



National Guard Bureau
Office of Legislative Liaison



FY16 Senate Armed Services National Defense Authorization Act (NDAA)

Summary of S. 1376, the National Defense Authorization Act for Fiscal Year 2016

As of May 21, 2015

	Passed in Committee	Passed in Chamber	Agreement	Final Passage	Signed into Law
House	<input checked="" type="checkbox"/> April 30 th , 2015				
Senate	<input checked="" type="checkbox"/> May 13 th , 2015				

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Executive Summary

This guide provides a short summary of the Fiscal Year 2016 House Armed Services National Defense Authorization Act. To obtain a complete understanding of any particular provision, users are encouraged to review the actual legislative language.

Status:

On May 13th, the Senate Armed Services committee passed S.1376 the National Defense Authorization Act for Fiscal Year 2016.

The SASC bill authorizes \$612 billion in funding for the Department of Defense and the national security programs of the Department of Energy.

Highlights:

- Authorizes end strengths to match the President's Budget Request level
- Authorizes the Chief of the National Guard Bureau to increase the fiscal year 2016 end strength of the Army National Guard by up to 3,000; Active Guard and Reserves of the Army National Guard by 615; and military technicians (dual status) of the Army National Guard by 1,111 if such increase is paid for entirely out of funds appropriated for fiscal year 2016 for Operation and Maintenance, Army National Guard.
- Modifies the FY15 NDAA to extend the limitation of transfers of ARNG apaches to the Army till September 30th, 2016.
- Requires the Secretary of the Army will provide the committee a report within 90 days of enactment on the number of AH-64D Apache helicopters that have been transferred from the ARNG to the original equipment manufacturer for remanufacture to AH-64E. The Secretary will count those against the total AH-64 Apache helicopters that may be transferred from the ARNG to the Army as required by FY15 NDAA (48 aircraft total).
- Adds \$20.7 million to National Guard O&M for Operation Phalanx support.
- Requires the Secretary of the Air Force to maintain a minimum total active inventory of 1,950 fighter aircraft, within which the Secretary must also maintain a minimum of 1,116 fighter aircraft as primary mission aircraft inventory (combat-coded). The bill further limits fighter retirements unless the Secretary provides a specified certification
- Fences funding for sponsorships, advertising, or marketing associated with sports-related organizations or sporting events until the Department of Defense ensures that such activities contribute to recruiting goals.
- Reduces funding for headquarters and administrative functions for military services, defense agencies, combatant commands, the Office of the Secretary of Defense, and the Joint Chiefs of Staff by 7.5 percent for four years, totaling 30 percent by the fourth year.
- Establishes the Office of Complex investigations under the authority, direction and control of the Chief of the National Guard Bureau. The office shall be organized, trained, equipped and managed to conduct administrative investigations in order to assist the States in the organization, maintenance and operations of the Guard regarding allegations of sexual assault in the NG, in circumstances in which other law enforcement agencies within the DOD do not have, or have limited jurisdiction or authority to investigate and in other circumstances involving members of the NG as the CNGB directs.



National Guard Accounts Overview

Authorization of Funding
(All Dollars in Thousands)

Army National Guard	President's FY16 Budget Request	HASC Mark	Delta from PB	SASC Mark	Delta from PB	Conference Report	FY16 Delta from PB
O&M**	\$6,717,977**	\$4,090,159**	+\$513 **	\$6,737,096	+\$19,199		
OCO O&M	\$60,845	\$60,845	\$0	\$60,845	\$0		
MILCON*	\$197,237	\$167,437	-\$29,800	\$248,537	+\$51,300		
OCO O&M Base Requirements	**	\$3,141,808**	\$0				

**HASC moved a portion of the PB requested ARNG O&M to a new category of "OCO for Base Requirements". With the inclusion of the new funding category, ARNG O&M is \$513M above the PB request.

Army National Guard End Strength

Army National Guard	President's FY16 Budget Request	HASC Mark	Delta from PB	SASC Mark	Delta from PB	Conference Report	FY16 Delta from PB
End Strength	342,000	342,000	0	342,000*	0		
AGR	30,770	30,770	0	30,770	0		
Dual Status Technicians	26,099	26,099	0	26,099	0		
Non-Dual Status Technicians	1,600	1,600	0	1,600	0		
ADOS	17,000	17,000	0	17,000	0		

*The SASC bill authorizes CNGB to increase FY16 end strength of the ARNG up to 3,000; AGR 615; and miltechs 1,111 if such increase is paid for entirely out of funds appropriated for fiscal year 2016 for ARNG O&M



Air National Guard

Authorization of Funding
(All Dollars in Thousands)

Air National Guard	President's FY16 Budget Request	HASC Mark	Delta from PB	SASC Mark	Delta from PB	Conference Report	FY16 Delta from PB
O&M*	\$6,956,210	\$6,895,610	-\$60,600	\$6,835,395	-\$120,815		
OCO O&M*	\$19,900	\$19,900	0	\$19,900	\$0		
MILCON*	\$123,538	\$123,538	0	\$147,138	\$23,600		

Air National Guard End Strength

Air National Guard	President's FY16 Budget Request	HASC Mark	Delta from PB	SASC Mark	Delta from PB	Conference Report	FY16 Delta from PB
End Strength	105,500	105,500	0	105,500	0		
AGR	14,748	14,748	0	14,748	0		
Dual Status Technicians	22,104	22,104	0	22,104	0		
Non-Dual Status Technicians	350	350	0	350	0		
ADOS	16,000	16,000	0	16,000	0		

*Indicates that the funding is Authorized and is subject to Appropriations funded within the Fiscal Year 2015 Defense Appropriations Act, or the Fiscal Year 2015 Military Construction Appropriations Act

BILL TEXT:

AIR FORCE PROGRAMS AUTHORIZATIONS

Sec. 132. Limitation on retirement of Air Force fighter aircraft: This section requires the Secretary of the Air Force to maintain a minimum total active inventory of 1,950 fighter aircraft, within which the Secretary must also maintain a minimum of 1,116 fighter aircraft as primary mission aircraft inventory (combat-coded). The bill further limits fighter retirements unless the Secretary provides a specified certification

Sec. 134. Prohibition on retirement of A-10 aircraft: This section prohibits the use of any funds during fiscal year 2016 to retire, prepare to retire, or place in storage any A-10 aircraft. As a result, the bill restores a total of \$355 million in funding. The bill further requires the Secretary of the Air Force to maintain a minimum of 171 A-10 aircraft in primary mission aircraft inventory (combat-coded) status.

Sec. 136. Limitation on transfer of C-130 aircraft: This section prohibits funds being used to transfer C-130H aircraft, initiate C-130 manpower authorization adjustments, retire or prepare to retire any C-130H aircraft, or close any C-130H unit until 90 days after the Secretary of the Air Force, in consultation with the Sec. Army, certifies that the AF will maintain a dedicated C-130 wings to support daily training and contingency requirements for the XVIII Airborne Corps, 82nd Airborne Division.

Sec. 138. Restriction on retirement of the Joint Surveillance Target Attack Radar System (JSTARS), EC-130H Compass Call, and Airborne Early Warning and Control (AWACS) Aircraft: This section prohibits the Air Force from retiring the JSTARS, EC-130H or AWACS until the follow-on replacement aircraft programs enters Low-Rate Initial Production.

Sec. 139. Sense of Congress regarding the OCONUS basing of the F-35A aircraft: This section provides a sense of Congress that the F-35A basing should continue to consider the benefits derived from sites that are 1. capable of hosting fighter-based bilateral and multilateral training 2. sufficient airspace and range to meet training requirements 3. Have existing facility to support mission 4. limited encroachment and 5. Minimize overall construction and operational costs.

Sec. 140. Sense of Congress on F-16 Active Electronically Scanned Array (AESA) radar upgrade: This section provides a sense of Congress that it is essential to our nation's defense to fund AESA radars to bridge the gap between 4th and 5th generation fighters.

REPORTS

Sec. 341. Modification of requirements for transferring aircraft within the Air Force inventory: This section modifies the FY11 NDAA and requires that the Secretary of the AF shall ensure a written agreement regarding aircraft transfers between the Chief of Staff of the AF and the Director of the ANG or Chief of the Air Force Reserve.

Sec. 342. Limitation on use of funds for Department of Defense sponsorships, advertising, or marketing associated with sports-related organizations or sporting events: This section fences funding for sponsorships, advertising, or marketing associated with sports-related organizations or sporting events until the Department of Defense ensures that such activities contribute to recruiting goals.

Sec. 351. Streamlining of Department of Defense management and operational headquarters: This section reduces funding for headquarters and administrative functions for

military services, defense agencies, combatant commands, the Office of the Secretary of Defense, and the Joint Chiefs of Staff by 7.5 percent for four years, totaling 30 percent by the fourth year

MILITARY PERSONNEL AUTHORIZATIONS

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

Sec. 416. Chief of the National Guard Bureau authority to increase certain end strengths applicable to the Army National Guard: This section authorizes the Chief of the National Guard Bureau to increase the fiscal year 2016 end strength of the Army National Guard by up to 3,000; Active Guard and Reserves of the Army National Guard by 615; and military technicians (dual status) of the Army National Guard by 1,111 if such increase is paid for entirely out of funds appropriated for fiscal year 2016 for Operation and Maintenance, Army National Guard.

RESERVE MANAGEMENT PROVISIONS

Sec. 505. Authority to defer until age 68 mandatory retirement for age of a general or flag officer serving as Chief or Deputy Chief of Chaplains of the Army, Navy, or Air Force

Sec. 511. Authority to designate certain reserve officers as not to be considered for selection for promotion

Sec. 512. Clarification of purpose of reserve component special selection boards as limited to correction of error at a mandatory promotion board

Sec. 513. Reconciliation of contradictory provisions relating to citizenship qualifications for enlistment in the reserve components of the Armed Forces

Sec. 514. Authority for certain Air Force reserve component personnel to provide training and instruction regarding pilot instructor training: This section allows the Secretary of the AF to authorize members of the reserve component, who are not military technicians, to provide training and instruction regarding pilot instructor training to active duty members and foreign military forces in the US through FY16. It limits the number of personnel to authorizes at any time to 50.

OTHER PROVISIONS

Sec. 532. Termination of program of educational assistance for reserve component members supporting contingency operations and other operations: This section terminates the program of educational assistance for reserve component members supporting contingency operations and other operations as recommended by the Military Compensation and Retirement Modernization Commission. This program is duplicative with the Post-9/11 GI Bill, which provides a more robust benefit for service members

Sec. 554. Establishment of Office of Complex Investigations within the National Guard Bureau: This section establishes the Office of Complex investigations under the authority, direction

and control of the Chief of the National Guard Bureau. The office shall be organized, trained, equipped and managed to conduct administrative investigations in order to assist the States in the organization, maintenance and operations of the Guard regarding allegations of sexual assault in the NG, in circumstances in which other law enforcement agencies within the DOD do not have, or have limited, jurisdiction or authority to investigate and in other circumstances involving members of the NG as the CNGB directs.

Sec. 556. Comptroller General of the United States reports on prevention and response to sexual assault by the Army National Guard and the Army Reserve: This section requires the Comptroller General of the United States to evaluate the extent to which the Army National Guard and Army Reserve have in place policies and programs to prevent and respond to incidents of sexual assault involving members of the Army National Guard and Army Reserve.

Sec. 588. Enhancements to Yellow Ribbon Reintegration Program

Sec. 592. Increase in number of days of active duty required to be performed by reserve component members for duty to be considered Federal service for purposes of unemployment compensation for ex-service members: This section increases from 90 to 180 the number of days of active duty required to be performed by reserve component members for duty to be considered Federal Service for purposes of unemployment compensation for ex-service members.

Sec. 572. Remotely Piloted Aircraft Career Field Manning Shortfall: This section withholds 25% of the Secretary of the Air Forces O&M until the Air Force submits a report to the defense committees within 60 days of enactment of the NDAA on the Air Force's actions to rectify the personnel shortfalls in the RPA career field.

Sec. 611. One-year extension of certain bonus and special pay authorities for reserve forces

COMPENSATION, PERSONNEL BENEFITS AND RETIREMENT

Sec. 631. Thrift Savings Plan participation for members of the uniformed services: This section Authorizes government-matching Thrift Savings Plan (TSP) contributions for members of the uniformed services that will vest at the beginning of 3 years of service (2 years, 1 day) at a government matching rate of up to 5 percent

Sec. 632. Modernized retirement system for members of the uniformed services

Sec. 633. Lump sum payments of certain retired pay: This section authorizes the Secretary concerned to allow the voluntary election of lump sum payments of retired pay for those serving 20 or more years of service. Members who elect to take the lump sum may choose to take 100 percent or 50 percent of the discounted present value of their defined retirement benefit that would be due to them prior to becoming eligible for Social Security.

Sec. 634. Continuation pay after 12 years of service for members of the uniformed services participating in the modernized retirement systems

Sec. 635. Authority for retirement flexibility for members of the uniformed services

Sec. 636. Treatment of Department of Defense Military Retirement Fund as a qualified trust

MISCELLANEOUS PROVISIONS

Sec. 1044. Extension of limitations on the transfer to the regular Army of AH- 64 Apache helicopters assigned to the Army National Guard: This section modifies the FY15 NDAA to extend the limitation of transfers of ARNG apaches till September 30th, 2016.

Sec. 1045. Treatment of certain previously transferred Army National Guard helicopters as counting against number transferrable under exception to limitation on transfer of Army National Guard helicopters: This section requires that the Secretary of the Army will provide the committee a report within 90 days of enactment on the number of AH-64D Apache helicopters that have been transferred from the ARNG to the original equipment manufacturer for remanufacture to AH-64E. The Secretary will count those against the total AH-64 Apache helicopters that may be transferred from the ARNG to the Army as required by FY15 NDAA (48 aircraft total).

Sec. 1046. Management of military technicians: This section states that the Secretary of Defense shall convert not fewer than 20% of the positions as of January 2017 from military technicians (dual-status) to Title 5 civilians.

Sec. 1204. Redesignation, modification, and extension of National Guard State Partnership Program: This section modifies the FY14 NDAA's scope of authority for the State Partnership Program and requires the DoD Comptroller and the Undersecretary of Defense for Policy to submit a report setting forth a joint assessment on the feasibility of establishing a central fund to manage funds for the programs under the State Partnership Program.

MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2601. Authorized Army National Guard construction and land acquisition projects

Sec. 2604. Authorized Air National Guard construction and land acquisition projects

Sec. 2606. Authorization of appropriations, National Guard and Reserve

Sec. 2613 Extension of authorizations of certain fiscal year 2012 projects

Sec. 2614 Extension of authorizations of certain fiscal year 2013 projects

Sec. 2701 Authorization of appropriations for base realignment and closure activities funded through department of defense base closure account

Sec. 2702. Prohibition on Conducting Additional Base Realignment and Closure (BRAC) Round

OTHER FUNDING AUTHORIZATION PROVISIONS

Increases Drug Interdiction and Counterdrug Activities funding to \$880.5M

Adds F-15 EPAWSS upgrades: \$11.6M

Adds F-15C AESA Radar upgrades: \$48M

Adds F-15D AESA Radar upgrades: \$192.5M

Adds F-15 EPAWSS RDT&E: \$28M for NRE for ADCPH upgrade, \$1.5M for Flight test support

Adds C-130H Electronic Prop Control System – UPL: \$13.5M

Adds C-130H In-Flight Prop Balancing System – UPL: \$1.5M

Adds C-130 T-56 3.2 Engine Mod funding: \$33.2M

Adds C-130 Funds to comply with Sec. 134 FY15 NDAA: \$75M

Adds NG O&M Funding for Operation Phalanx support: \$20.7M

Restores funding for the A-10: \$355M

Reduces ARNG NG Heritage Paintings: -\$250,000

Reduces ARNG Marketing: \$-11.5M

Reduces ARNG O&M and ANG O&M to Streamline HQs: -\$26.6M ARNG, -\$3M ANG

Reduces KC-46 Procurement: -\$24M and RDT&E funding: -\$200M

DIRECTIVE REPORT LANGUAGE