated pursuant to the authorization of appropria-  
 8 tions in section 2204(a) and available for military con-  
 9 struction projects outside the United States as specified  
 10 in the funding table in section 3002, the Secretary of the  
 11 Navy may acquire real property and carry out military  
 12 construction projects for the installation or location out-

1 side the United States, and in the amounts, set forth in  
 2 the following table:

**Navy: Outside the United States**

Country	Installation or Location	Amount
Bahrain Island .....	SW Asia .....	\$89,791,000
Guam .....	Joint Region Marianas .....	\$181,768,000
Italy .....	Sigonella .....	\$102,943,000
Japan .....	Camp Butler .....	\$11,697,000
	Iwakuni .....	\$17,923,000
	Kadena AB .....	\$23,310,000
	Yokosuka .....	\$13,846,000
Poland .....	RedziKowo Base .....	\$51,270,000.

3 **SEC. 2202. FAMILY HOUSING.**

4 (a) CONSTRUCTION AND ACQUISITION.—Using  
 5 amounts appropriated pursuant to the authorization of ap-  
 6 propriations in section 2204(a) and available for military  
 7 family housing functions as specified in the funding table  
 8 in section 3002, the Secretary of the Navy may construct  
 9 or acquire family housing units (including land acquisition  
 10 and supporting facilities) at the installations or locations,  
 11 in the number of units, and in the amounts set forth in  
 12 the following table:

**Navy: Family Housing**

State	Installation	Units	Amount
Virginia .....	Wallops Island .....	Family Housing New Construction.	\$438,000.

13 (b) PLANNING AND DESIGN.—Using amounts appro-  
 14 priated pursuant to the authorization of appropriations in  
 15 section 2204(a) and available for military family housing  
 16 functions as specified in the funding table in section 3002,  
 17 the Secretary of the Navy may carry out architectural and

1 engineering services and construction design activities  
2 with respect to the construction or improvement of family  
3 housing units in an amount not to exceed \$4,588,000.

4 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
5 **UNITS.**

6 Subject to section 2825 of title 10, United States  
7 Code, and using amounts appropriated pursuant to the  
8 authorization of appropriations in section 2204(a) and  
9 available for military family housing functions as specified  
10 in the funding table in section 3002, the Secretary of the  
11 Navy may improve existing military family housing units  
12 in an amount not to exceed \$11,515,000.

13 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

14 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds  
15 are hereby authorized to be appropriated for fiscal years  
16 beginning after September 30, 2015, for military con-  
17 struction, land acquisition, and military family housing  
18 functions of the Department of the Navy, as specified in  
19 the funding table in section 3002.

20 (b) **LIMITATION ON TOTAL COST OF CONSTRUCTION**  
21 **PROJECTS.**—Notwithstanding the cost variations author-  
22 ized by section 2853 of title 10, United States Code, and  
23 any other cost variation authorized by law, the total cost  
24 of all projects carried out under section 2201 of this Act  
25 may not exceed the total amount authorized to be appro-

1 priated under subsection (a), as specified in the funding  
2 table in section 3002.

3 **SEC. 2205. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
4 **FISCAL YEAR 2012 PROJECTS.**

5 (a) EXTENSION.—Notwithstanding section 2002 of  
6 the Military Construction Authorization Act for Fiscal  
7 Year 2012 (division B of Public Law 112–81; 125 Stat.  
8 1660), the authorizations set forth in the table in sub-  
9 section (b), as provided in section 2201 of that Act (125  
10 Stat. 1666) and extended by section 2208 of the Military  
11 Construction Authorization Act for Fiscal Year 2015 (di-  
12 vision B of Public Law 113–291; 128 Stat. XXXX), shall  
13 remain in effect until October 1, 2016, or the date of the  
14 enactment of an Act authorizing funds for military con-  
15 struction for fiscal year 2017, whichever is later.

16 (b) TABLE.—The table referred to in subsection (a)  
17 is as follows:

**Navy: Extension of 2012 Project Authorizations**

State	Installation or Location	Project	Amount
California .....	Camp Pendleton .....	Infantry Squad De- fense Range.	\$29,187,000
Florida .....	Jacksonville .....	P–8A Hangar Up- grades.	\$6,085,000
Georgia .....	Kings Bay .....	Crab Island Security Enclave.	\$52,913,000.

18 **SEC. 2206. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
19 **FISCAL YEAR 2013 PROJECTS.**

20 (a) EXTENSION.—Notwithstanding section 2002 of  
21 the Military Construction Authorization Act for Fiscal

1 Year 2013 (division B of Public Law 112–239; 126 Stat.  
 2 2118), the authorizations set forth in the table in sub-  
 3 section (b), as provided in section 2201 of that Act (126  
 4 Stat. 2122), shall remain in effect until October 1, 2016,  
 5 or the date of the enactment of an Act authorizing funds  
 6 for military construction for fiscal year 2017, whichever  
 7 is later.

8 (b) TABLE.—The table referred to in subsection (a)  
 9 is as follows:

**Navy: Extension of 2013 Project Authorizations**

<b>State/Country</b>	<b>Installation or Location</b>	<b>Project</b>	<b>Amount</b>
California .....	Camp Pendleton .....	Comm. Information Systems Ops Complex.	\$78,897,000
	Coronado .....	Bachelor Quarters ...	\$76,063,000
	Twentynine Palms ...	Land Expansion Phase 2.	\$47,270,000
Greece .....	Souda Bay .....	Intermodal Access Road.	\$4,630,000
South Carolina .....	Beaufort .....	Recycling/Hazardous Waste Facility.	\$3,743,000
Virginia .....	Quantico .....	Infrastructure—Widen Russell Road.	\$14,826,000
Worldwide Unspecified.	Various Worldwide Locations.	BAMS Operational Facilities.	\$34,048,000.

10 **TITLE XXIII—AIR FORCE**  
 11 **MILITARY CONSTRUCTION**

12 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND**  
 13 **LAND ACQUISITION PROJECTS.**

14 (a) INSIDE THE UNITED STATES.—Using amounts  
 15 appropriated pursuant to the authorization of appropria-  
 16 tions in section 2304(a) and available for military con-  
 17 struction projects inside the United States as specified in

1 the funding table in section 3002, the Secretary of the  
 2 Air Force may acquire real property and carry out mili-  
 3 tary construction projects for the installations or locations  
 4 inside the United States, and in the amounts, set forth  
 5 in the following table:

**Air Force: Inside the United States**

State	Installation or Location	Amount
Alaska .....	Eielson AFB .....	\$71,400,000
Arizona .....	Davis-Monthan AFB .....	\$16,900,000
	Luke AFB .....	\$56,700,000
Colorado .....	U.S. Air Force Academy .....	\$10,000,000
Florida .....	Cape Canaveral AFS .....	\$21,000,000
	Eglin AFB .....	\$8,700,000
	Hurlburt Field .....	\$14,200,000
Hawaii .....	Joint Base Pearl Harbor-Hickam .....	\$46,000,000
Kansas .....	McConnell AFB .....	\$4,300,000
Missouri .....	Whiteman AFB .....	\$29,500,000
Montana .....	Malmstrom AFB .....	\$19,700,000
Nebraska .....	Offutt AFB .....	\$21,000,000
Nevada .....	Nellis AFB .....	\$68,950,000
New Mexico .....	Cannon AFB .....	\$7,800,000
	Holloman AFB .....	\$3,000,000
	Kirtland AFB .....	\$12,800,000
North Carolina .....	Seymour Johnson AFB .....	\$17,100,000
Oklahoma .....	Altus AFB .....	\$28,400,000
	Tinker AFB .....	\$49,900,000
South Dakota .....	Ellsworth AFB .....	\$23,000,000
Texas .....	Joint Base San Antonio .....	\$106,000,000
Utah .....	Hill AFB .....	\$38,400,000
Wyoming .....	F. E. Warren AFB .....	\$95,000,000
CONUS Classified .....	Classified Location .....	\$77,130,000.

6 (b) OUTSIDE THE UNITED STATES.—Using amounts  
 7 appropriated pursuant to the authorization of appropria-  
 8 tions in section 2304(a) and available for military con-  
 9 struction projects outside the United States as specified  
 10 in the funding table in section 3002, the Secretary of the  
 11 Air Force may acquire real property and carry out mili-  
 12 tary construction projects for the installation or location  
 13 outside the United States, and in the amount, set forth  
 14 in the following table:



1 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**  
2 **FORCE.**

3 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds  
4 are hereby authorized to be appropriated for fiscal years  
5 beginning after September 30, 2015, for military con-  
6 struction, land acquisition, and military family housing  
7 functions of the Department of the Air Force, as specified  
8 in the funding table in section 3002.

9 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION  
10 PROJECTS.—Notwithstanding the cost variations author-  
11 ized by section 2853 of title 10, United States Code, and  
12 any other cost variation authorized by law, the total cost  
13 of all projects carried out under section 2301 of this Act  
14 may not exceed the total amount authorized to be appro-  
15 priated under subsection (a), as specified in the funding  
16 table in section 3002.

17 **SEC. 2305. MODIFICATION OF AUTHORITY TO CARRY OUT**  
18 **CERTAIN FISCAL YEAR 2010 PROJECT.**

19 In the case of the authorization contained in the table  
20 in section 2301(a) of the Military Construction Authoriza-  
21 tion Act for Fiscal Year 2010 (division B of Public Law  
22 111–84; 123 Stat. 2636), for Hickam Air Force Base, Ha-  
23 waii, for construction of a ground control tower at the in-  
24 stallation, the Secretary of the Air Force may install com-  
25 munications cabling.

1 **SEC. 2306. MODIFICATION OF AUTHORITY TO CARRY OUT**  
2 **CERTAIN FISCAL YEAR 2014 PROJECT.**

3 In the case of the authorization contained in the table  
4 in section 2301(b) of the Military Construction Authoriza-  
5 tion Act for Fiscal Year 2014 (division B of Public Law  
6 113–66; 127 Stat. 993) for RAF Lakenheath, United  
7 Kingdom, for construction of a Guardian Angel Oper-  
8 ations Facility at the installation, the Secretary of the Air  
9 Force may construct the facility at an unspecified world-  
10 wide location.

11 **SEC. 2307. MODIFICATION OF AUTHORITY TO CARRY OUT**  
12 **CERTAIN FISCAL YEAR 2015 PROJECT.**

13 In the case of the authorization contained in the table  
14 in section 2301(a) of the Military Construction Authoriza-  
15 tion Act for Fiscal Year 2015 (division B of Public Law  
16 113–291; 128 Stat. XXXX) for McConnell Air Force  
17 Base, Kansas, for construction of a KC–46A Alter Com-  
18 posite Maintenance Shop at the installation, the Secretary  
19 of the Air Force may construct a 696 square meter (7,500  
20 square foot) facility consistent with Air Force guidelines  
21 for composite maintenance shops.

22 **SEC. 2308. EXTENSION OF AUTHORIZATION OF CERTAIN**  
23 **FISCAL YEAR 2012 PROJECT.**

24 (a) EXTENSION.—Notwithstanding section 2002 of  
25 the Military Construction Authorization Act for Fiscal  
26 Year 2012 (division B of Public Law 112–81; 125 Stat.

1 1660), the authorization set forth in the table in sub-  
 2 section (b), as provided in section 2301 of that Act (125  
 3 Stat. 1670), shall remain in effect until October 1, 2016,  
 4 or the date of the enactment of an Act authorizing funds  
 5 for military construction for fiscal year 2017, whichever  
 6 is later.

7 (b) TABLE.—The table referred to in subsection (a)  
 8 is as follows:

**Air Force: Extension of 2012 Project Authorization**

Country	Installation	Project	Amount
Italy .....	Sigonella Naval Air Station.	UAS SATCOM Relay Pads and Facility.	\$15,000,000.

9 **SEC. 2309. EXTENSION OF AUTHORIZATION OF CERTAIN**  
 10 **FISCAL YEAR 2013 PROJECT.**

11 (a) EXTENSION.—Notwithstanding section 2002 of  
 12 the Military Construction Authorization Act for Fiscal  
 13 Year 2013 (division B of Public Law 112–239; 126 Stat.  
 14 2118), the authorization set forth in the table in sub-  
 15 section (b), as provided in section 2301 of that Act (126  
 16 Stat. 2126), shall remain in effect until October 1, 2016,  
 17 or the date of the enactment of an Act authorizing funds  
 18 for military construction for fiscal year 2017, whichever  
 19 is later.

20 (b) TABLE.—The table referred to in subsection (a)  
 21 is as follows:

**Air Force: Extension of 2013 Project Authorization**

Country	Installation	Project	Amount
Portugal .....	Lajes Field .....	Sanitary Sewer Lift/ Pump Station.	\$2,000,000.

1 **TITLE XXIV—DEFENSE AGEN-**  
2 **CIES MILITARY CONSTRUC-**  
3 **TION**

4 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUC-**  
5 **TION AND LAND ACQUISITION PROJECTS.**

6 (a) INSIDE THE UNITED STATES.—Using amounts  
7 appropriated pursuant to the authorization of appropria-  
8 tions in section 2403(a) and available for military con-  
9 struction projects inside the United States as specified in  
10 the funding table in section 3002, the Secretary of De-  
11 fense may acquire real property and carry out military  
12 construction projects for the installations or locations in-  
13 side the United States, and in the amounts, set forth in  
14 the following table:

**Defense Agencies: Inside the United States**

State	Installation or Location	Amount
Alabama .....	Fort Rucker .....	\$46,787,000
	Maxwell AFB .....	\$32,968,000
Arizona .....	Fort Huachuca .....	\$3,884,000
California .....	Camp Pendleton .....	\$20,552,000
	Coronado .....	\$47,218,000
	Fresno Yosemite IAP ANG .....	\$10,700,000
Colorado .....	Fort Carson .....	\$8,243,000
CONUS Classified .....	Classified Location .....	\$20,065,000
Delaware .....	Dover AFB .....	\$21,600,000
Florida .....	Hurlburt Field .....	\$17,989,000
	MacDill AFB .....	\$39,142,000
Georgia .....	Moody AFB .....	\$10,900,000
Hawaii .....	Kaneohe Bay .....	\$122,071,000
	Schofield Barracks .....	\$123,838,000
Kentucky .....	Fort Campbell .....	\$12,553,000
	Fort Knox .....	\$23,279,000
Maryland .....	Fort Meade .....	\$816,077,000
Nevada .....	Nellis AFB .....	\$39,900,000

**Defense Agencies: Inside the United States**—Continued

State	Installation or Location	Amount
New Mexico .....	Cannon AFB .....	\$45,111,000
New York .....	West Point .....	\$55,778,000
North Carolina .....	Camp Lejeune .....	\$69,006,000
	Fort Bragg .....	\$168,811,000
Ohio .....	Wright-Patterson AFB .....	\$6,623,000
Oregon .....	Klamath Falls IAP .....	\$2,500,000
Pennsylvania .....	Philadelphia .....	\$49,700,000
South Carolina .....	Fort Jackson .....	\$26,157,000
Texas .....	Joint Base San Antonio .....	\$61,776,000
Virginia .....	Fort Belvoir .....	\$9,500,000
	Joint Base Langley-Eustis .....	\$28,000,000
	Joint Expeditionary Base Little Creek-Story.	\$23,916,000.

1 (b) OUTSIDE THE UNITED STATES.—Using amounts  
 2 appropriated pursuant to the authorization of appropria-  
 3 tions in section 2403(a) and available for military con-  
 4 struction projects outside the United States as specified  
 5 in the funding table in section 3002, the Secretary of De-  
 6 fense may acquire real property and carry out military  
 7 construction projects for the installations or locations out-  
 8 side the United States, and in the amounts, set forth in  
 9 the following table:

**Defense Agencies: Outside the United States**

Country	Installation or Location	Amount
Djibouti .....	Camp Lemonier .....	\$43,700,000
Germany .....	Garmisch .....	\$14,676,000
	Grafenwoehr .....	\$38,138,000
	Spangdahlem AB .....	\$39,571,000
	Stuttgart-Patch Barracks .....	\$49,413,000
Japan .....	Kadena AB .....	\$37,485,000
Poland .....	RedziKowo Base .....	\$169,153,000
Spain .....	Rota .....	\$13,737,000.

10 **SEC. 2402. AUTHORIZED ENERGY CONSERVATION**  
 11 **PROJECTS.**

12 Using amounts appropriated pursuant to the author-  
 13 ization of appropriations in section 2403(a) and available

1 for energy conservation projects as specified in the funding  
2 table in section 3202, the Secretary of Defense may carry  
3 out energy conservation projects under chapter 173 of title  
4 10, United States Code, in the amount set forth in the  
5 table.

6 **SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DE-**  
7 **FENSE AGENCIES.**

8 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds  
9 are hereby authorized to be appropriated for fiscal years  
10 beginning after September 30, 2015, for military con-  
11 struction, land acquisition, and military family housing  
12 functions of the Department of Defense (other than the  
13 military departments), as specified in the funding table  
14 in section 3002.

15 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION  
16 PROJECTS.—Notwithstanding the cost variations author-  
17 ized by section 2853 of title 10, United States Code, and  
18 any other cost variation authorized by law, the total cost  
19 of all projects carried out under section 2401 of this Act  
20 may not exceed the total amount authorized to be appro-  
21 priated under subsection (a), as specified in the funding  
22 table in section 3002.

1 **SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT**  
2 **CERTAIN FISCAL YEAR 2012 PROJECT.**

3 In the case of the authorization in the table in section  
4 2401(a) of the Military Construction Authorization Act  
5 for Fiscal Year 2012 (division B of Public Law 112–81;  
6 125 Stat. 1672), as amended by section 2404(a) of the  
7 Military Construction Authorization Act for Fiscal Year  
8 2013 (division B of Public Law 112–239; 126 Stat. 1632),  
9 for Fort Meade, Maryland, for construction of the High  
10 Performance Computing Center at the installation, the  
11 Secretary of Defense may construct a generator plant ca-  
12 pable of producing up to 60 megawatts of back-up elec-  
13 trical power in support of the 60 megawatt technical load.

14 **SEC. 2405. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
15 **FISCAL YEAR 2012 PROJECTS.**

16 (a) EXTENSION.—Notwithstanding section 2002 of  
17 the Military Construction Authorization Act for Fiscal  
18 Year 2012 (division B of Public Law 112–81; 125 Stat.  
19 1660), the authorization set forth in the table in sub-  
20 section (b), as provided in section 2401 of that Act (125  
21 Stat. 1672) and as amended by section 2405 of the Mili-  
22 tary Construction Authorization Act for Fiscal Year 2015  
23 (division B of Public Law 113–291; 128 Stat. XXXX),  
24 shall remain in effect until October 1, 2016, or the date  
25 of the enactment of an Act authorizing funds for military  
26 construction for fiscal year 2017, whichever is later.

1 (b) TABLE.—The table referred to in subsection (a)  
2 is as follows:

**Defense Agencies: Extension of 2012 Project Authorizations**

State	Installation	Project	Amount
California .....	Naval Base Coro- nado.	SOF Support Activ- ity Operations Facility.	\$38,800,000
Virginia .....	Pentagon Reserva- tion.	Heliport Control Tower and Fire Station. Pedestrian Plaza ....	\$6,457,000 \$2,285,000.

3 **SEC. 2406. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
4 **FISCAL YEAR 2013 PROJECTS.**

5 (a) EXTENSION.—Notwithstanding section 2002 of  
6 the Military Construction Authorization Act for Fiscal  
7 Year 2013 (division B of Public Law 112–239; 126 Stat.  
8 2118), the authorizations set forth in the table in sub-  
9 section (b), as provided in section 2401(a) of that Act  
10 (126 Stat. 2127), shall remain in effect until October 1,  
11 2016, or the date of the enactment of an Act authorizing  
12 funds for military construction for fiscal year 2017, which-  
13 ever is later.

14 (b) TABLE.—The table referred to in subsection (a)  
15 is as follows:

**Defense Agencies: Extension of 2013 Project Authorizations**

State	Installation or Location	Project	Amount
California .....	Naval Base Coro- nado.	SOF Mobile Com- munications De- tachment Support Facility.	\$9,327,000
Colorado .....	Pikes Peak .....	High Altitude Med- ical Research Center.	\$3,600,000
Hawaii .....	Joint Base Pearl Harbor-Hickam.	SOF SDVT–1 Wa- terfront Oper- ations Facility.	\$22,384,000

**Defense Agencies: Extension of 2013 Project Authorizations—**  
Continued

State	Installation or Location	Project	Amount
Pennsylvania .....	Def Distribution Depot New Cumberland.	Replace Reservoir ...	\$4,300,000.

1 **SEC. 2407. ADDITIONAL AUTHORITY TO CARRY OUT CER-**  
2 **TAIN FISCAL YEAR 2016 PROJECT.**

3 (a) PROJECT AUTHORIZATION.—The Secretary of  
4 Defense may carry out a military construction project to  
5 construct a 102,000-square foot medical clinic at Fort  
6 Knox, Kentucky, in the amount of \$80,000,000.

7 (b) USE OF UNOBLIGATED PRIOR-YEAR DEFENSE-  
8 WIDE MILITARY CONSTRUCTION FUNDS.—The Secretary  
9 may use available, unobligated Defense-wide military con-  
10 struction funds appropriated for a fiscal year before fiscal  
11 year 2016 for the project described in subsection (a).

12 (c) CONGRESSIONAL NOTIFICATION.—The Secretary  
13 of Defense shall provide information in accordance with  
14 section 2851(c) of title 10, United States Code, regarding  
15 the project described in subsection (a). If it becomes nec-  
16 essary to exceed the estimated project cost, the Secretary  
17 shall utilize the authority provided by section 2853 of such  
18 title regarding authorized cost and scope of work vari-  
19 ations.

1 **TITLE XXV—NORTH ATLANTIC**  
2 **TREATY ORGANIZATION SE-**  
3 **CURITY INVESTMENT PRO-**  
4 **GRAM**

5 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**  
6 **ACQUISITION PROJECTS.**

7 The Secretary of Defense may make contributions for  
8 the North Atlantic Treaty Organization Security Invest-  
9 ment Program as provided in section 2806 of title 10,  
10 United States Code, in an amount not to exceed the sum  
11 of the amount authorized to be appropriated for this pur-  
12 pose in section 2502 and the amount collected from the  
13 North Atlantic Treaty Organization as a result of con-  
14 struction previously financed by the United States.

15 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

16 Funds are hereby authorized to be appropriated for  
17 fiscal years beginning after September 30, 2015, for con-  
18 tributions by the Secretary of Defense under section 2806  
19 of title 10, United States Code, for the share of the United  
20 States of the cost of projects for the North Atlantic Treaty  
21 Organization Security Investment Program authorized by  
22 section 2501 as specified in the funding table in section  
23 3002.

1           **TITLE XXVI—GUARD AND**  
 2           **RESERVE FORCES FACILITIES**  
 3   **Subtitle A—Project Authorizations**  
 4           **and Authorization of Appropria-**  
 5           **tions**

6   **SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CON-**  
 7                   **STRUCTION AND LAND ACQUISITION**  
 8                   **PROJECTS.**

9           Using amounts appropriated pursuant to the author-  
 10 ization of appropriations in section 2606 and available for  
 11 the National Guard and Reserve as specified in the fund-  
 12 ing table in section 3002, the Secretary of the Army may  
 13 acquire real property and carry out military construction  
 14 projects for the Army National Guard locations inside the  
 15 United States, and in the amounts, set forth in the fol-  
 16 lowing table:

**Army National Guard**

<b>State</b>	<b>Location</b>	<b>Amount</b>
Connecticut .....	Camp Hartell .....	\$11,000,000
Florida .....	Palm Coast .....	\$18,000,000
Illinois .....	Sparta .....	\$1,900,000
Kansas .....	Salina .....	\$6,700,000
Maryland .....	Easton .....	\$13,800,000
Nevada .....	Reno .....	\$8,000,000
Ohio .....	Camp Ravenna .....	\$3,300,000
Oregon .....	Salem .....	\$16,500,000
Pennsylvania .....	Fort Indiantown Gap .....	\$16,000,000
Vermont .....	North Hyde Park .....	\$7,900,000
Virginia .....	Richmond .....	\$29,000,000.

1 **SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION**  
 2 **AND LAND ACQUISITION PROJECTS.**

3 Using amounts appropriated pursuant to the author-  
 4 ization of appropriations in section 2606 and available for  
 5 the National Guard and Reserve as specified in the fund-  
 6 ing table in section 3002, the Secretary of the Army may  
 7 acquire real property and carry out military construction  
 8 projects for the Army Reserve locations inside the United  
 9 States, and in the amounts, set forth in the following  
 10 table:

**Army Reserve**

State	Location	Amount
California .....	Miramar .....	\$24,000,000
Florida .....	MacDill AFB .....	\$55,000,000
New York .....	Orangeburg .....	\$4,200,000
Pennsylvania .....	Conneaut Lake .....	\$5,000,000.

11 **SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE**  
 12 **CORPS RESERVE CONSTRUCTION AND LAND**  
 13 **ACQUISITION PROJECTS.**

14 Using amounts appropriated pursuant to the author-  
 15 ization of appropriations in section 2606 and available for  
 16 the National Guard and Reserve as specified in the fund-  
 17 ing table in section 3002, the Secretary of the Navy may  
 18 acquire real property and carry out military construction  
 19 projects for the Navy Reserve and Marine Corps Reserve  
 20 locations inside the United States, and in the amounts,  
 21 set forth in the following table:

**Navy Reserve and Marine Corps Reserve**

State	Location	Amount
Nevada .....	Fallon .....	\$11,480,000
New York .....	Brooklyn .....	\$2,479,000
Virginia .....	Dam Neck .....	\$18,443,000.

**1 SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

2  
 3 Using amounts appropriated pursuant to the author-  
 4 ization of appropriations in section 2606 and available for  
 5 the National Guard and Reserve as specified in the fund-  
 6 ing table in section 3002, the Secretary of the Air Force  
 7 may acquire real property and carry out military construc-  
 8 tion projects for the Air National Guard locations inside  
 9 the United States, and in the amounts, set forth in the  
 10 following table:

**Air National Guard**

State	Location	Amount
Alabama .....	Dannelly Field .....	\$7,600,000
California .....	Moffett Field .....	\$6,500,000
Colorado .....	Buckley Air Force Base .....	\$5,100,000
Georgia .....	Savannah/Hilton Head IAP .....	\$9,000,000
Iowa .....	Des Moines Map .....	\$6,700,000
Kansas .....	Smokey Hill ANG Range .....	\$2,900,000
Louisiana .....	New Orleans .....	\$10,000,000
Maine .....	Bangor IAP .....	\$7,200,000
New Hampshire .....	Pease International Trade Port .....	\$2,800,000
New Jersey .....	Atlantic City IAP .....	\$10,200,000
New York .....	Niagara Falls IAP .....	\$7,700,000
North Carolina .....	Charlotte/Douglas IAP .....	\$9,000,000
North Dakota .....	Hector IAP .....	\$7,300,000
Oklahoma .....	Will Rogers World Airport .....	\$7,600,000
Oregon .....	Klamath Falls IAP .....	\$7,200,000
West Virginia .....	Yeager Airport .....	\$3,900,000.

**11 SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

12  
 13 Using amounts appropriated pursuant to the author-  
 14 ization of appropriations in section 2606 and available for

1 the National Guard and Reserve as specified in the fund-  
 2 ing table in section 3002, the Secretary of the Air Force  
 3 may acquire real property and carry out military construc-  
 4 tion projects for the Air Force Reserve locations inside  
 5 the United States, and in the amounts, set forth in the  
 6 following table:

**Air Force Reserve**

State	Location	Amount
California .....	March AFB .....	\$4,600,000
Florida .....	Patrick AFB .....	\$3,400,000
Ohio .....	Youngstown .....	\$9,400,000
Texas .....	Joint Base San Antonio .....	\$9,900,000.

7 **SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NA-**  
 8 **TIONAL GUARD AND RESERVE.**

9 Funds are hereby authorized to be appropriated for  
 10 fiscal years beginning after September 30, 2015, for the  
 11 costs of acquisition, architectural and engineering services,  
 12 and construction of facilities for the Guard and Reserve  
 13 Forces, and for contributions therefor, under chapter  
 14 1803 of title 10, United States Code (including the cost  
 15 of acquisition of land for those facilities), as specified in  
 16 the funding table in section 3002.

17 **Subtitle B—Other Matters**

18 **SEC. 2611. MODIFICATION AND EXTENSION OF AUTHORITY**  
 19 **TO CARRY OUT CERTAIN FISCAL YEAR 2013**  
 20 **PROJECT.**

21 (a) MODIFICATION.—In the case of the authorization  
 22 contained in the table in section 2602 of the Military Con-

1 construction Authorization Act for Fiscal Year 2013 (division  
2 B of Public Law 112–239; 126 Stat. 2135) for Aberdeen  
3 Proving Ground, Maryland, for construction of an Army  
4 Reserve Center at that location, the Secretary of the Army  
5 may construct a new facility in the vicinity of Aberdeen  
6 Proving Ground, Maryland.

7 (b) DURATION OF AUTHORITY.—Notwithstanding  
8 section 2002 of the Military Construction Act for Fiscal  
9 Year 2013 (division B of Public Law 112–239; 126 Stat.  
10 2118), the authorization set forth in subsection (a) shall  
11 remain in effect until October 2016, or the date of the  
12 enactment of an Act authorizing funds for military con-  
13 struction for fiscal year 2017, whichever is later.

14 **SEC. 2612. MODIFICATION OF AUTHORITY TO CARRY OUT**  
15 **CERTAIN FISCAL YEAR 2015 PROJECTS.**

16 (a) DAVIS-MONTHAN AFB.—In the case of the au-  
17 thorization contained in the table in section 2605 of the  
18 Military Construction Authorization Act for Fiscal Year  
19 2015 (division B of Public Law 113–291; 128 Stat.  
20 XXXX) for Davis-Monthan Air Force Base, Arizona, for  
21 construction of a Guardian Angel Operations facility at  
22 that location, the Secretary of the Air Force may con-  
23 struct a new facility in the amount of \$18,200,000.

24 (b) FORT SMITH.—In the case of the authorization  
25 contained in the table in section 2604 of the Military Con-

1 construction Authorization Act for Fiscal Year 2015 (division  
 2 B of Public Law 113–291; 128 Stat. XXXX) for Fort  
 3 Smith Municipal Airport, Arkansas, for construction of a  
 4 consolidated Secure Compartmented Information Facility  
 5 at that location, the Secretary of the Air Force may con-  
 6 struct a new facility in the amount of \$15,200,000.

7 **SEC. 2613. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
 8 **FISCAL YEAR 2012 PROJECTS.**

9 (a) **EXTENSION.**—Notwithstanding section 2002 of  
 10 the Military Construction Authorization Act for Fiscal  
 11 Year 2012 (division B of Public Law 112–81; 125 Stat.  
 12 1660), the authorizations set forth in the table in sub-  
 13 section (b), as provided in section 2602 of that Act (125  
 14 Stat. 1678), and extended by section 2611 of the Military  
 15 Construction Authorization Act for Fiscal Year 2015 (di-  
 16 vision B of Public Law 113–291; 128 Stat. 3690, 3691),  
 17 shall remain in effect until October, 2016 or the date of  
 18 the enactment of an Act authorizing funds for military  
 19 construction for fiscal year 2017, whichever is later.

20 (b) **TABLE.**—The table referred to in subsection (a)  
 21 is as follows:

**Extension of 2012 National Guard and Reserve Project  
 Authorizations**

<b>State</b>	<b>Location</b>	<b>Project</b>	<b>Amount</b>
Kansas .....	Kansas City .....	Army Reserve Cen- ter.	\$13,000,000
Massachusetts .....	Attleboro .....	Army Reserve Cen- ter.	\$22,000,000.

1 **SEC. 2614. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
 2 **FISCAL YEAR 2013 PROJECTS.**

3 (a) EXTENSION.—Notwithstanding section 2002 of  
 4 the Military Construction Authorization Act for Fiscal  
 5 Year 2013 (division B of Public Law 112–239; 126 Stat.  
 6 2118), the authorizations set forth in the table in sub-  
 7 section (b), as provided in sections 2601, 2602, and 2603  
 8 of that Act (126 Stat. 2134, 2135) shall remain in effect  
 9 until October 2016, or the date of the enactment of an  
 10 Act authorizing funds for military construction for fiscal  
 11 year 2017, whichever is later.

12 (b) TABLE.—The table referred to in subsection (a)  
 13 is as follows:

**Extension of 2013 National Guard and Reserve Project  
 Authorizations**

<b>State</b>	<b>Installation or Location</b>	<b>Project</b>	<b>Amount</b>
Arizona .....	Yuma .....	Reserve Training Fa- cility—Yuma.	\$5,379,000
California .....	Tustin .....	Army Reserve Center	\$27,000,000
Iowa .....	Fort Des Moines .....	Joint Reserve Cen- ter—Des Moines.	\$19,162,000
Louisiana .....	New Orleans .....	Transient Quarters ..	\$7,187,000
New York .....	Camp Smith (Stormville).	Combined Support Maintenance Shop Phase 1.	\$24,000,000.

1 **TITLE XXVII—BASE REALIGN-**  
2 **MENT AND CLOSURE ACTIVI-**  
3 **TIES**

4 **SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR**  
5 **BASE REALIGNMENT AND CLOSURE ACTIVI-**  
6 **TIES FUNDED THROUGH DEPARTMENT OF**  
7 **DEFENSE BASE CLOSURE ACCOUNT.**

8 Funds are hereby authorized to be appropriated for  
9 fiscal years beginning after September 30, 2015, for base  
10 realignment and closure activities, including real property  
11 acquisition and military construction projects, as author-  
12 ized by the Defense Base Closure and Realignment Act  
13 of 1990 (part A of title XXIX of Public Law 101–510;  
14 10 U.S.C. 2687 note) and funded through the Department  
15 of Defense Base Closure Account established by section  
16 2906 of such Act (as amended by section 2711 of the Mili-  
17 tary Construction Authorization Act for Fiscal Year 2013  
18 (division B of Public Law 112–239; 126 Stat. 2140)), as  
19 specified in the funding table in section 3002.

1 **TITLE XXVIII—MILITARY CON-**  
2 **STRUCTION GENERAL PROVI-**  
3 **SIONS**

4 **SEC. 2801. CHANGE IN AUTHORITIES RELATING TO SCOPE**  
5 **OF WORK VARIATIONS FOR MILITARY CON-**  
6 **STRUCTION PROJECTS.**

7 (a) LIMITED AUTHORITY FOR SCOPE OF WORK IN-  
8 CREASE.—Section 2853 of title 10, United States Code,  
9 is amended—

10 (1) in subsection (b)(2), by striking “The scope  
11 of work” and inserting “Except as provided in sub-  
12 section (d), the scope of work”;

13 (2) by redesignating subsections (d) and (e) as  
14 subsections (e) and (f), respectively; and

15 (3) by inserting after subsection (c) the fol-  
16 lowing new subsection (d):

17 “(d) The limitation in subsection (b)(2) on an in-  
18 crease in the scope of work does not apply if—

19 “(1) the increase in the scope of work is not  
20 more than 10 percent of the amount specified for  
21 that project, construction, improvement, or acquisi-  
22 tion in the justification data provided to Congress as  
23 part of the request for authorization of the project,  
24 construction, improvement, or acquisition;

1           “(2) the increase is approved by the Secretary  
2 concerned;

3           “(3) the Secretary concerned notifies the appro-  
4 priate committees of Congress in writing of the in-  
5 crease in scope and the reasons therefor; and

6           “(4) a period of 21 days has elapsed after the  
7 date on which the notification is received by the  
8 committees or, if over sooner, a period of 14 days  
9 has elapsed after the date on which a copy of the  
10 notification is provided in an electronic medium pur-  
11 suant to section 480 of this title.”.

12 (b) CROSS-REFERENCE AMENDMENTS.—

13           (1) Subsection (a) of such section is amended  
14 by striking “subsection (c) or (d)” and inserting  
15 “subsection (c), (d), or (e)”.

16           (2) Subsection (f) of such section, as redesign-  
17 nated by subsection (a)(2), is amended by striking  
18 “through (d)” and inserting “through (e)”.

19 (c) ADDITIONAL TECHNICAL AMENDMENTS.—

20           (1) CONFORMITY WITH GENERAL TITLE 10  
21 STYLE.—Subsection (a) of such section is further  
22 amended by inserting “of this title” after “section  
23 2805(a)”.

1           (2) DELETION OF SURPLUS WORD.—Subsection  
2           (c)(1)(A) of such section is amended by striking  
3           “be” after “Congress can”.

4 **SEC. 2802. ENHANCED AUTHORITY TO CARRY OUT EMER-**  
5 **GENCY MILITARY CONSTRUCTION PROJECTS**  
6 **WHEN NECESSARY TO SUPPORT REQUIRE-**  
7 **MENTS OF COMBATANT COMMANDERS.**

8           Section 2803 of title 10, United States Code, is  
9 amended—

10           (1) by redesignating paragraph (2) of sub-  
11           section (c) as subsection (d); and

12           (2) in subsection (c)—

13                 (A) by striking “The maximum amount”  
14                 and inserting “Except as provided in paragraph  
15                 (2), the maximum amount”; and

16                 (B) by adding at the end the following new  
17                 paragraph (2):

18           “(2) In applying the limitation under paragraph (1)  
19 for any fiscal year, the Secretary concerned may exclude  
20 any amount obligated by the Secretary under this section  
21 in that fiscal year for a military construction project that  
22 is carried out to support the requirements of the com-  
23 mander of a combatant command, except that the max-  
24 imum amount that may be so excluded by the Secretary  
25 concerned in any fiscal year is \$25,000,000.”.

1 **SEC. 2803. ANNUAL LOCALITY ADJUSTMENT OF DOLLAR**  
2 **THRESHOLDS APPLICABLE TO UNSPECIFIED**  
3 **MINOR MILITARY CONSTRUCTION AUTHORI-**  
4 **TIES.**

5 Section 2805 of title 10, United States Code, is  
6 amended by adding at the end the following new sub-  
7 section:

8 “(f) ADJUSTMENT OF DOLLAR LIMITATIONS FOR LO-  
9 CATION.—Each fiscal year, the Secretary concerned shall  
10 adjust the dollar limitations specified in this section appli-  
11 cable to an unspecified minor military construction project  
12 to reflect the area construction cost index for military con-  
13 struction projects published by the Department of Defense  
14 during the prior fiscal year for the location of the  
15 project.”.

16 **SEC. 2804. EXTENSION OF TEMPORARY, LIMITED AUTHOR-**  
17 **ITY TO USE OPERATION AND MAINTENANCE**  
18 **FUNDS FOR CONSTRUCTION PROJECTS OUT-**  
19 **SIDE THE UNITED STATES.**

20 (a) EXTENSION OF AUTHORITY.—Subsection (h) of  
21 section 2808 of the Military Construction Authorization  
22 Act for Fiscal Year 2004 (division B of Public Law 108–  
23 136; 117 Stat. 1723), as most recently amended by sec-  
24 tion 2806 of the Military Construction Authorization Act  
25 for Fiscal Year 2015 (division B of Public Law 113–291;  
26 128 Stat. XXXX), is amended—

1 (1) in paragraph (1), by striking “December  
2 31, 2015” and inserting “December 31, 2016”; and

3 (2) in paragraph (2), by striking “fiscal year  
4 2016” and inserting “fiscal year 2017”.

5 (b) LIMITATION ON USE OF AUTHORITY.—Sub-  
6 section (c)(1) of such section is amended—

7 (1) by striking “October 1, 2014” and inserting  
8 “October 1, 2015”;

9 (2) by striking “December 31, 2015” and in-  
10 sserting “December 31, 2016”; and

11 (3) by striking “fiscal year 2016” and inserting  
12 “fiscal year 2017”.

13 **SEC. 2805. PRODUCTION AND USE OF NATURAL GAS AT**  
14 **FORT KNOX, KENTUCKY.**

15 (a) IN GENERAL.—Chapter 449 of title 10, United  
16 States Code, is amended by adding at the end the fol-  
17 lowing new section:

18 **“§ 4781. Natural gas: production, treatment, manage-**  
19 **ment, and use at Fort Knox, Kentucky**

20 “(a) AUTHORITY.—The Secretary of the Army may  
21 provide, by contract or otherwise, for the production,  
22 treatment, management, and use of natural gas located  
23 under Fort Knox, Kentucky, without regard to section 3  
24 of the Mineral Leasing Act for Acquired Lands (30 U.S.C.  
25 352).

1       “(b) LIMITATION ON USES.—Any natural gas pro-  
2       duced under the authority of subsection (a) may only be  
3       used to support activities and operations at Fort Knox and  
4       may not be sold for use elsewhere.

5       “(c) OWNERSHIP OF FACILITIES.—The Secretary of  
6       the Army may take ownership of any gas production and  
7       treatment equipment and facilities and associated infra-  
8       structure from a contractor in accordance with the terms  
9       of a contract or other agreement entered into pursuant  
10      to subsection (a).

11      “(d) NO APPLICATION ELSEWHERE.—The authority  
12      provided by this section applies only with respect to Fort  
13      Knox, Kentucky, and nothing in this section shall be con-  
14      strued as authorizing the production, treatment, manage-  
15      ment, or use of natural gas resources underlying any De-  
16      partment of Defense installation other than Fort Knox.

17      “(e) APPLICABILITY.—The authority of the Secretary  
18      of the Army under this section is effective as of August  
19      2, 2007.”.

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

“4781. Natural gas: production, treatment, management, and use at Fort Knox,  
Kentucky.”.

1 **SEC. 2806. INCREASE OF THRESHOLD OF NOTICE AND WAIT**  
2 **REQUIREMENT FOR CERTAIN FACILITIES**  
3 **FOR RESERVE COMPONENTS AND PARITY**  
4 **WITH AUTHORITY FOR UNSPECIFIED MINOR**  
5 **MILITARY CONSTRUCTION AND REPAIR**  
6 **PROJECTS.**

7 (a) NOTICE AND WAIT REQUIREMENT.—Subsection  
8 (a) of section 18233a of title 10, United States Code, is  
9 amended by striking “\$750,000” and inserting “the  
10 amount specified in section 2805(b)(1) of this title”.

11 (b) REPAIR PROJECTS.—Subsection (b)(3) of such  
12 section is amended by striking “\$7,500,000” and inserting  
13 “the amount specified in section 2811(b) of this title”.

14 **TITLE XXIX—DEFENSE BASE**  
15 **CLOSURE AND REALIGNMENT**

16 **SEC. 2901. SHORT TITLE AND PURPOSE.**

17 (a) SHORT TITLE.—This title may be cited as the  
18 “Defense Base Closure and Realignment Act of 2015”.

19 (b) PURPOSE.—The purpose of this title is to provide  
20 a fair process that will result in the timely closure and  
21 realignment of military installations inside the United  
22 States.

23 **SEC. 2902. THE COMMISSION.**

24 (a) ESTABLISHMENT.—There is established an inde-  
25 pendent commission to be known as the “Defense Base  
26 Closure and Realignment Commission”.

1       (b) DUTIES.—The Commission shall carry out the  
2 duties specified for it in this title.

3       (c) APPOINTMENT.—(1)(A) The Commission shall be  
4 composed of nine members appointed by the President, by  
5 and with the advice and consent of the Senate.

6       (B) Subject to the certifications required under sec-  
7 tion 2903(b), the President may commence a round for  
8 the selection of military installations for closure and re-  
9 alignment under this title in 2017 by transmitting to the  
10 Senate, not later than March 1, 2017, nominations for ap-  
11 pointment to the Commission.

12       (C) If the President does not transmit to Congress  
13 the nominations for appointment to the Commission on  
14 or before the date specified, the process by which military  
15 installations may be selected for closure or realignment  
16 under this title with respect to that year shall be termi-  
17 nated.

18       (2) In selecting individuals for nominations for ap-  
19 pointments to the Commission, the President should con-  
20 sult with—

21               (A) the Speaker of the House of Representa-  
22 tives concerning the appointment of two members;

23               (B) the majority leader of the Senate con-  
24 cerning the appointment of two members;

1           (C) the minority leader of the House of Rep-  
2           resentatives concerning the appointment of one  
3           member; and

4           (D) the minority leader of the Senate con-  
5           cerning the appointment of one member.

6           (3) At the time the President nominates individuals  
7           for appointment to the Commission for each session of  
8           Congress referred to in paragraph (1)(B), the President  
9           shall designate one such individual who shall serve as  
10          Chairman of the Commission.

11          (d) TERMS.—(1) Except as provided in paragraph  
12          (2), each member of the Commission shall serve until the  
13          adjournment of Congress sine die for the session during  
14          which the member was appointed to the Commission.

15          (2) The Chairman of the Commission shall serve until  
16          the confirmation of a successor.

17          (e) MEETINGS.—(1) The Commission shall meet only  
18          during calendar year 2017.

19          (2)(A) Each meeting of the Commission, other than  
20          meetings in which classified information is to be discussed,  
21          shall be open to the public.

22          (B) All the proceedings, information, and delibera-  
23          tions of the Commission shall be open, upon request, to  
24          the following:

1           (i) The Chairman and the ranking minority  
2 party member of the Subcommittee on Readiness  
3 and Management Support of the Committee on  
4 Armed Services of the Senate, or such other mem-  
5 bers of the Subcommittee designated by such Chair-  
6 man or ranking minority party member.

7           (ii) The Chairman and the ranking minority  
8 party member of the Subcommittee on Readiness of  
9 the Committee on Armed Services of the House of  
10 Representatives, or such other members of the Sub-  
11 committee designated by such Chairman or ranking  
12 minority party member.

13           (iii) The Chairmen and ranking minority party  
14 members of the subcommittees with jurisdiction for  
15 military construction of the Committees on Appro-  
16 priations of the Senate and of the House of Rep-  
17 resentatives, or such other members of the sub-  
18 committees designated by such Chairmen or ranking  
19 minority party members.

20           (f) VACANCIES.—A vacancy in the Commission shall  
21 be filled in the same manner as the original appointment,  
22 but the individual appointed to fill the vacancy shall serve  
23 only for the unexpired portion of the term for which the  
24 individual's predecessor was appointed.

1           (g) PAY AND TRAVEL EXPENSES.—(1)(A) Each  
2 member, other than the Chairman, shall be paid at a rate  
3 equal to the daily equivalent of the minimum annual rate  
4 of basic pay payable for level IV of the Executive Schedule  
5 under section 5315 of title 5, United States Code, for each  
6 day (including travel time) during which the member is  
7 engaged in the actual performance of duties vested in the  
8 Commission.

9           (B) The Chairman shall be paid for each day referred  
10 to in subparagraph (A) at a rate equal to the daily equiva-  
11 lent of the minimum annual rate of basic pay payable for  
12 level III of the Executive Schedule under section 5314,  
13 of title 5, United States Code.

14           (2) Members shall receive travel expenses, including  
15 per diem in lieu of subsistence, in accordance with sections  
16 5702 and 5703 of title 5, United States Code.

17           (h) DIRECTOR OF STAFF.—(1) The Commission  
18 shall, without regard to section 5311 of title 5, United  
19 States Code, appoint a Director who has not served on  
20 active duty in the Armed Forces or as a civilian employee  
21 of the Department of Defense during the one-year period  
22 preceding the date of such appointment.

23           (2) The Director shall be paid at the rate of basic  
24 pay payable for level IV of the Executive Schedule under  
25 section 5315 of title 5, United States Code.

1 (i) STAFF.—(1) Subject to paragraphs (2) and (3),  
2 the Director, with the approval of the Commission, may  
3 appoint and fix the pay of additional personnel.

4 (2) The Director may make such appointments with-  
5 out regard to the provisions of title 5, United States Code,  
6 governing appointments in the competitive service, and  
7 any personnel so appointed may be paid without regard  
8 to the provisions of chapter 51 and subchapter III of chap-  
9 ter 53 of that title relating to classification and General  
10 Schedule pay rates, except that an individual so appointed  
11 may not receive pay in excess of the annual rate of basic  
12 pay payable for GS-15 of the General Schedule.

13 (3)(A) Not more than one-third of the personnel em-  
14 ployed by or detailed to the Commission may be on detail  
15 from the Department of Defense.

16 (B)(i) Not more than one-fifth of the professional an-  
17 alysts of the Commission staff may be persons detailed  
18 from the Department of Defense to the Commission.

19 (ii) No person detailed from the Department of De-  
20 fense to the Commission may be assigned as the lead pro-  
21 fessional analyst with respect to a military department or  
22 defense agency.

23 (C) A person may not be detailed from the Depart-  
24 ment of Defense to the Commission if, within 12 months  
25 before the detail is to begin, that person participated per-

1 sonally and substantially in any matter within the Depart-  
2 ment of Defense concerning the preparation of rec-  
3 ommendations for closures or realignments of military in-  
4 stallations.

5 (D) No member of the Armed Forces, and no officer  
6 or employee of the Department of Defense, may—

7 (i) prepare any report concerning the effective-  
8 ness, fitness, or efficiency of the performance on the  
9 staff of the Commission of any person detailed from  
10 the Department of Defense to that staff;

11 (ii) review the preparation of such a report; or

12 (iii) approve or disapprove such a report.

13 (4) Upon request of the Director, the head of any  
14 Federal department or agency may detail any of the per-  
15 sonnel of that department or agency to the Commission  
16 to assist the Commission in carrying out its duties under  
17 this title.

18 (5) The Comptroller General of the United States  
19 shall provide assistance, including the detailing of employ-  
20 ees, to the Commission in accordance with an agreement  
21 entered into with the Commission.

22 (6) The following restrictions relating to the per-  
23 sonnel of the Commission shall apply during the period  
24 beginning January 1, 2018, and ending April 15, 2018:

1           (A) There may not be more than 15 persons on  
2 the staff at any one time.

3           (B) The staff may perform only such functions  
4 as are necessary to prepare for the transition to new  
5 membership on the Commission in the following  
6 year.

7           (C) No member of the Armed Forces and no  
8 employee of the Department of Defense may serve  
9 on the staff.

10          (j) OTHER AUTHORITY.—(1) The Commission may  
11 procure by contract, to the extent funds are available, the  
12 temporary or intermittent services of experts or consult-  
13 ants pursuant to section 3109 of title 5, United States  
14 Code.

15          (2) The Commission may lease space and acquire per-  
16 sonal property to the extent funds are available.

17          (k) FUNDING.—(1) There are authorized to be appro-  
18 priated to the Commission such funds as are necessary  
19 to carry out its duties under this title. Such funds shall  
20 remain available until expended.

21          (2) If no funds are appropriated to the Commission  
22 by the end of the second session of the 114th Congress,  
23 the Secretary of Defense may transfer to the Commission  
24 for purposes of its activities under this title in that year  
25 such funds as the Commission may require to carry out

1 such activities. The Secretary may transfer funds under  
2 the preceding sentence from any funds available to the  
3 Secretary. Funds so transferred shall remain available to  
4 the Commission for such purposes until expended.

5 (l) TERMINATION.—The Commission shall terminate  
6 on April 15, 2018.

7 (m) PROHIBITION AGAINST RESTRICTING COMMU-  
8 NICATIONS.—Section 1034 of title 10, United States  
9 Code, shall apply with respect to communications with the  
10 Commission.

11 **SEC. 2903. PROCEDURE FOR MAKING RECOMMENDATIONS**  
12 **FOR BASE CLOSURES AND REALIGNMENTS.**

13 (a) FORCE-STRUCTURE PLAN AND INFRASTRUCTURE  
14 INVENTORY.—

15 (1) PREPARATION AND SUBMISSION.—As part  
16 of the budget justification documents submitted to  
17 Congress in support of the budget for the Depart-  
18 ment of Defense for fiscal year 2017, the Secretary  
19 shall submit to Congress the following:

20 (A) A force-structure plan for the Armed  
21 Forces based on an assessment by the Sec-  
22 retary of the probable threats to the national  
23 security during the 20-year period beginning  
24 with that fiscal year, the probable end-strength  
25 levels and major military force units (including

1 land force divisions, carrier and other major  
2 combatant vessels, air wings, and other com-  
3 parable units) needed to meet these threats,  
4 and the anticipated levels of funding that will  
5 be available for national defense purposes dur-  
6 ing such period.

7 (B) A comprehensive inventory of military  
8 installations world-wide for each military de-  
9 partment, with specifications of the number and  
10 type of facilities in the active and reserve forces  
11 of each military department.

12 (2) RELATIONSHIP OF PLAN AND INVEN-  
13 TORY.—Using the force-structure plan and infra-  
14 structure inventory prepared under paragraph (1),  
15 the Secretary shall prepare (and include as part of  
16 the submission of such plan and inventory) the fol-  
17 lowing:

18 (A) A description of the infrastructure nec-  
19 essary to support the force structure described  
20 in the force-structure plan.

21 (B) A discussion of categories of excess in-  
22 frastructure and infrastructure capacity.

23 (C) An economic analysis of the effect of  
24 the closure or realignment of military installa-  
25 tions to reduce excess infrastructure.

1           (3) SPECIAL CONSIDERATIONS.—In determining  
2 the level of necessary versus excess infrastructure  
3 under paragraph (2), the Secretary shall consider  
4 the following:

5           (A) The anticipated continuing need for  
6 and availability of military installations outside  
7 the United States, taking into account current  
8 restrictions on the use of military installations  
9 outside the United States and the potential for  
10 future prohibitions or restrictions on the use of  
11 such military installations.

12           (B) Any efficiencies that may be gained  
13 from joint tenancy by more than one branch of  
14 the Armed Forces at a military installation.

15           (4) REVISION.—The Secretary may revise the  
16 force-structure plan and infrastructure inventory. If  
17 the Secretary makes such a revision, the Secretary  
18 shall submit the revised plan or inventory to Con-  
19 gress not later than March 15th of the year fol-  
20 lowing the year in which such plan was first sub-  
21 mitted. For purposes of selecting military installa-  
22 tions for closure or realignment under this title in  
23 the year in which a revision is submitted, no revision  
24 of the force-structure plan or infrastructure inven-  
25 tory is authorized after that date.

1 (b) CERTIFICATION OF NEED FOR FURTHER CLO-  
2 SURES AND REALIGNMENTS.—

3 (1) CERTIFICATION REQUIRED.—On the basis  
4 of the force-structure plan and infrastructure inven-  
5 tory prepared under subsection (a) and the descrip-  
6 tions and economic analysis prepared under such  
7 subsection, the Secretary shall include as part of the  
8 submission of the plan and inventory—

9 (A) a certification regarding whether the  
10 need exists for the closure or realignment of ad-  
11 ditional military installations; and

12 (B) if such need exists, a certification that  
13 the additional round of closures and realign-  
14 ments would result in annual net savings for  
15 each of the military departments beginning not  
16 later than six years following the commence-  
17 ment of such closures and realignments.

18 (2) EFFECT OF FAILURE TO CERTIFY.—If the  
19 Secretary does not include the certifications referred  
20 to in paragraph (1), the President may not com-  
21 mence a round for the selection of military installa-  
22 tions for closure and realignment under this title in  
23 the year following submission of the force-structure  
24 plan and infrastructure inventory.

25 (c) COMPTROLLER GENERAL EVALUATION.—

1           (1) EVALUATION REQUIRED.—If the certifi-  
2           cation is provided under subsection (b), the Comp-  
3           troller General shall prepare an evaluation of the fol-  
4           lowing:

5                   (A) The force-structure plan and infra-  
6                   structure inventory prepared under subsection  
7                   (a) and the final selection criteria specified in  
8                   subsection (d), including an evaluation of the  
9                   accuracy and analytical sufficiency of such plan,  
10                  inventory, and criteria.

11                  (B) The need for the closure or realign-  
12                  ment of additional military installations.

13           (2) SUBMISSION.—The Comptroller General  
14           shall submit the evaluation to Congress not later  
15           than 60 days after the date on which the force-  
16           structure plan and infrastructure inventory are sub-  
17           mitted to Congress.

18           (d) FINAL SELECTION CRITERIA.—

19                   (1) IN GENERAL.—The final criteria to be used  
20                   by the Secretary in making recommendations for the  
21                   closure or realignment of military installations inside  
22                   the United States under this title in 2017 shall be  
23                   the military value and other criteria specified in  
24                   paragraphs (2) and (3).

1           (2) MILITARY VALUE CRITERIA.—The military  
2 value criteria are as follows:

3           (A) The current and future mission capa-  
4 bilities and the impact on operational readiness  
5 of the total force of the Department of Defense,  
6 including the impact on joint warfighting, train-  
7 ing, and readiness.

8           (B) The availability and condition of land,  
9 facilities, and associated airspace (including  
10 training areas suitable for maneuver by ground,  
11 naval, or air forces throughout a diversity of cli-  
12 mate and terrain areas and staging areas for  
13 the use of the Armed Forces in homeland de-  
14 fense missions) at both existing and potential  
15 receiving locations.

16           (C) The ability to accommodate contin-  
17 gency, mobilization, surge, and future total  
18 force requirements at both existing and poten-  
19 tial receiving locations to support operations  
20 and training.

21           (D) The cost of operations and the man-  
22 power implications.

23           (3) OTHER CRITERIA.—The other criteria that  
24 the Secretary shall use in making recommendations  
25 for the closure or realignment of military installa-

1 tions inside the United States under this title in  
2 2017 are as follows:

3 (A) The extent and timing of potential  
4 costs and savings, including the number of  
5 years, beginning with the date of completion of  
6 the closure or realignment, for the savings to  
7 exceed the costs.

8 (B) The economic impact on existing com-  
9 munities in the vicinity of military installations.

10 (C) The ability of the infrastructure of  
11 both the existing and potential receiving com-  
12 munities to support forces, missions, and per-  
13 sonnel.

14 (D) The environmental impact, including  
15 the impact of costs related to potential environ-  
16 mental restoration, waste management, and en-  
17 vironmental compliance activities.

18 (e) PRIORITY GIVEN TO MILITARY VALUE.—The  
19 Secretary shall give priority consideration to the military  
20 value criteria specified in subsection (d)(2) in the making  
21 of recommendations for the closure or realignment of mili-  
22 tary installations.

23 (f) EFFECT ON DEPARTMENT AND OTHER AGENCY  
24 COSTS.—The selection criteria relating to the cost savings  
25 or return on investment from the proposed closure or re-

1 alignment of military installations shall take into account  
2 the effect of the proposed closure or realignment on the  
3 costs of any other activity of the Department of Defense  
4 or any other Federal agency that may be required to as-  
5 sume responsibility for activities at the military installa-  
6 tions.

7 (g) RELATION TO OTHER MATERIALS.—The final se-  
8 lection criteria specified in this section shall be the only  
9 criteria to be used, along with the force-structure plan and  
10 infrastructure inventory referred to in subsection (a), in  
11 making recommendations for the closure or realignment  
12 of military installations inside the United States under  
13 this title in 2017.

14 (h) DoD RECOMMENDATIONS.—(1) If the Secretary  
15 makes the certifications required under subsection (b), the  
16 Secretary shall, by no later than May 12, 2017, publish  
17 in the Federal Register and transmit to the congressional  
18 defense committees and to the Commission a list of the  
19 military installations inside the United States that the  
20 Secretary recommends for closure or realignment on the  
21 basis of the force-structure plan and infrastructure inven-  
22 tory prepared by the Secretary under subsection (a) and  
23 the final selection criteria specified in subsection (d) that  
24 are applicable to the year concerned.

1           (2) The Secretary shall include, with the list of rec-  
2 ommendations published and transmitted pursuant to  
3 paragraph (1), a summary of the selection process that  
4 resulted in the recommendation for each installation, in-  
5 cluding a justification for each recommendation. The Sec-  
6 retary shall transmit the matters referred to in the pre-  
7 ceding sentence not later than 7 days after the date of  
8 the transmittal to the congressional defense committees  
9 and the Commission of the list referred to in paragraph  
10 (1).

11           (3)(A) In considering military installations for clo-  
12 sure or realignment, the Secretary shall consider all mili-  
13 tary installations inside the United States equally without  
14 regard to whether the installation has been previously con-  
15 sidered or proposed for closure or realignment by the De-  
16 partment.

17           (B) In considering military installations for closure  
18 or realignment, the Secretary may not take into account  
19 for any purpose any advance conversion planning under-  
20 taken by an affected community with respect to the antici-  
21 pated closure or realignment of an installation.

22           (C) For purposes of subparagraph (B), in the case  
23 of a community anticipating the economic effects of a clo-  
24 sure or realignment of a military installation, advance con-  
25 version planning—

1           (i) shall include community adjustment and eco-  
2           nomic diversification planning undertaken by the  
3           community before an anticipated selection of a mili-  
4           tary installation in or near the community for clo-  
5           sure or realignment; and

6           (ii) may include the development of contingency  
7           redevelopment plans, plans for economic develop-  
8           ment and diversification, and plans for the joint use  
9           (including civilian and military use, public and pri-  
10          vate use, civilian dual use, and civilian shared use)  
11          of the property or facilities of the installation after  
12          the anticipated closure or realignment.

13          (D) In making recommendations to the Commission,  
14          the Secretary shall consider any notice received from a  
15          local government in the vicinity of a military installation  
16          that the government would approve of the closure or re-  
17          alignment of the installation.

18          (E) Notwithstanding the requirement in subpara-  
19          graph (D), the Secretary shall make the recommendations  
20          referred to in that subparagraph based on the force-struc-  
21          ture plan, infrastructure inventory, and final selection cri-  
22          teria otherwise applicable to such recommendations.

23          (F) The recommendations shall include a statement  
24          of the result of the consideration of any notice described  
25          in subparagraph (D) that is received with respect to a

1 military installation covered by such recommendations.

2 The statement shall set forth the reasons for the result.

3 (4) In addition to making all information used by the  
4 Secretary to prepare the recommendations under this sub-  
5 section available to Congress (including any committee or  
6 Member of Congress), the Secretary shall also make such  
7 information available to the Commission and the Comp-  
8 troller General of the United States.

9 (5)(A) Each person referred to in subparagraph (B),  
10 when submitting information to the Secretary of Defense  
11 or the Commission concerning the closure or realignment  
12 of a military installation, shall certify that such informa-  
13 tion is accurate and complete to the best of that person's  
14 knowledge and belief.

15 (B) Subparagraph (A) applies to the following per-  
16 sons:

17 (i) The Secretaries of the military departments.

18 (ii) The heads of the Defense Agencies.

19 (iii) Each person who is in a position the duties of  
20 which include personal and substantial involvement in the  
21 preparation and submission of information and rec-  
22 ommendations concerning the closure or realignment of  
23 military installations, as designated in regulations which  
24 the Secretary of Defense shall prescribe, regulations which  
25 the Secretary of each military department shall prescribe

1 for personnel within that military department, or regula-  
2 tions which the head of each Defense Agency shall pre-  
3 scribe for personnel within that Defense Agency.

4 (6) Any information provided to the Commission by  
5 a person described in paragraph (5)(B) shall also be sub-  
6 mitted to the Senate and the House of Representatives  
7 to be made available to the Members of the House con-  
8 cerned in accordance with the rules of that House. The  
9 information shall be submitted to the Senate and House  
10 of Representatives within 48 hours after the submission  
11 of the information to the Commission.

12 (i) REVIEW AND RECOMMENDATIONS BY THE COM-  
13 MISSION.—(1) After receiving the recommendations from  
14 the Secretary pursuant to subsection (h) for any year, the  
15 Commission shall conduct public hearings on the rec-  
16 ommendations. All testimony before the Commission at a  
17 public hearing conducted under this paragraph shall be  
18 presented under oath.

19 (2)(A) The Commission shall, by no later than Octo-  
20 ber 1 of each year in which the Secretary transmits rec-  
21 ommendations to it pursuant to subsection (h), transmit  
22 to the President a report containing the Commission's  
23 findings and conclusions based on a review and analysis  
24 of the recommendations made by the Secretary, together  
25 with the Commission's recommendations for closures and

1 realignments of military installations inside the United  
2 States.

3 (B) Subject to subparagraphs (C) and (E), in making  
4 its recommendations, the Commission may make changes  
5 in any of the recommendations made by the Secretary if  
6 the Commission determines that the Secretary deviated  
7 substantially from the force-structure plan and final cri-  
8 teria referred to in subsection (d)(1) in making rec-  
9 ommendations.

10 (C) In the case of a change described in subpara-  
11 graph (D) in the recommendations made by the Secretary,  
12 the Commission may make the change only if—

13 (i) the Commission—

14 (I) makes the determination required by  
15 subparagraph (B);

16 (II) determines that the change is con-  
17 sistent with the force-structure plan and final  
18 criteria referred to in subsection (d)(1);

19 (III) publishes a notice of the proposed  
20 change in the Federal Register not less than 45  
21 days before transmitting its recommendations  
22 to the President pursuant to subparagraph (A);  
23 and

24 (IV) conducts public hearings on the pro-  
25 posed change;

1           (ii) at least two members of the Commission  
2           visit the military installation before the date of the  
3           transmittal of the report; and

4           (iii) the decision of the Commission to make the  
5           change is supported by at least seven members of  
6           the Commission.

7           (D) Subparagraph (C) shall apply to a change by the  
8           Commission in the Secretary's recommendations that  
9           would—

10           (i) add a military installation to the list of mili-  
11           tary installations recommended by the Secretary for  
12           closure;

13           (ii) add a military installation to the list of mili-  
14           tary installations recommended by the Secretary for  
15           realignment; or

16           (iii) increase the extent of a realignment of a  
17           particular military installation recommended by the  
18           Secretary.

19           (E) The Commission may not consider making a  
20           change in the recommendations of the Secretary that  
21           would add a military installation to the Secretary's list of  
22           installations recommended for closure or realignment un-  
23           less, in addition to the requirements of subparagraph  
24           (C)—

1           (i) the Commission provides the Secretary with  
2           at least a 15-day period, before making the change,  
3           in which to submit an explanation of the reasons  
4           why the installation was not included on the closure  
5           or realignment list by the Secretary; and

6           (ii) the decision to add the installation for Com-  
7           mission consideration is supported by at least seven  
8           members of the Commission.

9           (F) In making recommendations under this para-  
10          graph, the Commission may not take into account for any  
11          purpose any advance conversion planning undertaken by  
12          an affected community with respect to the anticipated clo-  
13          sure or realignment of a military installation.

14          (3) The Commission shall explain and justify in its  
15          report submitted to the President pursuant to paragraph  
16          (2) any recommendation made by the Commission that is  
17          different from the recommendations made by the Sec-  
18          retary pursuant to subsection (h). The Commission shall  
19          transmit a copy of such report to the congressional defense  
20          committees on the same date on which it transmits its rec-  
21          ommendations to the President under paragraph (2).

22          (4) After October 1 of each year in which the Com-  
23          mission transmits recommendations to the President  
24          under this subsection, the Commission shall promptly pro-  
25          vide, upon request, to any Member of Congress informa-

1 tion used by the Commission in making its recommenda-  
2 tions.

3 (5) The Comptroller General of the United States  
4 shall—

5 (A) assist the Commission, to the extent re-  
6 quested, in the Commission's review and analysis of  
7 the recommendations made by the Secretary pursu-  
8 ant to subsection (h); and

9 (B) by no later than July 1 of each year in  
10 which the Secretary makes such recommendations,  
11 transmit to the Congress and to the Commission a  
12 report containing a detailed analysis of the Sec-  
13 retary's recommendations and selection process.

14 (j) REVIEW BY THE PRESIDENT.—(1) The President  
15 shall, by no later than October 15 of each year in which  
16 the Commission makes recommendations under subsection  
17 (i), transmit to the Commission and to the Congress a  
18 report containing the President's approval or disapproval  
19 of the Commission's recommendations.

20 (2) If the President approves all the recommenda-  
21 tions of the Commission, the President shall transmit a  
22 copy of such recommendations to the Congress, together  
23 with a certification of such approval.

24 (3) If the President disapproves the recommendations  
25 of the Commission, in whole or in part, the President shall

1 transmit to the Commission and the Congress the reasons  
2 for that disapproval. The Commission shall then transmit  
3 to the President, by no later than November 18 of the  
4 year concerned, a revised list of recommendations for the  
5 closure and realignment of military installations.

6 (4) If the President approves all of the revised rec-  
7 ommendations of the Commission transmitted to the  
8 President under paragraph (3), the President shall trans-  
9 mit a copy of such revised recommendations to the Con-  
10 gress, together with a certification of such approval.

11 (5) If the President does not transmit to the Con-  
12 gress an approval and certification described in paragraph  
13 (2) or (4) by December 2 of any year in which the Com-  
14 mission has transmitted recommendations to the Presi-  
15 dent under this title, the process by which military instal-  
16 lations may be selected for closure or realignment under  
17 this title with respect to that year shall be terminated.

18 **SEC. 2904. CLOSURE AND REALIGNMENT OF MILITARY IN-**

19 **STALLATIONS.**

20 (a) IN GENERAL.—Subject to subsection (b), the Sec-  
21 retary shall—

22 (1) close all military installations recommended  
23 for closure by the Commission in each report trans-  
24 mitted to the Congress by the President pursuant to  
25 section 2903(j);

1           (2) realign all military installations rec-  
2           ommended for realignment by such Commission in  
3           each such report;

4           (3) carry out the privatization in place of a  
5           military installation recommended for closure or re-  
6           alignment by the Commission only if privatization in  
7           place is a method of closure or realignment of the  
8           military installation specified in the recommenda-  
9           tions of the Commission in such report and is deter-  
10          mined by the Commission to be the most cost-effec-  
11          tive method of implementation of the recommenda-  
12          tion;

13          (4) initiate all such closures and realignments  
14          no later than two years after the date on which the  
15          President transmits a report to the Congress pursu-  
16          ant to section 2903(j) containing the recommenda-  
17          tions for such closures or realignments; and

18          (5) complete all such closures and realignments  
19          no later than the end of the six-year period begin-  
20          ning on the date on which the President transmits  
21          the report pursuant to section 2903(j) containing  
22          the recommendations for such closures or realign-  
23          ments.

24          (b) CONGRESSIONAL DISAPPROVAL.—(1) The Sec-  
25          retary may not carry out any closure or realignment rec-

1 ommended by the Commission in a report transmitted  
2 from the President pursuant to section 2903(j) if a joint  
3 resolution is enacted, in accordance with the provisions of  
4 section 2908, disapproving such recommendations of the  
5 Commission before the earlier of—

6 (A) the end of the 45-day period beginning on  
7 the date on which the President transmits such re-  
8 port; or

9 (B) the adjournment of Congress sine die for  
10 the session during which such report is transmitted.

11 (2) For purposes of paragraph (1) of this subsection  
12 and subsections (a) and (c) of section 2908, the days on  
13 which either House of Congress is not in session because  
14 of adjournment of more than three days to a day certain  
15 shall be excluded in the computation of a period.

16 **SEC. 2905. IMPLEMENTATION.**

17 (a) IN GENERAL.—(1) In closing or realigning any  
18 military installation under this title, the Secretary may—

19 (A) take such actions as may be necessary to  
20 close or realign any military installation, including  
21 the acquisition of such land, the construction of such  
22 replacement facilities, the performance of such ac-  
23 tivities, and the conduct of such advance planning  
24 and design as may be required to transfer functions  
25 from a military installation being closed or realigned

1 to another military installation, and may use for  
2 such purpose funds in the Account or funds appro-  
3 priated to the Department of Defense for use in  
4 planning and design, minor construction, or oper-  
5 ation and maintenance;

6 (B) provide—

7 (i) economic adjustment assistance to any  
8 community located near a military installation  
9 being closed or realigned; and

10 (ii) community planning assistance to any  
11 community located near a military installation  
12 to which functions will be transferred as a re-  
13 sult of the closure or realignment of a military  
14 installation,

15 if the Secretary of Defense determines that the fi-  
16 nancial resources available to the community (by  
17 grant or otherwise) for such purposes are inad-  
18 equate, and may use for such purposes funds in the  
19 Account or funds appropriated to the Department of  
20 Defense for economic adjustment assistance or com-  
21 munity planning assistance;

22 (C) carry out activities for the purposes of envi-  
23 ronmental restoration and mitigation at any such in-  
24 stallation, and shall use for such purposes funds in  
25 the Account;

1           (D) provide outplacement assistance to civilian  
2 employees employed by the Department of Defense  
3 at military installations being closed or realigned,  
4 and may use for such purpose funds in the Account  
5 or funds appropriated to the Department of Defense  
6 for outplacement assistance to employees; and

7           (E) reimburse other Federal agencies for ac-  
8 tions performed at the request of the Secretary with  
9 respect to any such closure or realignment, and may  
10 use for such purpose funds in the Account or funds  
11 appropriated to the Department of Defense and  
12 available for such purpose.

13       (2) In carrying out any closure or realignment under  
14 this title, the Secretary shall ensure that environmental  
15 restoration of any property made excess to the needs of  
16 the Department of Defense as a result of such closure or  
17 realignment be carried out as soon as possible with funds  
18 available for such purpose.

19       (b) MANAGEMENT AND DISPOSAL OF PROPERTY.—

20       (1) The Administrator of General Services shall delegate  
21 to the Secretary of Defense, with respect to excess and  
22 surplus real property, facilities, and personal property lo-  
23 cated at a military installation closed or realigned under  
24 this title—

1 (A) the authority of the Administrator to utilize  
2 excess property under subchapter II of chapter 5 of  
3 title 40, United States Code;

4 (B) the authority of the Administrator to dis-  
5 pose of surplus property under subchapter III of  
6 chapter 5 of title 40, United States Code;

7 (C) the authority to dispose of surplus property  
8 for public airports under sections 47151 through  
9 47153 of title 49, United States Code; and

10 (D) the authority of the Administrator to deter-  
11 mine the availability of excess or surplus real prop-  
12 erty for wildlife conservation purposes in accordance  
13 with the Act of May 19, 1948 (16 U.S.C. 667b).

14 (2)(A) Subject to subparagraph (B) and paragraphs  
15 (3), (4), (5), and (6), the Secretary of Defense shall exer-  
16 cise the authority delegated to the Secretary pursuant to  
17 paragraph (1) in accordance with—

18 (i) all regulations governing the utilization of  
19 excess property and the disposal of surplus property  
20 under subtitle I of title 40, United States Code; and

21 (ii) all regulations governing the conveyance  
22 and disposal of property under section 13(g) of the  
23 Surplus Property Act of 1944 (50 U.S.C. App.  
24 1622(g)).

1 (B) The Secretary may, with the concurrence of the  
2 Administrator of General Services—

3 (i) prescribe general policies and methods for  
4 utilizing excess property and disposing of surplus  
5 property pursuant to the authority delegated under  
6 paragraph (1); and

7 (ii) issue regulations relating to such policies  
8 and methods, which shall supersede the regulations  
9 referred to in subparagraph (A) with respect to that  
10 authority.

11 (C) The Secretary of Defense may transfer real prop-  
12 erty or facilities located at a military installation to be  
13 closed or realigned under this title, with or without reim-  
14 bursement, to a military department or other entity (in-  
15 cluding a nonappropriated fund instrumentality) within  
16 the Department of Defense or the Coast Guard.

17 (D) Before any action may be taken with respect to  
18 the disposal of any surplus real property or facility located  
19 at any military installation to be closed or realigned under  
20 this title, the Secretary of Defense shall consult with the  
21 Governor of the State and the heads of the local govern-  
22 ments concerned for the purpose of considering any plan  
23 for the use of such property by the local community con-  
24 cerned.

1           (E) If a military installation to be closed, realigned,  
2 or placed in an inactive status under this title includes  
3 a road used for public access through, into, or around the  
4 installation, the Secretary of Defense shall consult with  
5 the Governor of the State and the heads of the local gov-  
6 ernments concerned for the purpose of considering the  
7 continued availability of the road for public use after the  
8 installation is closed, realigned, or placed in an inactive  
9 status.

10           (3)(A) Not later than 6 months after the date of ap-  
11 proval of the closure or realignment of a military installa-  
12 tion under this title, the Secretary, in consultation with  
13 the redevelopment authority with respect to the installa-  
14 tion, shall—

15                 (i) inventory the personal property located at  
16                 the installation; and

17                 (ii) identify the items (or categories of items) of  
18                 such personal property that the Secretary deter-  
19                 mines to be related to real property and anticipates  
20                 will support the implementation of the redevel-  
21                 opment plan with respect to the installation.

22           (B) If no redevelopment authority referred to in sub-  
23 paragraph (A) exists with respect to an installation, the  
24 Secretary shall consult with—

1 (i) the local government in whose jurisdiction  
2 the installation is wholly located; or

3 (ii) a local government agency or State govern-  
4 ment agency designated for the purpose of such con-  
5 sultation by the chief executive officer of the State  
6 in which the installation is located.

7 (C)(i) Except as provided in subparagraphs (E) and  
8 (F), the Secretary may not carry out any of the activities  
9 referred to in clause (ii) with respect to an installation  
10 referred to in that clause until the earlier of—

11 (I) one week after the date on which the rede-  
12 velopment plan for the installation is submitted to  
13 the Secretary;

14 (II) the date on which the redevelopment au-  
15 thority notifies the Secretary that it will not submit  
16 such a plan;

17 (III) twenty-four months after the date of ap-  
18 proval of the closure or realignment of the installa-  
19 tion; or

20 (IV) ninety days before the date of the closure  
21 or realignment of the installation.

22 (ii) The activities referred to in clause (i) are activi-  
23 ties relating to the closure or realignment of an installa-  
24 tion to be closed or realigned under this title as follows:

1           (I) The transfer from the installation of items  
2           of personal property at the installation identified in  
3           accordance with subparagraph (A).

4           (II) The reduction in maintenance and repair of  
5           facilities or equipment located at the installation  
6           below the minimum levels required to support the  
7           use of such facilities or equipment for nonmilitary  
8           purposes.

9           (D) Except as provided in paragraph (4), the Sec-  
10          retary may not transfer items of personal property located  
11          at an installation to be closed or realigned under this title  
12          to another installation, or dispose of such items, if such  
13          items are identified in the redevelopment plan for the in-  
14          stallation as items essential to the reuse or redevelopment  
15          of the installation. In connection with the development of  
16          the redevelopment plan for the installation, the Secretary  
17          shall consult with the entity responsible for developing the  
18          redevelopment plan to identify the items of personal prop-  
19          erty located at the installation, if any, that the entity de-  
20          sires to be retained at the installation for reuse or redevel-  
21          opment of the installation.

22          (E) This paragraph shall not apply to any personal  
23          property located at an installation to be closed or realigned  
24          under this title if the property—

1           (i) is required for the operation of a unit, func-  
2           tion, component, weapon, or weapons system at an-  
3           other installation;

4           (ii) is uniquely military in character, and is  
5           likely to have no civilian use (other than use for its  
6           material content or as a source of commonly used  
7           components);

8           (iii) is not required for the reutilization or rede-  
9           velopment of the installation (as jointly determined  
10          by the Secretary and the redevelopment authority);

11          (iv) is stored at the installation for purposes of  
12          distribution (including spare parts or stock items);  
13          or

14          (v)(I) meets known requirements of an author-  
15          ized program of another Federal department or  
16          agency for which expenditures for similar property  
17          would be necessary, and (II) is the subject of a writ-  
18          ten request by the head of the department or agen-  
19          cy.

20          (F) Notwithstanding subparagraphs (C)(i) and (D),  
21          the Secretary may carry out any activity referred to in  
22          subparagraph (C)(ii) or (D) if the Secretary determines  
23          that the carrying out of such activity is in the national  
24          security interest of the United States.

1           (4)(A) The Secretary may transfer real property and  
2 personal property located at a military installation to be  
3 closed or realigned under this title to the redevelopment  
4 authority with respect to the installation for purposes of  
5 job generation on the installation.

6           (B) The transfer of property located at a military in-  
7 stallation under subparagraph (A) may be for consider-  
8 ation at or below the estimated fair market value or with-  
9 out consideration. The determination of such consider-  
10 ation may account for the economic conditions of the local  
11 affected community and the estimated costs to redevelop  
12 the property. The Secretary may accept, as consideration,  
13 a share of the revenues that the redevelopment authority  
14 receives from third-party buyers or lessees from sales and  
15 long-term leases of the conveyed property, consideration  
16 in kind (including goods and services), real property and  
17 improvements, or such other consideration as the Sec-  
18 retary considers appropriate. The transfer of property lo-  
19 cated at a military installation under subparagraph (A)  
20 may be made for consideration below the estimated fair  
21 market value or without consideration only if the redevelop-  
22 opment authority with respect to the installation—

23           (i) agrees that the proceeds from any sale or  
24 lease of the property (or any portion thereof) re-  
25 ceived by the redevelopment authority during at

1 least the first seven years after the date of the initial  
2 transfer of property under subparagraph (A) shall  
3 be used to support the economic redevelopment of,  
4 or related to, the installation; and

5 (ii) executes the agreement for transfer of the  
6 property and accepts control of the property within  
7 a reasonable time after the date of the property dis-  
8 posal record of decision or finding of no significant  
9 impact under the National Environmental Policy Act  
10 of 1969 (42 U.S.C. 4321 et seq.).

11 (C) For purposes of subparagraph (B)(i), the use of  
12 proceeds from a sale or lease described in such subpara-  
13 graph to pay for, or offset the costs of, public investment  
14 on or related to the installation for any of the following  
15 purposes shall be considered a use to support the economic  
16 redevelopment of, or related to, the installation:

17 (i) Road construction.

18 (ii) Transportation management facilities.

19 (iii) Storm and sanitary sewer construction.

20 (iv) Police and fire protection facilities and  
21 other public facilities.

22 (v) Utility construction.

23 (vi) Building rehabilitation.

24 (vii) Historic property preservation.

1           (viii) Pollution prevention equipment or facili-  
2 ties.

3           (ix) Demolition.

4           (x) Disposal of hazardous materials generated  
5 by demolition.

6           (xi) Landscaping, grading, and other site or  
7 public improvements.

8           (xii) Planning for or the marketing of the devel-  
9 opment and reuse of the installation.

10       (D) The Secretary may recoup from a redevelopment  
11 authority such portion of the proceeds from a sale or lease  
12 described in subparagraph (B) as the Secretary deter-  
13 mines appropriate if the redevelopment authority does not  
14 use the proceeds to support economic redevelopment of,  
15 or related to, the installation for the period specified in  
16 subparagraph (B).

17       (E)(i) The Secretary may transfer real property at  
18 an installation approved for closure or realignment under  
19 this title (including property at an installation approved  
20 for realignment which will be retained by the Department  
21 of Defense or another Federal agency after realignment)  
22 to the redevelopment authority for the installation if the  
23 redevelopment authority agrees to lease, directly upon  
24 transfer, one or more portions of the property transferred  
25 under this subparagraph to the Secretary or to the head

1 of another department or agency of the Federal Govern-  
2 ment. Subparagraph (B) shall apply to a transfer under  
3 this subparagraph.

4 (ii) A lease under clause (i) shall be for a term of  
5 not to exceed 50 years, but may provide for options for  
6 renewal or extension of the term by the department or  
7 agency concerned.

8 (iii) A lease under clause (i) may not require rental  
9 payments by the United States.

10 (iv) A lease under clause (i) shall include a provision  
11 specifying that if the department or agency concerned  
12 ceases requiring the use of the leased property before the  
13 expiration of the term of the lease, the remainder of the  
14 lease term may be satisfied by the same or another depart-  
15 ment or agency of the Federal Government using the prop-  
16 erty for a use similar to the use under the lease. Exercise  
17 of the authority provided by this clause shall be made in  
18 consultation with the redevelopment authority concerned.

19 (v) Notwithstanding clause (iii), if a lease under  
20 clause (i) involves a substantial portion of the installation,  
21 the department or agency concerned may obtain facility  
22 services for the leased property and common area mainte-  
23 nance from the redevelopment authority or the redevelop-  
24 ment authority's assignee as a provision of the lease. The  
25 facility services and common area maintenance shall be

1 provided at a rate no higher than the rate charged to non-  
2 Federal tenants of the transferred property. Facility serv-  
3 ices and common area maintenance covered by the lease  
4 shall not include—

5 (I) municipal services that a State or local gov-  
6 ernment is required by law to provide to all land-  
7 owners in its jurisdiction without direct charge; or

8 (II) firefighting or security-guard functions.

9 (F) The transfer of personal property under subpara-  
10 graph (A) shall not be subject to the provisions of sub-  
11 chapters II and III of chapter 5 of title 40, United States  
12 Code, if the Secretary determines that the transfer of such  
13 property is necessary for the effective implementation of  
14 a redevelopment plan with respect to the installation at  
15 which such property is located.

16 (G) The provisions of section 120(h) of the Com-  
17 prehensive Environmental Response, Compensation, and  
18 Liability Act of 1980 (42 U.S.C. 9620(h)) shall apply to  
19 any transfer of real property under this paragraph.

20 (H) The Secretary may require any additional terms  
21 and conditions in connection with a transfer under this  
22 paragraph as such Secretary considers appropriate to pro-  
23 tect the interests of the United States.

24 (5)(A) Except as provided in subparagraphs (B) and  
25 (C), the Secretary shall take such actions as the Secretary

1 determines necessary to ensure that final determinations  
2 under paragraph (1) regarding whether another depart-  
3 ment or agency of the Federal Government has identified  
4 a use for any portion of a military installation to be closed  
5 or realigned under this title, or will accept transfer of any  
6 portion of such installation, are made not later than 6  
7 months after the date of approval of closure or realign-  
8 ment of that installation.

9 (B) The Secretary may, in consultation with the rede-  
10 velopment authority with respect to an installation, post-  
11 pone making the final determinations referred to in sub-  
12 paragraph (A) with respect to the installation for such pe-  
13 riod as the Secretary determines appropriate if the Sec-  
14 retary determines that such postponement is in the best  
15 interests of the communities affected by the closure or re-  
16 alignment of the installation.

17 (C)(i) Before acquiring non-Federal real property as  
18 the location for a new or replacement Federal facility of  
19 any type, the head of the Federal agency acquiring the  
20 property shall consult with the Secretary regarding the  
21 feasibility and cost advantages of using Federal property  
22 or facilities at a military installation closed or realigned  
23 or to be closed or realigned under this title as the location  
24 for the new or replacement facility. In considering the  
25 availability and suitability of a specific military installa-

1 tion, the Secretary and the head of the Federal agency  
2 involved shall obtain the concurrence of the redevelopment  
3 authority with respect to the installation and comply with  
4 the redevelopment plan for the installation.

5 (ii) Not later than 30 days after acquiring non-Fed-  
6 eral real property as the location for a new or replacement  
7 Federal facility, the head of the Federal agency acquiring  
8 the property shall submit to Congress a report containing  
9 the results of the consultation under clause (i) and the  
10 reasons why military installations referred to in such  
11 clause that are located within the area to be served by  
12 the new or replacement Federal facility or within a 200-  
13 mile radius of the new or replacement facility, whichever  
14 area is greater, were considered to be unsuitable or un-  
15 available for the site of the new or replacement facility.

16 (6)(A) The disposal of buildings and property located  
17 at installations approved for closure or realignment under  
18 this title shall be carried out in accordance with this para-  
19 graph.

20 (B)(i) Not later than the date on which the Secretary  
21 of Defense completes the final determinations referred to  
22 in paragraph (5) relating to the use or transferability of  
23 any portion of an installation covered by this paragraph,  
24 the Secretary shall—

1           (I) identify the buildings and property at the  
2 installation for which the Department of Defense  
3 has a use, for which another department or agency  
4 of the Federal Government has identified a use, or  
5 of which another department or agency will accept  
6 a transfer;

7           (II) take such actions as are necessary to iden-  
8 tify any building or property at the installation not  
9 identified under subclause (I) that is excess property  
10 or surplus property;

11           (III) submit to the Secretary of Housing and  
12 Urban Development and to the redevelopment au-  
13 thority for the installation (or the chief executive of-  
14 ficer of the State in which the installation is located  
15 if there is no redevelopment authority for the instal-  
16 lation at the completion of the determination de-  
17 scribed in the stem of this sentence) information on  
18 any building or property that is identified under sub-  
19 clause (II); and

20           (IV) publish in the Federal Register and in a  
21 newspaper of general circulation in the communities  
22 in the vicinity of the installation information on the  
23 buildings and property identified under subclause  
24 (II).

1           (ii) Upon the recognition of a redevelopment author-  
2 ity for an installation covered by this paragraph, the Sec-  
3 retary of Defense shall publish in the Federal Register and  
4 in a newspaper of general circulation in the communities  
5 in the vicinity of the installation information on the rede-  
6 velopment authority.

7           (C)(i) State and local governments, representatives of  
8 the homeless, and other interested parties located in the  
9 communities in the vicinity of an installation covered by  
10 this paragraph shall submit to the redevelopment author-  
11 ity for the installation a notice of the interest, if any, of  
12 such governments, representatives, and parties in the  
13 buildings or property, or any portion thereof, at the instal-  
14 lation that are identified under subparagraph (B)(i)(II).  
15 A notice of interest under this clause shall describe the  
16 need of the government, representative, or party concerned  
17 for the buildings or property covered by the notice.

18           (ii) The redevelopment authority for an installation  
19 shall assist the governments, representatives, and parties  
20 referred to in clause (i) in evaluating buildings and prop-  
21 erty at the installation for purposes of this subparagraph.

22           (iii) In providing assistance under clause (ii), a rede-  
23 velopment authority shall—

1 (I) consult with representatives of the homeless  
2 in the communities in the vicinity of the installation  
3 concerned; and

4 (II) undertake outreach efforts to provide infor-  
5 mation on the buildings and property to representa-  
6 tives of the homeless, and to other persons or enti-  
7 ties interested in assisting the homeless, in such  
8 communities.

9 (iv) It is the sense of Congress that redevelopment  
10 authorities should begin to conduct outreach efforts under  
11 clause (iii)(II) with respect to an installation as soon as  
12 is practicable after the date of approval of closure or re-  
13 alignment of the installation.

14 (D)(i) State and local governments, representatives  
15 of the homeless, and other interested parties shall submit  
16 a notice of interest to a redevelopment authority under  
17 subparagraph (C) not later than the date specified for  
18 such notice by the redevelopment authority.

19 (ii) The date specified under clause (i) shall be—

20 (I) in the case of an installation for which a re-  
21 development authority has been recognized as of the  
22 date of the completion of the determinations referred  
23 to in paragraph (5), not earlier than 3 months and  
24 not later than 6 months after the date of publication  
25 of such determination in a newspaper of general cir-

1 culation in the communities in the vicinity of the in-  
2 stallation under subparagraph (B)(i)(IV); and

3 (II) in the case of an installation for which a  
4 redevelopment authority is not recognized as of such  
5 date, not earlier than 3 months and not later than  
6 6 months after the date of the recognition of a rede-  
7 velopment authority for the installation.

8 (iii) Upon specifying a date for an installation under  
9 this subparagraph, the redevelopment authority for the in-  
10 stallation shall—

11 (I) publish the date specified in a newspaper of  
12 general circulation in the communities in the vicinity  
13 of the installation concerned; and

14 (II) notify the Secretary of Defense of the date.

15 (E)(i) In submitting to a redevelopment authority  
16 under subparagraph (C) a notice of interest in the use  
17 of buildings or property at an installation to assist the  
18 homeless, a representative of the homeless shall submit the  
19 following:

20 (I) A description of the homeless assistance  
21 program that the representative proposes to carry  
22 out at the installation.

23 (II) An assessment of the need for the program.

24 (III) A description of the extent to which the  
25 program is or will be coordinated with other home-

1 less assistance programs in the communities in the  
2 vicinity of the installation.

3 (IV) A description of the buildings and property  
4 at the installation that are necessary in order to  
5 carry out the program.

6 (V) A description of the financial plan, the or-  
7 ganization, and the organizational capacity of the  
8 representative to carry out the program.

9 (VI) An assessment of the time required in  
10 order to commence carrying out the program.

11 (ii) A redevelopment authority may not release to the  
12 public any information submitted to the redevelopment au-  
13 thority under clause (i)(V) without the consent of the rep-  
14 resentative of the homeless concerned unless such release  
15 is authorized under Federal law and under the law of the  
16 State and communities in which the installation concerned  
17 is located.

18 (F)(i) The redevelopment authority for each installa-  
19 tion covered by this paragraph shall prepare a redevelop-  
20 ment plan for the installation. The redevelopment author-  
21 ity shall, in preparing the plan, consider the interests in  
22 the use to assist the homeless of the buildings and prop-  
23 erty at the installation that are expressed in the notices  
24 submitted to the redevelopment authority under subpara-  
25 graph (C).

1           (ii)(I) In connection with a redevelopment plan for  
2 an installation, a redevelopment authority and representa-  
3 tives of the homeless shall prepare legally binding agree-  
4 ments that provide for the use to assist the homeless of  
5 buildings and property, resources, and assistance on or off  
6 the installation. The implementation of such agreements  
7 shall be contingent upon the decision regarding the dis-  
8 posal of the buildings and property covered by the agree-  
9 ments by the Secretary of Defense under subparagraph  
10 (K) or (L).

11           (II) Agreements under this clause shall provide for  
12 the reversion to the redevelopment authority concerned, or  
13 to such other entity or entities as the agreements shall  
14 provide, of buildings and property that are made available  
15 under this paragraph for use to assist the homeless in the  
16 event that such buildings and property cease being used  
17 for that purpose.

18           (iii) A redevelopment authority shall provide oppor-  
19 tunity for public comment on a redevelopment plan before  
20 submission of the plan to the Secretary of Defense and  
21 the Secretary of Housing and Urban Development under  
22 subparagraph (G).

23           (iv) A redevelopment authority shall complete prepa-  
24 ration of a redevelopment plan for an installation and sub-  
25 mit the plan under subparagraph (G) not later than 9

1 months after the date specified by the redevelopment au-  
2 thority for the installation under subparagraph (D).

3 (G)(i) Upon completion of a redevelopment plan  
4 under subparagraph (F), a redevelopment authority shall  
5 submit an application containing the plan to the Secretary  
6 of Defense and to the Secretary of Housing and Urban  
7 Development.

8 (ii) A redevelopment authority shall include in an ap-  
9 plication under clause (i) the following:

10 (I) A copy of the redevelopment plan, including  
11 a summary of any public comments on the plan re-  
12 ceived by the redevelopment authority under sub-  
13 paragraph (F)(iii).

14 (II) A copy of each notice of interest of use of  
15 buildings and property to assist the homeless that  
16 was submitted to the redevelopment authority under  
17 subparagraph (C), together with a description of the  
18 manner, if any, in which the plan addresses the in-  
19 terest expressed in each such notice and, if the plan  
20 does not address such an interest, an explanation  
21 why the plan does not address the interest.

22 (III) A summary of the outreach undertaken by  
23 the redevelopment authority under subparagraph  
24 (C)(iii)(II) in preparing the plan.

1           (IV) A statement identifying the representatives  
2 of the homeless and the homeless assistance plan-  
3 ning boards, if any, with which the redevelopment  
4 authority consulted in preparing the plan, and the  
5 results of such consultations.

6           (V) An assessment of the manner in which the  
7 redevelopment plan balances the expressed needs of  
8 the homeless and the need of the communities in the  
9 vicinity of the installation for economic redevelop-  
10 ment and other development.

11           (VI) Copies of the agreements that the redevelop-  
12 ment authority proposes to enter into under sub-  
13 paragraph (F)(ii).

14           (H)(i) Not later than 60 days after receiving a rede-  
15 velopment plan under subparagraph (G), the Secretary of  
16 Housing and Urban Development shall complete a review  
17 of the plan. The purpose of the review is to determine  
18 whether the plan, with respect to the expressed interest  
19 and requests of representatives of the homeless—

20           (I) takes into consideration the size and nature  
21 of the homeless population in the communities in the  
22 vicinity of the installation, the availability of existing  
23 services in such communities to meet the needs of  
24 the homeless in such communities, and the suit-  
25 ability of the buildings and property covered by the

1 plan for the use and needs of the homeless in such  
2 communities;

3 (II) takes into consideration any economic im-  
4 pact of the homeless assistance under the plan on  
5 the communities in the vicinity of the installation;

6 (III) balances in an appropriate manner the  
7 needs of the communities in the vicinity of the in-  
8 stallation for economic redevelopment and other de-  
9 velopment with the needs of the homeless in such  
10 communities;

11 (IV) was developed in consultation with rep-  
12 resentatives of the homeless and the homeless assist-  
13 ance planning boards, if any, in the communities in  
14 the vicinity of the installation; and

15 (V) specifies the manner in which buildings and  
16 property, resources, and assistance on or off the in-  
17 stallation will be made available for homeless assist-  
18 ance purposes.

19 (ii) It is the sense of Congress that the Secretary of  
20 Housing and Urban Development shall, in completing the  
21 review of a plan under this subparagraph, take into con-  
22 sideration and be receptive to the predominant views on  
23 the plan of the communities in the vicinity of the installa-  
24 tion covered by the plan.

1           (iii) The Secretary of Housing and Urban Develop-  
2 ment may engage in negotiations and consultations with  
3 a redevelopment authority before or during the course of  
4 a review under clause (i) with a view toward resolving any  
5 preliminary determination of the Secretary that a redevel-  
6 opment plan does not meet a requirement set forth in that  
7 clause. The redevelopment authority may modify the rede-  
8 velopment plan as a result of such negotiations and con-  
9 sultations.

10           (iv) Upon completion of a review of a redevelopment  
11 plan under clause (i), the Secretary of Housing and Urban  
12 Development shall notify the Secretary of Defense and the  
13 redevelopment authority concerned of the determination of  
14 the Secretary of Housing and Urban Development under  
15 that clause.

16           (v) If the Secretary of Housing and Urban Develop-  
17 ment determines as a result of such a review that a rede-  
18 velopment plan does not meet the requirements set forth  
19 in clause (i), a notice under clause (iv) shall include—

20                   (I) an explanation of that determination; and

21                   (II) a statement of the actions that the redevel-  
22 opment authority must undertake in order to ad-  
23 dress that determination.

24           (I)(i) Upon receipt of a notice under subparagraph  
25 (H)(iv) of a determination that a redevelopment plan does

1 not meet a requirement set forth in subparagraph (H)(i),  
2 a redevelopment authority shall have the opportunity to—

3 (I) revise the plan in order to address the deter-  
4 mination; and

5 (II) submit the revised plan to the Secretary of  
6 Defense and the Secretary of Housing and Urban  
7 Development.

8 (ii) A redevelopment authority shall submit a revised  
9 plan under this subparagraph to such Secretaries, if at  
10 all, not later than 90 days after the date on which the  
11 redevelopment authority receives the notice referred to in  
12 clause (i).

13 (J)(i) Not later than 30 days after receiving a revised  
14 redevelopment plan under subparagraph (I), the Secretary  
15 of Housing and Urban Development shall review the re-  
16 vised plan and determine if the plan meets the require-  
17 ments set forth in subparagraph (H)(i).

18 (ii) The Secretary of Housing and Urban Develop-  
19 ment shall notify the Secretary of Defense and the redevel-  
20 opment authority concerned of the determination of the  
21 Secretary of Housing and Urban Development under this  
22 subparagraph.

23 (K)(i) Upon receipt of a notice under subparagraph  
24 (H)(iv) or (J)(ii) of the determination of the Secretary of  
25 Housing and Urban Development that a redevelopment

1 plan for an installation meets the requirements set forth  
2 in subparagraph (H)(i), the Secretary of Defense shall dis-  
3 pose of the buildings and property at the installation.

4 (ii) For purposes of carrying out an environmental  
5 assessment of the closure or realignment of an installa-  
6 tion, the Secretary of Defense shall treat the redevelop-  
7 ment plan for the installation (including the aspects of the  
8 plan providing for disposal to State or local governments,  
9 representatives of the homeless, and other interested par-  
10 ties) as part of the proposed Federal action for the instal-  
11 lation.

12 (iii) The Secretary of Defense shall dispose of build-  
13 ings and property under clause (i) in accordance with the  
14 record of decision or other decision document prepared by  
15 the Secretary in accordance with the National Environ-  
16 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.). In  
17 preparing the record of decision or other decision docu-  
18 ment, the Secretary shall give substantial deference to the  
19 redevelopment plan concerned.

20 (iv) The disposal under clause (i) of buildings and  
21 property to assist the homeless shall be without consider-  
22 ation.

23 (v) In the case of a request for a conveyance under  
24 clause (i) of buildings and property for public benefit  
25 under section 550 of title 40, United States Code, or sec-

1 tions 47151 through 47153 of title 49, United States  
2 Code, the sponsoring Federal agency shall use the eligi-  
3 bility criteria set forth in such section or subchapter II  
4 of chapter 471 of title 49, United States Code (as the case  
5 may be) to determine the eligibility of the applicant and  
6 use proposed in the request for the public benefit convey-  
7 ance. The determination of such eligibility should be made  
8 before submission of the redevelopment plan concerned  
9 under subparagraph (G).

10 (L)(i) If the Secretary of Housing and Urban Devel-  
11 opment determines under subparagraph (J) that a revised  
12 redevelopment plan for an installation does not meet the  
13 requirements set forth in subparagraph (H)(i), or if no  
14 revised plan is so submitted, that Secretary shall—

15 (I) review the original redevelopment plan sub-  
16 mitted to that Secretary under subparagraph (G),  
17 including the notice or notices of representatives of  
18 the homeless referred to in clause (ii)(II) of that  
19 subparagraph;

20 (II) consult with the representatives referred to  
21 in subclause (I), if any, for purposes of evaluating  
22 the continuing interest of such representatives in the  
23 use of buildings or property at the installation to as-  
24 sist the homeless;

1           (III) request that each such representative sub-  
2           mit to that Secretary the items described in clause  
3           (ii); and

4           (IV) based on the actions of that Secretary  
5           under subclauses (I) and (II), and on any informa-  
6           tion obtained by that Secretary as a result of such  
7           actions, indicate to the Secretary of Defense the  
8           buildings and property at the installation that meet  
9           the requirements set forth in subparagraph (H)(i).

10          (ii) The Secretary of Housing and Urban Develop-  
11          ment may request under clause (i)(III) that a representa-  
12          tive of the homeless submit to that Secretary the following:

13               (I) A description of the program of such rep-  
14               resentative to assist the homeless.

15               (II) A description of the manner in which the  
16               buildings and property that the representative pro-  
17               poses to use for such purpose will assist the home-  
18               less.

19               (III) Such information as that Secretary re-  
20               quires in order to determine the financial capacity of  
21               the representative to carry out the program and to  
22               ensure that the program will be carried out in com-  
23               pliance with Federal environmental law and Federal  
24               law against discrimination.

1           (IV) A certification that police services, fire  
2 protection services, and water and sewer services  
3 available in the communities in the vicinity of the in-  
4 stallation concerned are adequate for the program.

5           (iii) Not later than 90 days after the date of the re-  
6 ceipt of a revised plan for an installation under subpara-  
7 graph (J), the Secretary of Housing and Urban Develop-  
8 ment shall—

9           (I) notify the Secretary of Defense and the re-  
10 development authority concerned of the buildings  
11 and property at an installation under clause (i)(IV)  
12 that the Secretary of Housing and Urban Develop-  
13 ment determines are suitable for use to assist the  
14 homeless; and

15           (II) notify the Secretary of Defense of the ex-  
16 tent to which the revised plan meets the criteria set  
17 forth in subparagraph (H)(i).

18           (iv)(I) Upon notice from the Secretary of Housing  
19 and Urban Development with respect to an installation  
20 under clause (iii), the Secretary of Defense shall dispose  
21 of buildings and property at the installation in consulta-  
22 tion with the Secretary of Housing and Urban Develop-  
23 ment and the redevelopment authority concerned.

24           (II) For purposes of carrying out an environmental  
25 assessment of the closure or realignment of an installa-

1 tion, the Secretary of Defense shall treat the redevelop-  
2 ment plan submitted by the redevelopment authority for  
3 the installation (including the aspects of the plan pro-  
4 viding for disposal to State or local governments, rep-  
5 resentatives of the homeless, and other interested parties)  
6 as part of the proposed Federal action for the installation.  
7 The Secretary of Defense shall incorporate the notification  
8 of the Secretary of Housing and Urban Development  
9 under clause (iii)(I) as part of the proposed Federal action  
10 for the installation only to the extent, if any, that the Sec-  
11 retary of Defense considers such incorporation to be ap-  
12 propriate and consistent with the best and highest use of  
13 the installation as a whole, taking into consideration the  
14 redevelopment plan submitted by the redevelopment au-  
15 thority.

16 (III) The Secretary of Defense shall dispose of build-  
17 ings and property under subclause (I) in accordance with  
18 the record of decision or other decision document prepared  
19 by the Secretary in accordance with the National Environ-  
20 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.). In  
21 preparing the record of decision or other decision docu-  
22 ment, the Secretary shall give deference to the redevelop-  
23 ment plan submitted by the redevelopment authority for  
24 the installation.

1           (IV) The disposal under subclause (I) of buildings  
2 and property to assist the homeless shall be without con-  
3 sideration.

4           (V) In the case of a request for a conveyance under  
5 subclause (I) of buildings and property for public benefit  
6 under section 550 of title 40, United States Code, or sec-  
7 tions 47151 through 47153 of title 49, United States  
8 Code, the sponsoring Federal agency shall use the eligi-  
9 bility criteria set forth in such section or subchapter II  
10 of chapter 471 of title 49, United States Code (as the case  
11 may be) to determine the eligibility of the applicant and  
12 use proposed in the request for the public benefit convey-  
13 ance. The determination of such eligibility should be made  
14 before submission of the redevelopment plan concerned  
15 under subparagraph (G).

16           (M)(i) In the event of the disposal of buildings and  
17 property of an installation pursuant to subparagraph (K)  
18 or (L), the redevelopment authority for the installation  
19 shall be responsible for the implementation of and compli-  
20 ance with agreements under the redevelopment plan de-  
21 scribed in that subparagraph for the installation.

22           (ii) If a building or property reverts to a redevelop-  
23 ment authority under such an agreement, the redevelop-  
24 ment authority shall take appropriate actions to secure,  
25 to the maximum extent practicable, the utilization of the

1 building or property by other homeless representatives to  
2 assist the homeless. A redevelopment authority may not  
3 be required to utilize the building or property to assist  
4 the homeless.

5 (N) The Secretary of Defense may postpone or ex-  
6 tend any deadline provided for under this paragraph in  
7 the case of an installation covered by this paragraph for  
8 such period as the Secretary considers appropriate if the  
9 Secretary determines that such postponement is in the in-  
10 terests of the communities affected by the closure or re-  
11 alignment of the installation. The Secretary shall make  
12 such determinations in consultation with the redevelop-  
13 ment authority concerned and, in the case of deadlines  
14 provided for under this paragraph with respect to the Sec-  
15 retary of Housing and Urban Development, in consulta-  
16 tion with the Secretary of Housing and Urban Develop-  
17 ment.

18 (O) For purposes of this paragraph, the term “com-  
19 munities in the vicinity of the installation”, in the case  
20 of an installation, means the communities that constitute  
21 the political jurisdictions (other than the State in which  
22 the installation is located) that comprise the redevelop-  
23 ment authority for the installation.

24 (P) For purposes of this paragraph, the term “other  
25 interested parties”, in the case of an installation, includes

1 any parties eligible for the conveyance of property of the  
2 installation under section 550 of title 40, United States  
3 Code, or sections 47151 through 47153 of title 49, United  
4 States Code, whether or not the parties assist the home-  
5 less.

6 (7)(A) Subject to subparagraph (C), the Secretary  
7 may enter into agreements (including contracts, coopera-  
8 tive agreements, or other arrangements for reimburse-  
9 ment) with local governments for the provision of police  
10 or security services, fire protection services, airfield oper-  
11 ation services, or other community services by such gov-  
12 ernments at military installations to be closed under this  
13 title, or at facilities not yet transferred or otherwise dis-  
14 posed of in the case of installations closed under this title,  
15 if the Secretary determines that the provision of such serv-  
16 ices under such agreements is in the best interests of the  
17 Department of Defense.

18 (B) The Secretary may exercise the authority pro-  
19 vided under this paragraph without regard to the provi-  
20 sions of chapter 146 of title 10, United States Code.

21 (C) The Secretary may not exercise the authority  
22 under subparagraph (A) with respect to an installation  
23 earlier than 180 days before the date on which the instal-  
24 lation is to be closed.

1 (D) The Secretary shall include in a contract for serv-  
2 ices entered into with a local government under this para-  
3 graph a clause that requires the use of professionals to  
4 furnish the services to the extent that professionals are  
5 available in the area under the jurisdiction of such govern-  
6 ment.

7 (c) APPLICABILITY OF NATIONAL ENVIRONMENTAL  
8 POLICY ACT OF 1969.—(1) The provisions of the National  
9 Environmental Policy Act of 1969 (42 U.S.C. 4321 et  
10 seq.) shall not apply to the actions of the President, the  
11 Commission, and, except as provided in paragraph (2), the  
12 Department of Defense in carrying out this title.

13 (2)(A) The provisions of the National Environmental  
14 Policy Act of 1969 shall apply to actions of the Depart-  
15 ment of Defense under this title (i) during the process of  
16 property disposal, and (ii) during the process of relocating  
17 functions from a military installation being closed or re-  
18 aligned to another military installation after the receiving  
19 installation has been selected but before the functions are  
20 relocated.

21 (B) In applying the provisions of the National Envi-  
22 ronmental Policy Act of 1969 to the processes referred  
23 to in subparagraph (A), the Secretary of Defense and the  
24 Secretary of the military departments concerned shall not  
25 have to consider—

1           (i) the need for closing or realigning the mili-  
2           tary installation which has been recommended for  
3           closure or realignment by the Commission;

4           (ii) the need for transferring functions to any  
5           military installation which has been selected as the  
6           receiving installation; or

7           (iii) military installations alternative to those  
8           recommended or selected.

9           (3) A civil action for judicial review, with respect to  
10          any requirement of the National Environmental Policy Act  
11          of 1969 to the extent such Act is applicable under para-  
12          graph (2), of any act or failure to act by the Department  
13          of Defense during the closing, realigning, or relocating of  
14          functions referred to in clauses (i) and (ii) of paragraph  
15          (2)(A), may not be brought more than 60 days after the  
16          date of such act or failure to act.

17          (d) WAIVER.—The Secretary of Defense may close or  
18          realign military installations under this title without re-  
19          gard to—

20                (1) any provision of law restricting the use of  
21                funds for closing or realigning military installations  
22                included in any appropriations or authorization Act;  
23                and

24                (2) sections 2662 and 2687 of title 10, United  
25                States Code.

1 (e) TRANSFER AUTHORITY IN CONNECTION WITH  
2 PAYMENT OF ENVIRONMENTAL REMEDIATION COSTS.—

3 (1)(A) Subject to paragraph (2) of this subsection and sec-  
4 tion 120(h) of the Comprehensive Environmental Re-  
5 sponse, Compensation, and Liability Act of 1980 (42  
6 U.S.C. 9620(h)), the Secretary may enter into an agree-  
7 ment to transfer by deed real property or facilities referred  
8 to in subparagraph (B) with any person who agrees to  
9 perform all environmental restoration, waste management,  
10 and environmental compliance activities that are required  
11 for the property or facilities under Federal and State laws,  
12 administrative decisions, agreements (including schedules  
13 and milestones), and concurrences.

14 (B) The real property and facilities referred to in  
15 subparagraph (A) are the real property and facilities lo-  
16 cated at an installation closed or to be closed, or realigned  
17 or to be realigned, under this title that are available exclu-  
18 sively for the use, or expression of an interest in a use,  
19 of a redevelopment authority under subsection (b)(6)(F)  
20 during the period provided for that use, or expression of  
21 interest in use, under that subsection. The real property  
22 and facilities referred to in subparagraph (A) are also the  
23 real property and facilities located at an installation ap-  
24 proved for closure or realignment under this title after

1 2001 that are available for purposes other than to assist  
2 the homeless.

3 (C) The Secretary may require any additional terms  
4 and conditions in connection with an agreement author-  
5 ized by subparagraph (A) as the Secretary considers ap-  
6 propriate to protect the interests of the United States.

7 (2) A transfer of real property or facilities may be  
8 made under paragraph (1) only if the Secretary certifies  
9 to Congress that—

10 (A) the costs of all environmental restoration,  
11 waste management, and environmental compliance  
12 activities otherwise to be paid by the Secretary with  
13 respect to the property or facilities are equal to or  
14 greater than the fair market value of the property  
15 or facilities to be transferred, as determined by the  
16 Secretary; or

17 (B) if such costs are lower than the fair market  
18 value of the property or facilities, the recipient of  
19 the property or facilities agrees to pay the difference  
20 between the fair market value and such costs.

21 (3) In the case of property or facilities covered by  
22 a certification under paragraph (2)(A), the Secretary may  
23 pay the recipient of such property or facilities an amount  
24 equal to the lesser of—

1           (A) the amount by which the costs incurred by  
2           the recipient of such property or facilities for all en-  
3           vironmental restoration, waste, management, and  
4           environmental compliance activities with respect to  
5           such property or facilities exceed the fair market  
6           value of such property or facilities as specified in  
7           such certification; or

8           (B) the amount by which the costs (as deter-  
9           mined by the Secretary) that would otherwise have  
10          been incurred by the Secretary for such restoration,  
11          management, and activities with respect to such  
12          property or facilities exceed the fair market value of  
13          such property or facilities as so specified.

14          (4) As part of an agreement under paragraph (1),  
15          the Secretary shall disclose to the person to whom the  
16          property or facilities will be transferred any information  
17          of the Secretary regarding the environmental restoration,  
18          waste management, and environmental compliance activi-  
19          ties described in paragraph (1) that relate to the property  
20          or facilities. The Secretary shall provide such information  
21          before entering into the agreement.

22          (5) Nothing in this subsection shall be construed to  
23          modify, alter, or amend the Comprehensive Environmental  
24          Response, Compensation, and Liability Act of 1980 (42

1 U.S.C. 9601 et seq.) or the Solid Waste Disposal Act (42  
2 U.S.C. 6901 et seq.).

3 (6) Section 330 of the National Defense Authoriza-  
4 tion Act for Fiscal Year 1993 (Public Law 102–484; 10  
5 U.S.C. 2687 note) shall not apply to any transfer under  
6 this subsection to persons or entities described in sub-  
7 section (a)(2) of such section 330, except in the case of  
8 releases or threatened releases not disclosed pursuant to  
9 paragraph (4).

10 **SEC. 2906. DEPARTMENT OF DEFENSE BASE CLOSURE AC-**  
11 **COUNT 2015.**

12 (a) IN GENERAL.—(1) If the Secretary makes the  
13 certifications required under section 2903(b), there shall  
14 be established on the books of the Treasury an account  
15 to be known as the “Department of Defense Base Closure  
16 Account 2015” (in this section referred to as the “Ac-  
17 count”). The Account shall be administered by the Sec-  
18 retary as a single account.

19 (2) There shall be deposited into the Account—

20 (A) funds authorized for and appropriated to  
21 the Account;

22 (B) any funds that the Secretary may, subject  
23 to approval in an appropriation Act, transfer to the  
24 Account from funds appropriated to the Department  
25 of Defense for any purpose, except that such funds

1        may be transferred only after the date on which the  
2        Secretary transmits written notice of, and justifica-  
3        tion for, such transfer to the congressional defense  
4        committees; and

5            (C) except as provided in subsection (d), pro-  
6        ceeds received from the lease, transfer, or disposal of  
7        any property at a military installation that is closed  
8        or realigned under this title.

9        (3) The Account shall be closed at the time and in  
10      the manner provided for appropriation accounts under sec-  
11      tion 1555 of title 31, United States Code. Unobligated  
12      funds which remain in the Account upon closure shall be  
13      held by the Secretary of the Treasury until transferred  
14      by law after the congressional defense committees receive  
15      the final report transmitted under subsection (c)(2).

16            (b) USE OF FUNDS.—(1) The Secretary may use the  
17      funds in the Account only for the purposes described in  
18      section 2905 with respect to military installations ap-  
19      proved for closure or realignment under this title.

20            (2) When a decision is made to use funds in the Ac-  
21      count to carry out a construction project under section  
22      2905(a) and the cost of the project will exceed the max-  
23      imum amount authorized by law for a minor military con-  
24      struction project, the Secretary shall notify in writing the  
25      congressional defense committees of the nature of, and

1 justification for, the project and the amount of expendi-  
2 tures for such project. Any such construction project may  
3 be carried out without regard to section 2802(a) of title  
4 10, United States Code.

5 (c) REPORTS.—(1)(A) No later than 60 days after  
6 the end of each fiscal year in which the Secretary carries  
7 out activities under this title using amounts in the Ac-  
8 count, the Secretary shall transmit a report to the con-  
9 gressional defense committees of—

10 (i) the amount and nature of the deposits into,  
11 and the expenditures from, the Account during such  
12 fiscal year;

13 (ii) the amount and nature of other expendi-  
14 tures made pursuant to section 2905(a) during such  
15 fiscal year;

16 (iii) the amount and nature of anticipated de-  
17 posits to be made into, and the anticipated expendi-  
18 tures to be made from, the Account during the first  
19 fiscal year commencing after the submission of the  
20 report; and

21 (iv) the amount and nature of anticipated ex-  
22 penditures to be made pursuant to section 2905(a)  
23 during the first fiscal year commencing after the  
24 submission of the report.

1 (B) The report for a fiscal year shall include the fol-  
2 lowing:

3 (i) The obligations and expenditures from the  
4 Account during the fiscal year, identified by sub-  
5 account and installation, for each military depart-  
6 ment and Defense Agency.

7 (ii) The fiscal year in which appropriations for  
8 such expenditures were made and the fiscal year in  
9 which funds were obligated for such expenditures.

10 (iii) Each military construction project for  
11 which such obligations and expenditures were made,  
12 identified by installation and project title.

13 (iv) A description and explanation of the extent,  
14 if any, to which expenditures for military construc-  
15 tion projects for the fiscal year differed from pro-  
16 posals for projects and funding levels that were in-  
17 cluded in the justification transmitted to Congress  
18 under section 2907(1), or otherwise, for the funding  
19 proposals for the Account for such fiscal year, in-  
20 cluding an explanation of—

21 (I) any failure to carry out military con-  
22 struction projects that were so proposed; and

23 (II) any expenditures for military construc-  
24 tion projects that were not so proposed.

1           (v) An estimate of the net revenues to be re-  
2           ceived from property disposals to be completed dur-  
3           ing the first fiscal year commencing after the sub-  
4           mission of the report at military installations ap-  
5           proved for closure or realignment under this title.

6           (2) No later than 60 days after the closure of the  
7           Account under subsection (a)(3), the Secretary shall  
8           transmit to the congressional defense committees a report  
9           containing an accounting of—

10           (A) all the funds deposited into and expended  
11           from the Account or otherwise expended under this  
12           title with respect to such installations; and

13           (B) any amount remaining in the Account.

14           (d) DISPOSAL OR TRANSFER OF COMMISSARY  
15           STORES AND PROPERTY PURCHASED WITH NON-  
16           APPROPRIATED FUNDS.—(1) If any real property or facil-  
17           ity acquired, constructed, or improved (in whole or in part)  
18           with commissary store funds or nonappropriated funds is  
19           transferred or disposed of in connection with the closure  
20           or realignment of a military installation under this title,  
21           a portion of the proceeds of the transfer or other disposal  
22           of property on that installation shall be deposited in the  
23           reserve account established under section 204(b)(7)(C) of  
24           the Defense Authorization Amendments and Base Closure  
25           and Realignment Act (10 U.S.C. 2687 note).

1           (2) The amount so deposited shall be equal to the  
2 depreciated value of the investment made with such funds  
3 in the acquisition, construction, or improvement of that  
4 particular real property or facility. The depreciated value  
5 of the investment shall be computed in accordance with  
6 regulations prescribed by the Secretary.

7           (3) The Secretary may use amounts in the reserve  
8 account, without further appropriation, for the purpose of  
9 acquiring, constructing, and improving—

10           (A) commissary stores; and

11           (B) real property and facilities for non-  
12 appropriated fund instrumentalities.

13           (4) As used in this subsection:

14           (A) The term “commissary store funds” means  
15 funds received from the adjustment of, or surcharge  
16 on, selling prices at commissary stores fixed under  
17 section 2685 of title 10, United States Code.

18           (B) The term “nonappropriated funds” means  
19 funds received from a nonappropriated fund instru-  
20 mentality.

21           (C) The term “nonappropriated fund instru-  
22 mentality” means an instrumentality of the United  
23 States under the jurisdiction of the Armed Forces  
24 (including the Army and Air Force Exchange Serv-  
25 ice, the Navy Resale and Services Support Office,

1 and the Marine Corps exchanges) which is conducted  
2 for the comfort, pleasure, contentment, or physical  
3 or mental improvement of members of the Armed  
4 Forces.

5 (e) ACCOUNT EXCLUSIVE SOURCE OF FUNDS FOR  
6 ENVIRONMENTAL RESTORATION PROJECTS.—Except for  
7 funds deposited into the Account under subsection (a),  
8 funds appropriated to the Department of Defense may not  
9 be used for purposes described in section 2905(a)(1)(C).  
10 The prohibition in this subsection shall expire upon the  
11 closure of the Account under subsection (a)(3).

12 (f) AUTHORIZED COST AND SCOPE OF WORK VARI-  
13 ATIONS.—(1) Subject to paragraphs (2) and (3), the cost  
14 authorized for a military construction project or military  
15 family housing project to be carried out using funds in  
16 the Account may not be increased or reduced by more than  
17 20 percent or \$2,000,000, whichever is less, of the amount  
18 specified for the project in the conference report to accom-  
19 pany the Military Construction Authorization Act author-  
20 izing the project. The scope of work for such a project  
21 may not be reduced by more than 25 percent from the  
22 scope specified in the most recent budget documents for  
23 the projects listed in such conference report.

24 (2) Paragraph (1) shall not apply to a military con-  
25 struction project or military family housing project to be

1 carried out using funds in the Account with an estimated  
2 cost of less than \$5,000,000, unless the project has not  
3 been previously identified in any budget submission for the  
4 Account and exceeds the applicable minor construction  
5 threshold under section 2805 of title 10, United States  
6 Code.

7 (3) The limitation on cost or scope variation in para-  
8 graph (1) shall not apply if the Secretary of Defense  
9 makes a determination that an increase or reduction in  
10 cost or a reduction in the scope of work for a military  
11 construction project or military family housing project to  
12 be carried out using funds in the Account needs to be  
13 made for the sole purpose of meeting unusual variations  
14 in cost or scope. If the Secretary makes such a determina-  
15 tion, the Secretary shall notify the congressional defense  
16 committees of the variation in cost or scope not later than  
17 21 days before the date on which the variation is made  
18 in connection with the project or, if the notification is pro-  
19 vided in an electronic medium pursuant to section 480 of  
20 title 10, United States Code, not later than 14 days before  
21 the date on which the variation is made. The Secretary  
22 shall include the reasons for the variation in the notifica-  
23 tion.

1 **SEC. 2907. REPORTS.**

2 (a) REPORTING REQUIREMENT.—As part of the  
3 budget request for fiscal year 2019 and for each fiscal  
4 year thereafter through fiscal year 2030 for the Depart-  
5 ment of Defense, the Secretary shall transmit to the con-  
6 gressional defense committees—

7 (1) a schedule of the closure actions to be car-  
8 ried out under this title in the fiscal year for which  
9 the request is made and an estimate of the total ex-  
10 penditures required and cost savings to be achieved  
11 by each such closure and of the time period in which  
12 these savings are to be achieved in each case, to-  
13 gether with the Secretary's assessment of the envi-  
14 ronmental effects of such actions;

15 (2) a description of the military installations,  
16 including those under construction and those  
17 planned for construction, to which functions are to  
18 be transferred as a result of such closures, together  
19 with the Secretary's assessment of the environmental  
20 effects of such transfers;

21 (3) a description of the closure actions already  
22 carried out at each military installation since the  
23 date of the installation's approval for closure under  
24 this title and the current status of the closure of the  
25 installation, including whether—

1 (A) a redevelopment authority has been  
2 recognized by the Secretary for the installation;

3 (B) the screening of property at the instal-  
4 lation for other Federal use has been com-  
5 pleted; and

6 (C) a redevelopment plan has been agreed  
7 to by the redevelopment authority for the in-  
8 stallation;

9 (4) a description of redevelopment plans for  
10 military installations approved for closure under this  
11 title, the quantity of property remaining to be dis-  
12 posed of at each installation as part of its closure,  
13 and the quantity of property already disposed of at  
14 each installation;

15 (5) a list of the Federal agencies that have re-  
16 quested property during the screening process for  
17 each military installation approved for closure under  
18 this title, including the date of transfer or antici-  
19 pated transfer of the property to such agencies, the  
20 acreage involved in such transfers, and an expla-  
21 nation for any delays in such transfers;

22 (6) a list of known environmental remediation  
23 issues at each military installation approved for clo-  
24 sure under this title, including the acreage affected  
25 by these issues, an estimate of the cost to complete

1 such environmental remediation, and the plans (and  
2 timelines) to address such environmental remedi-  
3 ation; and

4 (7) an estimate of the date for the completion  
5 of all closure actions at each military installation ap-  
6 proved for closure or realignment under this title.

7 **SEC. 2908. CONGRESSIONAL CONSIDERATION OF COMMIS-**  
8 **SION REPORT.**

9 (a) **TERMS OF THE RESOLUTION.**—For purposes of  
10 section 2904(b), the term “joint resolution” means only  
11 a joint resolution which is introduced within the 10-day  
12 period beginning on the date on which the President trans-  
13 mits the report to the Congress under section 2903(j),  
14 and—

15 (1) which does not have a preamble;

16 (2) the matter after the resolving clause of  
17 which is as follows: “That Congress disapproves the  
18 recommendations of the Defense Base Closure and  
19 Realignment Commission as submitted by the Presi-  
20 dent on ”, the blank space being filled in with  
21 the appropriate date; and

22 (3) the title of which is as follows: “Joint reso-  
23 lution disapproving the recommendations of the De-  
24 fense Base Closure and Realignment Commission.”.

1           (b) REFERRAL.—A resolution described in subsection  
2 (a) that is introduced in the House of Representatives  
3 shall be referred to the Committee on Armed Services of  
4 the House of Representatives. A resolution described in  
5 subsection (a) introduced in the Senate shall be referred  
6 to the Committee on Armed Services of the Senate.

7           (c) DISCHARGE.—If the committee to which a resolu-  
8 tion described in subsection (a) is referred has not re-  
9 ported such a resolution (or an identical resolution) by the  
10 end of the 20-day period beginning on the date on which  
11 the President transmits the report to the Congress under  
12 section 2903(j), such committee shall be, at the end of  
13 such period, discharged from further consideration of such  
14 resolution, and such resolution shall be placed on the ap-  
15 propriate calendar of the House involved.

16           (d) CONSIDERATION.—(1) On or after the third day  
17 after the date on which the committee to which such a  
18 resolution is referred has reported, or has been discharged  
19 (under subsection (c)) from further consideration of, such  
20 a resolution, it is in order (even though a previous motion  
21 to the same effect has been disagreed to) for any Member  
22 of the respective House to move to proceed to the consider-  
23 ation of the resolution. A member may make the motion  
24 only on the day after the calendar day on which the Mem-  
25 ber announces to the House concerned the Member's in-

1 tention to make the motion, except that, in the case of  
2 the House of Representatives, the motion may be made  
3 without such prior announcement if the motion is made  
4 by direction of the committee to which the resolution was  
5 referred. All points of order against the resolution (and  
6 against consideration of the resolution) are waived. The  
7 motion is highly privileged in the House of Representatives  
8 and is privileged in the Senate and is not debatable. The  
9 motion is not subject to amendment, or to a motion to  
10 postpone, or to a motion to proceed to the consideration  
11 of other business. A motion to reconsider the vote by  
12 which the motion is agreed to or disagreed to shall not  
13 be in order. If a motion to proceed to the consideration  
14 of the resolution is agreed to, the respective House shall  
15 immediately proceed to consideration of the joint resolu-  
16 tion without intervening motion, order, or other business,  
17 and the resolution shall remain the unfinished business of  
18 the respective House until disposed of.

19       (2) Debate on the resolution, and on all debatable  
20 motions and appeals in connection therewith, shall be lim-  
21 ited to not more than 2 hours, which shall be divided  
22 equally between those favoring and those opposing the res-  
23 olution. An amendment to the resolution is not in order.  
24 A motion further to limit debate is in order and not debat-  
25 able. A motion to postpone, or a motion to proceed to the

1 consideration of other business, or a motion to recommit  
2 the resolution is not in order. A motion to reconsider the  
3 vote by which the resolution is agreed to or disagreed to  
4 is not in order.

5 (3) Immediately following the conclusion of the de-  
6 bate on a resolution described in subsection (a) and a sin-  
7 gle quorum call at the conclusion of the debate if re-  
8 quested in accordance with the rules of the appropriate  
9 House, the vote on final passage of the resolution shall  
10 occur.

11 (4) Appeals from the decisions of the Chair relating  
12 to the application of the rules of the Senate or the House  
13 of Representatives, as the case may be, to the procedure  
14 relating to a resolution described in subsection (a) shall  
15 be decided without debate.

16 (e) CONSIDERATION BY OTHER HOUSE.—(1) If, be-  
17 fore the passage by one House of a resolution of that  
18 House described in subsection (a), that House receives  
19 from the other House a resolution described in subsection  
20 (a), then the following procedures shall apply:

21 (A) The resolution of the other House shall not  
22 be referred to a committee and may not be consid-  
23 ered in the House receiving it except in the case of  
24 final passage as provided in subparagraph (B)(ii).

1           (B) With respect to a resolution described in  
2 subsection (a) of the House receiving the resolu-  
3 tion—

4           (i) the procedure in that House shall be  
5 the same as if no resolution had been received  
6 from the other House; but

7           (ii) the vote on final passage shall be on  
8 the resolution of the other House.

9       (2) Upon disposition of the resolution received from  
10 the other House, it shall no longer be in order to consider  
11 the resolution that originated in the receiving House.

12       (f) RULES OF THE SENATE AND HOUSE.—This sec-  
13 tion is enacted by Congress—

14           (1) as an exercise of the rulemaking power of  
15 the Senate and House of Representatives, respec-  
16 tively, and as such it is deemed a part of the rules  
17 of each House, respectively, but applicable only with  
18 respect to the procedure to be followed in that  
19 House in the case of a resolution described in sub-  
20 section (a), and it supersedes other rules only to the  
21 extent that it is inconsistent with such rules; and

22           (2) with full recognition of the constitutional  
23 right of either House to change the rules (so far as  
24 relating to the procedure of that House) at any time,

1 in the same manner, and to the same extent as in  
2 the case of any other rule of that House.

3 **SEC. 2909. RESTRICTION ON OTHER BASE CLOSURE AU-**  
4 **THORITY.**

5 (a) IN GENERAL.—Except as provided in subsection  
6 (c), during the period beginning on the date of the enact-  
7 ment of this Act, and ending on April 15, 2018, this title  
8 shall be the exclusive authority for selecting for closure  
9 or realignment, or for carrying out any closure or realign-  
10 ment of, a military installation inside the United States.

11 (b) RESTRICTION.—Except as provided in subsection  
12 (c), none of the funds available to the Department of De-  
13 fense may be used, other than under this title, during the  
14 period specified in subsection (a)—

15 (1) to identify, through any transmittal to the  
16 Congress or through any other public announcement  
17 or notification, any military installation inside the  
18 United States as an installation to be closed or re-  
19 aligned or as an installation under consideration for  
20 closure or realignment; or

21 (2) to carry out any closure or realignment of  
22 a military installation inside the United States.

23 (c) EXCEPTION.—Nothing in this title affects the au-  
24 thority of the Secretary to carry out closures and realign-  
25 ments to which section 2687 of title 10, United States

1 Code, is not applicable, including closures and realign-  
2 ments carried out for reasons of national security or a  
3 military emergency referred to in subsection (c) of such  
4 section.

5 **SEC. 2910. DEFINITIONS.**

6 As used in this title:

7 (1) The term “Account” means the Department  
8 of Defense Base Closure Account established by sec-  
9 tion 2906(a)(1).

10 (2) The term “congressional defense commit-  
11 tees” means the Committee on Armed Services and  
12 the Committee on Appropriations of the Senate and  
13 the Committee on Armed Services and the Com-  
14 mittee on Appropriations of the House of Represent-  
15 atives.

16 (3) The term “Commission” means the Com-  
17 mission established by section 2902.

18 (4) The term “military installation” means a  
19 base, camp, post, station, yard, center, homeport fa-  
20 cility for any ship, or other activity under the juris-  
21 diction of the Department of Defense, including any  
22 leased facility. Such term does not include any facil-  
23 ity used primarily for civil works, rivers and harbors  
24 projects, flood control, or other projects not under

1 the primary jurisdiction or control of the Depart-  
2 ment of Defense.

3 (5) The term “realignment” includes any action  
4 which both reduces and relocates functions and civil-  
5 ian personnel positions but does not include a reduc-  
6 tion in force resulting from workload adjustments,  
7 reduced personnel or funding levels, or skill imbal-  
8 ances.

9 (6) The term “Secretary” means the Secretary  
10 of Defense.

11 (7) The term “United States” means the 50  
12 States, the District of Columbia, the Commonwealth  
13 of Puerto Rico, Guam, the Virgin Islands, American  
14 Samoa, and any other commonwealth, territory, or  
15 possession of the United States.

16 (8) The term “date of approval”, with respect  
17 to a closure or realignment of an installation, means  
18 the date on which the authority of Congress to dis-  
19 approve a recommendation of closure or realign-  
20 ment, as the case may be, of such installation under  
21 this title expires.

22 (9) The term “redevelopment authority”, in the  
23 case of an installation to be closed or realigned  
24 under this title, means any entity (including an enti-  
25 ty established by a State or local government) recog-

1 nized by the Secretary of Defense as the entity re-  
2 sponsible for developing the redevelopment plan with  
3 respect to the installation or for directing the imple-  
4 mentation of such plan.

5 (10) The term “redevelopment plan” in the  
6 case of an installation to be closed or realigned  
7 under this title, means a plan that—

8 (A) is agreed to by the local redevelopment  
9 authority with respect to the installation; and

10 (B) provides for the reuse or redevelop-  
11 ment of the real property and personal property  
12 of the installation that is available for such  
13 reuse and redevelopment as a result of the clo-  
14 sure or realignment of the installation.

15 (11) The term “representative of the homeless”  
16 has the meaning given such term in section  
17 501(i)(4) of the Stewart B. McKinney Homeless As-  
18 sistance Act (42 U.S.C. 11411(i)(4)).

19 **SEC. 2911. TREATMENT AS A BASE CLOSURE LAW FOR PUR-**  
20 **POSES OF OTHER PROVISIONS OF LAW.**

21 (a) DEFINITION OF “BASE CLOSURE LAW” IN TITLE  
22 10.—Section 101(a)(17) of title 10, United States Code,  
23 is amended by adding at the end the following new sub-  
24 paragraph:

1           “(D) The Defense Base Closure and Realign-  
2           ment Act of 2015.”.

3           (b) DEFINITION OF “BASE CLOSURE LAW” IN  
4 OTHER LAWS.—

5           (1) Section 131(b) of Public Law 107–249 (10  
6           U.S.C. 221 note) is amended by striking “means”  
7           and all that follows and inserting “has the meaning  
8           given the term ‘base closure law’ in section  
9           101(a)(17) of title 10, United States Code.”.

10           (2) Section 1334(k)(1) of the National Defense  
11           Authorization Act for Fiscal Year 1994 (Public Law  
12           103–160; 10 U.S.C. 2701 note) is amended by add-  
13           ing at the end the following new subparagraph:

14                   “(C) The Defense Base Closure and Re-  
15                   alignment Act of 2015.”.

16           (3) Section 2918(a)(1) of the National Defense  
17           Authorization Act for Fiscal Year 1994 (Public Law  
18           103–160; 10 U.S.C. 2687 note) is amended by add-  
19           ing at the end the following new subparagraph:

20                   “(C) The Defense Base Closure and Re-  
21                   alignment Act of 2015.”.

22 **SEC. 2912. CONFORMING AMENDMENTS.**

23           (a) DEPOSIT AND USE OF LEASE PROCEEDS.—Sec-  
24           tion 2667(e) of title 10, United States Code, is amended—

1           (1) in paragraph (5), by striking “on or after  
2           January 1, 2005,” and inserting “from January 1,  
3           2005, through December 31, 2005,”; and

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

6           “(6) Money rentals received by the United States  
7           from a lease under subsection (g) at a military installation  
8           approved for closure or realignment under a base closure  
9           law on or after January 1, 2006, shall be deposited into  
10          the account established under section 2906 of the Defense  
11          Base Closure and Realignment Act of 2015.”.

12          (b) REQUESTS BY PUBLIC AGENCIES FOR PROPERTY  
13          FOR PUBLIC AIRPORTS.—Section 47151(g) of title 49,  
14          United States Code, is amended by striking “section 2687  
15          of title 10, section 201 of the Defense Authorization  
16          Amendments and Base Closure and Realignment Act (10  
17          U.S.C. 2687 note), or section 2905 of the Defense Base  
18          Closure and Realignment Act of 1990 (10 U.S.C. 2687  
19          note)” and inserting “a base closure law, as that term is  
20          defined in section 101(a)(17) of title 10,”.

21          (c) RESTORED LEAVE.—Section 6304(d)(3)(A) of  
22          title 5, United States Code, is amended by striking “the  
23          Defense Base Closure and Realignment Act of 1990 (part  
24          A of title XXIX of Public Law 101–510; 10 U.S.C. 2687

1 note)” and inserting “a base closure law, as that term is  
2 defined in section 101(a)(17) of title 10,”.

3 **TITLE XXX—MILITARY**  
4 **CONSTRUCTION FUNDING**

5 **SEC. 3001. AUTHORIZATION OF AMOUNTS IN FUNDING TA-**  
6 **BLES.**

7 (a) IN GENERAL.—Whenever a funding table in this  
8 title specifies a dollar amount authorized for a project,  
9 program, or activity, the obligation and expenditure of the  
10 specified dollar amount for the project, program, or activ-  
11 ity is hereby authorized, subject to the availability of ap-  
12 propriations.

13 (b) MERIT-BASED DECISIONS.—A decision to com-  
14 mit, obligate, or expend funds with or to a specific entity  
15 on the basis of a dollar amount authorized pursuant to  
16 subsection (a) shall—

17 (1) be based on merit-based selection proce-  
18 dures in accordance with the requirements of sec-  
19 tions 2304(k) and 2374 of title 10, United States  
20 Code, or on competitive procedures; and

21 (2) comply with other applicable provisions of  
22 law.

23 (c) RELATIONSHIP TO TRANSFER AND PROGRAM-  
24 MING AUTHORITY.—An amount specified in the funding  
25 tables in this title may be transferred or reprogrammed

1 under a transfer or reprogramming authority provided by  
 2 another provision of this Act or by other law. The transfer  
 3 or reprogramming of an amount specified in such funding  
 4 tables shall not count against a ceiling on such transfers  
 5 or reprogrammings under any other provision of this Act  
 6 or any other provision of law, unless such transfer or re-  
 7 programming would move funds between appropriation ac-  
 8 counts.

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

12 (e) **ORAL AND WRITTEN COMMUNICATIONS.**—No  
 13 oral or written communication concerning any amount  
 14 specified in the funding tables in this division shall super-  
 15 sede the requirements of this section.

16 **SEC. 3002. MILITARY CONSTRUCTION TABLE.**

<b>SEC. 3002. MILITARY CONSTRUCTION</b> (In Thousands of Dollars)			
<b>Account</b>	<b>State/Country and Installation</b>	<b>Project Title</b>	<b>FY 2016 Budget Request</b>
	Alaska		
Army	Fort Greely	Physical Readiness Training Facility .....	\$7,800
	California		
Army	Concord	Pier .....	\$98,000
	Colorado		
Army	Fort Carson	Rotary Wing Taxiway .....	\$5,800
	Georgia		
Army	Fort Gordon	Command and Control Facility .....	\$90,000
	Germany		
Army	Grafenwoehr	Vehicle Maintenance Shop .....	\$51,000
	New York		
Army	Fort Drum	NCO Academy Complex .....	\$19,000
Army	U.S. Military Academy	Waste Water Treatment Plant .....	\$70,000
	Oklahoma		
Army	Fort Sill	Reception Barracks Complex Ph2 .....	\$56,000
Army	Fort Sill	Training Support Facility .....	\$13,400
	Texas		
Army	Corpus Christi	Powertrain Facility (Infrastructure/Metal) .....	\$85,000
Army	Joint Base San Antonio	Homeland Defense Operations Center .....	\$43,000
	Virginia		
Army	Fort Lee	Training Support Facility .....	\$33,000
Army	Joint Base Myer-Hender- son	Instruction Building .....	\$37,000
	Worldwide Unspecified		
Army	Unspecified Worldwide Locations	Host Nation Support .....	\$36,000

**SEC. 3002. MILITARY CONSTRUCTION**  
(In Thousands of Dollars)

<b>Account</b>	<b>State/Country and Installation</b>	<b>Project Title</b>	<b>FY 2016 Budget Request</b>
Army	Unspecified Worldwide Locations	Minor Construction .....	\$25,000
Army	Unspecified Worldwide Locations	Planning and Design .....	\$73,245
<b>Total Military Construction, Army .....</b>			<b>\$743,245</b>
	Arizona		
Navy	Yuma	Aircraft Maint. Facilities & Apron (So. CALA) .....	\$50,635
	Bahrain Island		
Navy	SW Asia	Mina Salman Pier Replacement .....	\$37,700
Navy	SW Asia	Ship Maintenance Support Facility .....	\$52,091
	California		
Navy	Camp Pendleton	Raw Water Pipeline Pendleton to Fallbrook .....	\$44,540
Navy	Coronado	Coastal Campus Utilities .....	\$4,856
Navy	Lemoore	F-35C Hangar Modernization and Addition .....	\$56,497
Navy	Lemoore	F-35C Training Facilities .....	\$8,187
Navy	Lemoore	RTO and Mission Debrief Facility .....	\$7,146
Navy	Point Mugu	E-2C/D Hangar Additions and Renovations .....	\$19,453
Navy	Point Mugu	Triton Avionics and Fuel Systems Trainer .....	\$2,974
Navy	San Diego	LCS Support Facility .....	\$37,366
Navy	Twentynine Palms	Microgrid Expansion .....	\$9,160
	Florida		
Navy	Jacksonville	Fleet Support Facility Addition .....	\$8,455
Navy	Jacksonville	Triton Mission Control Facility .....	\$8,296
Navy	Mayport	LCS Mission Module Readiness Center .....	\$16,159
Navy	Pensacola	A-School Unaccompanied Housing (Corry Station) .....	\$18,347
Navy	Whiting Field	T-6B JPATS Training Operations Facility .....	\$10,421
	Georgia		
Navy	Albany	Ground Source Heat Pumps .....	\$7,851
Navy	Kings Bay	Industrial Control System Infrastructure .....	\$8,099
Navy	Townsend	Townsend Bombing Range Expansion Phase 2 .....	\$48,279
	Guam		
Navy	Joint Region Marianas	Live-Fire Training Range Complex (NW Field) .....	\$125,677
Navy	Joint Region Marianas	Municipal Solid Waste Landfill Closure .....	\$10,777
Navy	Joint Region Marianas	Sanitary Sewer System Recapitalization .....	\$45,314
	Hawaii		
Navy	Barking Sands	PMRF Power Grid Consolidation .....	\$30,623
Navy	Joint Base Pearl Harbor-Hickam	UEM Interconnect Sta C to Hickam .....	\$6,335
Navy	Joint Base Pearl Harbor-Hickam	Welding School Shop Consolidation .....	\$8,546
Navy	Kaneohe Bay	Airfield Lighting Modernization .....	\$26,097
Navy	Kaneohe Bay	Bachelor Enlisted Quarters .....	\$68,092
Navy	Kaneohe Bay	P-8A Detachment Support Facilities .....	\$12,429
	Italy		
Navy	Signonella	P-8A Hangar and Fleet Support Facility .....	\$62,302
Navy	Signonella	Triton Hangar and Operation Facility .....	\$40,641
	Japan		
Navy	Camp Butler	Military Working Dog Facilities (Camp Hansen) .....	\$11,697
Navy	Iwakuni	E-2D Operational Trainer Complex .....	\$8,716
Navy	Iwakuni	Security Modifications—CVW5/MAG12 HQ .....	\$9,207
Navy	Kadena AB	Aircraft Maint. Shelters & Apron .....	\$23,310
Navy	Yokosuka	Child Development Center .....	\$13,846
	Maryland		
Navy	Patuxent River	Unaccompanied Housing .....	\$40,935
	North Carolina		
Navy	Camp Lejeune	Simulator Integration/Range Control Facility .....	\$54,849
Navy	Cherry Point Marine Corps Air Station	KC-130J Enlisted Air Crew Trainer Facility .....	\$4,769
Navy	Cherry Point Marine Corps Air Station	Unmanned Aircraft System Facilities .....	\$29,657
Navy	New River	Operational Trainer Facility .....	\$3,312
Navy	New River	Radar Air Traffic Control Facility Addition .....	\$4,918
	Poland		
Navy	RedziKowo Base	AEGIS Ashore Missile Defense Complex .....	\$51,270
	South Carolina		
Navy	Parris Island	Range Safety Improvements & Modernization .....	\$27,075
	Virginia		
Navy	Dam Neck	Maritime Surveillance System Facility .....	\$23,066
Navy	Norfolk	Communications Center .....	\$75,289
Navy	Norfolk	Electrical Repairs to Piers 2, 6, 7, and 11 .....	\$44,254
Navy	Norfolk	MH60 Helicopter Training Facility .....	\$7,134
Navy	Portsmouth	Waterfront Utilities .....	\$45,513
Navy	Quantico	ATFP Gate .....	\$5,840
Navy	Quantico	Electrical Distribution Upgrade .....	\$8,418
Navy	Quantico	Embassy Security Guard BEQ & Ops Facility .....	\$43,941
	Washington		
Navy	Bangor	WRA Land/Water Interface .....	\$34,177

**SEC. 3002. MILITARY CONSTRUCTION**  
(In Thousands of Dollars)

<b>Account</b>	<b>State/Country and Installation</b>	<b>Project Title</b>	<b>FY 2016 Budget Request</b>
Navy	Bremerton	Dry Dock 6 Modernization & Utility Improve. ....	\$22,680
Navy	Indian Island	Shore Power to Ammunition Pier .....	\$4,472
	Worldwide Unspecified		
Navy	Unspecified Worldwide Locations	MCON Design Funds .....	\$91,649
Navy	Unspecified Worldwide Locations	Unspecified Minor Construction .....	\$22,590
<b>Total Military Construction, Navy .....</b>			<b>\$1,605,929</b>
	Alaska		
AF	Eielson AFB	F-35A Flight Sim/Alter Squad Ops/AMU Facility .....	\$37,000
AF	Eielson AFB	Rpr Central Heat & Power Plant Boiler Ph3 .....	\$34,400
	Arizona		
AF	Davis-Monthan AFB	HC-130J AGE Covered Storage .....	\$4,700
AF	Davis-Monthan AFB	HC-130J Wash Rack .....	\$12,200
AF	Luke AFB	F-35A ADAL Fuel Offload Facility .....	\$5,000
AF	Luke AFB	F-35A Aircraft Maintenance Hangar/Sq 3 .....	\$13,200
AF	Luke AFB	F-35A Bomb Build-Up Facility .....	\$5,500
AF	Luke AFB	F-35A Sq Ops/AMU/Hangar/Sq 4 .....	\$33,000
	Colorado		
AF	U.S. Air Force Academy	Front Gates Force Protection Enhancements .....	\$10,000
	Florida		
AF	Cape Canaveral AFS	Range Communications Facility .....	\$21,000
AF	Eglin AFB	F-35A Consolidated HQ Facility .....	\$8,700
AF	Hurlburt Field	ADAL 39 Information Operations Squad Facility .....	\$14,200
	Greenland		
AF	Thule AB	Thule Consolidation Ph 1 .....	\$41,965
	Guam		
AF	Joint Region Marianas	APR—Dispersed Maint Spares & SE Storage Fac .....	\$19,000
AF	Joint Region Marianas	APR—Installation Control Center .....	\$22,200
AF	Joint Region Marianas	APR—South Ramp Utilities Phase 2 .....	\$7,100
AF	Joint Region Marianas	PRTC Roads .....	\$2,500
	Hawaii		
AF	Joint Base Pearl Harbor-Hickam	F-22 Fighter Alert Facility .....	\$46,000
	Japan		
AF	Kadena AB	Munitions Storage .....	\$3,000
AF	Yokota AB	C-130J Flight Simulator Facility .....	\$8,461
	Kansas		
AF	McConnell AFB	KC-46A ADAL Deicing Pads .....	\$4,300
	Maryland		
AF	Fort Meade	CYBERCOM Joint Operations Center, Increment 3 .....	\$86,000
	Missouri		
AF	Whiteman AFB	Consolidated Stealth Ops & Nuclear Alert Fac .....	\$29,500
	Montana		
AF	Malmstrom AFB	Tactical Response Force Alert Facility .....	\$19,700
	Nebraska		
AF	Offutt AFB	Dormitory (144 RM) .....	\$21,000
	Nevada		
AF	Nellis AFB	F-35A Airfield Pavements .....	\$31,000
AF	Nellis AFB	F-35A Live Ordnance Loading Area .....	\$34,500
AF	Nellis AFB	F-35A Munitions Maintenance Facilities .....	\$3,450
	New Mexico		
AF	Canon AFB	Construct AT/FP Gate—Portales .....	\$7,800
AF	Holloman AFB	Marshalling Area ARM/DE-ARM Pad D .....	\$3,000
AF	Kirtland AFB	Space Vehicles Component Development Lab .....	\$12,800
	Niger		
AF	Agadez	Construct Airfield and Base Camp .....	\$50,000
	North Carolina		
AF	Seymour Johnson AFB	Air Traffic Control Tower/Base Ops Facility .....	\$17,100
	Oklahoma		
AF	Altus AFB	Dormitory (120 RM) .....	\$18,000
AF	Altus AFB	KC-46A FTU ADAL Fuel Cell Maint Hangar .....	\$10,400
AF	Tinker AFB	Air Traffic Control Tower .....	\$12,900
AF	Tinker AFB	KC-46A Depot Maintenance Dock .....	\$37,000
	Oman		
AF	Al Musannah AB	Airlift Apron .....	\$25,000
	South Dakota		
AF	Ellsworth AFB	Dormitory (168 RM) .....	\$23,000
	Texas		
AF	Joint Base San Antonio	BMT Classrooms/Dining Facility 3 .....	\$35,000
AF	Joint Base San Antonio	BMT Recruit Dormitory 5 .....	\$71,000
	United Kingdom		
AF	Croughton RAF	Consolidated SATCOM/Teel Control Facility .....	\$36,424
AF	Croughton RAF	JLAC Consolidation—Ph 2 .....	\$94,191
	Utah		
AF	Hill AFB	F-35A Flight Simulator Addition Phase 2 .....	\$5,900
AF	Hill AFB	F-35A Hangar 40/42 Additions and AMU .....	\$21,000

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<b>Account</b>	<b>State/Country and Installation</b>	<b>Project Title</b>	<b>FY 2016 Budget Request</b>
AF	Hill AFB	Hayman Igloos .....	\$11,500
AF	CONUS Classified	Long Range Strike Bomber .....	\$77,130
AF	Worldwide Unspecified	Planning and Design .....	\$89,164
AF	Various Worldwide Locations	Unspecified Minor Military Construction .....	\$22,900
AF	Wyoming		
AF	F. E. Warren AFB	Weapon Storage Facility .....	\$95,000
<b>Total Military Construction, Air Force .....</b>			<b>\$1,354,785</b>
	Alabama		
Def-Wide	Fort Rucker	Fort Rucker ES/PS Consolidation/Replacement .....	\$46,787
Def-Wide	Maxwell AFB	ES/MS Replacement/Renovation .....	\$32,968
	Arizona		
Def-Wide	Fort Huachuca	JITC Buildings 52101/52111 Renovations .....	\$3,884
	California		
Def-Wide	Camp Pendleton	SOF Combat Service Support Facility .....	\$10,181
Def-Wide	Camp Pendleton	SOF Performance Resiliency Center—West .....	\$10,371
Def-Wide	Coronado	SOF Logistics Support Unit One Ops Fac. #2 .....	\$47,218
Def-Wide	Fresno Yosemite IAP ANG	Replace Fuel Storage and Distrib. Facilities .....	\$10,700
	Colorado		
Def-Wide	Fort Carson	SOF Language Training Facility .....	\$8,243
	CONUS Classified		
Def-Wide	Classified Location	Operations Support Facility .....	\$20,065
	Delaware		
Def-Wide	Dover AFB	Construct Hydrant Fuel System .....	\$21,600
	Djibouti		
Def-Wide	Camp Lemonier	Construct Fuel Storage & Distrib. Facilities .....	\$43,700
	Florida		
Def-Wide	Hurlburt Field	SOF Fuel Cell Maintenance Hangar .....	\$17,989
Def-Wide	MacDill AFB	SOF Operational Support Facility .....	\$39,142
	Georgia		
Def-Wide	Moody AFB	Replace Pumphouse and Truck Fillstands .....	\$10,900
	Germany		
Def-Wide	Garmisch	Garmisch E/MS-Addition/Modernization .....	\$14,676
Def-Wide	Grafenwoehr	Grafenwoehr Elementary School Replacement .....	\$38,138
Def-Wide	Rhine Ordnance Barracks	Medical Center Replacement Iner 5 .....	\$85,034
Def-Wide	Spangdahlem AB	Construct Fuel Pipeline .....	\$5,500
Def-Wide	Spangdahlem AB	Medical/Dental Clinic Addition .....	\$34,071
Def-Wide	Stuttgart-Patch Barracks	Patch Elementary School Replacement .....	\$49,413
	Hawaii		
Def-Wide	Kaneohe Bay	Medical/Dental Clinic Replacement .....	\$122,071
Def-Wide	Schofield Barracks	Behavioral Health/Dental Clinic Addition .....	\$123,838
	Japan		
Def-Wide	Kadena AB	Airfield Pavements .....	\$37,485
	Kentucky		
Def-Wide	Fort Campbell	SOF Company HQ/Classrooms .....	\$12,553
Def-Wide	Fort Knox	Fort Knox HS Renovation/MS Addition .....	\$23,279
	Maryland		
Def-Wide	Fort Meade	NSAW Campus Feeders Phase 2 .....	\$33,745
Def-Wide	Fort Meade	NSAW Recapitalize Building #2 Iner 1 .....	\$34,897
	Nevada		
Def-Wide	Nellis AFB	Replace Hydrant Fuel System .....	\$39,900
	New Mexico		
Def-Wide	Cannon AFB	Construct Pumphouse and Fuel Storage .....	\$20,400
Def-Wide	Cannon AFB	SOF Squadron Operations Facility .....	\$11,565
Def-Wide	Cannon AFB	SOF ST Operational Training Facilities .....	\$13,146
	New York		
Def-Wide	West Point	West Point Elementary School Replacement .....	\$53,778
	North Carolina		
Def-Wide	Camp Lejeune	SOF Combat Service Support Facility .....	\$14,036
Def-Wide	Camp Lejeune	SOF Marine Battalion Company/Team Facilities .....	\$54,970
Def-Wide	Fort Bragg	Butner Elementary School Replacement .....	\$32,944
Def-Wide	Fort Bragg	SOF 21 STS Operations Facility .....	\$16,863
Def-Wide	Fort Bragg	SOF Battalion Operations Facility .....	\$38,549
Def-Wide	Fort Bragg	SOF Indoor Range .....	\$8,303
Def-Wide	Fort Bragg	SOF Intelligence Training Center .....	\$28,265
Def-Wide	Fort Bragg	SOF Special Tactics Facility (PH 2) .....	\$43,887
	Ohio		
Def-Wide	Wright-Patterson AFB	Satellite Pharmacy Replacement .....	\$6,623
	Oregon		
Def-Wide	Klamath Falls IAP	Replace Fuel Facilities .....	\$2,500
	Pennsylvania		
Def-Wide	Philadelphia	Replace Headquarters .....	\$49,700
	Poland		

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<b>Account</b>	<b>State/Country and Installation</b>	<b>Project Title</b>	<b>FY 2016 Budget Request</b>
Def-Wide	RedziKowo Base	Aegis Ashore Missile Defense System Complex .....	\$169,153
	South Carolina		
Def-Wide	Fort Jackson	Pierce Terrace Elementary School Replacement .....	\$26,157
	Spain		
Def-Wide	Rota	Rota ES and HS Additions .....	\$13,737
	Texas		
Def-Wide	Fort Bliss	Hospital Replacement Iner 7 .....	\$239,884
Def-Wide	Joint Base San Antonio	Ambulatory Care Center Phase 4 .....	\$61,776
	Virginia		
Def-Wide	Fort Belvoir	Construct Visitor Control Center .....	\$5,000
Def-Wide	Fort Belvoir	Replace Ground Vehicle Fueling Facility .....	\$4,500
Def-Wide	Joint Base Langley-Eustis	Replace Fuel Pier and Distribution Facility .....	\$28,000
Def-Wide	Joint Expeditionary Base Little Creek-Story	SOF Applied Instruction Facility .....	\$23,916
	Worldwide Unspecified		
Def-Wide	Unspecified Worldwide Locations	Contingency Construction .....	\$10,000
Def-Wide	Unspecified Worldwide Locations	ECIP Design .....	\$10,000
Def-Wide	Unspecified Worldwide Locations	Energy Conservation Investment Program .....	\$150,000
Def-Wide	Unspecified Worldwide Locations	Exercise Related Minor Construction .....	\$8,687
Def-Wide	Unspecified Worldwide Locations	Planning and Design .....	\$118,632
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction .....	\$23,676
Def-Wide	Various Worldwide Locations	Planning & Design .....	\$31,772
<b>Total Military Construction, Defense-Wide .....</b>			<b>\$2,300,767</b>
	Worldwide Unspecified		
NATO	NATO Security Investment Program	NATO Security Investment Program .....	\$120,000
<b>Total NATO Security Investment Program .....</b>			<b>\$120,000</b>
	Connecticut		
Army NG	Camp Hartell	Ready Building .....	\$11,000
	Delaware		
Army NG	Dagsboro	National Guard Vehicle Maintenance Shop .....	\$10,800
	Florida		
Army NG	Palm Coast	National Guard Readiness Center .....	\$18,000
	Illinois		
Army NG	Sparta	Basic 10M-25M Firing Range (Zero) .....	\$1,900
	Kansas		
Army NG	Salina	Automated Combat Pistol/MP Firearms Qualification Course	\$2,400
Army NG	Salina	Modified Record Fire Range .....	\$4,300
	Maryland		
Army NG	Easton	National Guard Readiness Center .....	\$13,800
	Nevada		
Army NG	Reno	National Guard Vehicle Maintenance Shop Add/Alt .....	\$8,000
	Ohio		
Army NG	Camp Ravenna	Modified Record Fire Range .....	\$3,300
	Oregon		
Army NG	Salem	National Guard/Reserve Center Bldg Add/Alt (JFHQ) .....	\$16,500
	Pennsylvania		
Army NG	Fort Indiantown Gap	Training Aids Center .....	\$16,000
	Vermont		
Army NG	North Hyde Park	National Guard Vehicle Maintenance Shop Add .....	\$7,900
	Virginia		
Army NG	Richmond	National Guard/Reserve Center Building (JFHQ) .....	\$29,000
	Washington		
Army NG	Yakima	Enlisted Barracks, Transient Training .....	\$19,000
	Worldwide Unspecified		
Army NG	Unspecified Worldwide Locations	Planning and Design .....	\$20,337
		Unspecified Minor Construction .....	\$15,000
<b>Total Military Construction, Army National Guard .....</b>			<b>\$197,237</b>
	California		
Army Res	Miramar	Army Reserve Center .....	\$24,000
	Florida		
Army Res	MacDill AFB	Army Reserve Center/Aviation Support Facility .....	\$55,000
	Mississippi		
Army Res	Starkville	Army Reserve Center .....	\$9,300
	New York		
Army Res	Orangeburg	Organizational Maintenance Shop .....	\$4,200

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<b>Account</b>	<b>State/Country and Installation</b>	<b>Project Title</b>	<b>FY 2016 Budget Request</b>
Army Res	Pennsylvania Conneaut Lake	DAR Highway Improvement .....	\$5,000
Army Res	Worldwide Unspecified Unspecified Worldwide Locations	Planning and Design .....	\$9,318
Army Res	Unspecified Worldwide Locations	Unspecified Minor Construction .....	\$6,777
<b>Total Military Construction, Army Reserve .....</b>			<b>\$113,595</b>
N/MC Res	Nevada Fallon	NAVOPSPTCEN Fallon .....	\$11,480
N/MC Res	New York Brooklyn	Reserve Center Storage Facility .....	\$2,479
N/MC Res	Virginia Dam Neck	Reserve Training Center Complex .....	\$18,443
N/MC Res	Worldwide Unspecified Unspecified Worldwide Locations	MCNR Planning & Design .....	\$2,208
N/MC Res	Unspecified Worldwide Locations	MCNR Unspecified Minor Construction .....	\$1,468
<b>Total Military Construction, Navy and Marine Corps Reserve .....</b>			<b>\$36,078</b>
Air NG	Alabama Dannelly Field	TFI—Replace Squadron Operations Facility .....	\$7,600
Air NG	Arkansas Fort Smith MAP	Consolidated SCIF .....	\$15,200
Air NG	California Moffett Field	Replace Vehicle Maintenance Facility .....	\$6,500
Air NG	Colorado Buckley Air Force Base	ASE Maintenance and Storage Facility .....	\$5,100
Air NG	Georgia Savannah/Hilton Head IAP	C-130 Squadron Operations Facility .....	\$9,000
Air NG	Iowa Des Moines MAP	Air Operations Grp/CYBER Beddown—Reno Bldg 430 .....	\$6,700
Air NG	Kansas Smokey Hill ANG Range	Range Training Support Facilities .....	\$2,900
Air NG	Louisiana New Orleans	Replace Squadron Operations Facility .....	\$10,000
Air NG	Maine Bangor IAP	Add to and Alter Fire Crash/Rescue Station .....	\$7,200
Air NG	New Hampshire Pease International Trade Port	KC-46A ADAL Flight Simulator Bldg 156 .....	\$2,800
Air NG	New Jersey Atlantic City IAP	Fuel Cell and Corrosion Control Hangar .....	\$10,200
Air NG	New York Niagara Falls IAP	Remotely Piloted Aircraft Beddown Bldg 912 .....	\$7,700
Air NG	North Carolina Charlotte/Douglas IAP	Replace C-130 Squadron Operations Facility .....	\$9,000
Air NG	North Dakota Hector IAP	Intel Targeting Facilities .....	\$7,300
Air NG	Oklahoma Will Rogers World Airport	Medium Altitude Manned ISR Beddown .....	\$7,600
Air NG	Oregon Klamath Falls IAP	Replace Fire Crash/Rescue Station .....	\$7,200
Air NG	West Virginia Yeager Airport	Force Protection—Relocate Coonskin Road .....	\$3,900
Air NG	Worldwide Unspecified Various Worldwide Loca- tions	Planning and Design .....	\$5,104
Air NG	Various Worldwide Loca- tions	Unspecified Minor Construction .....	\$7,734
<b>Total Military Construction, Air National Guard .....</b>			<b>\$138,738</b>
AF Res	Arizona Davis-Monthan AFB	Guardian Angel Operations .....	\$18,200
AF Res	California March AFB	Satellite Fire Station .....	\$4,600
AF Res	Florida Patrick AFB	Aircrew Life Support Facility .....	\$3,400
AF Res	Ohio Youngstown	Indoor Firing Range .....	\$9,400
AF Res	Texas Joint Base San Antonio	Consolidate 433 Medical Facility .....	\$9,900
AF Res	Worldwide Unspecified Various Worldwide Loca- tions	Planning and Design .....	\$13,400

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<b>Account</b>	<b>State/Country and Installation</b>	<b>Project Title</b>	<b>FY 2016 Budget Request</b>
AF Res	Various Worldwide Locations	Unspecified Minor Military Construction .....	\$6,121
<b>Total Military Construction, Air Force Reserve .....</b>			<b>\$65,021</b>
FH Con Army	Florida Camp Rudder	Family Housing Replacement Construction .....	\$8,000
FH Con Army	Germany Wiesbaden Army Airfield	Family Housing Improvements .....	\$3,500
FH Con Army	Illinois Rock Island	Family Housing Replacement Construction .....	\$20,000
FH Con Army	Korea Camp Walker	Family Housing New Construction .....	\$61,000
FH Con Army	Worldwide Unspecified Unspecified Worldwide Locations	Family Housing P & D .....	\$7,195
<b>Total Family Housing Construction, Army .....</b>			<b>\$99,695</b>
FH Ops Army	Worldwide Unspecified Unspecified Worldwide Locations	Furnishings .....	\$25,552
FH Ops Army	Unspecified Worldwide Locations	Leased Housing .....	\$144,879
FH Ops Army	Unspecified Worldwide Locations	Maintenance of Real Property Facilities .....	\$75,197
FH Ops Army	Unspecified Worldwide Locations	Management Account .....	\$48,515
FH Ops Army	Unspecified Worldwide Locations	Military Housing Privatization Initiative .....	\$22,000
FH Ops Army	Unspecified Worldwide Locations	Miscellaneous .....	\$840
FH Ops Army	Unspecified Worldwide Locations	Services .....	\$10,928
FH Ops Army	Unspecified Worldwide Locations	Utilities .....	\$65,600
<b>Total Family Housing Operation &amp; Maintenance, Army .....</b>			<b>\$393,511</b>
FHC Con Navy	Virginia Wallops Island	Construct Housing Welcome Center .....	\$438
FHC Con Navy	Worldwide Unspecified Unspecified Worldwide Locations	Design .....	\$4,588
FHC Con Navy	Unspecified Worldwide Locations	Improvements .....	\$11,515
<b>Total Family Housing Construction, Navy &amp; Marine Corps .....</b>			<b>\$16,541</b>
FH Ops Navy	Worldwide Unspecified Unspecified Worldwide Locations	Furnishings Account .....	\$17,534
FH Ops Navy	Unspecified Worldwide Locations	Leasing .....	\$64,108
FH Ops Navy	Unspecified Worldwide Locations	Maintenance of Real Property .....	\$99,323
FH Ops Navy	Unspecified Worldwide Locations	Management Account .....	\$56,189
FH Ops Navy	Unspecified Worldwide Locations	Miscellaneous Account .....	\$373
FH Ops Navy	Unspecified Worldwide Locations	Privatization Support Costs .....	\$28,668
FH Ops Navy	Unspecified Worldwide Locations	Services Account .....	\$19,149
FH Ops Navy	Unspecified Worldwide Locations	Utilities Account .....	\$67,692
<b>Total Family Housing Operation &amp; Maintenance, Navy &amp; Marine Corps .....</b>			<b>\$353,036</b>
FH Con AF	Worldwide Unspecified Unspecified Worldwide Locations	Improvements .....	\$150,649
FH Con AF	Unspecified Worldwide Locations	Planning and Design .....	\$9,849
<b>Total Family Housing Construction, Air Force .....</b>			<b>\$160,498</b>
FH Ops AF	Worldwide Unspecified Unspecified Worldwide Locations	Furnishings Account .....	\$38,746
FH Ops AF	Unspecified Worldwide Locations	Housing Privatization .....	\$41,554
FH Ops AF	Unspecified Worldwide Locations	Leasing .....	\$28,867

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<b>Account</b>	<b>State/Country and Installation</b>	<b>Project Title</b>	<b>FY 2016 Budget Request</b>
FH Ops AF	Unspecified Worldwide Locations	Maintenance .....	\$114,129
FH Ops AF	Unspecified Worldwide Locations	Management Account .....	\$52,153
FH Ops AF	Unspecified Worldwide Locations	Miscellaneous Account .....	\$2,032
FH Ops AF	Unspecified Worldwide Locations	Services Account .....	\$12,940
FH Ops AF	Unspecified Worldwide Locations	Utilities Account .....	\$40,811
<b>Total Family Housing Operation &amp; Maintenance, Air Force .....</b>			<b>\$331,232</b>
	Worldwide Unspecified		
FH Ops DW	Unspecified Worldwide Locations	Furnishings Account .....	\$4,203
FH Ops DW	Unspecified Worldwide Locations	Leasing .....	\$51,952
FH Ops DW	Unspecified Worldwide Locations	Maintenance of Real Property .....	\$1,448
FH Ops DW	Unspecified Worldwide Locations	Management Account .....	\$388
FH Ops DW	Unspecified Worldwide Locations	Services Account .....	\$31
FH Ops DW	Unspecified Worldwide Locations	Utilities Account .....	\$646
<b>Total Family Housing Operation &amp; Maintenance, Defense-Wide .....</b>			<b>\$58,668</b>
	Worldwide Unspecified		
BRAC	Base Realignment & Closure, Army	Base Realignment & Closure .....	\$29,691
BRAC	Base Realignment & Closure, Navy	Base Realignment & Closure .....	\$118,906
BRAC	Unspecified Worldwide Locations	DON-100: Planing, Design and Management .....	\$7,787
BRAC	Unspecified Worldwide Locations	DON-101: Various Locations .....	\$20,871
BRAC	Unspecified Worldwide Locations	DON-138: NAS Brunswick, ME .....	\$803
BRAC	Unspecified Worldwide Locations	DON-157: MCSA Kansas City, MO .....	\$41
BRAC	Unspecified Worldwide Locations	DON-172: NWS Seal Beach, Concord, CA .....	\$4,872
BRAC	Unspecified Worldwide Locations	DON-84: JRB Willow Grove & Cambria Reg AP .....	\$3,808
BRAC	Unspecified Worldwide Locations	DoD BRAC Activities—Air Force .....	\$64,555
<b>Total Base Realignment and Closure Account .....</b>			<b>\$251,334</b>

