

*Compliance with rules of the House of Representatives and Senate regarding earmarks and congressionally directed spending items*

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives and Rule XLIV(3) of the Standing Rules of the Senate, neither this conference report nor the accompanying joint statement of managers contains any congressional earmarks, congressionally directed spending items, limited tax benefits, or limited tariff benefits, as defined in such rules.

*Summary of discretionary authorizations and budget implication*

The budget request for national defense discretionary programs within the jurisdiction of the Committees on Armed Services of the Senate and the House of Representatives for fiscal year 2016 was \$604.2 billion. Of this amount, \$534.2 billion was requested for base Department of Defense programs, \$50.9 billion was requested for overseas contingency operations, and \$19.0 billion was requested for national security programs in the Department of Energy and the Defense Nuclear Facilities Safety Board.

The conference agreement would authorize \$604.2 billion in fiscal year 2016, including \$496.4 billion for base Department of Defense programs, \$89.2 billion for overseas contingency operations, and \$18.6 billion for national security programs in the Department of Energy and the Defense Nuclear Facilities Safety Board.

The two tables preceding the detailed program adjustments in Division D of the accompanying joint statement of managers summarize the discretionary authorizations in the agreement and the equivalent budget authority levels for fiscal year 2016 defense programs.

*Budgetary effects of this Act (sec. 4)*

The Senate committee-reported bill contained a provision (sec. 4) that would require the budgetary effects of this Act be determined in accordance with the procedures established in title I of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139).

The House bill contained no similar provision.

The agreement includes the Senate provision.

# **DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS**

## **TITLE I—PROCUREMENT**

### **BUDGET ITEMS**

#### **ARMY**

##### *Stryker vehicle lethality upgrades*

The House bill contained an increase in funding for Stryker vehicle lethality upgrades of \$35.0 million in Research, Development, Test & Evaluation, Army and \$44.5 million in Procurement of Weapons and Tracked Combat Vehicles, Army respectively.

The Senate amendment contained an increase in these same funding areas of \$97.0 million and \$314.0 million, respectively.

The conference report, in Sections 4101 and 4102, includes increased funding in line with the Senate amendment.

The conferees support the Army's plan to upgrade 81 Stryker vehicles with increased lethality as requested by the U.S. Army Europe in a recent Operational Need Statement. The conferees understand the urgency for this requirement given heightened security concerns of our NATO partners due to Russian aggression in Ukraine. As such, the conferees expect the rapid production of fully serviceable, upgraded Strykers. In order to meet the compressed timeline for fielding upgraded Strykers to the 2nd Cavalry Regiment, the conferees expect the Army to manage this program with dispatch and efficiency. Identified risks associated with cost, schedule, and performance are to be managed with focused controls and leadership. The conferees view this initiative, which is intended to increase the combat power of a forward deployed unit, as an opportunity to succeed in accordance with significant acquisition reforms illustrated in many provisions within this bill.

With regard to cost, the conferees note the Army currently plans on starting with existing chassis of Stryker vehicles discarded during the upgrade to Double V Hull (DVH) Strykers. This approach appears to add significantly to the unit cost for the lethality upgrades which the Army has informed the defense committees may be approximately \$4.5 million per vehicle. The conferees note that the Army already has extensive upgrade programs for the Stryker vehicle to include additional DVH

Strykers and the Engineering Change Proposal modernization program. It is unclear if the Army ultimately plans on adding the lethality initiative to DVH Strykers, including those equipped with the Engineering Change Proposal upgrade. The conferees are concerned that simply adding a broad Stryker lethality package for the Army's Stryker Brigade Combat Teams could add billions of dollars to the already stressed resources of the combat vehicle portfolio. Therefore, the committee encourages the Army to reduce the unit cost of the Stryker lethality upgrade program and evaluate ways to more efficiently pursue upgrades to the Stryker vehicle fleet and Stryker Brigade Combat Teams.

## AIR FORCE

### *C-130H Modifications*

The base budget request included \$7.0 million in Aircraft Procurement, Air Force, Line 44 for C-130.

The House bill authorized a funding increase in that line item of \$73.2 million for the restructured C-130 Avionics Modernization Program (AMP) Increments I and II (\$10.0 million), T-56 3.5 Engine Modification (\$33.2 million), and Eight-bladed Propeller (\$30.0 million).

The Senate amendment would authorize an increase in that line item by \$123.2 million for the restructured C-130 AMP Increments I and II (\$75.0 million), T-56 3.5 Engine Modification (\$33.2 million), Electronic Propeller Control System (\$13.5 million), and In-flight Propeller Balancing System certification (\$1.5 million).

The agreement authorizes a total funding increase for Aircraft Procurement, Air Force, Line 44 of \$139.2 million for the restructured C-130 AMP Increments I and II (\$75.0 million), T-56 3.5 Engine Modification (\$33.2 million), Eight-Bladed Propeller (\$16.0 million), Electronic Propeller Control System (\$13.5 million), and In-flight Propeller Balancing System certification (\$1.5 million).

## SUBTITLE A—AUTHORIZATION OF APPROPRIATIONS

### *Authorization of appropriations (sec. 101)*

The House bill contained a provision (sec. 101) that would authorize the appropriations for procurement activities at the levels identified in section 4101 of division D of this Act.

The Senate bill contained an identical provision (sec. 101).

The conference agreement includes this provision.

## **SUBTITLE B—ARMY PROGRAMS**

### *Prioritization of upgraded UH-60 Blackhawk helicopters within Army National Guard (sec. 111)*

The House bill contained a provision (sec. 112) that would require the Chief of the National Guard Bureau to issue guidance that prioritizes UH-60 helicopter upgrades within the Army National Guard to those units with the highest flight hour aircraft and highest utilization rates, as well as require the Chief to submit a report to the congressional defense committees within 30 days after issuing such guidance, that describes such guidance.

The Senate amendment contained no similar provision.

The Senate recedes.

### *Roadmap for replacement of A/MH-6 Mission Enhanced Little Bird aircraft to meet special operations requirements (sec. 112)*

The House bill contained a provision (sec. 142) that would direct the Secretary of Defense to submit to the congressional defense committees a strategy for the replacement of the A/MH-6 Mission Enhanced Little Bird aircraft to meet requirements particular to special operations for future rotary-wing, light attack, and reconnaissance requirements.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

### *Report on Options to Accelerate Replacement of UH-60A Blackhawk Helicopters of Army National Guard (sec. 113)*

The House bill contained a provision (sec. 113) that would require the Secretary of the Army to submit a report to the congressional defense committees by March 1, 2016, containing detailed options for the potential acceleration of the replacement of all UH-60A helicopters of the Army National Guard.

The Senate amendment contained no similar provision.

The Senate recedes.

### *Sense of Congress on Tactical Wheeled Vehicle Protection Kits (sec. 114)*

The House bill contained a provision (sec. 114) that would express the sense of Congress regarding the survivability and operational performance benefits provided by tactical wheeled vehicle add-on armor protection kits for the Army's heavy tactical wheeled vehicle fleet.

The Senate amendment contained no similar provision.  
The Senate recesses.

## **SUBTITLE C—NAVY PROGRAMS**

### *Modification of CVN-78 class aircraft carrier program (sec. 121)*

The Senate amendment contained a provision (sec. 114) that would amend subsection (f) of section 122 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2104), as added by section 121(c) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 127 Stat. 692), by adding a reporting requirement to the USS *John F. Kennedy* (CVN-79) quarterly report. Beginning January 1, 2016, the Secretary of the Navy would be required to submit, as part of the CVN-79 quarterly report, a description of new design and engineering changes to CVN-78 class aircraft carriers that exceed \$5.0 million and occurred during the reporting period. The provision would require the report to include program or ship cost increases for each design or engineering change and any cost reduction achieved. The Secretary of the Navy and Chief of Naval Operations would each be required to sign this additional reporting requirement and would be precluded from delegating the certification. The required certification would have to include a determination that each change serves the national security interests of the United States; cannot be deferred to a future ship due to operational necessity, safety, or substantial cost reduction; and was reviewed and endorsed by the Secretary of the Navy and Chief of Naval Operations.

The House bill contained no similar provision.  
The House recesses with a technical amendment.

### *Amendment to cost limitation baseline for CVN-78 class aircraft carrier program (sec. 122)*

The Senate amendment contained a provision (sec. 111) that would further amend section 122 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364) as amended by section 121(a) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66) by adjusting the procurement cost cap for USS *John F. Kennedy* (CVN-

79) and subsequent CVN-78 class aircraft carriers from \$11,498,000,000 to \$11,398,000,000.

The House bill contained no similar provision.

The House recedes with an amendment that would add an additional amendment to section 121(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364), as amended by section 121(a) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66). The conferees recognize that the Department of the Navy has made considerable gains in controlling the cost of CVN-78 class aircraft carriers and believe further efforts at cost reduction are warranted. The current cost cap and cost estimate for CVN-79 is \$11.5 billion, which includes only limited program management reserve for unforeseeable issues during CVN-79 construction. The conferees expect the Department to continue to employ efforts to reduce costs on this ship class and accordingly are lowering the Congressional cap to \$11.4 billion. However, if during construction of CVN-79 the Chief of Naval Operations determines that measures required to complete the ship within the revised cost cap shall result in an unacceptable reduction to the ship's operational capability, the Secretary of the Navy may increase the CVN-79 cost cap up to \$11.5 billion. If such action is taken, the Secretary of the Navy shall adhere to the notification requirements specified in section 121(d) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364).

The conferees note that section 122 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364) set the cost cap for the lead ship at \$10.5 billion, plus adjustments for inflation and other factors, and at \$8.1 billion for subsequent CVN-78 class carriers, plus adjustments for inflation and other factors. Section 122 was amended by section 121(a) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66), which revised the cost cap for the lead ship to \$12.9 billion, plus adjustments for inflation and other factors, and to \$11.5 billion for subsequent CVN-78 class carriers, plus adjustments for inflation and other factors. The conferees understand 90 percent or \$3.1 billion of the \$3.4 billion increase in the cost cap for follow-on ships is attributable to economic inflation, which includes actual inflation realized and updated projections of future inflation based on Navy shipbuilding inflation indices. In view of this significant cost growth attributed to inflation, the Congressional Budget Office is directed to provide a report to the congressional defense committees no later than December 1, 2015 that includes the following elements:

(1) Explanation of how inflation was calculated and projected in the cost estimates for CVN-78 class aircraft carriers in each annual budget from fiscal year 2007 to fiscal year 2015;

(2) Description of inflation rates for CVN-78, CVN-79, and CVN-80, by fiscal year, from fiscal year 2007 until the obligation work limiting date for each ship;

(3) Comparison of projected inflation rates vs. actual inflation rates for CVN-78 class aircraft carriers, by fiscal year, from fiscal year 2007 to fiscal year 2015;

(4) Explanation of the key factors that are used to plan for and calculate current and projected inflation rates for CVN-78 class aircraft carrier cost estimates;

(5) Explanation of root causes of inflation escalation above the planned inflation assumed in CVN-78 class aircraft carrier cost estimates; and

(6) Component-level explanation of the \$3.1 billion increase in the cost estimate for CVN-79 and following aircraft carriers attributable to economic inflation.

*Extension and modification of limitation on availability of funds for Littoral Combat Ship (sec. 123)*

The Senate amendment contained a provision (sec. 116) that would amend section 123 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291) by extending the limitation on funds for LCS-25 and LCS-26 until pre-existing requirements are met and would additionally require the Navy to provide to the congressional defense committees the following: an acquisition strategy for LCS-25 through LCS-32; a LCS mission module acquisition strategy; a plan to outfit Flight 0 and Flight 0+ Littoral Combat Ships with capabilities identified for the upgraded Littoral Combat Ship; and a current test and evaluation master plan for the Littoral Combat Ship mission modules.

The House bill contained no similar provision.

The House recedes.

*Modification to multiyear procurement authority for Arleigh Burke-class destroyers and associated systems (sec. 124)*

The House bill contained a provision (sec. 121) that would amend section 123(a) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239) to clarify that the Secretary of the Navy has the authority to procure Flight III destroyers as part of the existing *Arleigh Burke*-class multiyear procurement authority.

The Senate amendment contained no similar provision.  
The Senate recesses.

The Senate report accompanying S. 3254 (S. Rept. 112-173) of the National Defense Authorization Act for Fiscal Year 2013 described Senate intent regarding the current multiyear procurement authority for *Arleigh Burke*-class destroyers and associated systems. The Senate report supported the change to buying Flight III destroyers through an engineering change proposal and the inclusion of such ships in the multiyear procurement authority, following submission of a specified report. The House report accompanying H.R. 1960 (H. Rept. 113-102) of the National Defense Authorization Act for Fiscal Year 2014 expressed concern about the physical limitations associated with the integration of the Air and Missile Defense Radar on the Flight III version of the *Arleigh Burke*-class destroyer and requested a report to assess this integration process. Having received the required reports, the conferees support the changes proposed by the Secretary of the Navy to integrate the Air and Missile Defense Radar into the *Arleigh Burke*-class destroyers and the addition of these Flight III ships to the current *Arleigh Burke*-class multiyear procurement contract.

*Procurement of additional Arleigh Burke class destroyer (sec. 125)*

The Senate amendment contained a provision (sec. 117) that would allow the Secretary of the Navy to enter into a contract beginning with the fiscal year 2016 program year for the procurement of 1 *Arleigh Burke*-class destroyer in addition to the 10 DDG-51s in the fiscal year 2013 through 2017 multiyear procurement contract or for 1 DDG-51 in fiscal year 2018. The Secretary may employ incremental funding for such procurement.

The House bill contained no similar provision.  
The House recesses.

*Refueling and complex overhaul of the USS George Washington (sec. 126)*

The House bill contained a provision (sec. 122) that would provide economic order quantity authority for the construction of two *Ford*-class aircraft carriers and incremental funding authority for the nuclear refueling and complex overhaul of five *Nimitz*-class aircraft carriers.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would limit new aircraft carrier program procurement authority to the nuclear

refueling and complex overhaul of USS *George Washington* (CVN-73).

The Department of the Navy awarded a detail design and construction contract for the USS *John F. Kennedy* (CVN-79) on June 5, 2015. At the time of award, Program Executive Officer (PEO), Aircraft Carriers, Rear Admiral Thomas Moore, indicated "... with a stable design, mature requirements and an improved build process, we will reduce construction hours by 18 percent, lower the cost to build the ship by almost \$1 billion in real terms compared to CVN-78 ...". Following \$2.4 billion in cost growth on the lead ship, CVN-78, the conferees are encouraged by the ongoing collaboration between the Department of the Navy and industry to achieve cost reductions. The conferees note that other ship construction programs have been able to reduce costs through acquisition efficiencies and economic order decisions. Therefore, to better assess acquisition options, the conferees direct the Secretary of the Navy to submit a report to the congressional defense committees by March 1, 2016, that provides an assessment of the merits associated with using economic order quantity procurement with CVN-80 and CVN-81. This report should assess the specific aircraft carrier components that would be best suited to include in a potential economic order quantity contract, and the estimated cost savings that could be achieved using this procurement authority.

*Fleet replenishment oiler program (sec. 127)*

The Senate amendment contained a provision (sec. 118) that would grant the Secretary of the Navy contracting authority to procure up to six fleet replenishment oilers (T-AO(X)). This new ship class is a non-developmental recapitalization program based on existing commercial technology and standards. The ship design is considered to be low risk by the Navy, with the design scheduled to be complete prior to the start of construction on the lead ship. This provision would enable an estimated \$45.0 million in savings per ship, for ships 2-6, for a total of \$225.0 million in savings compared to current annual procurement cost estimates.

The House bill contained no similar provision.

The House recedes.

*Limitation on availability of funds for USS John F. Kennedy (CVN-79) (sec. 128)*

The Senate amendment contained a provision (sec. 112) that would limit \$100.0 million in Shipbuilding and Conversion, Navy procurement funds for USS *John F. Kennedy* (CVN-79) subject to

the submission of a certification regarding full ship shock trials and two reports.

The House bill contained no similar provision.

The House recedes with an amendment that would provide the Secretary of Defense with waiver authority to delay full ship shock trials on the USS *Gerald R. Ford* (CVN-78) until after the ship's first deployment but prior to the first major maintenance availability.

*Limitation on availability of funds for USS Enterprise (CVN-80)*  
(sec. 129)

The Senate amendment contained a provision (sec. 113) that would limit \$191.4 million in advance procurement funds for *USS Enterprise* (CVN-80), until the Secretary of the Navy submits a certification and report to the Committees on Armed Services of the Senate and of the House of Representatives. \$191.4 million is the sum of funding requested for plans (detailed) and basic construction for CVN-80.

The House bill contained no similar provision.

The House recedes with an amendment that would require submission of the certification and report to all four congressional defense committees, as well as require the certification be provided within 90 days of enactment of this Act.

*Limitation on availability of funds for Littoral Combat Ship*  
(sec. 130)

The Senate amendment contained a provision (sec. 115) that would limit 75 percent of fiscal year 2016 funds for research and development, design, construction, procurement or advance procurement of materials for the upgraded Littoral Combat Ships (LCS), designated as LCS-33 and subsequent, until the Secretary of the Navy submits to the Committees on Armed Services of the Senate and of the House of Representatives: a capabilities-based assessment to assess capability gaps and associated capability requirements and risks for the upgraded LCS, an updated capabilities development document for the upgraded LCS, and a report describing the upgraded LCS modernization.

The House bill contained no similar provision.

The House recedes with an amendment that changes the limitation to 50 percent of fiscal year 2016 funds and allows for a capabilities-based assessment or equivalent report.

*Reporting requirement for Ohio-class replacement submarine program* (sec. 131)

The Senate amendment contained a provision (sec. 119) that would require the Secretary of Defense to submit *Ohio*-class replacement submarine cost tracking information, together with annual budget justification materials. While the first *Ohio*-class replacement submarine is not planned to be authorized until fiscal year 2021, the national importance of this program and significant cost will continue to merit close oversight by the congressional defense committees.

The House bill contained no similar provision.

The House recesses.

## **SUBTITLE D—AIR FORCE PROGRAMS**

### *Backup inventory status of A-10 aircraft (sec. 141)*

The House bill contained a provision (sec. 132) that would amend section 133(b)(2)(A) of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291; 128 Stat. 3316) to where the Secretary of the Air Force may not move more than 18 A-10 aircraft in the active component to backup flying status pursuant to an authorization made by the Secretary of Defense under such section.

The Senate amendment contained no similar provision.

The Senate recesses.

### *Prohibition on availability of funds for retirement of A-10 aircraft. (sec. 142)*

The House bill contained a provision (sec. 133) that would prohibit the use of any funds during fiscal year 2016 to retire, prepare to retire, or place in storage any A-10 aircraft. The provision would also require the Secretary of the Air Force to maintain a minimum of 171 A-10 aircraft in primary mission aircraft inventory (combat-coded) status. The provision would also direct the Secretary of the Air Force to commission an independent entity outside the Department of Defense to conduct an assessment of the required capabilities and mission platform to replace the A-10 aircraft.

The Senate amendment contained a similar provision (sec. 134).

The Senate recesses with an amendment that aligns technical provisions of both versions and refers to sec. 141 regarding moving A-10 aircraft to backup inventory status.

*Prohibition on availability of funds for retirement of EC-130H Compass Call aircraft (sec. 143)*

The House bill contained a provision (sec. 134) that would prohibit funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for the Department of the Air Force to be obligated or expended to retire, prepare to retire, or place in storage or on back up flying status any EC-130H aircraft. The provision would also require the Secretary of the Air Force to commission an assessment of the required capabilities or mission platform to replace the EC-130H aircraft, and to submit a report on that assessment to the congressional defense committees not later than September 30, 2016, and would also prohibit the Secretary of the Air Force from retiring, preparing to retire, placing in storage or placing on back up flying status any EC-130H aircraft until 60 days after the Secretary submits the specified report.

The Senate bill contained a similar provision (sec. 135).

The Senate recedes with an amendment changing the prohibition limitation date to December 31, 2016, and combining the report requirements from the House and Senate versions.

*Prohibition on availability of funds for retirement of Joint Surveillance Target Attack Radar System, EC-130H Compass Call, and Airborne Warning and Control System aircraft (sec. 144)*

The Senate amendment contained a provision (sec. 138) that would limit the retirement of Joint Surveillance Target Attack Radar System (JSTARS), EC-130H Compass Call, and Airborne Early Warning and Control System (AWACS) aircraft until the follow-on replacement aircraft program enters low-rate initial production.

The House bill contained no similar provision.

The House recedes with an amendment to change the provision to apply only in fiscal years 2016 or 2017, and other technical clarifications. The provision would not apply to individual aircraft if the Secretary of the Air Force, on a case-by-case basis, determines an individual aircraft to be non-operational because of mishaps, other damage, or being uneconomical to repair.

*Limitation on availability of funds for F-35A aircraft procurement (sec. 145)*

The Senate amendment contained a provision (sec. 133) that would limit the availability of fiscal year 2016 funds for F-35A procurement to not more than \$4.3 billion until the Secretary of Defense certifies to the congressional defense committees that

F-35A aircraft delivered in fiscal year 2018 will have full combat capability with currently planned Block 3F hardware, software, and weapons carriage.

The House bill contained no similar provision.

The House recedes with an amendment to amend the certification level from the Secretary of Defense to the Secretary of the Air Force, and to amend the effective date of certification criteria from "full combat capability as currently planned..." to "full combat capability, as determined on the date of enactment of this Act..."

*Prohibition on availability of funds for retirement of KC-10 aircraft (sec. 146)*

The House bill contained a provision (sec. 135) that would prohibit any funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for the Air Force to be obligated or expended during such fiscal year to divest or transfer, or prepare to divest or transfer, KC-10 aircraft.

The Senate bill contained no similar provision.

The Senate recedes with an amendment to change the provision to apply only in fiscal years 2016 or 2017. The provision would not include the prohibition on transfer of aircraft, and would not apply to an individual KC-10 aircraft if the Secretary of the Air Force, on a case-by-case basis, determines the aircraft to be non-operational because of mishaps, other damage, or being uneconomical to repair.

*Limitation on availability of funds for transfer of C-130 aircraft (sec. 147)*

The Senate amendment contained a provision (sec. 136) that would limit the availability of all funds authorized to be appropriated for the transfer from one facility of the Department of Defense to another any C-130H aircraft, initiate any 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 date on which the Secretary of the Air Force, in consultation with the Secretary of the Army, and after certification by the commanders of the XVIII Airborne Corps, 82nd Airborne Division, and United States Army Special Operations Command, certified that the Air Force would maintain dedicated C-130 wings to support the daily training of Army airborne and special operations units, and the failure to maintain such Air Force operations would not adversely impact the daily training requirement of those airborne and special operations units.

The House bill contained a similar provision (sec. 1060c). The House recedes with an amendment that would change the required certification to be made by the Secretaries and Chiefs of Staff of the Army and the Air Force, in consultation with the commanders of the XVIIIth Airborne Corps, 82d Airborne Division, and Army Special Operations Command. The amendment also contains other minor technical clarifications.

*Limitation on availability of funds for executive communications upgrades for C-20 and C-37 aircraft (sec. 148)*

The House bill contained a provision (Sec. 131) that would limit availability of funds to upgrade the executive communications of C-20 and C-37 aircraft until the Secretary of the Air Force certifies to certain specified criteria.

The Senate bill contained no similar provision.

The Senate recedes.

*Limitation on use of funds for T-1A Jayhawk aircraft (sec. 149)*

The Senate amendment contained a provision (sec. 137) that would limit all the funds authorized or appropriated by this Act or that otherwise may be obligated or expended for fiscal year 2016 for avionics modifications to the T-1A Jayhawk aircraft until 30 days after the Secretary of the Air Force submits to the congressional defense committees the report required under section 142 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291).

The House bill contained no similar provision.

The House recedes with an amendment to amend the provision to state: "Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 Aircraft Procurement, Air Force, for avionics modification to the T-1A Jayhawk aircraft, not more than 85 percent may be obligated or expended until a period of 30 days has elapsed following the date on which the Secretary of the Air Force submits to the congressional defense committees the report required under section 142 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291; 128 Stat. 3320)."

*Notification of retirement of B-1, B-2, and B-52 bomber aircraft (sec. 150)*

The Senate amendment contained a provision (sec. 131) that would limit the retirement of B-1, B-2, or B-52 bomber aircraft

during a fiscal year prior to initial operational capability of the Long Range Strike Bomber unless the Secretary of Defense certified to specified criteria in the materials submitted in support of the budget of the President for that fiscal year as submitted to Congress.

The House bill contained no similar provision.

The House recedes with an amendment that would change the limitation to a notification requiring that in the period before the date of initial operational capability of the long-range strike bomber aircraft, before retiring or preparing to retire any B-1, B-2, or B-52 bomber aircraft the Secretary of the Air Force includes in the defense budget materials a notification of the proposed retirement including the rationale for the retirement, the effects of the retirement, and how the Secretary will mitigate any risks relating to the retirement. The provision would not apply to individual B-1, B-2, or B-52 aircraft if the Secretary of the Air Force, on a case-by-case basis, determines the aircraft to be non-operational because of mishaps, other damage, or being uneconomical to repair.

*Inventory requirement for fighter aircraft of the Air Force  
(sec. 151)*

The Senate amendment included a provision (sec. 132) that would amend section 8062 of title 10, United States Code, by adding a new subsection requiring the Secretary of the Air Force to maintain a minimum total active inventory of 1,950 fighter aircraft, within which the Secretary would also be required to maintain a minimum of 1,116 fighter aircraft as primary mission aircraft inventory (combat-coded). The provision would also provide additional limitations on fighter retirements by requiring the Secretary of the Air Force to certify to certain specified criteria, and also require a detailed report in advance of retiring fighter aircraft.

The House bill contained no similar provision.

The House recedes with an amendment to strike the amendment to section 8062 of title 10, change the limitation period to a 2-year period beginning on October 1, 2015, and reduce the minimum numbers of fighters required to be maintained by the Air Force to 1,900 total aircraft inventory and 1,100 primary mission aircraft inventory (combat-coded). The amendment would also eliminate the certification and detailed report requirements, and require specified information in a report to be included in the material submitted in support of the budget for a particular fiscal year, if proposing the retirement of fighter aircraft in that fiscal year's budget.

The report would not apply to individual fighter aircraft if the Secretary of the Air Force, on a case-by-case basis, determines the aircraft to be non-operational because of mishaps, other damage, or being uneconomical to repair.

The conferees recognize that based on the 2010 Quadrennial Defense Review, the Air Force determined through extensive analysis that a force structure of 1,200 primary mission aircraft and 2,000 total aircraft is required to execute the National Defense Strategy with increased operational risk. Subsequently, based on the 2012 Defense Strategic Guidance and fiscal constraints, analysis showed the Air Force could decrease fighter force structure capacity by approximately 100 additional aircraft; however, at an even higher level of risk.

The conferees agree reductions in fighter force capacity below the 1,900 total and 1,100 combat-coded inventory levels, in light of ongoing and anticipated operations in Iraq and Syria against the Islamic State of Iraq and the Levant, coupled with a potential delay of force withdrawals from Afghanistan and a revanchist Russia, poses excessive risk to the Air Force's ability to execute the National Defense Strategy, causes remaining fighter squadrons to deploy more frequently, and drives even lower readiness rates across the combat air forces.

*Sense of Congress regarding the OCONUS basing of F-35A aircraft (sec. 152)*

The Senate amendment contained a provision (sec. 139) that would express the sense of Congress regarding basing of the F-35A aircraft outside of the continental United States.

The House bill contained a similar provision (sec. 136).

The House recedes with an amendment to make technical and clarifying corrections.

## **SUBTITLE E—DEFENSE-WIDE, JOINT, AND MULTISERVICE MATTERS**

*Limitation on availability of funds for Joint Battle Command-Platform (sec. 161)*

The House bill contained a provision (sec. 141) that would require the Assistant Secretary of the Army for Acquisition, Logistics, and Technology to submit a report by March 1, 2016, to the congressional defense committees that addresses the effectiveness, suitability, and survivability shortfalls of the

joint battle command-platform equipment identified by the Director of Operational Test and Evaluation in the Director's fiscal year 2014 annual report to Congress. This section would also further limit the obligation or expenditure of 25 percent of the funds for the joint battle command-platform until 30 days after the Assistant Secretary submits such a report.

The Senate amendment contained no similar provision.

The Senate recesses.

*Report on Army and Marine Corps modernization plan for small arms (sec. 162)*

The Senate amendment contained a provision (sec. 151) that would require the Secretaries of the Army and Navy to jointly submit to the Committees on Armed Services of the Senate and House of Representatives a report on the plan of the Army and Marine Corps to modernize small arms.

The House bill contained no similar provision.

The House recesses.

*Study on use of different types of enhanced 5.56mm ammunition by the Army and the Marine Corps (sec. 163)*

The House bill contained a provision (sec. 144) that would require the Secretary of Defense to submit a report to the congressional defense committees on the use of two different types of 5.56mm ammunition by the Army and the Marine Corps.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that requires the Secretary of Defense to enter into a contract with a federally funded research and development center (FFRDC) such as the Center for Naval Analyses (CNA) to conduct a study on the use of two different types of enhanced 5.56mm ammunition by the Army and the Marine Corps. The conferees note that the CNA has conducted similar studies on small arms and small caliber ammunition and believe the CNA could meet the requirements of this study.

## **LEGISLATIVE PROVISIONS NOT ADOPTED**

*Limitation on Availability of Funds for AN/TPQ-53 Radar Systems*

The House bill contained a provision (sec. 111) that would limit the obligation or expenditure of 25 percent of the funds for AN/TPQ-53 radar systems until 30 days after the date on which the Assistant Secretary of the Army for Acquisition,

Logistics, and Technology submits to the congressional defense committees a review of the current delegation of acquisition authority to the Program Executive Officer for Missiles and Space.

The Senate amendment contained no similar provision.  
The House recesses.

*Stationing of C-130 H aircraft avionics previously modified by the Avionics Modernization Program (AMP) in support of daily training and contingency requirements for Airborne and Special Operations Forces*

The Senate amendment contained a provision (sec. 120) that would require the Secretary of the Air Force to station aircraft previously modified by the C-130 Avionics Modernization Program (AMP) to support United States Army Airborne and United States Army Special Operations Command unit daily training and contingency requirements in fiscal year 2017, and not require the aircraft to deploy in the normal rotation of C-130H units. The provision would also require the Secretary to provide such personnel as required to maintain and operate the aircraft.

The House bill contained no similar provision.

The Senate recesses.

The conferees agree the Air Force must develop a plan that incorporates the five C-130H aircraft previously modified with the AMP upgrade, the four purchased AMP installation kits, the associated simulator equipment, and sustainment and training software into the restructured AMP Increments I and II effort. The conferees also direct the Air Force to provide a briefing on this plan to the congressional defense committees not later than 60 days after enactment of this Act. The conferees agree the American taxpayers to date have expended considerable funds on the C-130 AMP and deserve to receive maximum value for that expenditure.

*Sense of Congress on F-16 Active Electronically Scanned Array (AESA) radar upgrade*

The Senate amendment contained a provision (sec. 140) that would express the sense of Congress on F-16 Active Electronically Scanned Array (AESA) radar upgrades that it is essential to our Nation's defense that: (1) Air Force aircraft modification funding be made available to purchase AESA radars as the Air Force bridges the gap between 4th- and 5th-generation fighters; (2) The U.S. Government must invest in radar upgrades to ensure 4th-generation aircraft succeed at zero-fail missions;

and (3) The First Air Force Joint Urgent Operational Needs request should be met as soon as possible.

The House bill contained no similar provisions.

The Senate recesses.

The conferees agree on the importance that should be accorded to funding AESA radar upgrades for existing aircraft.

### *Stryker Lethality Upgrades*

The Senate amendment contained a provision (sec. 161) that would authorize an increase in funding for Stryker vehicle lethality upgrades of \$97.0 million in Research, Development, Test & Evaluation, Army and \$314.0 million in Procurement of Weapons and Tracked Combat Vehicles, Army respectively.

The House bill contained no similar provision.

The Senate recesses.

The outcome is reflected in the tables of this report in Sections 4101 and 4201 and includes additional funding in line with the Senate amendment.

## **TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**

### **BUDGET ITEMS**

#### *Unmanned Carrier-Launched Airborne Surveillance and Strike System*

The budget request included \$134.7 million in PE 64501N for the Unmanned Carrier-Launched Airborne Surveillance and Strike (UCLASS) system.

The House bill would authorize the budget request.

The Senate amendment would not approve the request in PE 64501N due to contracting delays caused by waiting on the results of the Department of Defense Intelligence Surveillance, and Reconnaissance Strategic Portfolio Review. These delays resulted in the Navy's having excess fiscal year 2015 funds in the program. The Senate amendment would instead provide an additional \$725.0 million in Research, Development, Test and Evaluation, Defense-wide, including \$350.0 million for continued development and risk reduction activities of the Unmanned Combat Air System Demonstration (UCAS-D) aircraft that would benefit the overall UCLASS program, and \$375.0 million to be used for a competitive prototyping of at least two follow-on air systems

that move the Department toward a UCLASS program capable of long-range strike in a contested environment.

The conferees believe that the Navy should develop a penetrating, air-refuelable, unmanned carrier-launched aircraft capable of performing a broad range of missions in a non-permissive environment. The conferees believe that such an aircraft should be designed for full integration into carrier air wing operations—including strike operations—and possess the range, payload, and survivability attributes as necessary to complement such integration. Although the Defense Department could develop land-based unmanned aircraft with attributes to support the air wing, the conferees believe that the United States would derive substantial strategic and operational benefits from operating such aircraft from a mobile seabase that is self-deployable and not subject to the caveats of a host nation.

Therefore, the conferees recommend an increase of \$350.0 million to the UCLASS program and direct the Secretary of Defense to use these funds to conduct competitive air vehicle risk reduction activities that would lead to fielding penetrating, air-refuelable, UCLASS air vehicles capable of performing a broad range of missions in a non-permissive environment.

The conferees direct the Navy to leverage both the lessons learned from the UCAS-D program and the existence of two operational UCAS-D demonstrator aircraft in support of these efforts. The conferees also encourage the Secretaries of Defense and the Navy to consider all appropriate flexible acquisition authorities granted in law and in this Act, including those for rapid prototyping. Finally, the conferees recommend that any contractual arrangements executed with this funding provide the Navy with sufficient technical data rights to support a subsequent competitive prototyping, follow-on development, or future multiple-sourced production efforts.

The conferees look forward to reviewing the results of the Department of Defense Intelligence Surveillance, and Reconnaissance Strategic Portfolio Review and also the report directed in section 217 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015.

#### *Integrated personnel and pay system for Army*

The budget request included \$136.0 million in PE 65018A for the Integrated Personnel and Pay System—Army (IPPS-A).

The House bill included the full requested amount.

The Senate amendment included \$86.0 million for IPPS-A, a reduction of \$50.0 million.

The conference agreement authorizes \$121.0 million in PE 65018A for the Integrated Personnel and Pay System—Army (IPPS-A). Elsewhere in this Act, the conferees include a legislative provision that limits obligation of funds for the program, until provision of a required report to Congress on program plans.

## **SUBTITLE A—AUTHORIZATION OF APPROPRIATIONS**

### *Authorization of appropriations (sec. 201)*

The House bill contained a provision (sec. 201) that would authorize the appropriations for research, development, test, and evaluation activities at the levels identified in section 4201 of division D of this Act.

The Senate bill contained an identical provision (sec. 201).

The conference agreement includes this provision.

## **SUBTITLE B—PROGRAM REQUIREMENTS, RESTRICTIONS, AND LIMITATIONS**

### *Centers for Science, Technology, and Engineering Partnership (sec. 211)*

The Senate amendment contained a provision (sec. 211) that would authorize a program to enhance the Department of Defense laboratories with innovative academic and industry partners in research and development activities.

The House bill contained no similar provision.

The House recedes with a technical amendment.

### *Expansion of eligibility for financial assistance under Department of Defense Science, Mathematics, and Research for Transformation program to include citizens of countries participating in The Technical Cooperation Program (sec. 212)*

The Senate amendment contained a provision (sec. 216) that would expand the Department of Defense's Science, Mathematics, and Research for Transformation (SMART) program to include students from the United Kingdom, Australia, New Zealand, and Canada.

The House bill contained no similar provision.

The conference agreement includes the provision with an amendment to cap the number of new foreign students entering the program at five per year. The conferees believe that this cap

will help to ensure that the majority of the students in the program are U.S. citizens, while also giving the Department the flexibility to include foreign students on a trial basis. The conferees also believe that this cap will allow the Department the opportunity to work out procedures and processes for the potential expansion to include other kinds of foreign students, should the Secretary of Defense determine that is in the national security interest.

*Expansion of education partnerships to support technology transfer and transition (sec. 213)*

The House bill contained a provision (sec. 221) that would allow institutions that support technology transition or transfer activities, such as business schools or law schools with technology management programs, to participate in education partnerships with Defense laboratories, as authorized in Section 2194 of title 10, United States Code.

The Senate amendment contained no similar provision.

The conference agreement includes the provision with amendments that would clarify to which institutions such authorities would extend, authorize a sabbatical and internship program for university faculty and students to work in Defense laboratories, and provide additional emphasis on technology transfer and transition projects. The conferees believe that these amendments, taken together, would strengthen the purpose of the provision, which is to ensure that education partnerships are available for those wishing to engage in technology transfer or transition, in addition to traditional research projects.

*Improvement to coordination and communication of Defense research activities (sec. 214)*

The House bill contained a provision (sec. 231) that would improve the coordination and communication of defense research activities and technology domain awareness. The House bill directs the Secretary of Defense to promote, monitor, and evaluate programs not only among Defense research facilities, but also among other government facilities, as well as commercial and university entities. The House bill would also encourage the Department to achieve full awareness of scientific and technological advancement and innovation throughout the technology domain.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would add additional direction to the Secretary of Defense to develop and distribute clear technical communications to all internal and

external entities. The conferees believe it is important that the Department more completely and robustly convey successes of Defense research and engineering activities.

The Senate amendment would also direct the Secretary of Defense to ensure that publicly-funded Defense research facilities support national technological development goals and technological missions of other federal agencies, as appropriate. The conferees believe that taxpayer funds used for scientific research should be used in support of the best interests of the U.S. government as a whole.

*Reauthorization of Global Research Watch program (sec. 215)*

The Senate amendment contained a provision (sec. 214) that would reauthorize the Global Research Watch program for an additional 10 years. The Senate provision would also expand the responsibilities of the program to include private sector entities, in addition to foreign governments.

The House bill contained no similar provision.

The conference agreement includes this provision.

*Reauthorization of Defense research and development Rapid Innovation Program (sec. 216)*

The House bill contained a provision (sec. 211) that would extend the authorization for the Department of Defense to execute activities for the Rapid Innovation Program through 2020.

The Senate amendment contained a similar provision (sec. 213) that would reauthorize the Rapid Innovation Program for 5 years. The Senate provision would also make technical changes to the program's guidelines and reporting requirements.

The conference agreement contains the Senate provision with a technical edit from the House to extend the program through 2023. The conferees believe that it would be more effective to extend the program in a manner consistent with the end of the next program objective memorandum.

*Science and technology activities to support business systems information technology acquisition programs (sec. 217)*

The Senate amendment contained a provision (sec. 215) that would mandate the establishment of science and technology activities that would help reduce the technical risk and life cycle costs of major information technology acquisition programs. The provision would require the Department to fund

appropriate research, development, and capability-building activities to make it a "smarter buyer" of these programs.

The House bill contained no similar provision.

The conference agreement includes the provision with an amendment directing the Department to conduct a gap analysis to identify relevant activities that are not being pursued in the current science and technology program.

The conferees recognize and appreciate that the Department does currently engage in some activities that address those described in this provision and the original report language from the Senate Armed Services Committee. However, the conferees note with dismay the significant gaps in activities and technologies continue to exist. Examples of these gaps include lack of support for business process re-engineering, for lowering costs of customization of commercial software, for lowering maintenance costs, for open architectures, for engagement with management schools and small businesses, and for the conversion of legacy software to modern systems. The conferees remain concerned that such gaps in science and technology activities related to business systems information technology acquisition, if left unaddressed, have the potential to severely hamper the Department's ability to field a modern and efficient information technology enterprise that meets the current and future needs of the Department.

*Department of Defense technology offset program to build and maintain the technological superiority of the United States (sec. 218)*

The Senate amendment contained a provision (sec. 212) that would establish and initiative within the Department of Defense to maintain and enhance the military technological superiority of the United States. The provision would establish a program to accelerate the fielding of offset technologies, including, but not limited to, directed energy, low-cost high-speed munitions, autonomous systems, undersea warfare, cyber technology, and intelligence data analytics, developed by the department and to accelerate the commercialization of such technologies. The provision would also direct the Secretary to establish updated policies and new acquisition and management practices that would speed delivery of offset technologies into operational use. The provision would authorize \$400.0 million for fiscal year 2016 for initiative, of which \$200.0 million would be authorized specifically for directed energy.

The House bill contained no similar provision.

The conference agreement includes this provision with an amendment to remove the requirement for a strategy on the development of directed energy technologies.

The conferees are aware of the challenges facing the Department in maintaining technological superiority with regards to potential future adversaries. In authorizing the technology offset program in this provision, the conferees recognize the need for the Department to have sufficient flexibility and resources to make sound strategic decisions for technology investment to respond to a more dire future security environment. The conferees note that the Department has a number of initiatives, such as the Defense Innovation Initiative, and the Long-Range Research and Development Plan, to help guide those investments.

In particular, the Armed Services Committees of the Senate and the House of Representatives have been focused on the role directed energy weapons will have in our future security environment, and have been proponents of maturing directed energy technologies to transition them to the warfighting community as quickly as possible. The conferees are aware that the Department and the military services have various roadmaps for deploying these technologies, and consider this fund a major forcing function to drive accelerated development and transition.

To better understand how the funds authorized in this section, in combination with other funds for directed energy programs, will be used to identify and transition promising directed energy technologies to the warfighting community, the conferees direct the Secretary of Defense to provide a briefing to the Armed Services Committees of the Senate and the House of Representatives no later than 180 days after the enactment of this Act. This briefing should include:

- 1) A description of a program management process for the identification of directed energy efforts, including prototyping or exercise opportunities, where additional funding may support accelerated transition to urgent operational needs or programs of record;

- 2) A description of coordination mechanisms between services and agencies undertaking directed energy activities, including coordination of science and technology prototyping, and programs of record;

- 3) An identification of challenges from the warfighting community currently impeding the adoption of or confidence in directed energy weapons systems.

- 4) An identification of policy, regulatory, or legislative impediments or challenges that currently constrain accelerated transition to the warfighting community; and

5) Recommendations for how to improve the department's ability to transition promising directed energy technology initiatives to the warfighting community.

*Limitation on availability of funds for F-15 infrared search and track capability development (sec. 219)*

The House bill contained a provision (Sec. 213) that would limit the availability of funds for fiscal year 2016 for the research, development, test, and evaluation of F-15 infrared search and track capabilities until 30 days after the Secretary of Defense submits a specified report.

The Senate bill contained no similar provision.

The Senate recedes.

*Limitation on availability of funds for development of the shallow water combat submersible (sec. 220)*

The House bill contained a provision (sec. 225) that would require a briefing to the congressional defense committees on the U.S. Special Operations Command (SOCOM) Shallow Water Combat Submersible (SWCS) program.

The Senate amendment contained a provision (sec. 218) that would prohibit the expenditure of more than 25 percent of the funds available for the SWCS program for fiscal year 2016 until the Under Secretary of Defense for Acquisition, Technology and Logistics designates a civilian official within his office responsible for providing oversight and assistance to SOCOM for all undersea mobility programs and, in coordination with the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict, provides the congressional defense committees a report on the SWCS program.

The House recedes with an amendment that would modify to 50 percent the amounts available for the SWCS program and modify associated reporting requirements.

*Limitation on availability of funds for Medical Countermeasures Program (sec. 221)*

The House bill contained a provision (sec. 212) that would limit the obligation and expenditure of 50 percent of the funds made available for the Department of Defense Medical Countermeasures program within the Chemical-Biological Defense Program until the Secretary of Defense provides a report to the congressional defense committees that validates the requirements and conducts an independent cost-benefit analysis to justify funding and efficiencies. This section would also require the

Comptroller General of the United States to submit a review of the certification to the congressional defense committees within 60 days after the date on which the Secretary submits his report.

The Senate amendment contained no similar provision.

The conference agreement contains the House provision with an amendment that would decrease the limitation from 50 percent to 25 percent pertaining only to those funds used for research development test and evaluation (RDT&E) activities in the Advanced Development and Manufacturing facility per se and not all the RDT&E activities associated with the Medical Countermeasures Program.

The conferees further note that Consistent with GAO report 15-257 (June 2015), the Secretary shall report to the congressional defense committees no later than February 28, 2016 on the designation of an individual responsible for managing infrastructure for the Department of Defense Chemical and Biological defense programs, to include shared-use facilities such as those within the Advanced Development and Manufacturing program, in order to minimize duplication of effort within the Department of Defense and other agencies of the federal government. The Secretary of defense shall notify the congressional defense committees of the appointment of such individual no later than 15 days after such designation. Further, the conferees direct the Comptroller General to review the roles and responsibilities of the official designated to be responsible for infrastructure management, and to brief the congressional defense committees no later than March 31, 2016.

*Limitation on availability of funds for distributed common ground system of the Army (sec. 222)*

The Senate amendment contained a provision (sec. 219) that would limit the amount of funds available to be obligated or expended by the Secretary of the Army to not more than 75 percent of the amounts authorized to be obligated for fiscal year 2016 until a review of the program planning for the distributed common ground system of the Army is submitted to the congressional defense and intelligence committees.

The House bill contained a similar provision (sec. 1624).

The House recedes with a clarifying amendment.

*Limitation on availability of funds for distributed common ground system of the United States Special Operations Command (sec. 223)*

The House bill contained a provision (sec. 1625) that would limit the availability of funds for the Special Operations Command's Distributed Common Ground System to 75 percent of the funds authorized to be obligated by the program until the Commander of U.S. Special Operations Command conducts a review of the program planning and submits the findings of such review to the congressional defense committees and the congressional intelligence committees and the House Permanent Select Committee on Intelligence.

The Senate amendment contained a similar provision (sec. 220) that would limit the availability of research, development, test, and evaluation funds for the distributed common ground system of the U.S. Special Operations Command (SOCOM) until the Commander of SOCOM submits a report to the congressional defense committees.

The House recesses.

*Integrated personnel and pay system for Army (sec. 224)*

The conference agreement includes a provision (sec. ) that would limit the ability of the Secretary of the Army to obligate more than 75 percent of the total authorized amount of fiscal year 2016 program funds for Integrated Personnel and Pay System-Army (IPPS-A) program until the Secretary of the Army provides a report to the congressional defense committees on the performance of legacy systems, changes in human resources organization and financial system capabilities, and alternatives to the current cost of IPPS-A.

## **SUBTITLE C—REPORTS AND OTHER MATTERS**

*Streamlining the Joint Federated Assurance Center (sec. 231)*

The Senate amendment contained a provision (sec. 217) that would streamline the Department of Defense's Joint Federated Assurance Center by eliminating an unnecessary layer of bureaucracy between the Center's steering group and its working groups.

The House bill contained no similar provision.

The conference agreement includes this provision.

*Demonstration of persistent close air support capabilities (sec. 232)*

The Senate amendment contained a provision (sec. 233) that would require the Secretary of the Air Force, the Secretary of

the Army, and the Director of the Defense Advanced Research Projects Agency (DARPA) to jointly conduct a demonstration of the Persistent Close Air Support (PCAS) capability in fiscal year 2016.

The House bill contained no similar provision.

The House recedes with an amendment to strike the phrase "as identified by the United States Air Force Close Air Support Forum" from subparagraph (b)(1). The amendment would also replace all occurrences of the word "shall" with "may," and add a paragraph directing a briefing to the congressional defense committees by December 1, 2016 on the assessment of demonstration results and cost estimates for transition of any desired technologies.

The conferees strongly encourage the three parties to conduct the PCAS demonstration, as the benefits would likely provide a large payoff in increased capability for what is estimated to be minimal resource investment. In response to the challenge of diverse platforms and user populations of the close air support mission, the Joint Requirements Oversight Council, in 2009, in its Close Air Support Capabilities-Based Assessment, recommended that "Platforms should field flexible systems that utilize an improved architecture which migrates the processing of digital messages to a Commercial-off-the-Shelf (COTS) based processor and away from the [aircraft] operational flight programs."

The conferees observe that with repeated Air Force proposals to retire their fleet of A-10 aircraft, the integration of game-changing and relatively inexpensive technologies to improve close air support mission operations and results on other platforms could be beneficial in assuaging concerns of divesting a particular aircraft, even a type with close air support as its primary mission.

The conferees also agree that the Director of DARPA should provide resources to the maximum extent practical to minimize costs borne by the participating Services to accomplish the demonstration activities.

*Strategies for engagement with historically black colleges and universities and minority-serving institutions of higher education (sec. 233)*

The House bill contained a provision (sec. 222) that would require the Secretaries of the military departments to each develop a strategy for engagement with and support of the development of scientific, technical, engineering, and mathematics capabilities with historically black colleges and universities and minority-serving institutions. The provision

would also require the Secretary of Defense to develop a strategy that encompasses the strategies developed by the military departments.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that ensures that such strategies are developed by all organizations within the Department of Defense that are engaged in basic research, thereby broadening the provision to cover all appropriate Defense entities.

The conferees note that in implementing the requirements of this provision, the Secretary of Defense may seek information from the directorates of the Louis Stokes Alliances for Minority Participation program (LSAMP) and Historically Black Colleges and Universities Undergraduate Program (HBCU-UP) of the National Science Foundation; the American Association for the Advancement of Science; the Emerging Researchers National Conference in Science, Technology, Engineering, and Mathematics; the University of Florida Institute for African-American Mentoring in Computing Sciences (IAAMCS); the Hispanic Association of Colleges and Universities; the National Indian Education Association; and such other institutions, organizations, or associations as the Secretary deems useful.

*Report on commercial-off-the-shelf wide-area surveillance systems for Army tactical unmanned aerial systems (sec. 234)*

The House bill contained a provision (sec. 229) that would express the Sense of Congress on the capabilities provided by unmanned aerial systems that use wide area surveillance sensors. The provision would also require the Secretary of the Army to conduct a market survey and flight assessment of commercial-off-the-shelf wide area surveillance sensors suitable for insertion on Army tactical unmanned aerial systems.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would remove the sense of Congress, modify the reporting requirements for the market survey, require an assessment of current wide area surveillance systems that are currently used or could be used on Army tactical unmanned aerial systems, as well as require the Secretary of the Army to assess the advisability and feasibility of upgrading wide area surveillance systems for Army tactical unmanned aerial systems.

*Report on Tactical Combat Training System Increment II (sec. 235)*

The House bill contained a provision (sec. 230) that would direct the Secretary of the Navy and the Secretary of the Air Force to submit a report to the congressional defense committees, not later than January 29, 2016, on the baseline and alternatives to the Navy's Tactical Air Combat Training System Increment II. The provision would also limit the Navy from approving or designating a contract award for the specified system until 15 days after the date of the submittal of the report.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment striking subparagraph (c) to remove the limitation.

*Report on technology readiness levels of the technologies and capabilities critical to the long range strike bomber aircraft (sec. 236)*

The Senate amendment contained a provision (sec. 235) that would require the Secretary of Defense to submit to Congress, not later than 180 days after enactment of this Act, a report on the Technology Readiness Levels and capabilities critical to the Long Range Strike Bomber aircraft. The provision would also require the Comptroller General of the United States to review the Secretary's report and submit an assessment to the congressional defense committees.

The House bill contained no similar provision.

The House recedes with an amendment to have the Secretary report to the congressional defense committees.

*Assessment of Air-Land Mobile Tactical Communications and Data Network Requirements and Capabilities (sec. 237)*

The Senate amendment contained a provision (sec. 231) that would require the Director of Cost Assessment and Program Evaluation (CAPE) to contract with an independent entity to conduct a comprehensive assessment of current and future requirements and capabilities to determine the technological feasibility, achievability, suitability, and survivability of a tactical communications and data network. The provision would also prohibit the Secretary of the Army from obligating more than 50 percent of funds available in Other Procurement, Army for the Warfighter Information Network-Tactical, Increment 2 program subject to the submission of the independent entity's report.

The House bill contained no similar provision.

The House recedes with an amendment that would strike the limitation of funds, and require the Director of CAPE to seek to

enter into a contract with a federally funded research and development center to conduct a comprehensive assessment of current and future requirements and capabilities of the Army with respect to air-land ad hoc, mobile tactical communications and data networks, including the technological feasibility, suitability, and survivability of such networks.

The conferees believe the Director of CAPE shall select a federally funded research and development center with direct, long-standing, and demonstrated experience and expertise in program test and evaluation of concepts, requirements, and technologies for joint tactical communications and data networking to perform the assessment. The Institute for Defense Analysis may be such an entity with expertise needed for such a detailed assessment.

*Study of field failures involving counterfeit electronic parts (sec. 238)*

The Senate amendment contained a provision (sec. 232) that would require the Secretary of Defense to task the Joint Federated Assurance Center (JFAC) to conduct a hardware assurance study to assess the presence, scope, and effect on Department of Defense operations of counterfeit electronic parts that have passed through the Department of Defense supply chain and into fielded systems.

The House bill contained no similar provision.

The conference agreement includes the provision with an amendment to assign responsibility for the study to the executive agent for printed circuit board technology. The conferees believe that the executive agent is the most appropriate official to conduct such a study. The amendment would also require JFAC to conduct a technical assessment for indications of malicious tampering on any parts assessed that demonstrate unusual or suspicious failure mechanisms. The conferees believe that such follow-up is critical for ensuring maximum impact and benefit of the study.

*Airborne data link plan (sec. 239)*

The Senate amendment contained a provision (sec. 234) that would require the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Vice Chairman of the Joint Chiefs of Staff to jointly, in consultation with the Secretary of the Air Force and the Secretary of the Navy, to develop a plan on airborne data links between fifth-to-fifth, and fifth-to-fourth generation aircraft. The provision would also limit funding for the TALON HATE and Multi-Domain Adaptable Processing

System programs until the plan was briefed to the congressional defense committees.

The House bill contained no similar provision.

The House recedes with an amendment to add a date of February 15, 2016 for the plan briefing, and to strike subsection (c).

*Plan for advanced weapons technology war games (sec. 240)*

The House bill contained a provision (sec. 223) that would require the Secretary of Defense, in coordination with the Chairman of the Joint Chiefs of Staff, to develop a plan for integrating advanced technologies, such as directed energy weapons, hypersonic strike systems, and autonomous systems into broader title 10 war games to improve socialization with the warfighter and the development and experimentation of various concepts for employment by the Armed Forces.

The Senate amendment contained no similar provision.

The Senate recedes with some technical amendments.

*Independent assessment of F135 engine program (sec. 241)*

The House bill contained a provision (sec. 214) that would require the Secretary of Defense to enter into a contract with a federally funded research and development center to conduct an assessment of the F135 engine program, and submit a report to the congressional defense committees not later than March 15, 2016.

The Senate amendment contained no similar provision.

The Senate recedes.

*Comptroller General Review of autonomic logistics information system for F-35 Lightning II aircraft (sec. 242)*

The House bill contained a provision (sec. 224) that would direct the Comptroller General of the United States to conduct a review and submit a report to the congressional defense committees on the autonomic logistics information system for the F-35 Lightning II aircraft program.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment to make technical corrections to correct typographical errors.

*Sense of Congress regarding facilitation of a high quality technical workforce (sec. 243)*

The House bill contained a provision (sec. 227) that would express a sense of Congress that the Department of Defense should explore using existing authorities for all Federally Funded Research and Development Centers to help facilitate and shape a high quality scientific and technical workforce that can support the Department's needs. In addition, the provision would make a number of findings, including that the country's scientific and technical workforce is a matter of national security, that the Department's support for technical education programs facilitates the training of the future workforce, and that the highly skilled workforce already employed is qualified to facilitate training of a future workforce.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would expand the provision to include all defense laboratories. The conferees believe that the paragraphs of the provision apply to all Defense laboratories, not only the Federally Funded Research and Development Centers, and that all should be recognized as such.

The conferees find that:

(1) The quality of the future scientific and technical workforce of the United States and the access of the Department of Defense to a high quality scientific and technical workforce are matters of national security concern;

(2) The support of the Department of Defense for science, technology, engineering, and mathematics education programs facilitates the training of a future scientific and technical workforce that will contribute significantly to the research, development, test, and evaluation functions of the Department of Defense and the readiness of the future Armed Forces;

(3) Defense laboratories and federally funded research and development centers sponsored by the Department of Defense employ a highly skilled workforce that is qualified to support science, technology, engineering, and mathematics education initiatives, including through meaningful volunteer opportunities in primary and secondary educational settings and cooperative relationships and arrangements with private sector organizations and State and local governments, and to facilitate the training of a future scientific and technical workforce;

(4) Robust participation in scientific and technical conferences, including industry and international conferences, will strengthen the national security scientific and technical workforce.

#### **LEGISLATIVE PROVISIONS NOT ADOPTED**

*Report on graduate fellowships in support of science, mathematics, and engineering education*

The House bill contained a provision (sec. 226) that would require the Secretary of Defense to submit a report on graduate fellowships in support of science, mathematics, and engineering education.

The Senate amendment contained no similar provision.

The conference agreement does not include this provision.

*Funding for MV-22A Digital Interoperability Program*

The House bill contained a provision (sec. 228) that would authorize an increase in funding for MV-22A Digital Interoperability Program of \$75.0 million which included \$64.3 million for Aircraft Procurement, Navy, and \$10.7 million for Research, Development, Test & Evaluation, Navy.

The Senate amendment contained no similar provision, but would increase funding for the MV-22A, based upon the unfunded priority list of the Commandant of the Marine Corps. The Senate amendment would increase funding by a total of \$23.0 million including \$15.0 million for integrated aircraft survivability and \$8.0 million for ballistic protection

The agreement does not include this provision.

The outcome is reflected in section 4101 and 4201 of this Act, and includes funding in line with the Senate amendment.

**ITEMS OF SPECIAL INTEREST**

*Apportionment of small business funds under continuing resolutions*

The conferees believe that under a continuing budget resolution (CR), federal agencies remain responsible for assessing the Small Business Innovative Research (SBIR) and Small Business Technology Transition (STTR) set-asides, and executing program support for small business technology innovation. To support Department of Defense access to small business innovation, the conferees believe that Department comptrollers should move expeditiously to calculate the SBIR/STTR assessments, and make those funds available to military services and agency SBIR/STTR programs commensurate with those assessments, on a timeline that supports program effectiveness.

*Expedited approval for attendance at conferences in support of science and innovation activities of Department of Defense and the National Nuclear Security Administration*

The conferees note with concern that since the Departments of Defense and Energy have implemented updated conference policies, in response to requirements from the Office of Management and Budget, attendance at science and technology conferences by department personnel has reduced dramatically. According to a report from the Government Accountability Office in March 2015, conference attendance from the Army Research Laboratory declined from about 1300 attendees in 2011 to about 100 attendees in 2013. A similar drop in attendance was reported from Sandia National Laboratories. The report highlights that such a drop in attendance risks a decline in the quality of scientific research, difficulty in recruiting and retaining qualified scientists and engineers, and a diminished leadership role for the two departments within the global science and technology community. The report also notes that the new departmental policies are not meeting the needs of personnel requesting approval to travel to conferences.

Given the importance of conference attendance for an active exchange of scientific information and for recruiting and retaining high-quality technical talent, and therefore maintaining technological superiority, the conferees are concerned that the conference attendance approval policies are undermining and eroding the science and technology missions of both departments as well as the ability of personnel to engage in cutting-edge research, development, testing, and evaluation. The conferees believe that technical conference participation is especially important to keep program managers aware of new trends in technology, so that they may make better informed decisions on behalf of taxpayers.

To maintain global technology awareness and to support retention of technical staff, the conferees believe that the Departments should strive to follow the best practices of the innovative private and academic institutions in developing management and oversight practices for conference participation. The conferees are concerned that in specific technical fields of interest to defense, such as hypersonics and cybersecurity, the lack of participation in conferences is ceding U.S. leadership to competitor nations.

In response to these findings and concerns, the conferees direct the Secretaries of Defense and Energy to revise current policies within the Department of Defense and National Nuclear Security Administration, respectively, whereby requests for scientific conference attendance are adjudicated within one

month, and approvals are granted as appropriate within one month. Further, the conferees direct the Secretaries of Defense and Energy to ensure that any decisions to disapprove conference attendance through these revised policies are made if and only if the appropriate officials determine that the disapproval would have a net positive impact on research and development and on program management quality, and not simply default disapprovals necessitated by a bureaucratic inability to make a timely decision. In addition, the conferees direct that these new policies be implemented no later than 90 days after the enactment of this act.

The conferees recommend that, through these revised policies, laboratory and test center directors be given the authority to approve conference attendance, provided that the attendance would meet the mission of the laboratory or test center and that sufficient laboratory or test center funds are available.

The conferees direct the Secretaries of Defense and Energy each to report to the Senate Armed Services Committee and the House Armed Services Committee on the revised policies from their respective agencies, as well as an assessment of their benefits and drawbacks, along with measures for tracking the effectiveness of the new policies. The conferees further direct that this report be submitted no later than one year after the enactment of this act.

#### *Protection of advanced technologies*

The conferees have concerns that the Department of Defense, while taking necessary steps to pursue and create innovative technologies and to access global sources of innovation, also needs to better protect such technologies against unauthorized disclosure to or theft by potential adversaries. The conferees are concerned that some adversaries have clear strategies (1) to overcome our general technology protection efforts and specific program protection measures, and (2) to mitigate our efforts to increase our technological superiority. For this reason, the conferees believe that the Department would benefit from better technology and program protection planning and more effective cybersecurity measures.

Therefore, the conferees direct the Secretary of Defense to conduct a review of methodologies that potential adversaries are exploiting to gain unauthorized access to technologies and intellectual property, and to circumvent current export control and other technology protection regimes. Additionally, the Department should review structures of business relationships, such as partnerships, mergers and acquisitions, joint ventures,

and consortia, to assess the potential that these types of relationships present additional opportunities for exploitation by adversaries. Further, the conferees direct the Secretary to brief the results of the review to the Committees on Armed Services of the Senate and House of Representatives by March 15, 2016, including any recommendations that may necessitate legislative action.

## **TITLE III—OPERATION AND MAINTENANCE**

### **SUBTITLE A—AUTHORIZATION OF APPROPRIATIONS**

#### *Authorization of appropriations (sec. 301)*

The House bill contained a provision (sec. 301) that would authorize the appropriations for operation and maintenance activities at the levels identified in section 4301 of division D of this Act.

The Senate bill contained an identical provision (sec. 301).

The conference agreement includes this provision.

### **SUBTITLE B—ENERGY AND THE ENVIRONMENT**

#### *Limitation on procurement of drop-in fuels (sec. 311)*

The House bill contained a provision (sec. 311) that would amend subchapter II of chapter 173 of title 10, United States Code, to prohibit Department of Defense funds to be used for bulk purchases of drop-in fuel for operational purposes, unless the cost of that drop-in fuel is cost-competitive with traditional fuel, subject to a national security waiver.

The Senate amendment contained no similar provision.

The Senate recesses.

#### *Southern Sea Otter Military Readiness Areas (sec. 312)*

The House bill contained a provision (sec. 312) that would amend chapter 631 of title 10, United States Code, by adding a new section directing the Secretary of the Navy to establish "Southern Sea Otter Military Readiness Areas" for national defense purposes. The provision would also repeal section 1 of Public Law 99-625 (16 U.S.C 1536 note).

The Senate amendment contained a similar provision (sec. 313).

The Senate recedes with an amendment that excludes the repeal of section 1 of Public Law 99-625 (16 U.S.C. 1536 note).

*Modification of energy management reporting requirements (sec. 313)*

The Senate amendment contained a provision (sec. 311) that would amend section 2925(a) of title 10, United States Code, by striking a subsection listing renewable energy credits (RECs) and clarifying and strengthening the reporting requirements on commercial and non-commercial utility outages.

The House bill contained no similar provision.

The House recedes.

*Revision to scope of statutorily required review of projects relating to potential obstructions to aviation so as to apply only to energy projects (sec. 314)*

The House bill contained a provision (sec. 313) that would amend section 358 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383) to expand coverage of the Siting Clearinghouse to requests for informal reviews by Indian tribes and landowners, clarify that information received from private entities is not publicly releasable, eliminate categories of adverse risk, and limit applicability of section to only energy projects.

The Senate amendment contained a similar provision (sec. 353) that would amend section 358 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 to expand the coverage of the Department of Defense (DOD) Siting Clearinghouse to requests for informal reviews from Indian tribes and landowners, clarify that information received from private entities is not publicly releasable, eliminate categories of adverse risk. The Senate provision would maintain the coverage of the Department of Defense (DOD) Siting Clearinghouse for non-energy projects.

The Senate recedes with a clarifying amendment.

*Exclusions from definition of "chemical substance" under Toxic Control Act (sec. 315)*

The House bill contained a provision (sec. 314) that would modify section 2602(2)(B) of title 15, United States Code, to add to the exclusions any component of any article, including shot, bullets and other projectiles, propellants when manufactured for or used in such an article, and primers.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment limiting the provision to shot shells, cartridges, and components of shot shells and cartridges.

## **SUBTITLE C—LOGISTICS AND SUSTAINMENT**

*Repeal of limitation on authority to enter into a contract for the sustainment, maintenance, repair, or overhaul of the F117 engine (sec. 322)*

The House bill contained a provision (sec. 323) that would amend Section 341 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291).

The Senate amendment contained a similar provision (sec. 321) that would repeal Section 341 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291).

The House recesses.

*Pilot programs for availability of working capital funds for product improvements (sec. 323)*

The House bill contained a provision (sec. 324) that would require the Assistant Secretary of the Army for Acquisition, Logistics, and Technology, the Assistant Secretary of the Navy for Research, Development, and Acquisition, and the Assistant Secretary of the Air Force for Acquisition to each initiate a pilot program pursuant to section 330 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 68), as amended by section 332 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 126 Stat. 1697).

The Senate amendment contained no similar provision.

The Senate recesses.

## **SUBTITLE D—REPORTS**

*Modification of annual report on prepositioned materiel and equipment (sec. 331)*

The Senate amendment contained a provision (sec. 331) that would amend Section 2229a(a)(8) of title 10, United States Code.

The House bill contained no similar provision.

The House recesses.

*Report on merger of Office of Assistant Secretary for Operational Energy Plans and Deputy Under Secretary for Installations and Environment (sec. 332)*

The House bill contained a provision (sec. 318) that would require the Secretary of Defense to submit to Congress a report on the merger of the Office of the Assistant Secretary of Defense for Operational Energy Plans and the Office of the Deputy Under Secretary of Defense for Installations and Environment.

The Senate amendment contained no similar provision.  
The Senate recesses.

*Report on equipment purchased noncompetitively from foreign entities (sec. 333)*

The House bill contained a provision (sec. 325) that would require the Secretary of Defense to submit a report to the congressional defense committees on contracts awarded to foreign entities.

The Senate amendment contained no similar provision.  
The Senate recesses with a clarifying amendment.

## **SUBTITLE E—OTHER MATTERS**

*Prohibition on contracts making payments for honoring members of the Armed Forces at sporting events (sec. 341)*

The House bill contained a provision (sec. 1098) that provided a sense of the Congress in regard to a private organization utilizing funds from the Department of Defense for the purpose of promoting or honoring the military.

The Senate amendment contained a similar provision (sec. 342a) and included a prohibition on the Department of Defense from entering into any such contracts.

The House recesses with a clarifying amendment.

The conferees urge any organization, including the National Football League and other professional sports leagues, that has accepted taxpayer funds to honor members of the Armed Forces to consider directing an equivalent amount of funding in the form of a donation to a charitable organization that supports members of the Armed Forces, veterans, and their families. The conferees also urge the Department of Defense to redirect any funds that would have been used for the aforementioned purposes to the post-traumatic stress disorder research and treatment for members of the Armed Forces.

*Military animals: transfer and adoption (sec. 342)*

The House bill contained a provision (sec. 594) that would amend Section 2583 of title 10, United States Code, in regard to military working dogs.

The Senate amendment contained a similar provision (sec. 352).

The Senate recedes with a clarifying amendment.

*Temporary authority to extend contracts and leases under the ARMS Initiative (sec. 343)*

The House bill contained a provision (sec. 335) that would allow contracts or subcontracts entered into pursuant to section 4554(a)(3)(A) of title 10, United States Code, on or before the date that is 5 years after the date of the enactment of this Act to include an option to extend the term of the contract or subcontract for an additional 25 years.

The Senate amendment contained an identical provision (sec. 343).

The conference agreement includes this provision.

*Improvements to Department of Defense excess property disposal (sec. 344)*

The House bill contained a provision (sec. 333) that would require the Secretary of Defense to submit to the congressional defense committees a plan for the improved management and oversight of the systems, processes, and controls involved in the disposition of excess non-mission essential equipment and materiel by the Defense Logistics Agency Disposition Services.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

*Limitation on use of funds for Department of Defense sponsorships, advertising, or marketing associated with sports-related organizations or sporting events (sec. 345)*

The Senate amendment contained a provision (sec. 342) that would prohibit the Department of Defense from using any funds authorized to be appropriated for sponsorship, advertising, or marketing associated with a sports-related organization or sporting event until a review of current contracts and task orders for such events was completed.

The House bill contained no similar provision.

The House recedes with a technical amendment.

The conferees are concerned with the Department's level of oversight of the sponsorship, advertising, and marketing associated with sports-related organizations and events executed by each of the military services, especially with the National Guard. Therefore, the conferees direct the Secretary of Defense and the service secretaries to ensure the proper oversight mechanisms are in place to provide proper oversight and approval of these programs.

*Additional requirements for streamlining of Department of Defense management headquarters (sec. 346)*

The House bill contained a provision (sec. 905) that would express a series of findings and the sense of Congress on the commitment of the Department of Defense to reduce its headquarters budgets and personnel by 20 percent and to achieve \$10.0 billion in cost savings over 5 years. It would also amend section 904 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66), which requires the Secretary of Defense to develop a plan for streamlining Department of Defense management headquarters, by requiring an accurate baseline accounting of defense headquarters budgets and personnel, and more specific information on actual and planned reductions in management headquarters. In addition, this section would further modify section 904 of Public Law 113-66 to require the Department to implement its planned reduction in management headquarters budgets and personnel for certain organizations in the National Capital Region. Lastly, it would clarify that civilian employees funded from working-capital funds are not subject to the reduction requirement.

The Senate amendment contained a similar provision (sec. 351) that would cut 30 percent from the budgets of headquarters activities over the next 4 years and require the Secretary of Defense to perform a comprehensive review of these activities and consider elimination, consolidation, and downsizing where appropriate.

The Senate recedes with an amendment that would require the Department to plan and budget for \$10.0 billion in cost savings in its headquarters, administrative and support activities between fiscal year 2015 and 2019. The amendment would also require at least a 25 percent reduction to headquarters activities, which would count towards the \$10.0 billion savings. Finally, the amendment would require a comprehensive review of headquarters, administrative and support functions with an eye towards streamlining and consolidating these functions across the Department of Defense.

The conferees believe that the Secretary must credit the reductions, as having been accomplished in earlier fiscal years in accordance with the December 2013 Directive, as part of the baseline amount under this section for all of the Department of Defense headquarters and the specific baseline amounts for each such headquarters activity.

#### **LEGISLATIVE PROVISIONS NOT ADOPTED**

##### *Additional authorization of appropriations for the Office of Economic Adjustment*

The House bill contained a provision (sec. 302) that would authorize \$25.0 million for transportation projects on local roads that would help mitigate traffic congestion associated with the military facility.

The Senate amendment contained no similar provision.

The House recesses.

The conferees note that the Defense Access Road program provides such funds around military installations where warranted.

##### *Report on efforts to reduce high energy costs at military installations*

The Senate amendment contained a provision (sec. 312) that would require the Under Secretary of Defense for Acquisition, Technology, and Logistics, in consultation with the assistant secretaries responsible for energy installations and environment for the military services and the Defense Logistics Agency, to conduct an assessment of the efforts to achieve cost savings at military installations with high energy costs.

The House bill contained no similar provision.

The Senate recesses.

The conferees encourage the Assistant Secretary of Defense for Energy, Installations, and Environment to include in the Department's Annual Energy Management Report an assessment of cost reduction efforts by military installations with high energy costs to include state and local partnership opportunities.

##### *Exemption of Department of Defense from alternative fuel procurement*

The House bill contained a provision (sec. 315) that would amend section 526 of the Energy Independence and Security Act of

2007 (Public Law 110-140) to exempt the Department of Defense from the requirements related to contracts for alternative or synthetic fuel in that section.

The Senate amendment contained no similar provision.

The House recesses.

*Limitation on plan, design, refurbishing, or construction of biofuels refineries*

The House bill contained a provision (sec. 316) that would require the Department of Defense to obtain a congressional authorization before entering into a contract for the planning, design, refurbishing, or construction of a biofuels refinery.

The Senate amendment contained no similar provision.

The House recesses.

*Comprehensive study on impact of proposed ozone rule*

The House bill contained a provision (sec. 317) that would require the Department of Defense to conduct a comprehensive study on the impact of any final rule to the National Ambient Air Quality Standards for Ozone on military readiness.

The Senate amendment contained no similar provision.

The House recesses.

*Assignment of certain new requirements based on determinations of cost-efficiency*

The House bill contained a provision (sec. 321) that would assign certain new work requirements based on determinations of cost-efficiency.

The Senate amendment contained no similar provision.

The House recesses.

The conferees note that sec. 321 is one of three provisions, along with sections 717 and 907, considered by the conferees that cited Department of Defense Instruction (DODI) 7041.04, "Estimating and Comparing the Full Costs of Civilian and Active-Duty Military Manpower and Contract Support," as the prescribed methodology for making cost comparisons between DOD workforce sectors if the work is not inherently governmental or otherwise exempt from private-sector performance. The conferees also note that the Senate Committee on Armed Services included in Senate Report 114-49 language directing the Secretary of Defense to submit a report setting forth the results of a study comparing the fully burdened cost of performance by Department of Defense (DOD) civilians and contractors.

The conferees recognize that the costing methodology in DODI 7041.04, while validated by the DOD Office of Cost Assessment and Program Evaluation (CAPE), "continues to have certain limitations," as reported by the Government Accountability Office in GAO-13-792, "Opportunities Exist to Further Improve DOD's Methodology for Estimating the Costs of Its Workforces." In the same report, GAO raised questions "about the extent to which ... officials throughout DOD are aware of a requirement to use the methodology for decisions other than in-sourcing."

In light of these findings, the conferees direct the Secretary of Defense, in responding to the reporting requirement in Senate Report 114-49 referenced above, to address the following additional items: (1) What steps has the Department taken to comply with the recommendations in GAO-13-792 for improving the costing methodology in DODI 7041.04; (2) What guidance has the Office of the Secretary of Defense issued to military components and defense agencies regarding the use of the cost-comparison process to make workforce mix decisions; (3) What roles do CAPE and the Office of the DOD Comptroller play in the cost-comparison process, both prior to workforce sourcing decisions being made and in tracking workforce sourcing outcomes; (4) What is the Office of the Secretary of Defense doing to ensure the skills, training, or experience needed to effectively perform manpower cost comparisons are available in the DOD workforce, including completion of the competency gap assessments cited in GAO-13-188, "Critical Skills and Competency Assessments Should Help Guide DOD Civilian Workforce Decisions"; and (5) How will the findings in the report required in Senate Report 114-49 be used to improve and correct current limitations of the cost-comparison process outlined in DODI 7041.04?

*Access to wireless high-speed Internet and network connections for certain members of the Armed Forces deployed overseas*

The House bill contained a provision (sec. 334) that would require the Secretary of Defense to enter into contracts with third-party vendors to provide wireless high-speed Internet and network connections for certain members of the Armed Forces deployed overseas.

The Senate amendment contained no similar provision.  
The House recesses.

*Assessment of outreach for small business concerns owned and controlled by women and minorities required before conversion of certain functions to contractor performance*

The House bill contained a provision (sec. 336) that would limit the conversion of a function to performance by a contractor until an assessment has been made as to whether the Department has carried out sufficient outreach programs to assist small business concerns owned and controlled by women (as such term is defined in section 8(d)(3)(D) of the Small Business Act (15 U.S.C. 637(d)(3)(D))) and small business concerns owned and controlled by socially and economically disadvantaged individuals (as such term is defined in section 8(d)(3)(C) of the Small Business Act (15 U.S.C. 637(d)(3)(C))) that are located in the geographic area near the military base.

The Senate amendment contained no similar provision.  
The House recedes.

*Pilot program on intensive instruction in certain Asian languages*

The Senate amendment contained a provision (sec. 354) authorizing the Secretary of Defense, in consultation with the National Education Board, to carry out a pilot program to assess the feasibility and advisability of providing scholarships in accordance with the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1901 et seq.) to individuals for intensive language instruction in a covered Asian language where deficiencies exist.

The House bill contained no similar provision.  
The Senate recedes.

The conferees note the need for intensive Asian language training, and direct the Secretary of Defense to provide the defense committees with a briefing no later than April 15, 2016, on the steps Department of Defense is taking to meet that need within the context of the Administration's policy to rebalance to the Asia-Pacific region.

*Sense of Senate on finding efficiencies within the working-capital fund activities of the Department of Defense*

The Senate amendment contained a provision (sec. 1005) that would provide a sense of the Senate for the Secretary of Defense to ensure a strong organic industrial base workforce.

The House bill contained no similar provision.  
The conference agreement does not include this provision.

The conferees note that the Secretary of Defense should continue to optimize existing workload plans to ensure a strong organic industrial base workforce.

## **TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS**

## SUBTITLE A—ACTIVE FORCES

### *End strengths for active forces (sec. 401)*

The House bill contained a provision (sec. 401) that would authorize the following end strengths for active-duty personnel of the Armed Forces as of September 30, 2016: Army, 475,000; Navy, 329,200; Marine Corps, 184,000; and Air Force, 320,715.

The Senate amendment contained a similar provision (sec. 401) that would authorize active-duty end strength for the Air Force of 317,000.

The agreement includes the House provision.

End strength levels for the active forces for fiscal year 2016 are set forth in the following table:

Service	FY 2015 Authorized	FY 2016		Change from	
		Request	Recommendation	FY 2016 Request	FY 2015 Authorized
Army .....	490,000	475,000	475,000	0	-15,000
Navy .....	323,600	329,200	329,200	0	+5,600
Marine Corps .....	184,100	184,000	184,000	0	-100
Air Force .....	312,980	317,000	320,715	+3,715	+7,735
DOD Total .....	1,310,680	1,305,200	1,308,915	0	-1,765

### *Revisions in permanent active duty end strength minimum levels (sec. 402)*

The House bill contained a provision (sec. 402) that would revise the permanent Active-Duty end strength minimum levels contained in Section 691(b) of title 10, United States Code.

The Senate amendment contained a provision (sec. 402) that would repeal section 691 of title 10, United States Code. The provision would also amend section 115 of title 10, United States Code, to provide the Secretary of Defense and the service secretaries authority to vary military personnel end strengths below those authorized in title IV of this Act.

The Senate recedes with an amendment that would amend subsection (e) of section 691 of title 10, United States Code, to increase the variance authority of the Secretary of Defense contained in that section from 0.5 percent to 2 percent.

## SUBTITLE B—RESERVE FORCES

### *End strengths for Selected Reserve (sec. 411)*

The House bill contained a provision (sec. 411) that would authorize the following end strengths for Selected Reserve personnel of the Armed Forces as of September 30, 2016: the Army National Guard, 342,000; the Army Reserve, 198,000; the Navy Reserve, 57,400; the Marine Corps Reserve, 38,900; the Air National Guard of the United States, 105,500; the Air Force Reserve, 69,200; and the Coast Guard Reserve, 7,000.

The Senate amendment contained an identical provision (sec. 411).

The conference agreement includes this provision.

End strength levels for the Selected Reserve for fiscal year 2016 are set forth in the following table:

Service	FY 2015 Authorized	FY 2016		Change from	
		Request	Recommendation	FY 2016 Request	FY 2015 Authorized
Army National Guard . . . .	350,200	342,000	342,000	0	-8,200
Army Reserve . . . . .	202,000	198,000	198,000	0	-4,000
Navy Reserve . . . . .	57,300	57,400	57,400	0	+100
Marine Corps Reserve . . . .	39,200	38,900	38,900	0	-300
Air National Guard . . . . .	105,000	105,500	105,500	0	+500
Air Force Reserve . . . . .	67,100	69,200	69,200	0	+2,100
DOD Total . . . . .	820,800	811,000	811,000	0	-9,800
Coast Guard Reserve . . . . .	9,000	7,000	7,000	0	-2,000

### *End strengths for reserves on active duty in support of the reserves (sec. 412)*

The House bill contained a provision (sec. 412) that would authorize the following end strengths for Reserves on Active Duty in support of the reserve components as of September 30, 2016: the Army National Guard of the United States, 30,770; the Army Reserve, 16,261; The Navy Reserve, 9,934; the Marine Corps Reserve, 2,260; the Air National Guard of the United States, 14,748; and the Air Force Reserve, 3,032.

The Senate amendment contained a provision (sec. 412) that would authorize the end strengths for the Reserves on Active Duty in support of the reserve components by the same amounts as the House bill and further required the Chief of the National

Guard Bureau to take into account the actual number of members of the Army National Guard of the United States serving in each state as of September 30 each year when allocating full-time duty personnel in the Army National Guard of the United States.

The Senate recesses.

The conferees note that the Senate amendment expressed the sense of the Senate that the National Guard Bureau should account for states that routinely recruit and retain members in excess of state authorizations when allocating full-time operational support duty personnel. The conferees encourage the National Guard Bureau to consider this when allocating full-time duty support personnel.

End strength levels for the reserves on active duty in support of the reserves for fiscal year 2016 are set forth in the following table:

Service	FY 2015 Authorized	FY 2016		Change from	
		Request	Recommendation	FY 2016 Request	FY 2015 Authorized
Army National Guard .....	31,385	30,770	30,770	0	-615
Army Reserve .....	16,261	16,261	16,261	0	0
Navy Reserve .....	9,973	9,934	9,934	0	-39
Marine Corps Reserve .....	2,261	2,260	2,260	0	-1
Air National Guard .....	14,704	14,748	14,748	0	+44
Air Force Reserve .....	2,830	3,032	3,032	0	+202
DOD Total .....	77,414	77,005	77,005	0	-409

*End strengths for military technicians (dual status) (sec. 413)*

The House bill contained a provision (sec. 413) that would authorize the following end strengths for military technicians (dual status) as of September 30, 2016: the Army National Guard of the United States, 26,099; the Army Reserve, 7,395; the Air National Guard of the United States, 22,104; and the Air Force Reserve, 9,814.

The Senate amendment contained an identical provision (sec. 413).

The conference agreement includes this provision.

End strength levels for military technicians (dual status) for fiscal year 2016 are set forth in the following table:

Service	FY 2015 Authorized	FY 2016		Change from	
		Request	Recommendation	FY 2016 Request	FY 2015 Authorized
Army National Guard . . . . .	27,210	26,099	26,099	0	-1,111
Army Reserve . . . . .	7,895	7,395	7,395	0	-500
Air National Guard . . . . .	21,792	22,104	22,104	0	+312
Air Force Reserve . . . . .	9,789	9,814	9,814	0	+25
DOD Total . . . . .	66,686	65,412	65,412	0	-1,274

*Fiscal year 2016 limitation on number of non-dual status technicians (sec. 414)*

The House bill contained a provision (sec. 414) that would authorize the following personnel limits for the reserve components of the Army and Air Force for non-dual status technicians as of September 30, 2016: the Army National Guard of the United States, 1,600; the Air National Guard of the United States, 350; the Army Reserve, 595; and the Air Force Reserve, 90.

The Senate amendment contained an identical provision (sec. 414).

The conference agreement includes this provision.

End strength levels for the non-dual status technicians for fiscal year 2016 are set forth in the following table:

Service	FY 2015 Authorized	FY 2016		Change from	
		Request	Recommendation	FY 2016 Request	FY 2015 Authorized
Army National Guard . . . . .	1,600	1,600	1,600	0	0
Air National Guard . . . . .	350	350	350	0	0
Army Reserve . . . . .	595	595	595	0	0
Air Force Reserve . . . . .	90	90	90	0	0
DOD Total . . . . .	2,635	2,635	2,635	0	0

*Maximum number of reserve personnel authorized to be on active duty for operational support (sec. 415)*

The House bill contained a provision (sec. 415) that would authorize the maximum number of reserve component personnel who may be on Active Duty or full-time National Guard duty under section 115(b) of title 10, United States Code, during fiscal year 2016 to provide operational support.

The Senate amendment contained an identical provision (sec. 415).

The conference agreement includes this provision.

End strength levels for reserve personnel authorized to be on Active Duty for operational support for fiscal year 2016 are set forth in the following table:

Service	FY 2015 Authorized	FY 2016		Change from	
		Request	Recommendation	FY 2016 Request	FY 2015 Authorized
Army National Guard . . . . .	17,000	17,000	17,000	0	0
Army Reserve . . . . .	13,000	13,000	13,000	0	0
Navy Reserve . . . . .	6,200	6,200	6,200	0	0
Marine Corps Reserve . . . . .	3,000	3,000	3,000	0	0
Air National Guard . . . . .	16,000	16,000	16,000	0	0
Air Force Reserve . . . . .	14,000	14,000	14,000	0	0
DOD Total . . . . .	69,200	69,200	69,200	0	0

## SUBTITLE C—AUTHORIZATION OF APPROPRIATIONS

### *Military personnel (sec. 421)*

The House bill contained a provision (sec. 421) that would authorize appropriations for military personnel at the levels identified in the funding table in section 4401 of this Act.

The Senate amendment contained an identical provision (sec. 421).

The conference agreement includes this provision.

### *Report on force structure of the Army (sec. 422)*

The House bill contained a provision (sec. 422) that would require a report on the force structure of the Army.

The Senate amendment contained no similar provision.

The Senate recedes.

## LEGISLATIVE PROVISIONS NOT ADOPTED

*Chief of the National Guard Bureau authority to increase certain end strengths applicable to the Army National Guard*

The Senate amendment contained a provision (sec. 416) that would provide the Chief of the National Guard Bureau with the authority to increase the fiscal year 2016 end strength of the Selected Reserve personnel of the Army National Guard as specified in section 411(a)(1) by up to 3,000 members, the end strength of the Reserves serving on full-time duty for the Army National Guard as specified in section 412(1) by 615 Reserves, and military technicians (dual status) for the Army National Guard as specified in section 413(1) by 1,111. The provision contains a limitation stating that the Chief of the National Guard Bureau may only increase an end strength using the authority contained in this section if such increase is paid for entirely out of the readiness funds appropriated for fiscal year 2016 for Operation and Maintenance, Army National Guard.

The House bill contained no similar provision.  
The Senate recedes.

## **TITLE V—MILITARY PERSONNEL POLICY**

### **SUBTITLE A—OFFICER PERSONNEL POLICY**

*Reinstatement of enhanced authority for selective early discharge of warrant officers (sec. 501)*

The Senate amendment contained a provision (sec. 506) that would amend section 508a of title 10, United States Code, to reinstate authority for service secretaries to convene selection boards to consider regular warrant officers on the Active-Duty list for involuntary discharge during the period October 1, 2015, through September 30, 2019.

The House bill contained no similar provision.  
The House recedes.

*Equitable treatment of junior officers excluded from an all-fully-qualified officers list because of administrative error (sec. 502)*

The House bill contained a provision (sec. 501) that would amend section 624(a)(3) of title 10, United States Code, to authorize a service secretary to prepare a supplemental list of officers considered all-fully-qualified when one or more officers or former officers are not placed on an all-fully-qualified list due to administrative error. The House provision

would also amend section 14308(b)(4) of title 10, United States Code, to authorize a service secretary to prepare a similar supplemental list for officers on Reserve active-status who are not placed on an all-fully-qualified list due to administrative error.

The Senate amendment contained no similar provision.  
The Senate recesses.

*Enhanced flexibility for determination of officers to continue on active duty and for selective early retirement and early discharge (sec. 503)*

The Senate amendment contained a provision (sec. 504) that would amend section 638(a) of title 10, United States Code, relating to the authority for selective early retirement and early discharges to eliminate the restriction that the number of officers recommended for discharge by a selection board may not be more than 30 percent of the number of officers in each grade, year group, or specialty (or combination thereof) in each competitive category. The provision would impose the same restriction that applies to boards to select officers for early retirement, which provides that the number of officers recommended for retirement may not be more than 30 percent of the number of officers considered.

The House bill contained no similar provision.  
The House recesses.

*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. 504)*

The House bill contained a provision (sec. 502) that would amend section 1253 of title 10, United States Code, to authorize service secretaries to defer the retirement of general and flag officers serving as the Chief or Deputy Chief of Chaplains in their respective Services to age 68.

The Senate amendment contained a similar provision (sec. 505).

The Senate recesses.

*General rule for warrant officer retirement in highest grade held satisfactorily (sec. 505)*

The Senate amendment contained a provision (sec. 507) that would amend section 1371 of title 10, United States Code, to authorize a service secretary to retire warrant officers in the

highest grade in which they served satisfactorily before retirement.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

*Implementation of Comptroller General recommendation on the definition and availability of costs associated with general and flag officers and their aides (sec. 506)*

The House bill contained a provision (sec. 503) that would require the Secretary of Defense to direct the Director, Cost Assessment and Program Evaluation, to define certain costs associated with general and flag officers for the purpose of estimating and managing the full costs associated with these officers and aides.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

## **SUBTITLE B—RESERVE COMPONENT MANAGEMENT**

*Continued service in the Ready Reserve by Members of Congress who are also members of the Ready Reserve (sec. 511)*

The House bill contained a provision (sec. 512) that would amend section 10149 of title 10, United States Code, to require that members of the Ready Reserve who occupy certain federal key positions whose mobilization in an emergency would seriously impair the capability of a federal agency or office to function effectively are not retained in the Ready Reserve.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would amend section 10149 of title 10, United States Code, to provide that a member of the Ready Reserve who is also a member of Congress may not be transferred to the Standby Reserve or discharged on account of the individual's position as a Member of Congress unless the Secretary of Defense, or in the Coast Guard Reserve, the Secretary of the Department in which the Coast Guard is operating, determines that transfer or discharge is based on the needs of the service.

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

The House bill contained a provision (sec. 511) that would modify section 14502(b) of title 10, United States Code, to

conform the authority for convening special selection boards for Reserve officers with the authority for Active-Duty officers in cases in which an officer is considered by a mandatory promotion board, but is not selected due to a material error of fact, material administrative error, or the board did not have before it material information for its consideration.

The Senate amendment contained a similar provision (sec. 512).

The Senate recesses.

*Increase in number of days of Active Duty required to be performed by reserve component members for duty to be considered Federal service for purposes of unemployment compensation for ex-servicemembers (sec. 513)*

The Senate amendment contained a provision (sec. 592) that would increase from 90 to 180 days the number of continuous days of Active Duty required to be performed by reserve component members for that duty to be considered satisfactory federal service for purposes of unemployment compensation for ex-servicemembers.

The House bill contained no similar provision.

The House recesses.

*Temporary authority to use Air Force reserve component personnel to provide training and instruction regarding pilot training (sec. 514)*

The Senate amendment contained a provision (sec. 514) that would authorize the Secretary of the Air Force to utilize, during fiscal year 2016, up to 50 Active, Guard, and Reserve (AGR) members and dual-status military technicians to provide training and instruction to active duty and foreign military personnel in excess of what is currently authorized by the AGR and military technician statutes. The provision would also require the Secretary, by no later than 180 days after the date of enactment of this Act, to provide the Committees on Armed Services of the Senate and House of Representatives a report setting forth a plan to eliminate pilot training shortages within the Air Force using authorities available to the Secretary under current law.

The House bill contained no similar provision.

The House recesses with a technical amendment.

*Assessment of Military Compensation and Retirement Modernization Commission recommendation regarding consolidation of authorities*

*to order members of Reserve components to perform duty (sec. 515)*

The House bill contained a provision (sec. 521) that would require the Secretary of Defense and the Secretary of Homeland Security to prescribe policies and procedures for the Armed Forces when members of the Ready Reserve are ordered to active duty.

The House bill contained a provision (sec. 522) that would amend chapter 1209 of title 10, United States Code, to redesignate inactive duty of the Reserve component to encompass operational and other duties performed while in an active duty status.

The House bill contained a provision (sec. 523) that would amend chapter 1209 of title 10, United States Code, to add a new subchapter on the purpose of Reserve duty.

The House bill contained a provision (sec. 524) that would amend chapter 5 of title 32, United States Code, and insert a new section on training and other duty performed by members of the National Guard.

The House bill contained a provision (sec. 525) that would make certain conforming and clerical amendments related to the authorities to be added or modified by sections 521, 522, 523 and 524 of the House bill.

The House bill contained a provision (sec. 526) that would require the Secretary of Defense and the Secretary of the Homeland Security to submit a plan to the Committees on Armed Services of the Senate and of the House of Representatives, to implement the authorities to be added or modified by sections 521, 522, 523, 524 and 525 of the House bill.

The Senate amendment contained no similar provisions.

The Senate recedes with an amendment that would require the Secretary of Defense to submit a report to the Committees on Armed Services of the Senate and the House of Representatives, not later than 180 days after the date of enactment of this Act, containing the Secretary's assessment of the Military Compensation and Retirement Modernization Commission's recommendation to consolidate the statutory authorities by which members of the reserve components may be ordered to perform duty. The report shall include the Secretary's assessment of the Commission's recommendation to consolidate 30 Reserve Component duty statuses into 6 broader statuses, with an analysis of each of the statuses recommended by the Commission. If the Secretary determines that a different consolidation is preferable, the report should clearly articulate why the Secretary's recommendation is preferable to the specific recommendation of the Commission. The report should include draft legislation to

implement the recommendations of the Secretary not later than 1 October 2018.

## **SUBTITLE C—GENERAL SERVICE AUTHORITIES**

*Limited authority for Secretary concerned to initiate applications for correction of military records (sec. 521)*

The Senate amendment contained a provision (sec. 586) that would amend section 1552(b) of title 10, United States Code, to authorize the service secretaries to apply for a correction to military records on behalf of an individual.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize the service secretaries to initiate an application on behalf of a group of members or former members who were similarly harmed by the same error or injustice.

*Temporary authority to develop and provide additional recruitment incentives (sec. 522)*

The House bill contained a provision (sec. 531) that would authorize the service secretaries to develop new incentives to encourage recruitment into the Armed Forces. If a service secretary utilizes the authority provided, they shall submit a report to the congressional defense committees.

The Senate amendment contained no similar provision.

The conference agreement includes this provision.

*Expansion of authority to conduct pilot programs on career flexibility to enhance retention of members of the Armed Forces (sec. 523)*

The House bill contained a provision (sec. 532) that would modify section 533 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417) to remove the prohibition for participation by members of the Armed Forces serving under an agreement upon entry, or members receiving a critical military skill retention bonus under section 355 of title 37, United States Code, from participating in pilot programs on career flexibility to enhance retention. The provision would also remove the restriction that limits the number of participants in the program to 20 officers and 20 enlisted members who may be selected to participate in the pilot program during a calendar year.

The Senate amendment contained a similar provision (sec. 522).

The Senate recesses.

*Modification of notice and wait requirements for change in ground combat exclusion policy for female members of the Armed Forces (sec. 524)*

The House bill contained a provision (sec. 533) that would amend section 652(a) of title 10, United States Code, to prescribe a notice requirement of not less than 30 calendar days before certain changes in assignment policies for women are implemented.

The Senate amendment contained no similar provision.  
The Senate recesses.

*Role of Secretary of Defense in development of gender-neutral occupational standards (sec. 525)*

The House bill contained a provision (sec. 534) that would require the Secretary of Defense to include measuring the combat readiness of combat units, including special operations forces, when developing gender-neutral occupational standards.

The Senate amendment contained a similar provision (sec. 523).

The Senate recesses.

The conferees note that the development of gender-neutral occupational standards is vital in determining the occupational assignments of all members of the Armed Forces. The conferees believe that studies being conducted by the Armed Forces are important to the development of these standards and should incorporate the best scientific practices available and that the Armed Forces should consider these studies carefully to ensure they do not result in unnecessary barriers to service and that decisions on occupational assignments be based on objective analysis and not negatively impact combat effectiveness, including units whose primary mission is to engage in direct ground combat at the tactical level.

*Establishment of process by which members of the Armed Forces may carry an appropriate firearm on a military installation (sec. 526)*

The House bill contained a provision (sec. 539) that would require the Secretary of Defense to establish a process by which the commander of a military installation in the United States may authorize a member of the Armed Forces who is assigned to

duty at the installation to carry a concealed personal firearm on the installation.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would require the Secretary of Defense to establish a process by which the commander of a military installation in the United States, reserve center, recruiting center, or other defense facility may authorize a member of the Armed Forces who is assigned to the installation or facility to carry an appropriate firearm on the installation if the commander determines it necessary as a personal or force-protection measure. The amendment requires the Secretary of Defense to consider the views of senior leadership of military installations in establishing the process.

The conferees remain concerned about the response times to active shooter attacks on U.S. military installations and facilities. We believe that such response times should be diminished in order to protect U.S. servicemembers and their families. The conferees believe that commanders of U.S. military installations and facilities should take steps to arm additional personnel in order to diminish response times to active shooter attacks if they believe that arming those personnel will contribute to that goal.

*Establishment of breastfeeding policy for the Department of the Army (sec. 527)*

The House bill contained a provision (sec. 537) that would require the Secretary of the Army to establish a comprehensive policy on breastfeeding by female servicemembers of the Army.

The Senate amendment contained no similar provision.

The Senate recesses.

*Sense of Congress recognizing the diversity of the members of the Armed Forces (sec. 528)*

The House bill contained a provision (sec. 538) that would express the sense of Congress that the United States should recognize and promote diversity in the Armed Forces and honor those from all diverse backgrounds and religious traditions serving in the Armed Forces.

The Senate amendment contained a similar provision (sec. 524).

The House recesses.

## **SUBTITLE D—MILITARY JUSTICE, INCLUDING SEXUAL ASSAULT AND DOMESTIC PREVENTION AND RESPONSE**

*Enforcement of certain crime victim rights by the Court of Criminal Appeals (sec. 531)*

The Senate amendment contained a provision (sec. 549) that would amend section 806b of title 10, United States Code, (Article 6b, Uniform Code of Military Justice (UCMJ)), to authorize an interlocutory appeal to the Court of Criminal Appeals by a victim based on an assertion that the victim's rights at an Article 32, UCMJ, investigation were violated or that the victim is subject to an order to submit to a deposition notwithstanding the fact that the victim is available to testify at a court-martial.

The House bill contained no similar provision.

The House recedes with an amendment authorizing a victim to petition the Court of Criminal Appeals for a writ of mandamus based on an assertion that the victim's rights at an Article 32, UCMJ, investigation were violated or that the victim is subject to an order to submit to a deposition notwithstanding the fact that the victim is available to testify at a court-martial.

*Department of Defense civilian employee access to Special Victims' Counsel (sec. 532)*

The House bill contained a provision (sec. 542) that would amend section 1044e(a)(2) of title 10, United States Code, to offer Special Victims' Counsel services to a civilian employee of the Department of Defense who is a victim of a sex-related offense, when authorized by the Secretary of Defense or the secretary of the military department concerned.

The Senate amendment contained no similar provision.

The Senate recedes.

*Authority of Special Victims' Counsel to provide legal consultation and assistance in connection with various government proceedings (sec. 533)*

The House bill contained a provision (sec. 544) that would amend section 1044e(b) of title 10, United States Code, to authorize Special Victims' Counsel to represent and assist clients in actions or proceedings that, in the judgment of the Special Victims' Counsel, may have been undertaken in

retaliation for the victim's report of an alleged sex-related offense or for the victim's involvement in related military justice proceedings.

The Senate amendment contained a similar provision (sec. 552).

The House recesses.

*Timely notification to victims of sex-related offenses of the availability of assistance from Special Victims' Counsel (sec. 534)*

The House bill contained a provision (sec. 545) that would amend section 1044e(f)(1) of title 10, United States Code, to require the victim to be provided notice of the availability of Special Victims' Counsel before being interviewed by a person identified or designated by the Secretary concerned concerning the alleged sex-related offense, or before being requested to provide a statement.

The Senate amendment contained a similar provision (sec. 551).

The Senate recesses with an amendment that would require that a victim of a sex-related offense be provided notice of the availability of a Special Victims' Counsel before any military criminal investigator or trial counsel interviews, or requests any statement from, the individual regarding the alleged sex-related offense, subject to such exceptions for exigent circumstances as the Secretary may prescribe.

*Additional improvements to Special Victims' Counsel program (sec. 535)*

The House bill contained a provision (sec. 541) that would amend section 1044e(d) of title 10, United States Code, to require the Secretary of Defense to direct the military departments to implement additional selection requirements requiring adequate criminal justice experience before they are assigned as Special Victims' Counsel and to prescribe standardized training requirements. The House provision would also amend section 1044e(e) of title 10, United States Code, to require the Secretary of Defense to establish program performance measures and standards to provide centralized, standardized oversight and assessment of Special Victims' Counsel program effectiveness and client satisfaction. The amendment would also require the Secretary of Defense to require the military departments to conduct regular evaluations to ensure Special Victims' Counsel are assigned to locations that maximize the opportunity for face-to-face interactions between

counsel and clients, and to develop effective means for interaction between counsel and clients when face-to-face communication is not feasible.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that does not include the requirement for "adequate" military justice experience. The conferees note that there is no similar requirement for adequate military justice experience for trial counsel or defense counsel. We expect the Judge Advocates General and the Staff Judge Advocate to the Commandant of the Marine Corps to carefully select and train the optimal candidates to effectively and zealously perform Special Victims' Counsel duties.

*Enhancement of confidentiality of restricted reporting of sexual assault in the military (sec. 536)*

The Senate amendment contained a provision (sec. 553) that would amend subsection (b) of section 1565b of title 10, United States Code, to provide that federal law protecting the privacy of victims who are servicemembers or adult military dependents and who file restricted reports of sexual assault would preempt any state laws that require mandatory reporting made to a sexual assault response coordinator, a sexual assault victim advocate, or healthcare personnel providing assistance to a military sexual assault victim under section 1525b of title 10, United States Code, except when reporting is necessary to prevent or mitigate a serious and imminent threat to the health or safety of an individual.

The House bill contained no similar provision.

The House recesses with a technical amendment.

The conferees expect that the Department of Defense will take all necessary action to ensure that Department personnel are fully supported and vigorously represented in response to any actions by a state licensing authority considering potentially adverse licensing or similar credentialing action based on actions of an officer or employee of the Department who acts in an official professional capacity in reliance on this authority.

*Modification of deadline for establishment of Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces (sec. 537)*

The Senate amendment contained a provision (sec. 555) that would amend section 546(a)(2) of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year

2015 (Public Law 113-291) to require the Secretary of Defense to establish the Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces not later than 90 days after enactment of this Act.

The House bill contained no similar provision.

The House recesses.

The conferees note that the Judicial Proceedings Panel (JPP) has already gathered a significant number of documents provided by the Department of Defense, and encourage the Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces to make full use of the information already gathered by and for the JPP.

*Improved Department of Defense prevention and response to sexual assaults in which the victim is a male member of the Armed Forces (sec. 538)*

The House bill contained a provision (sec. 550) that would require the Secretary of Defense to develop a plan to improve prevention and response to sexual assaults in which the victim is a male member of the Armed Forces.

The Senate amendment contained no similar provision.

The Senate recesses.

*Preventing retaliation against members of the Armed Forces who report or intervene on behalf of the victim of an alleged sex-related offense (sec. 539)*

The House bill contained a provision (sec. 549) that would require the Secretary of Defense to establish a comprehensive strategy to prevent retaliation carried out by members of the Armed Forces against other members who report or otherwise intervene on behalf of the victim in instances of sexual assault.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would require a briefing on the strategy to prevent retaliation be provided to the Committees on Armed Services of the Senate and of the House of Representatives not later than 180 days from enactment of this Act.

*Sexual assault prevention and response training for administrators and instructors of Senior Reserve Officers' Training Corps (sec. 540)*

The House bill contained a provision (sec. 551) that would require the secretary of a military department to ensure that

commanders of each unit of the Junior and Senior Reserve Officers' Training Corps, all Professors of Military Science, senior military instructors and civilians detailed, assigned or employed as administrators and instructors of the Reserve Officers' Training Corps receive regular sexual assault prevention and response training and education. The provision also required that secretaries of the military departments ensure information regarding legal assistance and the sexual assault and prevention program is made available to such personnel.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require service secretaries to ensure that the commander of each unit of the Senior Reserve Officers' Training Corps and all Professors of Military Science, senior military instructors, and civilian employees detailed, assigned, or employed as administrators and instructors of the Senior Reserve Officers' Training Corps receive regular sexual assault prevention and response training and education.

*Retention of case notes in investigations of sex-related offenses involving members of the Army, Navy, Air Force, or Marine Corps (sec. 541)*

The House bill contained a provision (sec. 554) that would require the Secretary of Defense to update records retention policies, not later than 180 days after the date of enactment of this Act, to ensure that all elements of the case file related to an alleged sex-related offense be retained as part of the investigative records retained in accordance with section 3500 of title 18, United States Code, and section 586 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81).

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

*Comptroller General of the United States reports on prevention and response to sexual assault by the Army National Guard and the Army Reserve (sec. 542)*

The Senate amendment contained a provision (sec. 556) that would require the Comptroller General of the United States to submit a report of 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, and provide medical and mental health services to members of the Army National Guard

and Army Reserve following a sexual assault, and to identify whether service in the Army National Guard or Army Reserve pose challenges to the prevention of or response to sexual assault. The Comptroller General will provide the initial report to Congress not later than April 1, 2016.

The House bill contained no similar provision.

The House recesses.

*Improved implementation of changes to Uniform Code of Military Justice (sec. 543)*

The House bill contained a provision (sec. 558) that would require the Secretary of Defense to examine the Department of Defense and interagency review process for implementing statutory changes to the Uniform Code of Military Justice (UCMJ), and to adopt such changes as required to streamline the process and to ensure that legal guidance is published at the same time as statutory changes to the UCMJ are implemented.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would limit the scope of the Secretary of Defense review to the process within the Department of Defense, and to require that legal guidance is issued as soon as practicable after statutory changes to the UCMJ are implemented.

*Modification of Rule 104 of the Rules for Courts-Martial to establish certain prohibitions concerning evaluations of Special Victims' Counsel (sec. 544)*

The Senate amendment contained a provision (sec. 547) that would require that Rule 104(b) of the Rules for Courts-Martial be modified within 180 days after the date of enactment of this Act to prohibit giving a less favorable rating to any member of the Armed Forces serving as a Special Victims' Counsel because of the zeal with which such counsel represented a victim.

The House bill contained no similar provision.

The House recesses.

*Modification of Rule 304 of the Military Rules of Evidence relating to the corroboration of a confession or admission (sec. 545)*

The Senate amendment contained a provision (sec. 546) that would amend Rule 304(c) of the Military Rules of Evidence to provide that a confession by an accused may be considered as evidence against the accused only if independent evidence,

direct or circumstantial, has been admitted into evidence that would tend to establish the trustworthiness of the confession.

The House bill contained no similar provision.

The House recesses with an amendment that would, to the extent the President considers practicable, authorize the President to modify Rule 304(c) of the Military Rules of Evidence to conform to the rules governing the corroboration of admissions and confessions in the trial of criminal cases in the United States district courts.

## **SUBTITLE E—MEMBER EDUCATION, TRAINING, AND TRANSITION**

### *Enhancements to Yellow Ribbon Reintegration Program (sec. 551)*

The House bill contained a provision (sec. 563) that would: (1) expand eligibility for the Yellow Ribbon Reintegration Program; (2) authorize the Secretary of Defense to enter into partnerships or offer grants for the provision of quality-of-life services under the program; (3) provide flexibility in the number of events and activities provided under the program; and (4) require the Office of Reintegration Programs to collect and analyze best practices in suicide prevention.

The Senate amendment contained a similar provision (sec. 588).

The Senate recesses.

### *Availability of pre-separation counseling for members of the Armed Forces discharged or released after limited Active Duty (sec. 552)*

The House bill contained a provision (sec. 561) that would exclude any day on which a member performed full-time training or annual training duty and attendance designated as a service school from the calculation of continuous days of Active Duty for the purposes of pre-separation counseling.

The Senate amendment contained a similar provision (sec. 521).

The Senate recesses.

### *Availability of additional training opportunities under Transition Assistance Program (sec. 553)*

The House bill contained a provision (sec. 562) that would require the Secretaries of Defense and Homeland Security to

permit a member of the Armed Forces to receive additional training under the Transition Assistance Program in preparation for higher education or training, career or technical training, or entrepreneurship.

The Senate amendment contained no similar provision.

The Senate recesses.

*Modification of requirement for in-resident instruction for courses of instruction offered as part of Phase II Joint Professional Military Education (sec. 554)*

The Senate amendment contained a provision (sec. 536) that would amend section 2154 of title 10, United States Code, to remove the statutory minimum residency requirements for Joint Professional Military Education Phase II courses taught at the Joint Forces Staff College. The provision would also repeal section 2156 of title 10, United States Code, to repeal the requirement that the duration of the principal course of instruction offered at the Joint Forces Staff College may not be less than 10 weeks of resident instruction, and allow the Secretary of Defense or the Chairman of the Joint Chiefs of Staff to designate and certify various curricula and delivery methods that adhere to joint curricula content, student acculturation, and faculty requirements.

The House bill contained no similar provision.

The House recesses with an amendment that would authorize Joint Professional Military Education Phase II courses to be taught in residence at or offered through the Joint Forces Staff College or senior level service school designated as a joint professional military education institution.

*Termination of program of educational assistance for reserve component members supporting contingency operations and other operations (sec. 555)*

The Senate amendment contained a provision (sec. 532) that would sunset the program of educational assistance for reserve component members supporting contingency operations and other operations 4 years after the date of enactment of this Act.

The House bill contained no similar provision.

The House recesses.

*Appointments to military service academies from nominations made by Delegates in Congress from the Virgin Islands, Guam, American*

*Samoa, and the Commonwealth of the Northern Mariana Islands*  
(sec. 556)

The House bill contained a provision (sec. 564) that would increase the number of nominations to the military service academies that may be nominated by Delegates in Congress from the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

The Senate amendment contained no similar provision.  
The Senate recesses.

*Support for athletic programs of the United States Military Academy* (sec. 557)

The Senate amendment contained a provision (sec. 538) that would add a new section 4362 to title 10, United States Code, that would authorize the Secretary of the Army to:

(1) Enter into contracts and cooperative agreements with the Army West Point Athletic Association (Association) for the purpose of supporting the athletic and physical fitness programs of the United States Military Academy (Academy);

(2) Establish financial controls to account for resources of the Academy and the Association, in accordance with accepted accounting principles;

(3) Enter into leases or licenses for the purpose of supporting the athletic and physical fitness programs of the Academy;

(4) Provide support services to the Association;

(5) Accept from the Association funds, supplies, and services to support the athletic and physical fitness programs of the Academy; and

(6) Enter into contracts and cooperative agreements with the Association.

The provision would also authorize the Association to enter into licensing, marketing, and sponsorship agreements relating to trademark and service marks identifying the Academy, subject to the approval of the Secretary of the Army.

The House bill contained no similar provision.

The House recesses with an amendment clarifying that the authority granted in this provision is limited to athletic programs and not to physical fitness programs. The conferees note this limitation is consistent with the authorities granted for the other service academies.

*Condition on admission of defense industrial civilians to attend the United States Air Force Institute of Technology* (sec. 558)

The House bill contained a provision (sec. 591) that would amend Section 9314a(c)(2) of title 10, United States Code, to provide conditions on admission of defense industry civilians who attend the United States Air Force Institute of Technology.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would remove the requirement that admission of defense industry civilians to the United States Air Force Institute of Technology be on a space-available basis as long as such attendance does not require an increase in the size of the faculty, course offerings, or laboratory facilities of the school.

*Quality assurance of certification programs and standards for professional credentials obtained by members of the Armed Forces (sec. 559)*

The Senate amendment contained a provision (sec. 537) that would amend section 2015 of title 10, United States Code, as amended by section 551 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291) to require the secretaries of the military departments to ensure the accreditation provided for servicemembers meet recognized national and international standards.

The House bill contained no similar provision.

The House recedes.

*Prohibition on receipt of unemployment insurance while receiving post-9/11 educational assistance (sec. 560)*

The Senate amendment contained a provision (sec. 535) that would clarify that individuals receiving Post-9/11 Education Assistance may not also receive unemployment insurance while receiving the post-9/11 education benefit.

The House bill contained no similar provision.

The House recedes with a technical amendment that would exempt individuals who were involuntarily separated from service under honorable conditions.

*Job training and post-service placement executive committee (sec. 561)*

The House bill contained a provision (sec. 566) that would amend section 320 of title 38, United States Code, to establish a Job Training and Post-Service Placement Executive Committee under the Department of Veterans Affairs-Department of Defense Joint Executive Committee, to review existing job training and

post-service placement programs and to identify changes to improve job training and post-service placement.

The Senate amendment contained no similar provision.  
The Senate recesses.

*Recognition of additional involuntary mobilization duty authorities exempt from five-year limit on reemployment rights of persons who serve in the uniformed services (sec. 562)*

The House bill contained a provision (sec. 565) that would amend section 4312(c)(4)(A) of title 38, United States Code, to insert additional involuntary mobilization authorities as exempt from the 5-year limit on reemployment rights of persons who serve in the uniformed services.

The Senate amendment contained no similar provision.  
The Senate recesses.

*Expansion of outreach for veterans transitioning from serving on Active Duty (sec. 563)*

The Senate amendment contained a provision (sec. 1083) that would amend the Clay Hunt Suicide Prevention for American Veterans Act (Public Law 114-2) to expand outreach for veterans transitioning from Active Duty to inform those individuals of community oriented veteran peer support networks and other support programs available to them.

The House bill contained no similar provision.  
The House recesses with a technical amendment.

**SUBTITLE F—DEFENSE DEPENDENTS' EDUCATION  
AND MILITARY FAMILY READINESS MATTERS**

*Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees (sec. 571)*

The House bill contained a provision (sec. 571) that would authorize \$30.0 million in impact act aid to assist local education agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.

The Senate amendment contained a provision (sec. 561) that would authorize \$25.0 million in impact aid to assist local education agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.

The agreement includes the Senate provision.

*Impact aid for children with severe disabilities (sec. 572)*

The Senate amendment contained a provision (sec. 562) that would authorize \$5.0 million in impact-aid for children with severe disabilities.

The House bill contained no similar provision.

The House recesses.

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. 573)

The Senate amendment contained a provision (sec. 563) that would amend section 2243 of title 10, United States Code, to include overseas defense dependents' school located in a territory, commonwealth, or possession of the United States.

The House bill contained no similar provision.

The House recesses.

*Family support programs for immediate family members of members of the Armed Forces assigned to special operations forces (sec. 574)*

The House bill contained a provision (sec. 572) that would extend the family support program authority provided for immediate family members of members of the Armed Forces assigned to Special Operations Forces in section 554 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66) by 2 years, from 2016 to 2018.

The Senate amendment contained no similar provision.

The Senate recesses with a clarifying amendment.

## **SUBTITLE G—DECORATIONS AND AWARDS**

*Authorization for award of the Distinguished-Service Cross for acts of extraordinary heroism during the Korean war (sec. 581)*

The House bill contained a provision (sec. 581) that would waive the time limitations specified in section 3744 of title 10, United States Code, to authorize the Secretary of the Army to award the Distinguished-Service Cross under section 3742 of such title to Edward Halcomb, who distinguished himself by acts of exceptional heroism while serving in Korea during the Korean War as a member of the United States Army in the grade of Private First Class, in Company B, 1st Battalion, 29th Infantry

Regiment, 24th Infantry Division from August 20, 1950 to October 19, 1950.

The Senate amendment contained no similar provision.

The Senate recesses.

## **SUBTITLE H—MISCELLANEOUS REPORTS AND OTHER MATTERS**

*Coordination with non-government suicide prevention organizations and agencies to assist in reducing suicides by members of the Armed Forces (sec. 591)*

The House bill contained a provision (sec. 595) that would require the Secretary of Defense to develop a policy to coordinate the efforts of the Department of Defense and non-governmental suicide prevention organizations and to submit that policy to the Committees on Armed Services of the Senate and the House of Representatives.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would authorize the Secretary of Defense, in consultation with the service secretaries, to develop a policy to coordinate the efforts of the Department of Defense and non-government suicide prevention organizations.

*Extension of semiannual reports on the involuntary separation of members of the Armed Forces (sec. 592)*

The Senate amendment contained a provision (sec. 571) that would amend section 525(a) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239) to extend the requirement for semiannual reports on involuntary separation of members of the Armed Forces through calendar year 2017.

The House bill contained no similar provision.

The House recesses.

*Report on preliminary mental health screenings for individuals becoming members of the Armed Forces (sec. 593)*

The House bill contained a provision (sec. 598) that would require the Secretary of Defense to provide a mental health screening to individuals prior to enlisting or commissioning in the Armed Forces.

The Senate amendment contained a provision (sec. 736) that would require the Secretary of Defense to provide a report, not later than 180 days after enactment of this Act, to the

Committees on Armed Services of the Senate and the House of Representatives on mental health screenings of individuals enlisting or accessioning into the Armed Forces.

The House recedes with an amendment that would require the Secretary to submit a report to the Committees on Armed Services of the Senate and the House of Representatives on the feasibility of conducting a mental health screening before the enlistment or accession of an individual into the Armed Forces.

*Report regarding new rulemaking under the Military Lending Act and Defense Manpower Data Center reports and meetings (sec. 594)*

The House bill contained a provision (sec. 599) that would require the Secretary of Defense to submit to Congress a report that discusses the ability and reliability of the Defense Manpower Data Center (DMDC) to meet real-time requests for accurate information needed for lenders to make a determination whether a borrower is covered by the Military Lending Act. Beginning 6 months after the date of enactment of this Act, and continuing every 6 months thereafter, the Director of DMDC will report on the accuracy and reliability of DMDC systems. The Director of DMDC would be further required to provide a report on plans to strengthen the capabilities of the DMDC to improve identification of covered borrowers and policyholders under military consumer protection laws. The Director of DMDC would be required to meet regularly with private sector users of DMDC systems concerning issues with DMDC systems facing such users with the first meeting to take place 3 months after enactment of this Act.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

*Remotely piloted aircraft career field manning shortfalls (sec. 595)*

The Senate amendment contained a provision (sec. 572) that would require the Secretary of the Air Force to submit a report to the congressional defense committees on remotely piloted aircraft career field manning levels and actions the Air Force will take to rectify personnel shortfalls. The provision would also limit the availability of not more than 85 percent of the fiscal year 2016 operation and maintenance funding for the Office of the Secretary of the Air Force until 15 days following the submission of the required report.

The House bill contained no similar provision.

The House recedes.

## LEGISLATIVE PROVISIONS NOT ADOPTED

*Authority of promotion boards to recommend officers of particular merit be placed at the top of the promotion list*

The Senate amendment contained a provision (sec. 501) that would amend section 616 of title 10, United States Code, to authorize an officer promotion board to recommend officers of particular merit to be placed at the top of the promotion list.

The House bill contained no similar provision.

The Senate recedes.

The conferees agree there is a need to review and modernize procedures to select officers for promotion. They encourage the Department of Defense to develop recommendations to enhance the flexibility of service officer promotion boards to identify and select officers of particular merit for early promotion. The services and career-oriented officers will both benefit if the procedures that result are viewed by all stakeholders as objective and fair.

*Minimum grades for certain corps and related positions in the Army, Navy, and Air Force*

The Senate amendment contained a provision (sec. 502) that would amend various provisions of title 10, United States Code, to revise general or flag officer grades in the Army, Navy and Air Force.

The provision would amend section 3023(a) of title 10, United States Code, to require that the Army Chief of Legislative Liaison be an officer in a grade above the grade of colonel.

The provision would amend section 3039(b) of title 10, United States Code, to require that the Army Assistant Surgeon General be an officer in a grade above the grade of colonel.

The provision would amend section 3069(b) of title 10, United States Code, to require that the Chief of the Army Nurse Corps be an officer in a grade above the grade of colonel.

The provision would amend section 3084 of title 10, United States Code, to require that the Army Chief of the Veterinary Corps be an officer in a grade above the grade of lieutenant colonel.

The provision would amend section 5027(a) of title 10, United States Code, to require that the Navy Chief of Legislative Affairs be an officer in a grade above the grade of captain.

The provision would amend section 5138 of title 10, United States Code, to require that the Navy Chief of the Dental Corps

be an officer in a grade above the grade of captain. The provision would also remove the authority in section 5138(b) that entitles the Navy Chief of the Dental Corps to the same privileges of retirement as provided for chiefs of bureaus in section 5133 of title 10, United States Code.

The provision would amend section 5150(c) of title 10, United States Code, to require that the Navy Directors of Medical Corps be officers in a grade above the grade of captain.

The provision would amend section 8023(a) of title 10, United States Code, to require that the Air Force Chief of Legislative Liaison be an officer in a grade above the grade of colonel.

The provision would amend section 8069(b) of title 10, United States Code, to require that the Chief of the Air Force Nurse Corps be an officer in a grade above the grade of colonel.

The provision would amend section 8081 of title 10, United States Code, to require that the Air Force Assistant Surgeon General for Dental Services be an officer in a grade above the grade of colonel.

The provision would provide that in the case of an officer who on the date of enactment of the Act is serving in a position that is covered by this provision, the continued service of that officer in such position after the date of enactment of the Act shall not be affected by the provision.

The House bill contained no similar provision.

The Senate recedes.

#### *Authority to designate certain Reserve officers as not to be considered for selection for promotion*

The Senate amendment contained a provision (sec. 511) that would modify section 14301 of title 10, United States Code, to authorize the secretaries of the military departments to defer promotion consideration for reserve component officers in a non-participatory (membership points only) status.

The House bill contained no similar provision.

The Senate recedes.

#### *Exemption of military technicians (dual status) from civilian employee furloughs*

The House bill contained a provision (sec. 513) that would exempt military technicians (dual status) from civilian employee furloughs.

The Senate amendment contained no similar provision.

The House recesses.

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

The Senate amendment contained a provision (sec. 513) that would amend section 12102(b) of title 10, United States Code, to align the citizenship or residency requirements for enlistment in the reserve components of the Armed Forces with the citizenship requirements for the active components.

The House bill contained no similar provision.

The Senate recesses.

*Annual report on personnel, training, and equipment requirements for the non-federalized National Guard to support civilian authorities in prevention and response to non-catastrophic domestic disasters*

The House bill contained a provision (sec. 514) that would amend section 10504 of title 10, United States Code, to require the Chief of the National Guard Bureau to submit to the congressional defense committees and a list of other officials an annual report on the personnel, training, and equipment requirements for the non-federalized National Guard to support civilian authorities in the prevention and response to non-catastrophic domestic disasters.

The Senate amendment contained a similar provision (sec. 1066) that would amend section 10504 of title 10, United States Code, to require the Chief of the National Guard Bureau to submit to the congressional defense committees and a list of other officials an annual report on the ability of the National Guard to carry out its federal missions and its ability to carry out emergency support functions of the National Response Framework.

The House recesses.

The Senate recesses.

The conference report does not include this provision.

*National Guard civil and defense support activities and related matters*

The House bill contained a provision (sec. 515) that would amend chapter 1 of title 32, United States Code, related to the National Guard's conduct of the Modular Airborne Fire Fighting System mission.

The Senate amendment contained no similar provision.

The House recesses.

*Electronic tracking of operational active-duty service performed by members of the Ready Reserve of the Armed Forces*

The House bill contained a provision (sec. 516) that would require the Secretary of Defense to establish an electronic tracking system for members of the Ready Reserve of the Armed Forces to track their operational Active-Duty service performed after January 28, 2008.

The Senate amendment contained no similar provision.

The House recesses.

The conferees direct the Secretary of Defense to submit to the congressional defense committees a report within 90 days of enactment, on the implementation of section 632 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66), which requires the Secretary of Defense to periodically notify each member of the Ready Reserve of reduced eligibility age.

*Limitation on tuition assistance for off-duty training or education*

The Senate amendment contained a provision (sec. 531) that would require the Secretary of Defense to certify that assistance for off-duty training or education was related to a servicemember's professional development.

The House bill contained no similar provision.

The Senate recesses.

The conferees note that the Secretary of Defense should ensure that servicemembers are utilizing the tuition assistance benefit to further their professional goals through education by encouraging counseling and advising to assist with establishing a plan unique to each servicemember's professional development.

*Reports on educational levels attained by certain members of the Armed Forces at time of separation from the Armed Forces*

The Senate amendment contained a provision (sec. 533) that would require a report on the educational levels attained by certain members of the Armed Forces at the time they separate from the Armed Forces.

The House bill contained no similar provision.

The Senate recesses.

*Sense of Congress on transferability of unused education benefits to family members*

The Senate amendment contained a provision (sec. 534) that would express the sense of Congress that each Secretary concerned should exercise the authority to be more selective in permitting the transferability of unused education benefits to family members in a manner that encourages the retention of individuals in the Armed Forces.

The House bill contained no similar provision.

The agreement does not include this provision.

*Burdens of proof applicable to investigations and reviews related to protected communications of members of the Armed Forces and prohibited retaliatory actions*

The House bill contained a provision (sec. 535) that would amend section 1034 of title 10, United States Code, to require the burdens of proof specified in section 1221(e) of title 5, United States Code, to apply in any investigation conducted by an inspector general under section 1034, any reviews by boards for correction of military records under sections 1034(c) or (d), and by the Secretary of Defense under section 1034(h).

The Senate amendment contained no similar provision.

The House recesses.

*Revision of name on military service record to reflect change in gender identity after separation from the Armed Forces*

The House bill contained a provision (sec. 536) that would amend section 1551 of title 10, United States Code, to require a service secretary to reissue a certificate of discharge of any person who, after separation from the Armed Forces, undergoes a change in gender identity and assumes a different name.

The Senate amendment contained no similar provision.

The House recesses.

*Online access to the higher education component of the Transition Assistance Program*

The Senate amendment contained a provision (sec. 539) that would authorize the Secretary of Veterans Affairs to notify servicemembers, veterans, or dependents of the availability of the higher education component of the Transition Assistance Program on the Transition GPS Standalone Training Internet web site of the Department of Defense. The provision would also direct the Secretary of Defense, in collaboration with the Secretary of Veterans Affairs, to assess the feasibility of providing access for veterans and dependents to the higher education component of the Transition Assistance Program on the

eBenefits Internet website of the Department of Veterans Affairs and tracking the completion of that component through that Internet web site.

The House bill contained no similar provision.

The Senate recesses.

*Access to Special Victims' Counsel for former dependents of members and former members of the Armed Forces*

The House bill contained a provision (sec. 543) that would amend section 1044e(a)(2) of title 10, United States Code, to authorize a person who is a former dependent of a member or former member of the Armed Forces to be offered Special Victims' Counsel services if the alleged sex-related offense was perpetrated by a person who is, or is reasonably believed to be, a person subject to the jurisdiction of the Uniform Code of Military Justice and occurred while the individual was a dependent of the member or former member.

The Senate amendment contained no similar provision.

The House recesses.

*Participation by victim in punitive proceedings and access to records*

The House bill contained a provision (sec. 546) that would require the victim of any offense that involves a victim to be provided an opportunity to submit matters for consideration in nonjudicial punishment proceedings, and to receive copies of prepared records of the proceedings without charge as soon as a decision is finalized. The provision would also amend chapter 59 of title 10, United States Code, to require the Secretary of Defense to prescribe regulations to provide victims an opportunity to submit matters concerning the impact of the offense on the victim for consideration by the person or board authorized to provide recommendations and act on administrative separation of enlisted members, and for boards of inquiry administrative separation proceedings for officers.

The Senate amendment contained no similar provision.

The House recesses.

*Victim access to report of results of preliminary hearing under Article 32 of the Uniform Code of Military Justice*

The House bill contained a provision (sec. 547) that would amend section 832(c) of title 10, United States Code (Article 32(c), Uniform Code of Military Justice), to require the preliminary hearing report prepared under this section to be

provided to the victim, without charge, at the same time as the report is delivered to the accused.

The Senate amendment contained no similar provision.

The House recesses.

*Minimum confinement period required for conviction of certain sex-related offenses committed by members of the Armed Forces*

The House bill contained a provision (sec. 548) that would amend section 856(b)(1) of title 10, United States Code (Article 56(b)(1), Uniform Code of Military Justice) to require a minimum punishment of a dismissal or dishonorable discharge and confinement for 2 years for servicemembers convicted of certain sex-related offenses.

The Senate amendment contained no similar provision.

The House recesses.

*Right of victims of offenses under the Uniform Code of Military Justice to timely disclosure of certain materials and information in connection with prosecution of offenses*

The Senate amendment contained a provision (sec. 548) that would amend section 806b(a) of title 10, United States Code, (Article 6b(a), UCMJ) to require timely disclosure by the trial counsel to a Special Victims' Counsel, if the victim is so represented, to charges and specifications related to any offenses, motions filed by trial or defense counsel, statements of the accused, statements of the victim in connection with the offense, portions of the government investigation relating to the victim, and the advice, if any, by a staff judge advocate recommending any charge or specification not be referred to trial.

The House bill contained no similar provision.

The Senate recesses.

The conferees encourage the Secretary of Defense to adopt an electronic system with capabilities similar to those of the Public Access to Court Electronic Records (PACER) system to provide Special Victims' Counsel, victims, and the general public with court-martial docketing information and case filings.

*Release to victims upon request of complete record of proceedings and testimony of courts-martial in cases in which sentences adjudged could include punitive discharge*

The Senate amendment contained a provision (sec. 550) that would amend section 854(e) of title 10, United States Code

(article 54(e), UCMJ), to expand the circumstances under which an alleged victim must be provided a copy of all prepared records of the proceedings of a court-martial.

The House bill contained no similar provision.

The Senate recesses.

Executive Order 13669, June 13, 2014, amended Rule for Courts-Martial 1103 to require that a free record of trial be provided to any victim named in a specification alleging a sex offense.

*Modification of Manual for Courts-Martial to require consistent preparation of the full record of trial*

The House bill contained a provision (sec. 552) that would require the amendment of Rule 1103 of the Manual for Courts-Martial relating to the preparation of the record of trial to require the trial counsel to prepare a complete record of trial for any general or special court-martial and that no content may be exempted from the record of trial based on the outcome of the court-martial proceeding.

The Senate amendment contained no similar provision.

The House recesses.

*Inclusion of additional information in annual reports regarding Department of Defense sexual assault prevention and response*

The House bill contained a provision (sec. 553) that would amend section 1631(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383) to require information on cases under the Family Advocacy Program, sexual harassment involving members of the Armed Forces, and reports of retaliation against victims of sexual assault to be included in reports required to be submitted under section 1631 of that Act by March 1, 2016.

The Senate amendment contained no similar provision.

The House recesses.

*Establishment of Office of Complex Investigations within the National Guard Bureau*

The Senate amendment contained a provision (sec. 554) that would add a new section to Chapter 1101 of title 10, United States Code, that would establish an Office of Complex Investigations within the National Guard Bureau (NGB), with authority to assist the States in administrative investigations of sexual assault involving members of the National Guard, and circumstances involving members of the Guard where States have

limited jurisdiction or authority and such other circumstances as the Chief of the NGB directs.

The House bill contained no similar provision.

The Senate recesses.

The conferees believe that this legislation is unnecessary as the Office of Complex Investigations has already been established in the National Guard Bureau.

*Additional guidance regarding release of mental health records of Department of Defense medical treatment facilities in cases involving any sex-related offense*

The House bill contained a provision (sec. 555) that would require the Secretary of Defense to issue uniform guidance with respect to mental health records of the alleged victim in any case involving any sex-related offense to require that such records are neither sought by investigators or military justice practitioners nor acknowledged or released by the medical treatment facility except as ordered by a military judge or hearing officer described in section 832(b) of title 10, United States Code, (Article 32(b), Uniform Code of Military Justice).

The Senate amendment contained no similar provision.

The House recesses.

The conferees understand that the release of mental health records can constitute an invasion of privacy. Conferees are also aware that overly broad restrictions on release of mental health records could adversely impact necessary law enforcement investigations such as when the alleged victim is deceased. The conferees direct the Secretary of Defense to issue specific, uniform guidance regarding release of mental health records to ensure an appropriate balance between the interests of law enforcement and victim privacy.

*Public availability of records of certain proceedings under the Uniform Code of Military Justice*

The House bill contained a provision (sec. 556) that would require the Secretary of Defense to make available to the public, electronically through a website of the Department of Defense, specified information for all proceedings under the Uniform Code of Military Justice (UCMJ) including special and general courts-martial, actions by a convening authority under section 860 of title 10, United States Code (Article 60, UCMJ), reviews conducted by the Courts of Criminal Appeals under section 866 (Article 66, UCMJ) and reviews conducted by the Court of Appeals for the Armed Forces under section 867 (Article 67, UCMJ).

The Senate amendment contained no similar provision.  
The House recesses.

The conferees encourage the Secretary of Defense to adopt an electronic system with capabilities similar to those of the Public Access to Court Electronic Records (PACER) system to provide Special Victims' Counsel, victims, and the general public with court-martial docketing information and case filings.

*Revision of Department of Defense Directive-Type memorandum 15-003, relating to registered sex offender identification, notification, and monitoring in the Department of Defense*

The House bill contained a provision (sec. 557) that would require the Secretary of Defense to revise the Department of Defense Directive-Type memorandum 15-003, relating to registered sex offender identification, notification, and monitoring in the Department of Defense.

The Senate amendment contained no similar provision.  
The House recesses.

This provision is no longer necessary as section 502 of the Justice for Victims of Trafficking Act of 2015 (Public Law 114-22), enacted on May 29, 2015, amends the Sex Offender Registration and Notification Act to require the Secretary of Defense to provide to the Attorney General information to be included in the National Sex Offender Registry and the Dru Sjodin National Sex Offender Public Website regarding certain sex offenders.

*Sense of Congress on the service of military families and on sentencing retirement-eligible members of the Armed Forces*

The Senate amendment contained a provision (sec. 557) that would express the sense of Congress that military juries should not face the difficult choice between imposing a fair sentence or protecting the benefits of a member of the Armed Forces for the sake of family members, that family members of retirement-eligible members should not be adversely affected by the loss of the member's military benefits as a result of a court-martial conviction, and welcoming the opportunity to work with the Department of Defense to develop authorities to improve the military justice system and protect benefits that military families have helped earn.

The House bill contained no similar provision.  
The Senate recesses.

*Biennial surveys of military dependents on military family readiness matters*

The Senate amendment contained a provision (sec. 564) that would require the Director of the Office of Family Policy of the Department of Defense to conduct biennial surveys of adult dependents of members of the Armed Forces on military family readiness matters.

The House bill contained no similar provision.

The Senate recesses.

*Direct employment pilot program for members of the National Guard and Reserve*

The House bill contained a provision (sec. 567) that would authorize a direct employment pilot program for members of the National Guard and Reserve in the amount of up to \$20.0 million per fiscal year.

The Senate amendment contained no similar provision.

The House recesses.

*Program regarding civilian credentialing for skills required for certain military occupational specialties*

The House bill contained a provision (sec. 568) that would amend section 558 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81) by adding additional military occupational specialties to the pilot program required under that section.

The Senate amendment contained no similar provision.

The House recesses.

*Mariner training*

The House bill contained a provision (sec. 569) that would amend section 2015 of title 10, United States Code, to require members of the Armed Forces whose duties are primarily as a mariner to receive training necessary to meet requirements for licenses and certificates for merchant mariners.

The Senate amendment contained no similar provision.

The House recesses.

*Report on civilian and military education to respond to future threats*

The House bill contained a provision (sec. 570) that would require a report from the Secretary of Defense on civilian and

military educational activities aimed at addressing future threats.

The Senate amendment contained no similar provision.  
The House recesses.

*Availability of cyber security and IT certifications for Department of Defense personnel critical to network defense*

The House bill contained a provision (sec. 570a) that would authorize the Department of Defense to utilize funds to obtain cyber security and IT certifications for Department of Defense personnel critical to network defense.

The Senate amendment contained no similar provision.  
The House recesses.

The conferees recognize that industry cyber security and IT certifications may be helpful to a certain category of network operators and maintainers, but may not be comparable to the training required for more advanced network defense skills needed by critical personnel at the Department of Defense. The conferees are concerned that the full scope of needs in this area as compared to the funding available are not yet well understood, nor is the contribution of these industry certifications to the training needed of the cyber mission forces. The conferees believe that until those requirements are better understood, the current scope of funded certification activities should remain stable until there is a better established connection between cyber security and IT certifications and the skills required for specific positions with the Department of Defense. However, the conferees note industry recognized cyber security and IT certifications may be beneficial for some Department of Defense personnel critical to network defense. Therefore, the conferees encourage the Secretary of Defense to examine the needs of the Department and determine the extent and role industry cyber security and IT certifications should play in workforce management.

*Support for efforts to improve academic achievement and transition of military dependent students*

The House bill contained a provision (sec. 573) that would authorize the Secretary of Defense to make grants to non-profit organizations that provide services to military dependent students.

The Senate amendment contained no similar provision.  
The agreement does not include this provision.

The conferees encourage the Secretary of Defense to use existing authority to work with non-profit organizations to

provide services to military dependent students to improve academic achievement and civic responsibility.

*Study regarding feasibility of using DEERS to track dependents of members of the Armed Forces and Department of Defense civilian employees who are elementary or secondary education students*

The House bill contained a provision (sec. 574) that would require a study by the Secretary of Defense on the feasibility of using DEERS, the Defense Enrollment Eligibility Reporting System, to track dependents of members of the Armed Forces and Department of Defense civilian employees who are elementary or secondary education students.

The Senate amendment contained no similar provision.

The House recesses.

*Sense of Congress regarding support for dependents of members of the Armed Forces attending specialized camps*

The House bill contained a provision (sec. 575) that expressed the sense of the Congress regarding support for dependents of members of the Armed Forces attending specialized camps.

The Senate amendment contained no similar provision.

The House recesses.

*Limitation on authority of secretaries of the military departments regarding revocation of combat valor awards*

The House bill contained a provision (sec. 582) that would limit the authority of secretaries of the military departments to revoke a combat valor award for conduct that was not honorable to conduct that occurred during the period for which the award was awarded.

The Senate amendment contained no similar provision.

The House recesses.

The conferees expect the service secretaries to conduct a thorough and objective review of the facts and evidence before deciding to revoke a combat valor award.

*Award of Purple Heart to members of the Armed Forces who were victims of the Oklahoma City, Oklahoma, bombing*

The House bill contained a provision (sec. 583) that would require the secretary of the military service concerned to award the Purple Heart to certain named members who were killed in the

bombing that occurred at the Murrah Federal Building in Oklahoma City, Oklahoma on April 19, 1995.

The Senate amendment contained no similar provision.  
The House recesses.

*Atomic Veterans Service Medal*

The House bill contained a provision (sec. 584) that would require the Secretary of Defense to design, produce, and distribute a military service medal to honor retired and former members of the Armed Forces who are radiation-exposed veterans.

The Senate amendment contained no similar provision  
The House recesses.

*Posthumous commission as a captain in the regular Army for Milton Holland*

The House bill contained a provision (sec. 585) that would posthumously promote to captain in the regular Army, Milton Holland, who, while serving as sergeant major of the 5th Regiment, United States Colored Infantry, was awarded the Medal of Honor in recognition of his action on September 29, 1864, at the Battle of Chapin's Farm, Virginia.

The Senate amendment contained no similar provision.  
The House recesses.

*Sense of Congress supporting the decision of the Army to posthumously promote Master Sergeant (retired) Naomi Horwitz to sergeant major*

The House bill contained a provision (sec. 586) that would express a sense of Congress supporting the decision of the Army to posthumously promote Master Sergeant (retired) Naomi Horwitz to sergeant major.

The Senate amendment contained no similar provision.  
The House recesses.

The conferees note the Secretary of the Army approved the posthumous promotion in March 2015.

*Priority processing of applications for Transportation Worker Identification Credentials for members undergoing discharge or release from the Armed Forces*

The Senate amendment contained a provision (sec. 589) that would require the Secretary of Defense to consult with the Secretary of Homeland Security to afford a priority in the processing of applications for a Transportation Worker

Identification Credential (TWIC) submitted by members of the Armed Forces who are undergoing separation, discharge, or release from the Armed Forces under honorable conditions. The provision would also require the Secretary of Defense and the Secretary of Homeland Security to jointly submit a report on the implementation requirements of this provision not later than 1 year after the date of enactment of this Act.

The House bill contained no similar provision.

The Senate recesses.

The conferees consider it unacceptable that servicemembers transitioning from Active Duty, and recent honorably discharged veterans, continue to report significant delays in processing time to be issued Transportation Workers Identification Credentials (TWIC). Further, the Transportation Security Administration requires Active-Duty personnel as well as veterans who recently transitioned from Active Duty to undergo and pay for a separate security review before issuing TWIC. Because many transitioning servicemembers are qualified and motivated to serve in the maritime industry, the conferees expect the Department of Defense and the Department of Homeland Security to consult to eliminate processing delays and waive fees for transitioning servicemembers and for honorably discharged veterans.

*Issuance of Recognition of Service ID Cards to certain members separating from the Armed Forces*

The Senate amendment contained a provision (sec. 590) that would require the Secretary of Defense to issue an identification card that identifies individuals as veterans, personalized with name and photo of the individual. The Secretary of Defense would be authorized to work with retailers for reduced prices on services, consumer products, and pharmaceuticals for individuals possessing a Recognition of Service ID Card.

The House bill contained no similar provision.

The Senate recesses.

The conferees note that an alternative option exists for honorably discharged veterans to utilize state-issued ID cards that designate veteran status. Veterans in 44 states and the District of Columbia may apply for a driver's license or State-issued ID card that designates veteran status. The remaining states (California, Hawaii, Illinois, Minnesota, New Jersey, and Washington) are either pending legislation or have legislation that has been signed into law but is not yet effective. Additionally, since January 2014, honorably separated members of the Uniformed Services are able to obtain an ID card providing

proof of military service through the joint DOD-VA eBenefits web portal.

*Revised policy on network services for military services*

The Senate amendment contained a provision (sec. 591) that would generally limit the use of uniformed military personnel in the provision of network services for military installations in the continental United States.

The House bill contained no similar provision.

The Senate recesses.

The conferees are concerned that the military services, particularly the Air Force, are devoting more resources and uniformed military personnel for the provision of network services than are necessary, considering the commercial network services capabilities that may be available at lower costs. While the conferees believe the use of uniformed military personnel for network services is necessary in some cases, for example aboard ships or at expeditionary bases, there is less rationale for this use of uniform military personnel at permanent military installations within the continental United States.

Therefore, the conferees direct the Director of Cost Assessment and Program Evaluation (CAPE) to evaluate the potential savings for the Department of Defense in both resources and military end strength that could be achieved by increasing the use of commercial network services capabilities within the continental United States. CAPE shall provide a briefing on their findings, including any recommendations, to the congressional defense committees no later than March 1, 2016.

*Honoring certain members of the Reserve components as veterans*

The House bill contained a provision (sec. 592) that would amend chapter 1 of title 38, United States Code, to require certain members of the reserve components be honored as veterans, provided that such members would not be authorized to receive any benefit administered by the Secretary of Veterans Affairs solely by reason of honorary veteran status.

The Senate amendment contained no similar provision.

The House recesses.

*Improved enumeration of members of the Armed Forces in any tabulation of total population by Secretary of Commerce*

The Senate amendment contained a provision (sec. 593) that would amend section 1141 of title 13, United States Code, to require that the Secretary of Commerce, beginning with the 2020 Decennial census of population, in taking any tabulation of total population by States, to take appropriate measures to ensure, to the maximum extent practicable, that all members of the Armed Forces deployed abroad on the date of taking such tabulation are (1) fully and accurately counted; and (2) properly attributed to the state in which their permanent duty station or homeport is located on such date.

The House bill contained no similar provision.

The Senate recesses.

*Sense of Congress regarding support for military divers*

The House bill contained a provision (sec. 593) that would express the sense of Congress regarding support for military divers.

The Senate amendment contained no similar provision.

The House recesses.

*Sense of Congress on desirability of service-wide adoption of Gold Star Installation Access Card*

The House bill contained a provision (sec. 596) that would express the sense of Congress that the secretaries of the military departments should provide for the issuance of a Gold Star Installation Access Card to family members of deceased members of the Armed Forces in order to expedite access to installations for the purpose of obtaining on-base services and military benefits for which a Gold Star family member is eligible.

The Senate amendment contained no similar provision.

The House recesses.

The conferees note that the Department of the Army has initiated a program to provide Gold Star Installation Access Cards to Gold Star family members and encourage the other military departments to do the same.

*Annual report on performance of regional offices of the Department of Veterans Affairs*

The House bill contained a provision (sec. 597) that would amend section 7734 of title 38, United States Code, to require the individual serving as director of a regional office of the Department of Veterans Affairs to provide an annual report on

the performance of any regional office that fails to meet its administrative goals.

The Senate amendment contained no similar provision.

The House recesses.

## **TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS**

### **SUBTITLE A—PAY AND ALLOWANCES**

#### *No fiscal year 2016 increase in basic pay for general and flag officers (sec. 601)*

The Senate amendment contained a provision (sec. 601) that would authorize a pay raise of 1.3 percent for all members of the uniformed services in pay grades O-6 and below effective January 1, 2016, and that would freeze the monthly basic pay for all general and flag officers, including for those whose monthly basic pay is limited to the rate of pay for level II of the Executive Schedule.

The House bill contained no similar provision.

The House recesses with an amendment that would remove reference to the pay raise for grades O-6 and below.

The conferees note that the President has authority under section 1009(e) of title 37, United States Code, to implement the 1.3 percent pay raise for pay grades O-6 and below in the absence of a provision specifically setting a different pay raise.

#### *Limitation on eligibility for supplemental subsistence allowances to members serving outside the United States and associated territory (sec. 602)*

The Senate amendment contained a provision (sec. 606) that would sunset on September 30, 2016, the supplemental subsistence allowance for servicemembers serving inside the United States. Servicemembers serving outside the United States, the Commonwealth of Puerto Rico, the United States Virgin Islands, or Guam would still be eligible to receive the supplemental subsistence allowance from the Department of Defense. The provision is based on the final report of the Military Compensation and Retirement Modernization Commission.

The House bill contained no similar provision.

The House recesses.

*Phased-in modification of percentage of national average monthly cost of housing usable in computation of basic allowance for housing inside the United States (sec. 603)*

The Senate amendment contained a provision (sec. 602) that would amend section 403(b) of title 37, United States Code, to authorize the Secretary of Defense to reduce the monthly amount of the basic allowance for housing (BAH) by up to 5 percent of the national average for housing for a given pay grade and dependency status. Servicemembers will not see this modification of their BAH until they change duty stations.

The House bill contained no similar provision.

The agreement contains the Senate provision with an amendment that would reduce the monthly amount of the BAH through a tiered system with 1 percent in 2015, 2 percent in 2016, 3 percent in 2017, 4 percent in 2018, and 5 percent in 2019 and each fiscal year thereafter. The conferees strongly believe that this change to the calculation of BAH should not be used to justify the collection of out-of-pocket housing expenses, in excess of BAH, from servicemembers assigned to a housing unit acquired or constructed using the authority in subchapter IV of chapter 169 of title 10, United States Code.

*Extension of authority to provide temporary increase in rates of basic allowance for housing under certain circumstances (sec. 604)*

The House bill contained a provision (sec. 601) that would extend for 1 year the authority of the Secretary of Defense to temporarily increase the rate of basic allowance for housing in areas impacted by natural disasters or experiencing a sudden influx of personnel.

The Senate amendment contained a similar provision (sec. 603).

The Senate recesses.

*Availability of information under the Food and Nutrition Act of 2008 (sec. 605)*

The Senate amendment contained a provision (sec. 607) that would allow for the Secretary of Defense to obtain from the Secretary of Agriculture information for the purposes of determining the number of Supplemental Nutrition Assistance Program applicant households that contain one or more members of a regular or reserve component of the Armed Forces.

The House bill contained no similar provision.

The House recesses.

## SUBTITLE B—BONUSES AND SPECIAL AND INCENTIVE PAYS

### *One-year extension of certain bonus and special pay authorities for reserve forces (sec. 611)*

The House bill contained a provision (sec. 611) that would extend for 1 year the authority to pay the Selected Reserve reenlistment bonus, the Selected Reserve affiliation or enlistment bonus, special pay for enlisted members assigned to certain high-priority units, the Ready Reserve enlistment bonus for persons without prior service, the Ready Reserve enlistment and reenlistment bonus for persons with prior service, the Selected Reserve enlistment and reenlistment bonus for persons with prior service, travel expenses for certain inactive-duty training, and income replacement for reserve component members experiencing extended and frequent mobilization for active duty service.

The Senate amendment contained an identical provision (sec. 611).

The conference agreement includes this provision.

### *One-year extension of certain bonus and special pay authorities for health care professionals (sec. 612)*

The House bill contained a provision (sec. 612) that would extend for 1 year the authority to pay the nurse officer candidate accession bonus, education loan repayment for certain health professionals who serve in the Selected Reserve, accession and retention bonuses for psychologists, the accession bonus for registered nurses, incentive special pay for nurse anesthetists, special pay for Selected Reserve health professionals in critically short wartime specialties, the accession bonus for dental officers, the accession bonus for pharmacy officers, the accession bonus for medical officers in critically short wartime specialties, and the accession bonus for dental specialist officers in critically short wartime specialties.

The Senate amendment contained an identical provision (sec. 612).

The conference agreement includes this provision.

### *One-year extension of special pay and bonus authorities for nuclear officers (sec. 613)*

The House bill contained a provision (sec. 613) that would extend for 1 year the authority to pay the special pay for nuclear-qualified officers extending period of active service, the nuclear career accession bonus, and the nuclear career annual incentive bonus.

The Senate amendment contained an identical provision (sec. 613).

The conference agreement includes this provision.

*One-year extension of authorities relating to title 37 consolidated special pay, incentive pay, and bonus authorities (sec. 614)*

The House bill contained a provision (sec. 614) that would extend for 1 year the general bonus authority for enlisted members, the general bonus authority for officers, special bonus and incentive pay authorities for nuclear officers, special aviation incentive pay and bonus authorities for officers, and special bonus and incentive pay authorities for officers in health professions, and contracting bonus for cadets and midshipmen enrolled in the Senior Officers' Training Corps. The provision would also extend for 1 year the authority to pay hazardous duty pay, assignment or special duty pay, skill incentive pay or proficiency bonus, and retention incentives for members qualified in critical military skills or assigned to high priority units.

The Senate amendment contained an identical provision (sec. 614).

The conference agreement includes this provision.

*One-year extension of authorities relating to payment of other title 37 bonuses and special pays (sec. 615)*

The House bill contained a provision (sec. 615) that would extend for 1 year the authority to pay the aviation officer retention bonus, assignment incentive pay, the reenlistment bonus for active members, the enlistment bonus, precommissioning incentive pay for foreign language proficiency, the accession bonus for new officers in critical skills, the incentive bonus for conversion to military occupational specialty to ease personnel shortage, the incentive bonus for transfer between Armed Forces, and the accession bonus for officer candidates.

The Senate amendment contained an identical provision (sec. 615).

The conference agreement includes this provision.

*Increase in maximum annual amount of nuclear officer bonus pay (sec. 616)*

The House bill contained a provision (sec. 616) that would increase the maximum annual amount of nuclear officer bonus pay to \$50,000 for retention purposes.

The Senate amendment contained a similar provision (sec. 616).

The Senate recesses.

*Modification to special aviation incentive pay and bonus authority for officers (sec. 617)*

The House bill contained a provision (sec. 617) that would increase special aviation incentive pay from \$25,000 to \$35,000 and make technical amendments to the aviation pay and bonus authorities.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would increase aviation incentive pay from \$25,000 to \$35,000 for officers performing qualifying flying duty relating to remotely piloted aircraft.

*Repeal of obsolete authority to pay bonus to encourage Army personnel to refer persons for enlistment in the Army (sec. 618)*

The Senate amendment contained a provision (sec. 617) that would repeal section 3252 of title 10, United States Code. This section authorized the Secretary of the Army to pay bonuses to encourage Army personnel to refer persons for enlistment in the Army.

The House bill contained no similar provision.

The House recesses.

## **SUBTITLE C—TRAVEL AND TRANSPORTATION ALLOWANCES**

*Transportation to transfer ceremonies for family and next of kin of members of the Armed Forces who die overseas during humanitarian operations (sec. 621)*

The Senate amendment contained a provision (sec. 623) that would authorize transportation to transfer ceremonies for the family and next of kin of members of the Armed Forces who die overseas during humanitarian relief operations.

The House bill contained no similar provision.

The House recesses.

*Repeal of obsolete special travel and transportation allowance for survivors of deceased members of the Armed Forces from the Vietnam conflict (sec. 622)*

The House bill contained a provision (sec. 618) that would repeal section 481f(d) of title 37, United States Code.

The Senate amendment contained a similar provision (sec. 621).

The Senate recesses.

*Study and report on policy changes to the Joint Travel Regulations (sec. 623)*

The Senate amendment contained a provision (sec. 622) that would require the Comptroller General to study the impact of recent policy changes to the Joint Travel Regulations for servicemembers and civilian employees regarding flat rate per diem.

The House bill contained no similar provision.

The House recesses.

## **SUBTITLE D—DISABILITY PAY, RETIRED PAY, AND SURVIVOR BENEFITS**

### **PART I—RETIRED PAY REFORM**

*Modernized retirement system for members of the uniformed services (sec. 631)*

The House bill contained a provision (sec. 632) that would establish a new military retirement defined benefit that, when combined with the government-matching Thrift Savings Plan, as described elsewhere in this Act, would comprise a new hybrid retirement system. This new system would apply to new entrants after January 1, 2018, and to those already serving members who choose to opt-in. The new defined benefit would continue to apply only to those members who reach 20 years of service, with a multiplier rate of 2.0 times years of service rather than the current rate of 2.5 times years of service.

The Senate amendment contained a similar provision (sec. 632).

The agreement includes the House provision with an amendment that would limit service members who may opt-in to the new retirement system to those with less than 12 years of

service. The agreement also includes an amendment that would repeal the modified cost-of-living adjustment for members under the age of 62 made by section 403 of the Bipartisan Budget Act of 2013 (Public Law 113-67; 127 Stat. 1186), as amended by section 10001(a) of the Department of Defense Appropriations Act, 2014 (division C of Public Law 113-76; 128 Stat. 151), section 2 of Public Law 113-82 (128 Stat. 1009), and section 623 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291; 128 Stat. 3403).

*Full participation for members of the uniformed services in the Thrift Savings Plan (sec. 632)*

The House bill contained a provision (sec. 631) that would provide a government-matching Thrift Savings Plan (TSP) benefit for those who would enter uniformed service on or after October 1, 2017, or a member serving before that date who makes a voluntary election to opt-in to the new plan. The TSP element would provide a 1 percent automatic agency contribution to all uniformed service members upon reaching 60 days of service and continue until they would reach their second year of service. At 2 years of service, a member's TSP would vest and the Secretary concerned would begin matching TSP contributions up to 5 percent of that servicemember's base pay for a maximum government contribution totaling 6 percent of basic pay. Uniformed service members would be automatically enrolled at 3 percent matching contributions with the option to raise or lower their contribution level. TSP government-funded matching contributions would continue until a uniformed service member leaves or retires from the uniformed service.

The Senate amendment contained a similar provision (sec. 631) that would set the applicable initial entry date at January 1, 2018, provide a maximum government contribution of 5 percent (with the first one percent being an automatic agency contribution), and stop the government match at 20 years of service.

The agreement includes the Senate provision with an amendment to provide government matching contributions in the TSP through 26 years of service. The conferees note that all uniformed service members who would enter and serve prior to the date of implementation of the modernized retirement system would be grandfathered into the old retirement system.

*Lump sum payments of certain retired pay (sec. 633)*

The Senate amendment contained a provision (sec. 633) that would allow the voluntary election of lump sum payments of retired pay for those under the modernized retirement system who serve 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 fully eligible for Social Security.

The House bill contained no similar provision.

The House recedes with an amendment that would allow members who elect to take the lump sum an option of choosing to take 50 percent or 25 percent of the discounted present value of their defined retirement benefit that would be due to them prior to becoming fully eligible for Social Security.

The conferees strongly urge the Secretaries concerned to coordinate with the Secretary of Veterans Affairs on counseling, or otherwise informing, new retirees on the impact this election may have on their eligibility for certain benefits administered by the Secretary of Veterans Affairs.

*Continuation pay after 12 years of service for members of the uniformed services participating in the modernized retirement systems (sec. 634)*

The House bill contained a provision (sec. 633) that would direct the Secretary concerned to provide continuation pay to servicemembers serving under the new military retirement system described above who reach 12 years of service, contingent upon such members agreeing to serve another 4 years of service.

The Senate amendment contained a similar provision (sec. 634).

The Senate recedes.

*Effective date and implementation (sec. 635)*

The House bill contained a provision (sec. 634) that would provide for an effective date of January 1, 2018 for the modernized military retirement system. The provision also requires an implementation plan due to the appropriate committees of Congress on March 1, 2016.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

## **PART II—OTHER MATTERS**

*Death of former spouse beneficiaries and subsequent remarriages under Survivor Benefit Plan (sec. 641)*

The Senate amendment contained a provision (sec. 641) that would amend section 1448(b) of title 10, United States Code, to allow for the election of a new spouse beneficiary after the death of a former spouse beneficiary.

The House bill contained no similar provision.

The House recedes.

## **SUBTITLE E—COMMISSARY AND NON-APPROPRIATED FUND INSTRUMENTALITY BENEFITS AND OPERATIONS**

*Plan to obtain budget-neutrality for the defense commissary system and the military exchange system (sec. 651)*

The Senate amendment contained a provision (sec. 652) that would require the Secretary of Defense to submit a report, not later than March 1, 2016, to the Committees on Armed Services of the Senate and the House of Representatives, setting forth a plan to privatize the Defense Commissary System, in whole or in part. The provision would also require the Comptroller General of the United States to provide a report that assesses the plan of the Department to privatize the Defense Commissary System to the Committees on Armed Services of the Senate and the House of Representatives within 120 days following submission of the report by the Secretary of Defense. Following submission of the Comptroller General's assessment of the Department's commissary privatization plan, the Department would be required to carry out a 2-year pilot program at no fewer than five commissaries in the largest markets of the commissary system to assess the feasibility and advisability of the plan. Within 180 days after completion of the pilot program, the Secretary of Defense would submit a report to the Committees on Armed Services of the Senate and the House of Representatives that provides an assessment of the commissary privatization plan.

The Senate amendment contained another provision (sec. 1025) that would require the Secretary of Defense to submit a report, not later than February 1, 2016, to the Committees on Armed Services of the Senate and the House of Representatives, assessing the viability of privatizing the commissary system, in part or in whole. The Secretary would submit the report prior to development of any plans or pilot program to privatize commissaries or the commissary system. The provision would also require the Comptroller General of the United States to provide a report that assesses the plan of the Department to privatize the Defense Commissary System to the committees on Armed Services of the Senate and the House of Representatives, not

later than May 1, 2016. The provision would make Section 652 of the Senate amendment null and void.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to submit a report to the Committees on Armed Services of the Senate and the House of Representatives, not later than March 1, 2016, that provides a comprehensive plan to make delivery of commissary and exchange benefits budget neutral by October 1, 2018. The amendment would also require the Comptroller General of the United States to provide a report that assesses the Department's plan to make the commissary and exchange benefit budget neutral to the Committees on Armed Services of the Senate and the House of Representatives within 120 days following submission of the report by the Secretary of Defense. The amendment would authorize the Secretary of Defense to conduct one or more pilot programs to evaluate processes and methods for achieving budget neutral commissary and exchange benefits.

*Comptroller General of the United States report on the Commissary Surcharge, Non-appropriated Fund, and Privately-financed Major Construction Program (sec. 652)*

The Senate amendment contained a provision (sec. 653) that would require the Comptroller General of the United States to examine the policies and procedures of the Secretary of Defense to ensure timely notification of construction projects proposed to be funded through the Commissary Surcharge, Non-appropriated Fund, and Privately-financed Major Construction Program of the Department of Defense and to submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing an assessment of this program no later than 180 days after enactment of this Act.

The House bill contained no similar provision.

The House recedes.

## **SUBTITLE F - OTHER MATTERS**

*Improvement of financial literacy and preparedness of members of the Armed Forces (sec. 661)*

The House bill contained provision (sec. 651) that would require financial literacy training for servicemembers upon arrival at the first duty station and upon arrival at each subsequent duty station for servicemembers below the pay grade of E-5 in the case of enlisted personnel and below the pay grade of O-4 in the case of officers. The provision would further

require financial literacy training for each servicemember at various career and life milestones. The provision would also direct the Department of Defense to include a financial literacy and preparedness survey in the status of forces survey. The provision would also express the sense of the Congress that the Secretary of Defense should work with other departments, agencies, and nonprofit organizations to improve financial literacy and preparedness with support from the service secretaries. This provision was recommended by the Military Compensation and Retirement Modernization Commission.

The Senate amendment contained similar provisions (secs. 581, 582, and 583).

The agreement includes the House provision with a technical amendment.

Recordation of obligations for installment payments of incentive pays, allowances, and similar benefits when payment is due (sec. 662)

The Senate amendment contained a provision (sec. 587) that would provide express authority for the long-established practice of the Department of Defense of obligating bonus and special and incentive pay installment payments at the time payment is due and payable. This provision is in response to a recent U.S. Government Accountability Office opinion, Comp. Gen. B-325526 - Obligation of Bonuses under Military Service Agreements, July 16, 2014, which concluded that the Department of Defense cedes fiscal exposure to servicemembers when it enters into such agreements and should change its obligational practices to obligate the entire bonus amount when the agreement is signed.

The House bill contained no similar provision.

The House recesses.

#### **LEGISLATIVE PROVISIONS NOT ADOPTED**

*Prohibition on per diem allowance reductions based on the duration of temporary duty assignment or civilian travel*

The House bill contained a provision (sec. 602) that would prohibit per diem allowance reductions based on the duration of temporary duty assignment or civilian travel.

The Senate amendment contained no similar provision.

The House recesses.

*Basic allowance for housing for members of the Uniformed Services who live together*

The Senate amendment contained a provision (sec. 604) that would amend section 403 of title 37, United States Code, to limit the basic allowance for housing (BAH) for dual military married couples who are assigned within normal commuting distance from each other to one allowance at the with dependent rate, for the member with the higher pay grade. The provision would also limit BAH for uniformed service members above E-3 residing with other uniformed service members to 75 percent of their otherwise prevailing rate, or the E-4 without dependents rate, whichever is greater. Affected members would see no reduction in their BAH as a result of this provision so long as they maintain uninterrupted eligibility to receive BAH within a particular housing area.

The House bill contained no similar provision.

The Senate recesses.

The conferees intend to reform this policy next year. The conferees direct the Secretary of Defense to submit a report no later than March 1, 2016, to the Senate and House Committees on Armed Services containing an assessment and recommendations of the Secretary on how to amend the current BAH system to most accurately capture actual housing costs as a limiting element of the basic allowance for housing, to include an assessment of BAH as applied in particular circumstances where the current benefit may over- or under-compensate individuals based on their actual housing costs, to include single members of the armed forces and those who share accommodations with other members receiving the benefit. In developing these recommendations, the Secretary shall consider the primary purpose of the benefit to offset housing costs of uniformed members incurred by virtue of their service.

*Repeal of inapplicability of modification of basic allowance for housing to benefits under the laws administered by the Secretary of Veterans Affairs*

The Senate amendment contained a provision (sec. 605) that would repeal subsection (b) of section 604 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291) effective January 1, 2016.

The House bill contained no similar amendment.

The Senate recesses.

The conferees note that the Senate and House Veterans Affairs Committees intend to take up this matter. If it is not addressed by May 2016, it will be re-considered for the National Defense Authorization Act for Fiscal Year 2017.

*Policies of the Department of Defense on travel of next of kin to participate in the dignified transfer of remains of members of the Armed Forces and civilian employees of the Department of Defense who die overseas*

The Senate amendment contained a provision (sec. 624) that would require the Secretary of Defense to review the current policies of the Department of Defense regarding travel authorization for family and next of kin of service members and civilian employees of the Department of Defense.

The House bill contained no similar provision.

The Senate recesses.

The conferees note that the Department of Defense has notified the congressional defense committees it is already conducting the review described in this provision. Further, the conference agreement includes a separate provision to make the necessary changes in law for the authorization for travel to the dignified transfer ceremony for family and next of kin of members of the Armed Forces who die overseas in support of humanitarian operations. The conferees expect the Secretary, upon conclusion of the aforementioned review, to make regulatory changes in order to address inequities within the system, as the Secretary determines are appropriate.

*Authority for retirement flexibility for members of the uniformed services*

The Senate amendment contained a provision (sec. 635) that would give the Secretary concerned the flexibility to modify the years of service required for non-disability retirement under the new military retirement system for particular occupational specialties or other groupings in order to facilitate force shaping or to correct manpower shortages within an occupational specialty.

The House bill contained no similar amendment.

The Senate recesses.

*Preserving assured commissary supply to Asia and the Pacific*

The House bill contained a provision (sec. 641) that would prohibit changes to second destination transportation policy that applies to shipment of fresh fruits and vegetables to Asia and the Pacific theater until the Defense Commissary Agency conducts a comprehensive study on the fresh fruit and vegetable supply for the region and submits a report on the study to Congress.

The Senate amendment contained no similar provision.

The House recesses.

*Prohibition on replacement or consolidation of defense commissary and exchange systems pending submission of required report on Defense Commissary System*

The House bill contained a provision (sec. 642) that would prohibit the Secretary of Defense from taking action to replace or consolidate the defense commissary and exchange systems before submission of the report on the defense commissary system required by section 634 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291).

The Senate amendment contained no similar provision.

The House recesses.

*Transitional compensation and other benefits for dependents of members of the Armed Forces ineligible to receive retired pay as a result of court-martial sentence*

The Senate amendment contained a provision (sec. 642) that would add a new section 1059a to title 10, United States Code, to authorize the Secretary of Defense and the Secretary of Homeland Security to carry out a program that would authorize monthly transitional compensation, including commissary and exchange store access, to dependents or former dependents of a member of the Armed Forces who is ineligible to receive retired pay as a result of a court-martial sentence. The provision would allow the secretary concerned to determine that a dependent or former dependent would not be eligible for transitional compensation if that person was an active participant in the conduct constituting the offense under chapter 47 of title 10.

The House bill contained no similar provision.

The Senate recesses.

*Commissary system matters*

The Senate amendment contained a provision (sec. 651) that would authorize the Department of Defense to treat second destination transportation costs for commissary goods and supplies overseas like transportation costs within the United States by transferring those costs to the commissary patron in the price of goods. In addition, the provision would authorize the Department to transfer the cost of obtaining supplies required for the daily operations of commissaries and store-level offices dedicated to supporting commissary operations from

the defense working capital fund to the surcharge fund. The provision would also authorize the Defense Commissary Agency to establish the sales price of merchandise sold in commissary stores in amounts sufficient to finance the purchase of operating supplies and replenishment of merchandise inventories.

The House bill contained no similar provision.

The Senate recesses.

*Availability for purchase of Department of Veterans Affairs memorial headstones and markers for members of reserve components who performed certain training*

The House bill contained a provision (sec. 652) that would amend section 2306 of title 38, United States Code, to require the Secretary of Veterans Affairs to make available for purchase a memorial headstone or marker for the marked or unmarked grave of an individual who, as a member of the National Guard or reserve component, performed inactive duty training or Active Duty for training for at least 6 years. The individual must not have served on Active Duty and must otherwise be eligible on account of the nature of the individual's separation from the Armed Forces or other causes.

The Senate amendment contained no similar provision.

The House recesses.

The conferees understand that members of the reserve component who wish to purchase a memorial headstone or marker can purchase a nearly identical headstone or marker from private vendors.

## **TITLE VII—HEALTH CARE PROVISIONS**

### **SUBTITLE A—TRICARE AND OTHER HEALTH CARE BENEFITS**

*Access to TRICARE Prime for certain beneficiaries (sec. 701)*

The House bill contained a provision (sec. 705) that would amend section 732(c)(3) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239) to authorize an eligible TRICARE beneficiary to make a one-time election for TRICARE Prime if the beneficiary: 1) resides in a location in which TRICARE Prime is no longer available because of the location in which the beneficiary resides; and 2) the beneficiary resided within 100 miles of a military medical treatment facility as of December 25, 2013. This provision

would not apply to an affected eligible beneficiary who resides, as of December 25, 2013, greater than 100 miles from a military medical treatment facility and is an eligible beneficiary by reason of service in the Army, Navy, Air Force, or Marine Corps.

The Senate amendment contained no similar provision.

The Senate recesses with a technical amendment.

*Modifications of cost-sharing for the TRICARE pharmacy benefits program (sec. 702)*

The Senate amendment contained a provision (sec. 702) that would require modifications of prescription drug co-pays for the TRICARE pharmacy benefits program for years 2016 through 2025. After 2025, the Department of Defense (DOD) would establish co-pay amounts equal to the co-pay amounts for the previous year adjusted by an amount, if any, to reflect increases in costs of pharmaceutical agents and prescription dispensing fees. With this provision, beneficiaries would continue to receive prescription drugs at no cost in military medical treatment facilities, and there would be no changes to co-pays for survivors of members who died on Active Duty or for a disabled member retired under chapter 61 of title 10, United States Code, and their family members.

The House bill contained no similar provision.

The House recesses with an amendment that would modify prescription drug co-pays beginning in 2016.

The conferees agree that comprehensive reform of the military health care system is essential and commit to working with the Department of Defense in fiscal year 2017 to begin reforming the military healthcare system. This reform must improve access, quality and the experience of care for all beneficiaries; maintain medical readiness of the military health professionals; and ensure the long-term viability and cost effectiveness of the military health care system. The current system has not kept pace with the best practices and latest innovations in the commercial healthcare market and will not meet the future needs of the DOD, the servicemembers, families, or retirees. In order to modernize and improve the military healthcare system, the conferees agree that all elements of the current system must be re-evaluated, and that increases to fees and co-pays will be a necessary part of such a comprehensive reform effort.

*Expansion of continued health benefits coverage to include discharged and released members of the Selected Reserve (sec. 703)*

The Senate amendment contained a provision (sec. 703) that would amend section 1078a of title 10, United States Code, to authorize a member of the Selected Reserve, who is discharged or released under other than adverse conditions from service in the Selected Reserve, to be eligible to enroll, for a period of 18 months, in the Department of Defense program of continued health benefits coverage.

The House bill contained no similar provision.

The House recesses with an amendment that would require the member of the Selected Reserve to be enrolled in TRICARE Reserve Select immediately preceding the discharge of the member.

*Access to health care under the TRICARE program for beneficiaries of TRICARE Prime (sec. 704)*

The Senate amendment contained a provision (sec. 711) that would require the Secretary of Defense to ensure that covered TRICARE beneficiaries obtain health care appointments within access standards and wait-time goals established by the Department of Defense for primary care and specialty care or, if the beneficiary is unable to obtain an appointment within the wait-time goals, to offer the beneficiary an appointment with a contracted health care provider. The provision would also require the Secretary to publish health care access standards in the Federal Register and on a publicly accessible Internet web site of the Department of Defense and to publish appointment wait-times for primary and specialty care on the publicly accessible Internet web site of each military medical treatment facility.

The House bill contained no similar provision.

The House recesses with an amendment that would require the Secretary of Defense to ensure that TRICARE Prime beneficiaries obtain health care appointments within health care access standards established by the Secretary, including through health care providers in the TRICARE preferred provider network. The amendment would also require the Secretary to publish health care access standards in the Federal Register and on a publicly accessible Internet web site of the Department of Defense.

*Expansion of reimbursement for smoking cessation services for certain TRICARE beneficiaries (sec. 705)*

The Senate amendment contained a provision (sec. 704) that would amend section 713(f) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417) to expand reimbursement for smoking cessation services for certain TRICARE beneficiaries.

The House bill contained no similar provision.

The House recedes with a technical amendment.

## **SUBTITLE B—HEALTH CARE ADMINISTRATION**

### *Waiver of recoupment of erroneous payments caused by administrative error under the TRICARE program (sec. 711)*

The Senate amendment contained a provision (sec. 715) that would amend chapter 55 of title 10, United States Code, to authorize the Secretary of Defense to waive recoupment of payment from a covered TRICARE beneficiary who has benefited from an erroneous TRICARE payment in which all of the following apply: (1) the payment was made due to an administrative error by an employee of the Department of Defense or a TRICARE program contractor; (2) the covered beneficiary, or in the case of a minor, the parent or guardian of the covered beneficiary, reasonably believed the covered beneficiary was entitled to the benefit of such payment; (3) the covered beneficiary relied on the expectation of benefit entitlement; and (4) the Secretary determines that a waiver of recoupment of such payment is necessary to prevent an injustice. In the case of administrative error on the part of a TRICARE contractor, the provision would require the Secretary to impose financial responsibility on the contractor for the erroneous payment.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

### *Publication of data on patient safety, quality of care, satisfaction, and health outcome measures under the TRICARE program (sec. 712)*

The Senate amendment contained a provision (sec. 732) that would require the Secretary of Defense to publish public data on measures used to assess patient safety, quality of care, patient satisfaction, and health outcomes on the primary Internet web site of the Department of Defense and on the primary Internet web site of that facility that provided the health care.

The House bill contained no similar provision.

The House recedes with an amendment that would amend section 1073b of title 10, United States Code, to require the Secretary of Defense to publish appropriate data on measures

used to assess patient safety, quality of care, patient satisfaction, and health outcomes of each military medical treatment facility on a publicly available Internet web site of the Department of Defense. The provision would also require data for health care provided by a military medical treatment facility to be accessible on the primary Internet web site of that facility. The provision would prohibit the Department publishing any data related to risk management activities of the Department.

*Expansion of evaluation of effectiveness of the TRICARE program to include information on patient safety, quality of care, and access to care at military medical treatment facilities (sec. 713)*

The Senate amendment contained a provision (sec. 733) that would require the Secretary of Defense to submit to the Committees on Armed Services of the Senate and the House of Representatives, not later than March 1, 2016, and each year thereafter, a comprehensive report on patient safety, quality of care, and access to care at military medical treatment facilities.

The House bill contained no similar provision.

The House recedes with an amendment that would amend section 717(a) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106) to require the Department of Defense to include data on patient safety, quality of care, and access to care at each military medical treatment facility in the annual report to Congress on TRICARE program effectiveness.

*Portability of health plans under the TRICARE program (sec. 714)*

The Senate amendment contained a provision (sec. 712) that would require the Secretary of Defense to ensure that beneficiaries who are covered under a TRICARE health plan can seamlessly access health care under that health plan in each TRICARE program region.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

*Joint uniform formulary for transition of care (sec. 715)*

The House bill contained a provision (sec. 701) that would require the Secretary of Defense and the Secretary of Veterans Affairs to establish a joint uniform formulary that would include pain, sleep disorder, psychiatric drugs, and drugs for

other conditions critical for transition of a servicemember from treatment furnished by the Department of Defense to treatment furnished by the Department of Veterans Affairs.

The Senate amendment contained no similar provision.

The Senate recesses with a clarifying amendment.

*Licensure of mental health professionals in TRICARE program  
(sec. 716)*

The House bill contained a provision (sec. 712) that would require the Secretary of Defense to ensure that a qualified mental health professional is eligible for reimbursement under the TRICARE program as a certified mental health counselor by meeting certain qualification criteria. The provision would also establish a special rule for certain practicing mental health professionals to deem them to be qualified mental health professionals during the period preceding January 1, 2027, even though those professionals do not meet the established qualification criteria in the provision. The House bill also contained a provision (sec. 725) that would express a sense of Congress that the Department of Defense should continue to support members of the Armed Forces and their families by providing family counseling and individual counseling services that reduce the symptoms of post-traumatic stress and other behavioral health disorders and empowers members to be emotionally available to their spouses and children.

The Senate amendment contained no similar provisions.

The Senate recesses with an amendment that would deem certain mental health professionals eligible for reimbursement under the TRICARE program during the period preceding January 1, 2021.

The conferees note that the Department of Defense published a final rule to implement the TRICARE Certified Mental Health Counselor provider as a qualified mental health provider authorized to independently diagnose and treat TRICARE beneficiaries and receive reimbursement for services. Counselors must possess a master's or higher-level degree from a Council for Accreditation of Counseling and Related Educational Programs accredited mental health counseling program of education and pass the National Clinical Mental Health Counseling Examination. Conferees consider these reasonable criteria to help ensure TRICARE beneficiaries obtain mental health care from qualified counselors and do not believe another extension of the transition for qualification as a TRICARE Certified Mental Health Counselor beyond the extension in this provision would be advisable.

Additionally, the conferees agree that the Department of Defense should continue to support members of the Armed Forces and their families by providing readily available family and individual counseling services that reduce the symptoms of post-traumatic stress and other behavioral health disorders and empower members to be available emotionally to their spouses and children. The conferees believe the Department should consider industry standards established by the medical community when developing standards for family and individual counseling services at military installations.

*Designation of certain non-Department mental health care providers with knowledge relating to treatment of members of the Armed Forces (sec. 717)*

The Senate amendment contained a provision (sec. 716) that would require the Secretary of Defense, not later than 1 year after enactment of this Act, to develop a system by which any non-Department mental health care provider that meets eligibility criteria relating to knowledge and understanding of military culture and knowledge of evidence-based mental health treatments approved by the Secretary, would receive a mental health provider readiness designation from the Department. The provision would also require the Secretary to establish and update a provider list and maintain a publicly available registry of mental health providers receiving such designation.

The House bill contained no similar provision.

The House recesses with a clarifying amendment.

*Comprehensive standards and access to contraception counseling for members of the Armed Forces (sec. 718)*

The Senate amendment contained a provision (sec. 714) that would require the Department of Defense to provide, through clinical practice guidelines, current and evidence-based standards of care regarding contraception methods and counseling to all health care providers employed by the Department and to ensure service women have access to comprehensive contraception counseling prior to deployment and throughout their military careers. The provision would also require the Secretary of Defense to establish a uniform, standard curriculum to be used in family planning education programs for all members of the Armed Forces.

The House bill contained no similar provision.

The House recesses with a clarifying amendment.

## **SUBTITLE C—REPORTS AND OTHER MATTERS**

*Provision of transportation of dependent patients relating to obstetrical anesthesia services (sec. 721)*

The House bill contained a provision (sec. 726) that would amend section 1040(a)(2) of title 10, United States Code, to strike the expiration date regarding the authority to transport dependent patients relating to obstetrical anesthesia services.

The Senate amendment contained no similar provision.

The Senate recesses.

*Extension of authority for DOD-VA Health Care Sharing Incentive Fund (sec. 722)*

The House bill contained a provision (sec. 721) that would amend section 8111 of title 38, United States Code, to extend the authority for the DOD-VA Health Care Sharing Incentive Fund through September 30, 2020.

The Senate amendment contained an identical provision (sec. 719).

The conference agreement includes this provision.

*Extension of authority for Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund (sec. 723)*

The House bill contained a provision (sec. 722) that would amend section 1704(e) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84), as amended by section 722 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291), to extend the authority for the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund from September 30, 2016, to September 30, 2017.

The Senate amendment contained a similar provision (sec. 718).

The House recesses.

*Limitation on availability of funds for Office of the Secretary of Defense (sec. 724)*

The House bill contained a provision (sec. 713) that would amend chapter 55 of title 10, United States Code, by inserting a new section after section 1073b, to prohibit the Secretary of Defense from realigning or restructuring a military medical treatment facility (MTF) until 90 days following the date the Secretary submits a report to the congressional defense

committees on the proposed restructuring or realignment of the MTF.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would limit to 75 percent the obligation or expenditure of funds available for fiscal year 2016 for the office of the Secretary of Defense until the date on which the Secretary of Defense submits to the congressional defense committees the report required by section 713(a)(2) of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291). Without that report and the subsequent required assessment of the report by the Comptroller General of the United States, the conferees remain concerned that the Department has not fully considered all relevant factors that may impact the availability and delivery of health care services to eligible beneficiaries in its study of military health system modernization. The conferees expect the Department to make available, upon request, all available data regarding any decisions to eliminate health care services and to relocate health care personnel from military medical treatment facilities in the future.

*Pilot program on urgent care under TRICARE program (sec. 725)*

The Senate amendment contained a provision (sec. 701) that would authorize a covered beneficiary under the TRICARE program to access up to four urgent care visits per year without the need to obtain pre-authorization for such visits.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to carry out a 3-year pilot program to allow covered beneficiaries under the TRICARE program to access urgent care visits without the need to obtain pre-authorization for those visits. The amendment would require the Secretary to submit two interim reports and one final report on the pilot program to the Committees on Armed Services of the Senate and the House of Representatives.

The conferees note that current TRICARE policy requires TRICARE Prime beneficiaries to obtain pre-authorization for urgent care visits. This administrative burden encourages beneficiaries to utilize emergency departments inappropriately for urgent care needs. The conferees believe this pilot program would help beneficiaries choose the most appropriate source for the health care they need and potentially lower health care costs for the Department of Defense.

*Pilot program on incentive programs to improve health care provided under the TRICARE program (sec. 726)*

The Senate amendment contained a provision (sec. 720) that would require the Secretary of Defense to conduct a pilot program to assess value-based incentive programs to encourage institutional and individual health care providers under the TRICARE program to improve quality of care, experience of care, and health of beneficiaries.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to submit interim reports on the pilot program at 1-year intervals following implementation of the program and a final report on the program by September 30, 2019.

*Limitation on availability of funds for Department of Defense Healthcare Management Systems Modernization (sec. 727)*

The House bill contained a provision (sec. 723) that would limit obligation or expenditure of funds for fiscal year 2016 for the Department of Defense Healthcare Management Systems Modernization until the date on which the Secretary of Defense makes the certification required by section 713(g)(2) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66).

The Senate amendment contained a provision (sec. 738) that would require the Secretary of Defense and the Secretary of Veterans Affairs to submit a report to Congress on interoperability between electronic health records of their Departments.

The Senate recedes.

*Submittal of information to Secretary of Veterans Affairs relating to exposure to airborne hazards and open burn pits (sec. 728)*

The Senate amendment contained a provision (sec. 739) that would require the Secretary of Defense to submit to the Secretary of Veterans Affairs, not later than 180 days after the date of enactment of this Act and periodically thereafter, information available to the Secretary of Defense to supplement and support information in the Airborne Hazards and Open Burn Pit Registry established by the Secretary of Veterans Affairs. The provision would also require the Secretary of Defense to include information on any research and surveillance activities conducted by the Department of Defense to evaluate incidence and

prevalence of respiratory illnesses to servicemembers exposed to open burn pits during deployments.

The House bill contained no similar provision.

The House recedes with a technical amendment.

*Plan for development of procedures to measure data on mental health care provided by the Department of Defense (sec. 729)*

The Senate amendment contained a provision (sec. 713) that would require the Secretary of Defense to ensure that all primary care and mental health care providers of the Department of Defense receive, or have already received, initial evidence-based training on the recognition, assessment, and management of individuals at risk for suicide and any additional training that may be required based on evidence-based changes in mental health practice. Within 1 year of the date of enactment of this Act, the Secretary would be required to provide a report to the Committees on Armed Services of the Senate and the House of Representatives that assesses the mental health workforce of the Department and the long-term mental health care needs of servicemembers and their dependents. The provision would also require the Secretary to develop procedures to measure mental health data relating to outcomes, variations in outcomes among military medical treatment facilities, and barriers to implementation of clinical practice guidelines and other evidence-based treatments by mental health providers of the Department of Defense.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to submit to the Committees on Armed Services of the Senate and the House of Representatives a plan for the Department of Defense to develop procedures to compile and assess data relating to: (1) outcomes for mental health care provided by the Department; (2) variations in such outcomes among different medical facilities of the Department; and (3) barriers, if any, to the implementation by mental health care providers of the clinical practice guidelines and other evidence-based treatments and approaches recommended for such providers.

The conferees are aware that the Department has policies and procedures in place that require primary care providers to receive annual training on suicide prevention, and that the Department of Defense and the Department of Veterans Affairs submitted a report to the Committees on Armed Services of the Senate and the House of Representatives in April 2015, on a coordinated, unified plan to ensure adequate mental health

counseling resources to address the long-term needs of all members of the Armed Forces, veterans, and their families.

*Report on plans to improve experience with and eliminate performance variability of health care provided by the Department of Defense (sec. 730)*

The Senate amendment contained a provision (sec. 734) that would require the Secretary of Defense to submit to the Committees on Armed Services of the Senate and the House of Representatives, not later than 180 days after the date of enactment of this Act, a comprehensive report describing the current and future plans, with estimated completion dates, of the Department of Defense to improve the experience of care of beneficiaries and to eliminate performance variability for health care provided in military medical treatment facilities and in the TRICARE purchased care network. This provision would also require the Comptroller General of the United States to submit, not later than 180 days after the Secretary submits the comprehensive report, a report to the Committees on Armed Services of the Senate and the House of Representatives that assesses the report of the Secretary of Defense.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

*Comptroller General study on gambling and problem gambling behavior among members of the Armed Forces (sec. 731)*

The Senate amendment contained a provision (sec. 740) that would require the Comptroller General of the United States to conduct a study on gaming facilities at military installations and problem gambling among members of the Armed Forces, and to submit a report, within 1 year of the date of enactment of this Act, to the congressional defense committees.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

#### **LEGISLATIVE PROVISIONS NOT ADOPTED**

*Access to broad range of methods of contraception approved by the Food and Drug Administration for members of the Armed Forces and military dependents at military treatment facilities*

The House bill contained a provision (sec. 702) that would require the Secretary of Defense to ensure that every military medical treatment facility has a sufficient stock of a broad range of contraceptive methods approved by the Food and Drug

Administration to be able to dispense any contraceptive method to service women and other female beneficiaries eligible for healthcare in those facilities.

The Senate amendment contained no similar provision.

The House recesses.

The conferees note that military medical treatment facilities stock and dispense a broad range of contraceptive methods approved by the Food and Drug Administration to service women and other eligible female beneficiaries. The conferees encourage the Department of Defense to ensure that deployed service women have access to prescription contraceptives throughout the duration of their deployments.

#### *Access to contraceptive method for duration of deployment*

The House bill contained a provision (sec. 703) that would require the Secretary of Defense to ensure that service women who use prescription contraceptives receive, prior to deployment, a sufficient supply of those contraceptives for the duration of their deployments.

The Senate amendment contained no similar provision.

The House recesses.

The conferees expect the Secretary of Defense to ensure that service women who use contraceptives have contraceptives available throughout their deployment. This can be accomplished by use of the TRICARE Mail Order Pharmacy program or other means.

#### *Access to infertility treatment for members of the Armed Forces and dependents*

The House bill contained a provision (sec. 704) that would require the Secretary of Defense, in coordination with the service secretaries, to provide reproductive counseling and infertility treatments, including continuation of infertility services during a change of duty station relocation, to members and dependents of members of the Armed Forces.

The Senate amendment contained no similar provision.

The House recesses.

The conferees note that section 729 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291) requires the Secretary of Defense to submit a report to the congressional defense committees assessing the access of members of the Armed Forces and their dependents to reproductive counseling and infertility treatments. The Department of Defense has not yet provided this report to the committees. The conferees believe that a thorough

study of this report must be done prior to enacting legislation on this issue.

*Pilot program on treatment of members of the Armed Forces for post-traumatic stress disorder related to military sexual trauma*

The Senate amendment contained a provision (sec. 705) that would authorize the Secretary of Defense to conduct a pilot program to award grants to community partners to provide intensive outpatient programs to treat members of the Armed Forces suffering from post-traumatic stress disorder resulting from military sexual trauma, including treatment for substance abuse, depression, and other issues related to those conditions.

The House bill contained no similar provision.

The Senate recesses.

The conferees note that the Services already have capabilities to provide intensive outpatient services for substance abuse rehabilitation and behavioral health disorders. The Navy has 12 substance abuse rehabilitation programs located at intensive outpatient program sites in the United States and overseas, and the Air Force has one program. The Army is establishing intensive outpatient programs at 17 military medical treatment facilities by fiscal year 2016, and these programs will offer multi-week intensive behavioral health services to treat patients with severe behavioral health conditions like post-traumatic stress disorder.

*Unified medical command*

The House bill contained a provision (sec. 711) that would amend chapter 6 of Title 10, United States Code, to require the President, through the Secretary of Defense and with the advice and consent of the Chairman of the Joint Chiefs of Staff, to establish a unified command for medical operations to provide medical services to the Armed Forces and other eligible health care beneficiaries.

The Senate amendment contained no similar provision.

The House recesses.

*Pilot program for operation of network of retail pharmacies under TRICARE pharmacy benefits program*

The House bill contained a provision (sec. 714) that would authorize the Secretary of Defense to conduct a pilot program to evaluate whether a preferred retail pharmacy network will generate cost savings for the Department of Defense.

The Senate amendment contained no similar provision.

The House recesses.

The conferees observe that the Department of Defense (DOD) already operates a large preferred retail pharmacy network and prescriptions filled in those pharmacies are subject to the federal ceiling price policy established under section 1074g(f) of title 10, United States Code.

The conferees note with concern that DOD did not proactively monitor the effects of the transition of maintenance medications specific to affected beneficiaries from retail pharmacies to mail order and military medical treatment facility (MTF) pharmacies, including important effects such as availability of medications, timeliness and accuracy of prescriptions filled, and satisfaction for the TRICARE for Life pharmacy pilot established by section 716 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239). Accordingly, for the first 12 months following the expansion of the pilot program requirements to additional TRICARE beneficiaries as of October 1, 2015, the conferees direct the DOD to provide to the Committees on Armed Services of the Senate and the House of Representatives a quarterly report detailing the results of monitoring the effects of the transition from retail pharmacies to mail order and MTF pharmacies on affected beneficiaries, including actions taken to address any issues identified as a result of these monitoring efforts. Each quarterly report shall be submitted no later than 30 days after the end of the respective quarter of the fiscal year.

*Limitation on conversion of military medical and dental positions to civilian medical and dental positions*

The Senate amendment contained a provision (sec. 717) that would amend chapter 49 of title 10, United States Code, to provide that a medical or dental position within the Department of Defense may not be converted to a civilian medical or dental position unless the Secretary of Defense determines that: (1) the position is not a military essential position; (2) conversion of the position would not result in the degradation of medical or dental care or the medical or dental readiness of the Armed Forces; and (3) conversion of the position to a civilian medical or dental position is more cost effective than retaining the position as a military medical or dental position, consistent with Department of Defense Instruction 7041.04.

The House bill contained no similar provision.

The Senate recesses.

*Primary blast injury research*

The House bill contained a provision (sec. 724) that would require the peer-reviewed Psychological Health and Traumatic Brain Injury Research Program of the Department of Defense to conduct a study on blast injury mechanics covering a broad range of blast injury conditions, including traumatic brain injury.

The Senate amendment contained no similar provision.

The House recesses.

*Publication of certain information on health care provided by the Department of Defense through the Hospital Compare website of the Department of Health and Human Services*

The Senate amendment contained a provision (sec. 731) that would require the Secretary of Defense to enter into a memorandum of understanding with the Secretary of Health and Human Services to report, and make publicly available through the Hospital Compare Internet web site of the Department of Health and Human Services, information on quality of care and health outcomes regarding patients treated at military medical treatment facilities.

The House bill contained no similar provision.

The Senate recesses.

The conferees strongly encourage the Department of Defense to demonstrate greater transparency of quality of care and health outcomes data by making such data available on the Hospital Compare web site of the Department of Health and Human Services.

*Report on plan to improve pediatric care and related services for children of members of the Armed Forces*

The Senate amendment contained a provision (sec. 735) that would require the Secretary of Defense to submit to the Committees on Armed Services of the Senate and the House of Representatives, not later than 180 days after the date of enactment of this Act, a report setting forth the plan of the Department to improve pediatric care and related services for children of members of the Armed Forces.

The House bill contained no similar provision.

The Senate recesses.

The conferees encourage the Department of Defense to continue improvement in the delivery of healthcare services to pediatric patients, especially those patients with severe disabilities, and to correct deficiencies noted in the report from the Secretary of Defense required by Section 735 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239). The conferees direct the Department of Defense to

include pediatric health outcome measures in the annual report to Congress on TRICARE program effectiveness.

*Comptroller General report on use of quality of care metrics at military treatment facilities*

The Senate amendment contained a provision (sec. 737) that would require the Comptroller General of the United States to submit a report, not later than 1 year after the date of enactment of this Act, to the Committees on Armed Services of the Senate and the House of Representatives on the Department of Defense's use of quality of care metrics in military medical treatment facilities.

The House bill contained no similar provision.

The Senate recesses.

The conferees note a requirement, in a separate section of this bill, for the Comptroller General of United States to submit a report assessing the Department's plans to improve health outcomes, to create health value, and to ensure the provision of quality health care in military medical treatment facilities and through purchased care.

*Report on implementation of data security and transmission standards for electronic health records*

The Senate amendment contained a provision (sec. 741) that would require the Secretary of Defense and the Secretary of Veterans Affairs to submit a joint report to Congress by June 1, 2016, on the implementation of security and data transmission standards by the Departments in the deployment of new or updated electronic health records.

The House bill contained no similar provision.

The Senate recesses.

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

**SUBTITLE A—ACQUISITION POLICY AND  
MANAGEMENT**

*Required review of acquisition-related functions of the Chiefs of Staff of the Armed Forces (sec. 801)*

The House bill contained a provision (sec. 802) that would require the Chief of Staff of the Army, the Chief of Naval

Operations, the Chief of Staff of the Air Force, and the Commandant of the Marine Corps to review their current authorities provided in sections 3033, 5033, 5043, and 8033 of title 10, United States Code, and other relevant statutes and regulations related to defense acquisitions for the purpose of developing such recommendations that the Chief concerned or the Commandant considers necessary to further or strengthen the role of the Chief concerned or the Commandant in the development of requirements, acquisition processes, and the associated budget practices of the Department of Defense.

The Senate amendment contained no similar provision.

The Senate recesses.

#### *Role of Chiefs of Staff in the acquisition process (sec. 802)*

The Senate amendment contained a provision (sec. 801) that would amend section 2547 of title 10, United States Code, to enhance the role of Chiefs of Staff in the defense acquisition process. This provision would reinforce the role and responsibilities of the Chiefs of Staff in decisions regarding the balancing of resources and priorities, and associated tradeoffs among cost, schedule, technical feasibility, and performance on major defense acquisition programs.

The House bill had no similar provision.

The House recesses.

#### *Expansion of rapid acquisition authority (sec. 803)*

The Senate amendment contained a provision (sec. 802) that would amend section 806(c) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (10 U.S.C. 2302 note), as amended by section 811 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375). This provision would enhance the rapid acquisition authority currently provided to the Secretary of Defense by allowing the Secretary to use this authority for two new categories of supplies and associated support services that the Secretary determines: (1) are urgently needed and impact an ongoing or anticipated contingency operation that, if left unfulfilled, could potentially result in loss of life or critical mission failure; or (2) are urgently needed to eliminate a deficiency that as the result of a cyber attack has resulted in critical mission failure, the loss of life, property destruction, or economic effects, or is likely to result in critical mission failure, the significant loss of life, property destruction, or economic effects.

The House bill contained no similar provision.

The House recesses.

*Middle tier of acquisition for rapid prototyping and rapid fielding (sec. 804)*

The Senate amendment contained a provision (sec. 803) that would require the Under Secretary of Defense for Acquisition, Technology, and Logistics to issue guidance for an expedited and streamlined "middle tier" of acquisition programs that are intended to be completed within 5 years. These programs would be distinctive from "rapid acquisitions" that are generally completed within 6 months to 2 years and "traditional" acquisitions that last much longer than 5 years.

The House bill contained no similar provision.

The House recesses.

*Use of alternative acquisition paths to acquire critical national security capabilities (sec. 805)*

The Senate amendment contained a provision (sec. 805) that would require the Secretary of Defense to establish procedures and guidelines for alternative acquisition pathways to acquire capital assets and services that meet critical national security needs.

The House bill contained no similar provision.

The House recesses with an amendment that would require procedures to be developed within 180 days.

*Secretary of Defense waiver of acquisition laws to acquire vital national security capabilities (sec. 806)*

The Senate amendment contained a provision (sec. 806) that would allow the Secretary of Defense to waive acquisition law or regulation for the purpose of acquiring a capability that is in the vital interest of the United States and is not otherwise available to the Armed Forces of the United States. The Secretary shall notify the congressional defense committees at least 30 days before exercising the waiver authority and designate a senior official who shall be personally responsible and accountable for the rapid and effective acquisition and deployment of the needed capability.

The House bill contained no similar provision.

The House recesses.

*Acquisition authority of the Commander of United States Cyber Command (sec. 807)*

The Senate amendment contained a provision (sec. 807) that would authorize limited acquisition authority for the Commander of United States Cyber Command (CYBERCOM).

The House bill contained no similar provision.

The House recedes with an amendment that would clarify that the Commander of CYBERCOM may obligate and expend up to \$75.0 million of the funds made available for each fiscal year from 2016 through 2021. The amendment would add a requirement for an implementation plan, the review of programs being acquired under this authority by the Cyber Investment Management Board, and an annual end of year assessment. The amendment would also make a number of technical and conforming edits.

The conferees believe the Commander of CYBERCOM should utilize this limited acquisition authority to fulfill cyber operations-peculiar and cyber capability-peculiar requirements the services are unable to meet to ensure the Department of Defense is adequately postured to defend and respond to cyber threats. The conferees maintain that this limited authority should not be construed to replace the acquisition responsibilities of the military services to fulfill their man, train and equip requirements. The conferees believe successful demonstration of these acquisition authorities will require implementation of memoranda of agreement with the military services to define enduring responsibilities and more explicit definition cyber operations-peculiar and cyber capability-peculiar requirements.

*Report on linking and streamlining requirements, acquisition, and budget processes within Armed Forces (sec. 808)*

The House bill contained a provision (sec. 801) that would require the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, and the Commandant of the Marine Corps to each submit a report to the congressional defense committees on their efforts to leverage their existing statutory authorities in a manner that links and streamlines their services' requirements, acquisition, and budget processes in order to foster improved outcomes.

The Senate amendment contained no similar provision.

The Senate recedes.

*Advisory panel on streamlining and codifying acquisition regulations (sec. 809)*

The Senate amendment contained a provision (sec. 808) that would require the Under Secretary of Defense for Acquisition,

Technology and Logistics to establish an advisory panel on streamlining acquisition regulations.

The House bill contained no similar provision.

The House recesses.

*Review of time-based requirements process and budgeting and acquisition systems (sec. 810)*

The Senate amendment contained a provision (sec. 809) that would require the Secretary of Defense and the Chairman of the Joint Chiefs of Staff to review the requirements process to provide for a time-based or phased distinction between capabilities needed to be deployed urgently, within 2 years, within 5 years, and longer than 5 years.

The House bill contained no similar provision.

The House recesses with an amendment to clarify the scope of the review.

## **SUBTITLE B—AMENDMENTS TO GENERAL CONTRACTING AUTHORITIES, PROCEDURES, AND LIMITATIONS**

*Amendment relating to multiyear contract authority for acquisition of property (sec. 811)*

The House bill contained a provision (sec. 806) that would strike the existing requirement that the head of an agency must determine that substantial savings would be achieved before entering into a multiyear contract.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would require that significant savings would be achieved before entering into a multiyear contract.

The conferees agree that the government should seek to maximize savings whenever it pursues multiyear procurement. However, the conferees also agree that significant savings (estimated to be greater than \$250.0 million), and other benefits, may be achieved even if it does not equate to a minimum of 10 percent savings over the cost of an annual contract. The conferees expect a request for authority to enter into a multiyear contract will include (1) the estimated cost savings, (2) the minimum quantity needed, (3) confirmation that the design is stable and the technical risks are not excessive, and (4) any other rationale for entering into such a contract.

*Applicability of cost and pricing data and certification requirements (sec. 812)*

The Senate amendment contained a provision (sec. 822) that would limit the applicability of the Truth in Negotiations Act (Public Law 87-653; 10 U.S.C. section 2306a) to offset agreements.

The House bill contained no similar provision.

The House recedes with an amendment that would provide for an exception to this limitation for subcontracts and contracts under the offset agreement for work performed in a foreign country that are directly-related to the weapon systems of defense-related item being purchased under the contract.

*Rights in technical data (sec. 813)*

The Senate amendment contained a provision (sec. 825) that would clarify procedures for the validation of rights in technical data for subsystems and components of major weapon systems; and establish a government-industry advisory panel to review sections 2320 and 2321 of title 10, United States Code.

The House bill contained no similar provision.

The House recedes.

*Procurement of supplies for experimental purposes (sec. 814)*

The Senate amendment contained a provision (sec. 826) that would update the experimental acquisition authority in section 2373 of title 10, United States Code, to apply to transportation, energy, medical, and space flight and to clarify when provisions of Chapter 137 of title 10 apply to such procurements.

The House bill contained no similar provision.

The House recedes.

*Amendments to other transaction authority (sec. 815)*

The House bill contained a provision (sec. 853) would make permanent the other transactions authority (OTA) for contracting established in section 845 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160), as modified most recently by section 812 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291). The provision would also make changes to the authority to use such mechanisms.

The Senate amendment contained a similar provision (section 804) that modified the authority, as well as modifying the definition of a "non-traditional" defense contractor.

The House recedes with an amendment that would: (1) make section 845 authority permanent; (2) clarify the authority to use section 845 authority to acquire prototypes or follow-on production items to be provided to contractors as government-furnished equipment; (3) ensure that innovative small business firms are authorized to participate in other transactions under section 845 without the requirement for a cost-share (except where the small business is partnered with a large business in a transaction); and (4) clarify the use of follow-on production contracts or other transactions authority. The provision further requires the Department of Defense to study the benefits of permitting not-for-profit entities to enter into other transactions agreements without the requirement for cost sharing.

The conferees believe that the flexibility of the OTA authorities of section 2371 of title 10, United States Code, and the related and dependent authorities of section 845 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160) as modified and codified in this provision, can make them attractive to firms and organizations that do not usually participate in government contracting due to the typical overhead burden and "one size fits all" rules. The conferees believe that expanded use of OTAs will support Department of Defense efforts to access new source of technical innovation, such as Silicon Valley startup companies and small commercial firms.

*Amendment to acquisition threshold for special emergency procurement authority (sec. 816)*

The House bill contained a provision (sec. 854) that would raise the simplified acquisition threshold from \$100,000 to \$500,000, the micro-purchase threshold from \$3,000 to \$5,000, and the special emergency procurement authority threshold for purchases inside the United States from \$250,000 to \$750,000 and for purchases outside the United States from \$1.0 million to \$1.5 million, and the small business reservation threshold from \$100,000 to \$500,000.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would amend section 1903 of title 41, United States Code to raise the special emergency procurement authority threshold.

*Revision of method of rounding when making inflation adjustment of acquisition-related dollar thresholds (sec. 817)*

The House bill contained a provision (sec. 855) that would amend section 1908(e)(2) of title 41, United States Code, to change the rounding method that is used when scheduled adjustments are made to certain acquisition-related dollar thresholds.

The Senate amendment contained no similar provision.  
The Senate recesses.

## **SUBTITLE C—PROVISIONS RELATING TO MAJOR DEFENSE ACQUISITION PROGRAMS**

*Acquisition strategy required for each major defense acquisition program, major automated information system, and major system (sec. 821)*

The House bill contained a provision (sec. 822) that would establish a new section in chapter 144 of title 10, United States Code, that requires an acquisition strategy for each major defense acquisition program and each major system approved by a Milestone Decision Authority (MDA).

The Senate amendment contained a similar provision (sec. 841).

The conference agreement includes a provision that combines these two provisions. The provision would mandate that the Department of Defense create an acquisition strategy for each major defense acquisition program, each major automated information system, and each major system approved by an MDA. The provision further outlines key areas that should be considered in the strategies, as well as a process for the periodic review of the strategy by the MDA.

*Revision to requirements relating to risk management in development of major defense acquisition programs and major systems (sec. 822)*

The House bill contained a provision (sec. 823) that would establish a new section in chapter 144 of title 10, United States Code that requires the program acquisition strategy for each major defense acquisition program or major system to include an identification of major program risks and a risk management and mitigation strategy.

The Senate amendment contained a similar provision (sec. 842).

The conference agreement includes a provision that combines these two provisions designed to reduce programmatic risk. The provision mandates that the program acquisition strategy specifically address approaches to manage and mitigate risks, and highlights a number of techniques that support such mitigation. The provision further highlights the importance of prototyping as a risk mitigation approach.

The conferees expect that the risk mitigation aspects of a program acquisition strategy should be addressed with each increment of a program. Further, the conferees expect that the comprehensive approach to risk mitigation should identify: each individual risk to the program; risk management and mitigation activities developed to address the risks; and resources to support those mitigation activities.

*Revision of Milestone A decision authority responsibilities for major defense acquisition programs (sec. 823)*

The House bill contained a provision (sec. 825) that would amend section 2366a of title 10, United States Code, to require the Milestone Decision Authority to make a written determination, in lieu of a certification, before approving milestone A.

The Senate amendment contained a similar provision (sec. 844).

The Senate recedes with an amendment that combines these two provisions. The provision establishes the Milestone Decision Authority's responsibility to ensure that an acquisition program has demonstrated sufficient knowledge to enter into a risk reduction phase following Milestone A and has sound plans to progress to the development phase before granting milestone approval. It specifies the considerations the milestone decision authority must take into account, thereby addressing the critical activities that need to precede and occur during the succeeding risk reduction phase.

*Revision of Milestone B decision authority responsibilities for major defense acquisition programs (sec. 824)*

The House bill contained a provision (sec. 826) that would amend section 2366b of title 10, United States Code, to require the Milestone Decision Authority (MDA) to make a written determination, instead of a certification, for some of the existing certification requirements before approving milestone B.

The Senate amendment contained a similar provision (sec. 845).

The Senate recedes with an amendment that combines these two provisions.

The provision establishes the MDA's responsibility to ensure that an acquisition program has demonstrated sufficient knowledge to enter a development phase and has sound plans in place to deliver the required capability, before granting milestone approval. It specifies the considerations the MDA must take into account, thereby addressing the critical activities that need to precede and occur during the development phase. It further specifies that the MDA must certify that the program has a high likelihood of accomplishing its intended mission based on a formal post-preliminary design review assessment, and that the technology in the program has been demonstrated in a relevant environment based on an independent review and assessment.

*Designation of milestone decision authority (sec. 825)*

The Senate amendment contained a provision (sec. 843) that would amend section 2430 of title 10, United States Code, to designate the service acquisition executives as the milestone decision authority for major acquisition programs managed by the military services; require that if a program managed by the services breaches thresholds in the Nunn-McCurdy Act, section 2433 of title 10, United States Code, the Secretary of Defense shall revoke service milestone decision authority for the program; clarify that for service programs where the service acquisition executive is the milestone decision authority the Under Secretary of Defense for Acquisition, Technology, and Logistics would exercise advisory authority; require that the service secretaries and service chiefs certify in each Selected Acquisition Report that program requirements are stable and funding is adequate to meet cost, schedule, and performance objectives for each major defense acquisition program; require the Deputy Chief Management Officer to issue guidance to ensure that acquisition policy, guidance, and practices support a streamlined decision making and approval process that minimizes information requests on service managed programs; and require not later than 180 days after the enactment of this Act, the Secretary of Defense to submit to the congressional defense committees a plan to implement the Under Secretary of Defense for Acquisition, Technology, and Logistics advisory authority for service acquisition programs. The provision mandated implementation of the changes within 1 year of the date of enactment of the Act.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify that the provision would apply to new programs reaching milestone A after October 1, 2016; modify certain certification requirements; and require the Secretary of Defense to review the acquisition oversight process for major defense acquisition programs and limit outside requirements for documentation to an absolute minimum on those service managed programs. The conferees note that the Under Secretary of Defense for Acquisition, Technology, and Logistics should only exercise advisory authority, subject to the overall authority, direction, and control of the Secretary of Defense, over service acquisition programs for which the service acquisition executive is the milestone decision authority.

*Tenure and accountability of program managers for program definition periods (sec. 826)*

The Senate amendment contained a provision (sec. 846) that would require the Secretary of Defense to revise Department of Defense guidance for defense acquisition programs to address the tenure and accountability of program managers for the program definition period of defense acquisition programs.

The House bill contained no similar a provision.

The House recedes with an amendment to clarify the period of time to which the required guidance applies, and to include authority for the Secretary of Defense to adjust program management assignment tenures, under certain circumstances.

*Tenure and accountability of program managers for program execution periods (sec. 827)*

The Senate amendment contained a provision (sec. 847) that would address the tenure and accountability of program managers for the program execution period of defense acquisition programs.

The House bill contained no similar a provision.

The House recedes with an amendment to clarify the elements of the guidance to be issued as a result of the provision.

*Penalty for cost overruns (sec. 828)*

The Senate amendment contained a provision (sec. 849) under which each military department would pay an annual penalty in the amount of 3 percent of the cumulative cost overrun on all of its major defense acquisition programs (MDAPs).

The House bill contained no similar provision.

The House recesses.

*Streamlining of reporting requirements applicable to Assistant Secretary of Defense for Research and Engineering regarding major defense acquisition programs (sec. 829)*

The Senate amendment contained a provision (sec. 850) that would amend section 138(b) of title 10, United States Code, to change the scope of periodic reports the Assistant Secretary of Defense for Research and Engineering is required to deliver to the congressional defense committees, the Secretary of Defense, and the Undersecretary of Defense for Acquisition, Technology and Logistics.

The House bill contained no similar provision.

The House recesses.

*Configuration Steering Boards for cost control under major defense acquisition programs (sec. 830)*

The Senate amendment contained a provision (sec. 851) that would amend section 814 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417) to require each Configuration Steering Board to track any changes in program requirements for a major defense acquisition program and that all such changes must receive approval by the service chief in consultation with the service secretary.

The House bill contained no similar provision.

The House recesses with an amendment that would clarify the types of changes required to be approved by the service chief.

*Repeal of requirement for stand-alone manpower estimates for major defense acquisition programs (sec. 831)*

The House bill contained a provision (sec. 856) that would consolidate the statutory requirement for a detailed manpower estimate prior to approval of development or production and deployment of a major defense acquisition program as established by section 2434 of title 10, United States Code, with the independent estimate of the full life-cycle cost of the program also required by section 2434.

The Senate amendment contained a similar provision (sec. 848).

The Senate recesses with an amendment that would require that the independent estimate of the full-life cycle costs of a program include the costs of training.

*Revision to duties of the Deputy Assistant Secretary of Defense for Developmental Test and Evaluation and the Deputy Assistant Secretary of Defense for Systems Engineering (sec. 832)*

The House bill contained a provision (sec. 862) that would amend section 139b of title 10, United States Code, to clarify that the Deputy Assistant Secretary of Defense for Developmental Test and Evaluation and the Deputy Assistant Secretary of Defense for Systems Engineering advise the Milestone Decision Authority regarding review and approval of developmental test plans and systems engineering plans.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize the Deputy Assistant Secretary of Defense for Developmental Test and Evaluation and the Deputy Assistant Secretary of Defense for Systems Engineering to review developmental test and evaluation and systems engineering master plans for major defense acquisition programs, respectively, and advise relevant technical authorities on the incorporation of best practices for programs under consideration.

## **SUBTITLE D—PROVISIONS RELATING TO ACQUISITION WORKFORCE**

*Amendments relating to Defense Acquisition Workforce Development Fund (sec. 841)*

The House bill contained a provision (sec. 811) that would amend section 1705 of title 10, United States Code, to make permanent the authority for both the Defense Acquisition Workforce Development Fund and the associated expedited hiring authority.

The Senate amendment contained a provision (sec. 872) that would extend the Defense Acquisition Workforce Development Fund for 5 additional years and modify the requirements of the biennial strategic workforce plan to assess any new or expanded critical skills or competencies needed by the acquisition workforce. The Senate amendment also contained a provision (sec. 1106) that would extend the expedited hiring authority for designated defense acquisition workforce positions for 5 years.

The House recedes with an amendment that would combine the provisions. The provision would make permanent the authority for both the Defense Acquisition Workforce Development Fund and the associated expedited hiring authority, as well as making technical revisions to the administration of the Fund and to the biennial strategic workforce plan.

*Dual-track military professionals in operational and acquisition specialities (sec. 842)*

The House bill contained a provision (sec. 812) that would amend section 1722a of title 10, United States Code, by reinstating a dual-tracking system of primary and functional secondary career fields for officers and noncommissioned officers serving in acquisition positions by dual-tracking such personnel in operational and acquisition career fields under the shared accountability and responsibility of the military service chiefs and component acquisition executives for career path management and selections.

The Senate amendment contained a similar provision (sec. 503) that would provide for an enhanced dual track career path in combat arms and a functional secondary career in acquisition to more closely align military operational requirements and acquisition and include business and commercial training as joint professional military education.

The Senate recesses.

The conferees encourage the Secretary to ensure that the curriculum for Phase II joint professional military education includes matters in acquisition to ensure the successful performance in the acquisition or acquisition related fields.

*Provision of joint duty assignment credit for acquisition duty (sec. 843)*

The House bill contained a provision (sec. 813) that would amend section 668 of title 10, United States Code, by adding to the term "joint matters" the inclusion of acquisition matters addressed by military personnel.

The Senate amendment contained a similar provision (sec. 503) that would provide for credit for joint duty assignments for acquisition related assignments in order to broaden the promotion preference and career opportunities of military acquisition professionals.

The Senate recesses.

*Mandatory requirement for training related to the conduct of market research (sec. 844)*

The House bill contained a provision (sec. 815) that would amend section 2377 of title 10, United States Code, by adding a requirement that the Secretary of Defense shall provide mandatory training for members of the Armed Forces and employees of the Department of Defense responsible for the conduct of

market research required under subsection (c) of section 2377 of title 10, United States Code.

The Senate amendment contained no similar provision.

The Senate recesses.

The conferees note that the Department should consider using the Defense Acquisition Workforce Development Fund for training in market research and other training needed to improve the Department's use of commercial contracting and pricing methods to better access commercial industry sources.

*Independent study of implementation of defense acquisition workforce improvement efforts (sec. 845)*

The House bill contained a provision (sec. 816) that would require the Secretary of Defense, within 30 days after the date of the enactment of this Act, to enter into a contract with an independent research entity that is a not-for-profit entity or a federally funded research and development center with appropriate expertise and analytical capability to carry out a comprehensive study of the Department of Defense's strategic planning related to the defense acquisition workforce.

The Senate amendment contained no similar provision.

The Senate recesses.

*Extension of authority for the civilian acquisition workforce personnel demonstration project (sec. 846)*

The House bill contained a provision (sec. 817) that would amend section 1762 of title 10, United States Code, by extending the demonstration project relating to certain acquisition personnel management policies and procedures through 2020.

The Senate amendment contained a similar provision (sec. 1110) that would amend section 1762, title 10, United States Code, to extend the Civilian Acquisition Workforce Personnel Demonstration Project under that section through December 31, 2020.

The House recesses.

## **SUBTITLE E—PROVISIONS RELATING TO COMMERCIAL ITEMS**

*Procurement of commercial items (sec. 851)*

The House bill contained a provision (sec. 804) that would: 1) amend chapter 140 of title 10, United States Code, by adding a new section that would require the Secretary of Defense

to establish and maintain a centralized capability with the resources and expertise to oversee the making of commercial item determinations for Department of Defense procurements and to provide public access to Department of Defense commercial item determinations; and 2) would amend section 2306a (b) of title 10, United States Code, to allow the contracting officer to presume that a prior commercial item determination made by a military department, Defense Agency, or other component of the Department of Defense shall serve as a determination for subsequent procurements of such items.

The Senate amendment contained a similar provision (sec. 863) that would require the modification to the Defense Federal Acquisition Regulation Supplement to address the continuing validity of commercial item determinations for multiple procurements.

The Senate recedes with an amendment that would combine both provisions and make technical and conforming changes.

*Modification to information required to be submitted by offeror in procurement of major weapon systems as commercial items (sec. 852)*

The House bill contained a provision (sec. 805) that would amend section 2379 of title 10, United States Code, by striking the requirement that in making a determination that an item is a commercial item, the contracting officer shall determine in writing that the offeror of the item has submitted sufficient information to evaluate, through price analysis, the reasonableness of the price for such item.

The Senate amendment contained a similar provision (sec. 864).

The Senate recedes with an amendment that would clarify the hierarchy of information that can be requested by the Department of Defense to be submitted by a contractor to support a price reasonableness determination.

*Use of recent prices paid by the Government in the determination of price reasonableness (sec. 853)*

The House bill contained a provision (sec. 852) that would amend section 2306a of title 10, United States Code, by adding a new paragraph that would require a contracting officer to consider evidence provided by an offeror of recent purchase prices paid by the Government for the same or similar commercial items in establishing price reasonableness

The Senate amendment contained no similar provision.  
The Senate recedes.

*Report on defense-unique laws applicable to the procurement of commercial items and commercially available off-the-shelf items (sec. 854)*

The Senate amendment contained a provision (sec. 861) that would amend section 2375 of title 10, United States Code, to require the establishment of a list in the Defense Federal Acquisition Regulation Supplement of inapplicable defense-unique statutes to contracts for commercial items and commercial available off-the-shelf items.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Department of Defense to report to the congressional defense committees identifying the defense-unique provisions of law that are applicable for the procurement of commercial items or commercial-off-the shelf items, both at the prime and subcontract level.

*Market research and preference for commercial items (sec. 855)*

The Senate amendment contained a provision (sec. 862) that would require the Under Secretary of Defense for Acquisition, Technology and Logistics to issue guidance to ensure that defense acquisition officials fully comply with the requirements of section 2377 of title 10, United States Code.

The House bill contained no similar provision.

The House recedes.

*Limitation on conversion of procurements from commercial acquisition procedures (sec. 856)*

The Senate amendment contained a provision (sec. 865) that would limit the conversion of the procurement of a commercial item or commercial service to a non-commercial acquisition procedure unless the Secretary of Defense certifies to the congressional defense committees that the Department of Defense will realize a significant cost savings as compared to the cost of procuring a similar quantity of such item or level of service using commercial acquisition procedures.

The House bill contained no similar provision.

The House recedes with an amendment that would require a written determination to be made prior to any conversion of the procurement of commercial items to a non-commercial acquisition procedure. The conferees also require the Secretary of Defense to establish procedures to track conversions of future contracts and subcontracts for improved analysis and reporting.

*Treatment of goods and services provided by nontraditional defense contractors as commercial items (sec. 857)*

The Senate amendment contained a provision (sec. 866) that would amend chapter 140 of title 10, United States Code, to include a new provision that would authorize the Department of Defense to treat goods and services provided by a non-traditional contractor as defined in section 2302(9) of title 10, United States Code, as a commercial item.

The House bill contained no similar provision.

The House recesses.

## **SUBTITLE F—INDUSTRIAL BASE MATTERS**

*Amendment to Mentor-Protégé Program (sec. 861)*

The House bill contained a provision (sec. 831) that would codify the Department of Defense Mentor-Protégé Pilot Program in Title 10 United States Code as a permanent program.

The Senate amendment contained a provision (sec. 877) that would extend the authorization for Department of Defense Mentor-Protégé Pilot Program by 1 year.

The House recesses with an amendment that would clarify the eligibility requirements, forms of assistance, extension of the authorization and reporting requirements.

The conferees note that the Congressionally-mandated Mentor Protégé program is intended to support efforts of small and disadvantaged businesses to partner with established defense suppliers to improve their ability to deliver needed technologies and services to the Department of Defense. The committee is concerned that the program may not always be executed to most effectively achieve mandated goals. Analysis of this program indicates that in some cases, protégé firms participating in this program had received millions of dollars in federal prime contract awards prior to the establishment of their Mentor-Protégé agreements, indicating they may have possessed sufficient ability to market their goods and services to federal customers without the need for additional developmental assistance.

The conferees direct the Secretary of Defense to report to the House Committee on Armed Services and the Senate Committee on Armed Services, within 90 days of the enactment of this Act, on changes to program policy and metrics that would ensure the program meets the goal of enhancing the defense supplier base in the most effective and efficient manner. The report shall include recommendations to better direct the developmental assistance to the most appropriate disadvantaged small business

concerns, including nontraditional defense contractors currently providing goods or services in the private sector that are most critical to enhancing the capabilities of the defense supplier base and fulfilling key Department needs. The report shall describe how the Department will strengthen the review processes of program investments to ensure activities proposed in developmental plans are necessary for the protégé's development, taking into account the protégé's reported prime contract and subcontract awards, and that mentors are obtaining the best value for all reimbursed activities. The report shall also assess alternate models for incentives for participation by mentor companies in the program other than direct reimbursement, and shall detail program metrics that would enable the Department evaluate the program's return on investment and the actual impact of the development assistance on the protégé's ability to support DOD needs. The conferees recommend that the Secretary ensure that the annual reports generated by the Defense Contract Management Agency are sufficient to be used to evaluate team performance and mentor reimbursement.

Further, the conferees direct the U.S. Comptroller General of the United States, within 1 year of enactment of this Act, report to the House Committee on Armed Services and the Senate Committee on Armed Services, with an assessment of the efficacy of the DOD Mentor-Protégé pilot program, recommend ways to harmonize the DOD Mentor-Protégé pilot program with the Small Business Administration's Mentor-Protégé program, and discuss whether the reimbursement mechanism for the DOD Mentor-Protégé pilot program should be maintained.

*Amendments to data quality improvement plan (sec. 862)*

The House bill contained a provision (sec. 832) that would amend section 15(s) of the Small Business Act (15 U.S.C. 644(s)) to require the Administrator of the Small Business Administration to annually provide to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate certification of the accuracy and completeness of data reported on bundled and consolidated contracts. This section would also require the Comptroller General of the United States to provide a report to the aforementioned committees not later than the first day of fiscal year 2019 on the effectiveness of the certification process and an assessment of whether contracts were accurately labeled as bundled or consolidated.

The Senate amendment contained no similar provision.  
The Senate recesses.

*Notice of contract consolidation for acquisition strategies  
(sec. 863)*

The House bill contained a provision (sec. 833) that would amend section 44(c)(2) of the Small Business Act (15 U.S.C. 657q(c)(2)) to require the senior procurement executive or chief acquisition officer to announce through a public website that a determination has been made to bundle or consolidate contracts within 1 week of making the determination, but no later than 1 week prior to the issuance of a solicitation.

The Senate amendment contained no similar provision.  
The Senate recesses.

*Clarification of requirements related to small business  
contracts for services (sec. 864)*

The House bill contained a provision (sec. 834) that would amend section 8(a)(17) of the Small Business Act (15 U.S.C. 637(a)(17)) to clarify that the statute applies to contracts for goods, but not services or construction. The conferees note that the non-manufacturer rule (NMR) was established to ensure that, when competition for a contract for goods is restricted to small businesses, the goods ultimately purchased were indeed the product of a small business. However, the conferees are concerned that the NMR is being applied to services and construction contracts and could limit small business participants contracting for services and construction to the Federal Government. Therefore, the conferees believe this clarification to section 8(a)(17) is necessary.

The Senate amendment contained no similar provision.  
The Senate recesses.

*Certification requirements for Business Opportunity Specialists,  
commercial market representatives, and procurement center  
representatives (sec. 865)*

The House bill contained a provision (sec. 840) that would amend section 15 and section 4 of the Small Business Act (15 U.S.C. 644 and 633, respectively) to set certification requirements for commercial market representatives and to modify the current certification requirements for procurement center representatives and Business Opportunity Specialists.

The Senate amendment contained no similar provision.  
The Senate recesses with a technical amendment.

*Modifications to requirements for qualified HUBZone small  
business concerns located in a base closure area (sec. 866)*

The House bill contained a provision (sec. 842) that would amend section 152(a)(2) of title I of division K of the Consolidated Appropriations Act, 2005 (15 U.S.C. 632 note) to extend the length of time covered base closure areas may participate in the Historically Underutilized Business Zone (HUBZone) program to either 8 years or until the Small Business Administration announces which areas will qualify for the HUBZone program after the next decennial census data is released. This section would also amend section 3(p)(5)(A)(i)(1) of the Small Business Act (15 U.S.C. 632(p)(5)(A)(i)(I)) to include allowed covered base closure area HUBZone participants to meet the program's employment requirements by hiring 35 percent of their employees from any qualified HUBZone, and would amend section 3(p)(4)(D) of the Small Business Act (15 U.S.C. 632(p)(4)(D)) to extend physical boundaries of the covered base closure area, for purpose of the HUBZone program, to include lands within a 25-mile radius of the base.

The Senate amendment contained two similar provisions (sec. 882 and 883) that would amend the Small Business Act, title 15, United States Code to authorize the inclusion of qualified disaster areas to the Historically Underutilized Business Zone program administered by the Small Business Administration and to authorize the inclusion of base closure areas to the Historically Underutilized Business Zone program administered by the Small Business Administration.

The Senate recedes with an amendment that would combine both provisions.

*Joint venturing and teaming (sec. 867)*

The House bill contained a provision (sec. 843) that would amend section 15(e)(4) and 15(q)(1) of the Small Business Act (15 U.S.C. 644(e)(4) and 15 U.S.C. 644(q)(1)), respectively, by requiring agencies to give due consideration to the capabilities and past performances of the small businesses that submit offers as teams or joint ventures when the contract is bundled, consolidated, or for a multiple-award contract.

The Senate amendment contained no similar provision.

The Senate recedes.

*Modification to and scorecard program for small business contracting goals (sec. 868)*

The House bill contained a provision (sec. 844) that would codify a requirement to publish a scorecard on agency achievements regarding contract awards to small businesses and

require a Government Accountability Office report on the effectiveness of the scorecard methodology.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment to remove the requirement for the establishment and execution of the program before the end of fiscal year 2017.

*Establishment of an Office of Hearings and Appeals in the Small Business Administration; petitions for reconsideration of size standards (sec. 869)*

The House bill contained a provision (sec. 845) that would amend section 5 of the Small Business Act (15 U.S.C. 634) that would establish an Office of Hearings and Appeals in the Small Business Administration that would review petitions for the revision of small business size standards.

The Senate amendment contained no similar provision.

The Senate recedes.

*Additional duties of the Director of Small and Disadvantaged Business Utilization (sec. 870)*

The Senate amendment contained a provision (sec. 885) that would require the small business offices in the Office of the Secretary of Defense and the military departments to serve as intermediaries between small businesses and contracting officials prior to the award of contracts in cases where a small business prospective contractor notifies the small business office that it has reason to believe that the contracting process has been modified to preclude a small business from bidding on the contract or would give another contractor an unfair competitive advantage.

The House bill contained no similar provision.

The House recedes with an amendment that would amend section 15(k) of the Small Business Act (title 15, United States Code, section 644) to describe the responsibilities of federal agency Office of Small and Disadvantaged Business Utilization offices in cases where a small business concern prior to the award of a contract believes that a solicitation, request for proposal, or request for quotation might unduly restrict the ability of the small business concern to compete for the award.

*Including subcontracting goals in agency responsibilities (sec. 871)*

The House bill contained a provision (sec. 841) that would amend section 1633(b) of the National Defense Authorization Act

for Fiscal Year 2013 (Public Law 112-239) to include consideration of success in attainment of small business subcontracting goals as part of agency responsibilities.

The Senate amendment contained no similar provision.  
The Senate recesses.

*Reporting related to failure of contractors to meet goals under negotiated comprehensive small business subcontracting plans (sec. 872)*

The Senate amendment contained a provision (sec. 828) that would amend section 834(d) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189) to require the Secretary of Defense to report to Congress on any negotiated comprehensive subcontracting plan that the Secretary determines did not meet the subcontracting goals negotiated in the plan for the prior fiscal year.

The House bill contained no similar provision.  
The House recesses.

*Pilot program for streamlining awards for innovative technology projects (sec. 873)*

The Senate amendment contained a provision (sec. 831) that would establish a pilot program to provide an exception from the requirements under sections 2306a(1) and 2313 of title 10, United States Code, for contracts or subcontracts valued at less than \$7.5 million that are awarded based on a technical merit based selection procedure.

The House bill contained no similar provision.  
The House recesses with a technical amendment.

*Surety bond requirements and amount of guarantee (sec. 874)*

The House bill contained a provision (sec. 839) that would: (1) amend section 411 of the Small Business Investment Act of 1958 (15 U.S.C. § 694b(c)(1)) to increase the guarantee rate for surety bonds issued pursuant to the Small Business Administration's (SBA) Preferred Program to 90 percent; (2) amend chapter 93 of title 31, United States Code, to require that individual sureties have sufficient assets to redeem the bonds; and (3) provide for a study by the Comptroller General of the effects of these changes on small and disadvantaged business enterprises.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would retain the provision addressing the SBA program and the provision governing

the use of individual sureties. However, each provision will be subject to a 1-year delay in implementation to allow for the necessary rulemaking. The conference agreement does not retain the provisions amending the SBA surety bond program, nor does it provide for a study by the Comptroller General.

The conferees believe the compromise will allow for greater protection of federal agencies and subcontractors protected by surety bonds, while allowing the SBA more time to document the effects of changes to the surety bond program made by section 1695 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239).

*Review of Government access to intellectual property rights of private sector firms (sec. 875)*

The House bill contained a provision (sec. 835) that would require the Secretary of Defense to enter into a contract with an independent entity with appropriate expertise to conduct a review of Department of Defense regulations and practices related to Government access to and use of intellectual property rights of private sector firms.

The Senate amendment contained no similar provision.  
The Senate recesses.

*Inclusion in annual technology and industrial capability assessments of a determination about defense acquisition program requirements (sec. 876)*

The House bill contained a provision (sec. 322) that would amend section 2505 of title 10, United States Code, to include in the required periodic assessment of defense capability an additional requirement for the Secretary of Defense to also determine the extent to which the requirements associated with defense acquisition programs can be satisfied by the present and projected performance capacities of industries supporting the sectors or capabilities in the assessment and evaluate the reasons for any variance from applicable preceding determinations.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would require the review of the number of industry sources and whether requirements could be satisfied by industries not actively supporting the Department of Defense.

## **SUBTITLE G—OTHER MATTERS**

*Consideration of potential program cost increases and schedule delays resulting from oversight of defense acquisition programs (sec. 881)*

The House bill contained a provision (sec. 851) that would amend section 139 of title 10, United States Code, by including a new subsection that would require the Director of Operational Test and Evaluation to consider the potential for increases in program cost estimates or delays in schedule estimates in the implementation of policies, procedures, and activities related to operational test and evaluation, and to take appropriate action to ensure that the conduct of operational test and evaluation activities do not unnecessarily impede program schedules or increase program costs.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require that all relevant Department of Defense acquisition, management and oversight agencies consider the potential for increases in program costs or cost estimates or delays resulting from their office's oversight efforts with regards to defense acquisition.

*Examination and guidance relating to oversight and approval of services contracts (sec. 882)*

The House bill contained a provision (sec. 857) that would require the Under Secretary of Defense for Acquisition, Technology, and Logistics to complete an examination by March 1, 2016, of the decision authority related to acquisition of services and to develop and promulgate guidance to improve capabilities related to services contracts requirements development, source selection, and contract oversight and management.

The Senate amendment contained no similar provision.

The Senate recedes.

*Streamlining of requirements relating to defense business systems (sec. 883)*

The House bill contained a provision (sec. 858) that would revise section 2222 of title 10, United States Code, to clarify responsibilities for the management of defense business information technology systems. As a result, this section would repeal the current reporting requirement contained in section 2222 of title 10, United States Code, and insert a new annual reporting requirement through the year 2020 on the revised requirements of section 2222.

The Senate amendment contained a similar provision (section 871).

The conference agreement includes a provision that would combine the two provisions. The revised section 2222 of title 10, United States Code, streamlines the requirements for development and management of business systems, as well as associated reporting requirements; mandates elements of guidance to be issued by the Secretary of Defense on investments in and acquisition of business systems; clarifies the responsibilities of senior officials in the acquisition and management of business systems; and emphasizes the need for robust business process engineering prior to investment in commercial technology or the modification of commercial systems for use by the Department of Defense.

*Procurement of personal protective equipment (sec. 884)*

The House bill contained a provision (sec.860) that would ensure the Secretary of Defense uses best value contracting methods to the maximum extent practicable when procuring an item of personal protective equipment.

The Senate amendment contained a similar provision (sec. 824 that would: (1) prohibit the use of reverse auctions and lowest priced technically acceptable (LPTA) contracting methods for the procurement of personal protective equipment where the level of quality needed or the failure of the item could result in combat casualties; and (2) establish a preference for best value contracting methods when procuring such equipment.

The Senate recedes with an amendment to combine the two provisions to ensure that the Department of Defense to the maximum extent practicable uses best value criteria for the procurement of these items.

The conferees are concerned that an overarching bias towards reducing prices paid by the Department of Defense (DOD) to the exclusion of other factors could result in DOD buying low cost products that have the potential to negatively impact the safety of U.S. military personnel. The conferees believe this could be a particular problem with the quality of personal protective equipment such as combat helmets, body armor, ballistic eye protection, and other similar individual equipment issued to U.S. military personnel.

*Amendments concerning detection and avoidance of counterfeit electronic parts (sec. 885)*

The House bill contained a provision (sec. 861) that would amend section 818(c)(2)(B) of the National Defense Authorization

Act for Fiscal Year 2012 (Public Law 112-81) to expand the eligibility for covered contractors to include costs associated with rework and corrective action related to counterfeit electronic parts as allowable costs under Department of Defense contracts.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would allow the Department of Defense to approve of industry-selected trusted suppliers.

*Exception for AbilityOne products from authority to acquire goods and services manufactured in Afghanistan, Central Asian States, and Djibouti (sec. 886)*

The House bill contained a provision (sec. 865) that would amend Section 886 of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 2302 note) and Section 1263 of the Carl Levin and Howard P. `Buck' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291) to exclude items that can be procured under the AbilityOne procurement list outlined in section 8503(a) of title 41, United States Code from preferred local procurement in Afghanistan, Iraq, Central Asia, and Djibouti.

The Senate amendment contained a similar provision (sec. 884) that would amend section 886 National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 2302 note) and section 801 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84) to exclude items in the procurement list described in section 8503(a) of title 41 from preferred local procurement in Afghanistan and Central Asia, if such a good can be produced and delivered by a qualified non-profit agency for the blind or a non-profit agency for other severely disabled in a timely fashion to support mission requirements.

The House recesses with a technical amendment.

*Effective communication between government and industry (sec. 887)*

The House bill contained a provision (sec. 866) that would require the Federal Acquisition Regulatory Council to prescribe a regulation making clear that agency acquisition personnel are permitted and encouraged to engage in responsible and constructive exchanges with industry, so long as those exchanges are consistent with existing law and regulation and do not promote an unfair competitive advantage to particular firms.

The Senate amendment contained no similar provision.

The Senate recesses.

*Standards for procurement of secure information technology and cyber security systems (sec. 888)*

The House bill contained a provision (sec. 870) that would require the Secretary of Defense to conduct an assessment of the application of the Open Trusted Technology Provider Standard to Department of Defense procurements for information technology and cyber security acquisitions.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would expand on the types of open technology standards to be assessed.

*Unified information technology services (sec. 889)*

The Senate amendment contained a provision (sec. 873) that would require the Department of Defense to conduct a business case analysis to determine the most effective and efficient way to acquire common services across Department of Defense (DOD) networks and ensure interoperability and competition.

The House bill contained no similar provision.

The House recedes with a technical amendment.

*Cloud strategy for Department of Defense (sec. 890)*

The Senate amendment contained a provision (sec. 874) that would require the Chief Information Officer (CIO) of the Department of Defense to develop a cloud strategy for the secret level of classified data and the Secret Internet Protocol network (SIPRnet). The provision would also require the CIO to develop a consistent pricing and cost recovery process for the use by Department of Defense components of the Intelligence Community's cloud services. The provision would also require the CIO to assess the feasibility and advisability of imposing a minimum set of open standards for cloud infrastructure, middle-ware, metadata, and application programming interfaces to promote interoperability, information sharing, access to data, and competition.

The House bill contained no similar provision.

The House recedes with a technical amendment.

*Development period for Department of Defense information technology systems (sec. 891)*

The Senate amendment contained a provision (sec. 875) that would amend section 2445b of title 10, United States Code, to modify requirements applicable to a major automated information

system program that fails to achieve a full deployment decision within 5 years after the initiation of the program.

The House bill contained no similar provision.

The House recesses with a technical amendment.

*Revisions to pilot program on acquisition of military purpose nondevelopmental items (sec. 892)*

The Senate amendment contained a provision (sec. 876) that would amend section 866 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383) to expand the applicability of the pilot program on the acquisition of military purpose nondevelopmental items to additional classes of contractors and apply the standards of the Competition in Contracting Act of 1984 (10 U.S.C. 2304) to these contracts.

The House bill contained no similar provision.

The House recesses.

*Improved auditing of contracts (sec. 893)*

The Senate amendment contained a provision (sec. 878) that would authorize the Defense Contract Audit Agency (DCAA) to provide outside audit support to non-Defense Agencies upon certification that the backlog for incurred cost audits is less than 12 months of incurred cost inventory.

The House bill contained no similar provision.

The House recesses with an amendment that would prohibit the DCAA from providing outside audit support to non-Defense Agencies until DCAA certifies that the backlog for incurred costs is less than 18 months of incurred-cost inventory, not require the Secretary of Defense to use outside auditing staff to help address DCAA's audit backlog, and streamline reporting requirements.

*Sense of Congress on evaluation method for procurement of audit or audit readiness services (sec. 894)*

The House bill contained a provision (sec. 864) that would require the Secretary of Defense to establish values and metrics for the procurement of audit or audit readiness services and review the offeror's past performance before using a lowest price, technically acceptable evaluation method for the procurement of such services.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment stating that before using the lowest price, technically acceptable evaluation method for the procurement of audit or audit readiness services, the

Secretary of Defense should establish the values and metrics for evaluating companies offering audit services, including financial management and audit expertise and experience, personnel qualifications and certifications, past performance, technology, tools, and size.

*Mitigating potential unfair competitive advantage of technical advisors to acquisition programs (sec. 895)*

The Senate amendment contained a provision (sec. 881) that would require the Under Secretary of Defense for Acquisition, Technology, and Logistics to issue guidance on identifying and addressing potential unfair competitive advantage of technical advisors to acquisition officials.

The House bill contained no similar provision.

The House recedes with an amendment to revise the guidance required under the provision.

The conferees believe that the technical advisors described in the provision include contractors, federally funded research and development centers, university-affiliated research centers, non-profit entities, and federal laboratories that provide systems engineering and technical direction, participate in technical evaluations, support preparation of specifications or work statements, or otherwise provide technical advice to acquisition officials on the conduct of defense acquisition programs. The conferees further believe that "potentially unfair competitive advantage" includes unequal access to acquisition officials responsible for award decisions or allocation of resources, or to acquisition information relevant to award decisions or allocation of resources.

In responding to this provision, the conferees expect the Secretary to review these definitions, as well as the efficacy of current conflict-of-interest policies, the use of non-disclosure agreements, the application of appropriate regulations, and decisions to allocate resources through direct award of funds to intramural programs or sole-source task orders to entities that provide technical advice on defense programs versus open and competitive extramural solicitations. Based on the results of this review, the conferees expect the Secretary to review and revise guidance to clarify these issues if necessary.

The conferees also expect the Secretary to develop metrics and processes for collecting and evaluating complaints and concerns relating to examples of the exploitation of unfair competitive advantage by technical advisors.

*Survey on the costs of regulatory compliance (sec. 896)*

The Senate amendment contained a provision (sec. 879) that would require the Secretary of Defense to conduct a survey of defense contractors with the highest level of reimbursements for cost-type contracts and identify the cost to industry of regulatory compliance with government unique acquisition regulations and requirements that are not imposed on commercial item contracts.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

*Treatment of interagency and State and local purchases when the Department of Defense acts as contract intermediary for the General Services Administration (sec. 897)*

The House bill contained a provision (sec. 847) on the sense of Congress on the treatment of the procurement of fire hoses.

The Senate amendment contained a similar provision (sec. 830) that would clarify that the requirements under chapter 148 of title 10, United States Code would not apply to a contract executed by the Department of Defense where the Department is acting as an intermediary for the General Services Administration (GSA) for purchase of products by other federal agencies or state and local governments.

The House recedes.

The conferees note that the chapter 148 process of obtaining a domestic non-availability determination of certain products, such as fire hoses, could have a significant effect on the ability of Federal agencies to respond to natural disasters or other emergencies.

*Competition for religious services contracts (sec. 898)*

The Senate amendment contained a provision (sec. 829) that would ensure that non-profit organizations can compete for contracts for religious related services on a United States military installation.

The House bill contained no similar provision.

The House recedes.

*Pilot program regarding risk-based contracting for smaller contract actions under the Truth In Negotiations Act (sec. 899)*

The Senate amendment contained a provision (sec. 823) that would amend the Truth in Negotiations Act (Public Law 87-653; 10 U.S.C. section 2306a) to raise the threshold for the requirement to provide certified cost or pricing data in non-price

competitive procurements on non-commercial items from the current \$750,000 to \$5.0 million and require the Department of Defense (DOD) to establish a risk-based contracting approach, under which certified cost or pricing data would be required for a risk-based sample of contracts, to ensure that DOD is getting fair and reasonable prices for such contracts.

The House bill contained no similar provision.

The House recedes with an amendment that would establish a pilot program to test this authority.

## **LEGISLATIVE PROVISIONS NOT ADOPTED**

### *Sense of Congress on the desired tenets of the defense acquisition system*

The House bill contained provisions (sec. 800 and sec. 821) that express the sense of Congress that acquisition reform efforts and weapon system acquisitions require improvement.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note the concern that the incentives of the current acquisition system lead to too many defense acquisitions concurrently chasing finite dollars. The conferees are concerned that the Nation often endures weapons delivered late, at too high of a cost, with performance that falls short, and that are difficult and costly to maintain. Furthermore, the conventional acquisition process is not sufficiently agile to support warfighter demands.

The conferees express the need for reform for national security reasons to maintain technological and military dominance. The conferees are concerned that the current process is so rigid and time-consuming that the Department is often unable to effectively tap into the innovation occurring in the commercial marketplace. The conferees note that commercial research and development (R&D) now represents 75 percent of the national total, and global R&D is now more than twice that of the United States. The conferees suggest that removing unnecessary legislative, regulatory, and cultural barriers to new commercial competitions is necessary to create better incentives for and increased access to innovation beyond the Department. The conferees believe these steps are critical for national security in the future, especially in areas such as cyber security, robotics, data analytics, miniaturization, and autonomy.

The conferees are concerned that the Department of Defense currently lacks effective oversight over a contracted services portfolio that has grown in magnitude over the last decade. The

military departments and defense agencies have failed to adopt leading private sector best practices in the acquisition and management of commercially available services and information technologies. Departmental leadership has limited insight into the services being acquired and even less awareness of the services that may be needed in the future.

The conferees believe that the acquisition reform provisions in this bill are a first start in addressing these challenges but it will require all stakeholders in the acquisition system--the Department of Defense, Congress, and industry --to work together to achieve success. Success will be measured by the timely delivery of affordable and effective military equipment and services. The conferees will continue to work for an acquisition system that is more proactive, agile, transparent, and innovative.

#### *Independent study of matters related to bid protests*

The House bill contained a provision (sec. 803) that would require the Secretary of Defense to enter into a contract, within 180 days after the date of the enactment of this Act, with an independent research entity that is a not-for-profit entity or a federally funded research and development center with appropriate expertise and analytical capability to carry out a comprehensive study of factors leading to bid protests

The Senate amendment contained a similar provision (sec. 880) that would require a report by the Government Accountability Office on bid protests.

The conference agreement does not include either of these provisions.

#### *Compliance with inventory of contracts for services*

The House bill contained a provision (sec. 807) that would limit the expenditure of funds authorized for the operation of the Office of the Under Secretary of Defense for Personnel and Readiness until certain conditions are met regarding the Department of Defense's compliance with the requirement for an inventory of contracts for services.

The Senate amendment contained no similar provision.  
The House recesses.

The conferees continue to recognize the value of obtaining better visibility over the use of services contracts by defense components and agencies to better understand how contracted services are being used to support Department of Defense missions. The conferees note a distinction between services contracts which are measured in the same manner as staff

augmentation contracts of contractor full-time equivalents and performance-based services contracts and other services contracts which rely on a high degree of embedded capital equipment and business process re-engineering. The conferees direct the Secretary of Defense to examine the approach the Department is taking to comply with section 2330a, United States Code, and determine whether it is or is not producing a product that enhances the oversight of service contracting activities and submit a report explaining the results of that examination to the congressional defense committees no later than March 1, 2016, including efforts to better manage contractor and civilian personnel costs within the Department. The conferees recognize the information technology aspects of the inventory present technical challenges and encourage the Secretary of Defense to investigate and pursue existing Department of Defense and service component information technology systems which could present a timely solution and provide data relevant to strategic workforce planning. To the extent that the Secretary identifies that the process and technology are not producing an oversight-enhancing product, the conferees expect the Secretary to propose an alternative method of inventory.

*Requirement for acquisition skills assessment biennial strategic workforce plan*

The House bill contained a provision (sec. 814) that would amend section 115b of title 10, United States Code, which requires the Secretary of Defense to submit a biennial strategic workforce plan on critical skills and competencies of the civilian employee workforce of the Department of Defense, to include an additional assessment of new or expanded critical skills and competencies needed by the civilian employee workforce to address new acquisition process requirements established by law or policy.

The Senate amendment contained no similar provision.

The House recedes.

*Modification to requirements relating to determination of contract type for major defense acquisition programs and major systems*

The House bill contained a provision (sec. 824) that would amend section 2306 of title 10, United States Code, by adding a new subsection, and repealing the requirements in certain subsections of section 818 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364),

relating to the modification of Department of Defense regulations.

The Senate amendment contained a related provision (sec. 821) that would require the Defense Federal Acquisition Regulation Supplement to be revised to establish a preference for fixed-price contracts, including fixed-price incentive contracts, in the determination of contract type for development programs.

The conference agreement does not include either provision.

*Requirement that certain ship components be manufactured in the national technology and industrial base*

The House bill contained a provision (sec. 836) that would amend section 2534(a) of title 10, United States Code, and would require certain auxiliary ship components to be procured from a manufacturer in the national technology and industrial base.

The Senate amendment contained no similar provision.

The House recedes.

*Policy regarding solid rocket motors used in tactical missiles*

The House bill contained a provision (sec. 837) that would require the Secretary of Defense to ensure that every tactical missile program of the Department of Defense that uses solid propellant as the primary propulsion system shall have at least one rocket motor supplier within the national technology and industrial base and would allow the Secretary to waive this requirement in the case of compelling national security reasons.

The Senate amendment contained no similar provision.

The House recedes.

The conferees agree on the importance of sustaining rocket motor production options to ensure a healthy tactical missile industrial base.

*FAR Council membership for administrator of Small Business Administration*

The House bill contained a provision (sec. 838) that would amend section 1302 of title 41, United States Code, by adding the Administrator of the Small Business Administration to the Federal Acquisition Regulatory (FAR) Council.

The Senate amendment contained no similar provision.

The House recedes.

The conferees believe that the FAR Council should work closely with the Small Business Administration to ensure that

consistent regulations are issued from both organizations, to the benefit of both Federal agencies and their small business contractors.

*Limitations on reverse auctions*

The House bill contained a provision (sec. 846) that would amend the Small Business Act (15 U.S.C. § 631 et. seq.) to prohibit the use of reverse auctions for the purchase of construction services; goods purchased to protect Federal employees, members of the Armed Forces, or civilians from bodily harm; and goods or services awarded based on factors other than price and technical responsibility if the contract is awarded using a Small Business Act procurement authority. For all other reverse auctions conducted using a Small Business Act procurement authority, the provision required training of contracting officers, restricted the activities that could be undertaken by third-party agents, required honesty in price rankings, and required that revisions to offers be permitted throughout the course of the auction.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that similar language independent of the Small Business Act and applicable only to the Department of Defense was adopted as section 824 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291). Recognizing that two-thirds of reverse auctions are conducted outside of the Department of Defense, the conferees see value in addressing the use of this procurement method in civilian agencies but believe it is premature to place additional restrictions upon the Department until section 824 of last year's authorization is implemented.

*Extension of limitation on aggregate annual amount available for contract services*

The House bill contained a provision (sec. 863) that would extend the limitation on the aggregate annual amount available for contract services.

The Senate amendment contained no similar provision.

The House recedes.

*Strengthening program and project management performance by the Department of Defense*

The House bill contained a provision (sec. 867) that would require the Director of the Office of Management and Budget to

develop a plan to strengthen program and project management performance for improving management of IT programs and projects.

The Senate amendment contained a similar provision (sec. 810) that would outline Department of Defense responsibilities under chapter 87 of title 10, United States Code for improving program and project management.

The conference agreement does not include either provision.

#### *Synchronization of defense acquisition curricula*

The House bill contained a provision (sec. 868) that would require that the President of the Defense Acquisition University convene an annual review board to synchronize defense acquisition curricula across the Department of Defense.

The Senate amendment contained no similar provision.

The House recesses.

The conferees note that the Defense Acquisition University (DAU) plays an important role in enhancing the quality and innovative capacity of the defense acquisition workforce. DAU training and education will be critical to enable the workforce to better position DOD to access global and commercial technologies and services, as well as to put the tenets of acquisition reform into actual practice. The conferees urge DAU to work with other educational institutions within and outside DOD to leverage a wide array of available expertise and synchronize acquisition educational activities, best practices and curricula. Further, in order to enhance education and training of the acquisition workforce and support effective acquisition reform, the conferees direct DAU to engage with leading educational and research experts on procurement and acquisition issues from both within and outside the Federal Government, including through personal exchanges, joint studies and analyses, and other interactions.

#### *Research and analysis of defense acquisition policy*

The House bill contained a provision (sec. 869) that would amend section 1746(a) of title 10, United States Code to add examples of academic institutions that could be used for the research and analysis of defense acquisition policy issues.

The Senate amendment contained no similar provision.

The House recesses.

#### *Modifications to the justification and approval process for certain sole-source contracts for small business concerns*

The House bill contained a provision (sec. 871) that would repeal the requirement for the simplified justification and approval process established in section 811 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2405; 41 U.S.C. 3304 note).

The Senate amendment contained no similar provision.  
The House recesses.

#### *Annual report on foreign procurements*

The Senate amendment contained a provision (sec. 886) that would require the Secretary of Defense to provide a report relating to specific foreign procurements by the Department of Defense that result from waivers to the Buy America Act.

The House bill had no similar provision.  
The Senate recesses.

The conferees note that the Department's Report to Congress on Fiscal Year 2014 Purchases from Foreign Entities identified approximately \$5.4 billion in spending on nearly 23,000 purchases for which the restrictions of the Buy America Act are not applicable because they are for items that are manufactured and used outside the United States.

The conferees direct the Secretary of Defense to submit to the appropriate congressional defense committees a report listing specific procurements by the Department of Defense in fiscal year 2016 of articles, materials, or supplies valued greater than \$5.0 million, using the exception under section 8302(a)(2)(A) of title 41, United States Code, relating to articles, materials, and supplies for use outside the United States. The conferees note that this report may be submitted as part of the report required under section 8305 of such title.

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

### **LEGISLATIVE PROVISIONS ADOPTED**

#### *Update of statutory functions of the Chairman of the Joint Chiefs of Staff relating to joint force development activities (sec. 901)*

The House bill contained a provision (sec. 903) that would amend section 153(a)(5), title 10, United States Code, by adding a new subsection that would require the Chairman of the Joint Chiefs of Staff to advise the Secretary of Defense on

development of joint command, control, communications and cyber capability, including integration and interoperability of such capability through requirements, integrated architectures, data standards and assessments.

The Senate amendment contained a similar provision (sec. 901).

The Senate recesses.

*Sense of Congress on the United States Marine Corps (sec. 902)*

The House bill contained a provision (sec. 904) that would express the sense of Congress that the United States Marine Corps, within the Department of the Navy, should remain the Nation's expeditionary crisis response force and that the Marine Corps should be organized, trained, and equipped in the manner and for such purposes specified in section 5063 of title 10, United States Code.

The Senate amendment contained a similar provision (sec. 1048).

The Senate recesses with a clarifying amendment.

**LEGISLATIVE PROVISIONS NOT ADOPTED**

*Redesignation of the Department of the Navy as the Department of the Navy and Marine Corps*

The House bill contained a provision (sec. 901) that would redesignate the Department of the Navy as the Department of the Navy and Marine Corps.

The Senate amendment contained no similar provision.

The House recesses.

*Change of period for Chairman of the Joint Chiefs of Staff review of the Unified Command Plan*

The House bill contained a provision (sec. 902) that would amend section 161(b)(1) of title 10, United States Code, to change the period for Chairman of the Joint Chiefs of Staff review of the Unified Command Plan from 2 years to 4 years.

The Senate amendment contained no similar provision.

The House recesses.

*Reorganization and redesignation of Office of Family Policy and Office of Community Support for Military Families with Special Needs*

The Senate amendment contained a provision (sec. 902) that would amend sections 1781, 1781(a), 1781c, and 131 of title 10, United States Code, to reorganize and redesignate the Office of Community Support for Military Families with Special Needs and the Office of Family Policy into the Office of Military Family Readiness Policy. The provision would also require the director of the Office of Military Family Readiness Policy to be a member of the Senior Executive Service or a general or flag officer.

The House bill contained no similar provision.

The Senate recesses.

*Guidelines for conversion of functions performed by civilian or contractor personnel to performance by military personnel*

The House bill contained a provision (sec. 907) that would provide guidelines for the conversion of functions performed by civilian or contractor personnel to performance by military personnel.

The Senate amendment contained no similar provision.

The House recesses.

The conferees have included in the outcome for sec. 321 of the House bill an additional reporting requirement related to the methodology for making cost comparisons between Department of Defense workforce sectors.

## **TITLE X—GENERAL PROVISIONS**

### **SUBTITLE A—FINANCIAL MATTERS**

*General transfer authority (sec. 1001)*

The House bill contained a provision (sec. 1001) that would allow the Secretary of Defense to transfer up to \$5.0 billion of fiscal year 2016 funds authorized in division A of this Act to unforeseen higher priority needs.

The Senate bill contained a provision (sec. 1001) that would allow the Secretary of Defense to transfer up to \$4.5 billion of fiscal year 2016 funds authorized in division A of this Act to unforeseen higher priority needs.

The House recesses.

*Accounting standards to value certain property, plant, and equipment items (sec. 1002)*

The House bill contained a provision (sec. 1003) that would require the Secretary of Defense to coordinate with the

Federal Accounting Standards Advisory Board to establish accounting standards for large and unordinary general property, plant, and equipment items.

The Senate amendment contained no similar provision.

The conference agreement includes this provision.

*Report on auditable financial statements (sec. 1003)*

The House bill contained a provision (sec. 1004) that would require the Department of Defense to develop a report ranking organizations according to their advancement in the achievement of auditable financial statements.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would modify the reporting requirement.

The conferees note that 2015 marks 10 years implementing audit and financial management improvement efforts under the Department's Financial Improvement and Audit Readiness (FIAR) plan. The conferees are concerned that recent setbacks could affect the long term goals of the Department. For fiscal year 2014, the Department significantly scaled back its effort to audit the one-year Statement of Budgetary Activity (SBA) instead of the multi-year Statement of Budgetary Resources (SBR) required by the 2014 statutory deadline. In 2015, the Department withdrew its clean opinion on the Marine Corps' fiscal year 2012 SBA. Despite substantial and unquantified resources being invested in IT systems, personnel, training, and consulting services over the last decade, progress remains limited.

The Department's 2017 deadline to declare audit readiness for its full complement of financial statements is fast approaching. Well-known and well-documented material weaknesses that are supposed to be addressed under the FIAR plan remain in place. The conferees look forward to continued discussions with the Department on how these weaknesses will be resolved in time for the full audit of the Department's fiscal year 2018 financial statements.

Further, the conferees believe that the Department should better understand best practices of private and public sector organizations who have obtained and maintained clean audits, including many who are large, multinational corporations, deal with emergency operations, and work with classified materials and activities. The conferees expect that the implementation of some of these practices, especially the use of organizational incentives to drive change, development of milestones to measure progress towards auditability, and more strategic and rigorous business process re-engineering and IT modernization, will

support DOD's efforts to obtain clean audits in a more effective and efficient manner.

#### Sense of Senate on sequestration (sec. 1004)

The Senate bill contained a provision (sec. 1004) that stated sequestration is an inadequate budgeting tool to address the nation's deficits and debt and that relief must be accomplished for fiscal year 2016 and 2017. Furthermore relief should include equal defense and non-defense relief and be offset through changes in mandatory and discretionary categories, and revenues.

The House bill contained no similar provision.

The House recedes with an amendment that states budget caps imposed by the Budget Control Act of 2011 must be modified or eliminated through a bipartisan legislative agreement.

#### *Annual audit of financial statements of Department of Defense components by independent external auditors (sec. 1005)*

The Senate amendment contained a provision (sec. 1002) that would require the Department of Defense Inspector General to fulfill its statutory audit responsibilities to perform financial statement audits for the military departments and other designated components of the Department by contracting with independent external auditors.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify the selection and reporting requirements.

## **SUBTITLE B—COUNTER-DRUG ACTIVITIES**

#### *Extension of authority to support unified counterdrug and counterterrorism campaign in Colombia (sec. 1011)*

The Senate amendment contained a provision (sec. 1011) that would extend for 2 fiscal years the authority of the Secretary of Defense to provide assistance to support the unified counterdrug and counterterrorism campaign of the Government of Colombia (Section 1021 of the National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375), as most recently amended by section 1011 of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291).

The House bill contained no similar provisions.

The House recedes.

*Extension and expansion of authority to provide additional support for counter-drug activities of certain foreign governments (sec. 1012)*

The House bill contained a provision (sec. 1011) that would extend, by 1 year, the authority to provide support for counterdrug activities of certain foreign governments originally authorized by subsection (a)(2) of section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85), and most recently amended by section 1013 of the National Defense Authorization Act for Fiscal Year 201 (Public Law 113-291).

The Senate amendment contained a provision (sec. 1012) that would amend section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85), as most recently amended by section 1013 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291). Specifically, the provision would extend the Department of Defense's (DOD) authority to provide additional support for counterdrug activities of certain foreign governments through fiscal year 2017, as well as add Kenya, Tanzania, and Somalia as countries eligible to receive assistance under this authority.

The House recedes with an amendment that would add the Governments of Kenya and Tanzania to the list of governments eligible to receive support under this authority as well as require the Secretary of Defense to submit a report to congressional defense committees on the Department's planned use of this authority in the future.

The conferees believe that the growing nexus between terrorism and transnational organized crime in East Africa warrants increased attention by the Department of Defense. Therefore, the conferees direct the Secretary of Defense to develop and submit not later than December 31, 2015 a plan for building the capacity of the Government of Somalia to combat the threat posed by illicit trafficking.

*Sense of the Congress on Central America (sec. 1013)*

The House bill contained a provision (sec. 1012) that would express a series of findings and a statement of policy on a Plan Central America to address violence, instability, illicit trafficking, and transnational organized crime in the region.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would express the Sense of Congress that the United States should, to the extent

practicable, prioritize efforts to address the challenges to regional security in Central America.

## **SUBTITLE C—NAVAL VESSELS AND SHIPYARDS**

*Additional information supporting long-range plans for construction of naval vessels (sec. 1021)*

The Senate amendment contained a provision (sec. 1024) that would require the Secretary of the Defense to provide additional information in the annual naval vessel construction plan required by section 231 of title 10, United States Code.

The House bill contained no similar provision.

The House recesses.

*National Sea-Based Deterrence Fund (sec. 1022)*

The House bill contained a provision (sec. 1051) that would amend section 1022 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291) by expanding the transfer authority provided to the National Sea-Based Deterrence Fund from the Department of the Navy to the Department of Defense; providing authority to enter into economic order quantity contracts for ballistic missile submarines and other nuclear powered vessels; and providing incremental funding and facilities funding authority. This section further requires the Secretary of the Navy to submit a report on the Fund to the congressional defense committees by March 1, 2016, and annually through the year 2025.

The Senate amendment contained a provision that would expand the transfer authority provided to the National Sea-Based Deterrence Fund from the Department of the Navy to the Department of Defense (sec. 1022).

The Senate recesses with an amendment that would expand the Fund to include the authorization of incremental funding authority, economic order quantity contract authority, advance construction authority, and transfer authority from any Department of Defense appropriation. In addition, the Senate amendment would add the authorization to transfer unobligated fiscal year 2017 funds into the Fund.

Because the *Ohio*-class replacement program is scheduled to carry 70 percent of our nation's strategic weapons and the fiscal investments will make this program one of the largest acquisition efforts in the Department of Defense, the conferees believe that the Secretary should have the authority to implement streamlined financial management and acquisition strategies for the program, including appropriate use of

incremental funding and economic order quantity authority. The conferees believe that the National Sea-Based Deterrence Fund could provide the Secretary with that flexibility, while ensuring that Congress has the correct visibility into the program. To that end, the conferees expect that a budget request for the Fund would be accompanied by information sufficient for Congress to exercise adequate oversight of the Fund and urge the Secretary of Defense to develop a fiscal strategy that supports this strategic investment.

To better assess the most efficient method of procuring the *Ohio*-class replacement program and providing the oversight necessary for this unique investment, the conferees direct the Secretary of Defense to submit a report to the congressional defense committees with the fiscal year 2017 budget request that includes the following elements:

(1) The acquisition strategy to build *Ohio*-class replacement submarines that will leverage the enhanced procurement authorities provided in the Fund, including allocation, facility, and vendor base considerations;

(2) An identification of any additional authorities the Secretary may need to make management of the *Ohio*-class replacement more efficient;

(3) An assessment of the acquisition strategy developed in paragraph (1) with a conventional acquisition strategy to include a cost assessment and overall impacts to the submarine industrial base;

(4) A description of how funds would be requested in and obligated from the National Sea-Based Deterrence Fund, including what, if any, connection the Fund will have with other appropriations accounts (e.g., Shipbuilding and Conversion, Navy);

(5) An explanation of how financial management accountability and transparency would be maintained related to funds moving in to and out of the National Sea-Based Deterrence Fund; and

(6) *Ohio*-class replacement construction elements that have been included in Research, Development, Testing and Evaluation, Navy budget request, including nuclear components and common missile compartment construction efforts, listed by program element title and number with requested funding.

The conferees look forward to reviewing the Secretary's report, including options to better support an efficient acquisition strategy that could include coordinating with the *Virginia*-class submarine program, which will continue during the *Ohio*-class replacement submarine construction period. According to the Navy, it is likely that these programs will share some common components. The Navy may be able to coordinate component

procurement across both submarine programs to achieve better efficiency and cost savings. Such coordination might be managed within the normal appropriations accounts, or could be facilitated by providing additional flexibility within the Fund.

*Extension of authority for reimbursement of expenses for certain Navy mess operations afloat (sec. 1023)*

The House bill contained a provision (sec. 1022) that would extend the authority for reimbursement of expenses for certain Navy mess operations afloat authorized in section 1014 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417), as amended by section 1021 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383), from September 30, 2015 to September 30, 2020, and certain technical and clarifying amendments.

The Senate amendment contained a similar provision (sec. 1023).

The Senate recesses.

*Availability of funds for retirement or inactivation of Ticonderoga class cruisers or dock landing ships (sec. 1024)*

The House bill contained a provision (sec. 1023) that would limit the obligation and expenditure of funds authorized to be appropriated or otherwise made available for fiscal year 2016 for the retirement, inactivation, or storage of *Ticonderoga*-class cruisers and *Whidbey Island*-class amphibious ships. The provision would also require the modernization of two *Ticonderoga*-class cruisers to begin in fiscal year 2016 only after sufficient materials are available to begin the modernization period. Finally, the modernization period would be limited to 2 years with the ability of the Secretary of the Navy to extend the period for another 6 months.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would only prohibit the retirement, preparation for retirement, inactivation, or placement in storage of any *Ticonderoga*-class cruisers or *Whidbey Island*-class amphibious ships, except to allow the modernization and upgrades for those ships to continue in accordance with the plan required by section 1026 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291).

The Navy is inducting two cruisers into modernization status in fiscal year 2015 and plans to induct two additional cruisers into this status in fiscal year 2016. However, the

conferees understand the Navy has not programmed the manpower and operations funding for the remaining seven cruisers in the future years defense program (FYDP) beyond fiscal year 2016. The conferees also understand that the FYDP does not support the long-term plan for modernization of these cruisers and dock landing ships beyond fiscal year 2018.

This is at odds with statements by Secretary of the Navy Ray Mabus that he is "100-percent" committed to ensuring the ships are modernized and returned back to sea and similar statements by other administration officials.

The lack of fiscal support in the fiscal year 2016 FYDP and previous requests for the early retirement of some of these cruisers has led the conferees to question the administration's resolve to retain all of these cruisers through the end of their service lives. In order to demonstrate the administration's commitment to the plan, it is incumbent on the administration to close this gap in force structure statements and fiscal decisions. Continued conferee acceptance of the Navy's plan will be predicated on the administration's decision to fully program across the FYDP for manpower, readiness, and modernization for all cruisers and dock landing ships.

*Limitation on the use of funds for removal of ballistic missile defense capabilities from Ticonderoga class cruisers (sec. 1025)*

The House bill contained a provision (sec. 1024) that would prohibit the removal of ballistic missile capabilities from any of the *Ticonderoga*-class cruisers until the Secretary of the Navy certifies to the congressional defense committees that the Navy has obtained the ballistic missile capabilities required by the most recent Navy Force Structure Assessment or determined to upgrade such cruisers with an equal or improved ballistic missile defense capability.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that adds the following third option to the Secretary of the Navy's certification - obtaining at least 40 large surface combatants with ballistic missile defense capability.

*Independent assessment of United States Combat Logistic Force requirements (sec. 1026)*

The House bill contained a provision (sec. 143) that would require the Secretary of Defense to enter into an agreement with a federally funded research and development center to conduct an assessment of the anticipated future demands of the combat logistics force ships of the Navy and the challenges these ships

may face when conducting and supporting future naval operations in contested maritime environments. This section would also require the Secretary of Defense to submit the assessment to the congressional defense committees by April 1, 2016.

The Senate amendment contained no similar provision.

The Senate recesses.

## **SUBTITLE D—COUNTERTERRORISM**

*Prohibition on use of funds for transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba (sec. 1031)*

The House bill contained a provision (sec. 1036) that would prohibit the use of funds provided to any department or agency of the United States Government for the transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba to or within the United States for two years after enactment of the Act.

The Senate amendment contained a similar provision (sec. 1032) that would prohibit the use of funds provided to the Department of Defense for the transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba to or within the United States. This provision would allow transfers to the United States for trial or continued detention pursuant to the Authorization for the Use of Military Force (Public Law 107-40) after the Secretary of Defense submits to the appropriate committees a plan for the disposition of all detainees held at Guantanamo, and the Congress approves of the plan through a joint resolution of Congress.

The Senate recesses with an amendment that the prohibition would apply to the Department of Defense and would expire on December 31, 2016.

*Prohibition on use of funds to construct or modify facilities in the United States to house detainees transferred from United States Naval Station, Guantanamo Bay, Cuba (sec. 1032)*

The House bill contained a provision (sec. 1037) that would prohibit the use of funds provided to any department or agency of the United States Government to construct or modify the facilities in the United States to house individuals detained at the United States Naval Station, Guantanamo Bay, Cuba, for two years after enactment of the Act.

The Senate amendment contained a similar provision (sec. 1032) that would expire after the Secretary of Defense submits to the appropriate committees a plan for the disposition of all

detainees held at Guantanamo, and the Congress approves of the plan through a joint resolution of Congress as provided by another section in this title.

The Senate recedes with an amendment that the prohibition would apply to the Department of Defense and would expire on December 31, 2016.

*Prohibition on use of funds for transfer or release to certain countries of individuals detained at United States Naval Station, Guantanamo Bay, Cuba (sec. 1033)*

The House bill contained a provision (sec. 1042) that would prohibit the use of funds provided to any department or agency of the United States Government to transfer or release individuals detained at United States Naval Station, Guantanamo Bay, Cuba, to Yemen for a period of two years.

The Senate amendment contained a similar provision (sec. 1035) that would prohibit the use of funds provided to the Department of Defense to transfer or release individuals detained at United States Naval Station, Guantanamo Bay, Cuba, to Yemen until December 31, 2016.

The House recedes with an amendment to terminate the prohibition on December 31, 2016 and clarify the list of countries to which a detainee from Guantanamo cannot be transferred.

*Reenactment and modification of certain prior requirements for certifications relating to transfer of detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and other foreign entities (sec. 1034)*

The House bill contained a provision (sec. 1039) that would require the Secretary of Defense to certify that the transfer of any individual detained at United States Naval Station, Guantanamo Bay, Cuba, to a foreign country met certain requirements.

The Senate amendment contained a similar amendment (sec. 1033) that would expire upon Congress passing a joint resolution approving of a plan submitted by the Secretary of Defense on the disposition of all GTMO detainees, as provided for in another section of this title.

The House recedes with an amendment clarifying the scope of the certification.

*Comprehensive detention strategy (sec. 1035)*

The Senate amendment contained a provision (sec. 1032) that would prohibit the use of funds provided to the Department of Defense for the transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba to or within the United States. This provision would allow transfers to the United States for trial or continued detention pursuant to the Authorization for the Use of Military Force (Public Law 107-40) after the Secretary of Defense submits to the appropriate committees a plan for the disposition of all detainees held at Guantanamo, and Congress passes a joint resolution approving that plan.

The House bill contained no similar provision.

The House recesses with an amendment that would require a comprehensive detention strategy to be provided to the congressional defense committees setting forth the details of such a detention strategy for current and future individuals captured and held pursuant to the Authorization for Use of Military Force pending the end of hostilities. The conferees expect that discussion to include an explanation of the Department's plan for the disposition of all detainees held at Guantanamo, on a case-by-case basis, and the costs associated with each element of that plan.

*Prohibition on use of funds for realignment of forces or closure of United States Naval Station, Guantanamo Bay, Cuba (sec. 1036)*

The House bill contained a provision (sec. 1060) that prohibited the use of funds made available to the Department of Defense up until December 31, 2016, to close or abandon the United States Naval Station, Guantanamo Bay, Cuba, relinquish control of Guantanamo Bay to Cuba, or modify the Treaty Between the United States and Cuba signed on May 29, 1934.

The Senate amendment contained no similar provision.

The Senate recesses with a clarifying amendment that would make technical modifications and incorporate a requirement for the Secretary of Defense to submit a report regarding the military value of United States Naval Station, Guantanamo Bay, Cuba.

*Report on current detainees at United States Naval Station, Guantanamo Bay, Cuba, determined or assessed to be high risk or medium risk (sec. 1037)*

The Senate amendment contained an amendment (sec. 1036) that would require the Secretary of Defense to provide a report to appropriate committees on the individuals detained at Guantanamo Bay previously assessed to be high or medium risk,

whether the assessments on those individuals has changed, and the information supporting those assessments.

The House bill contained no similar provision.

The House recedes with an amendment clarifying the scope of information requested in the report.

*Reports to Congress on contact between terrorists and individuals formerly detained at United States Naval Station, Guantanamo Bay, Cuba (sec. 1038)*

The House bill contained a provision (sec. 1034) that would include in the report required by Section 319(c) of the Supplemental Appropriations Act, 2009 (Public Law 111-32) a summary of all known contact between any individual formerly detained at Naval Station, Guantanamo Bay, Cuba, and any individual known or suspected to be associated with a foreign terrorist group, and a description of whether any of the contact described in the summary included any information or discussion about hostilities against the United States or its allies or partners.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment clarifying that the summary should include a description of any information or discussion about planning for or conducting hostilities against the United States or its allies or partners, or information on the organizational, logistical, or resource needs or activities of any terrorist group.

*Inclusion in reports to Congress of information about recidivism of individuals formerly detained at United States Naval Station, Guantanamo Bay, Cuba (sec. 1039)*

The House bill contained a provision (sec. 1035) that would include in the report required by Section 319(c) of the Supplemental Appropriations Act, 2009 (Public Law 111-32) information on each individual found to have reengaged in terrorism. Specifically, the provision would require information on the period of time between release of such individual from Guantanamo Bay, Cuba, and the date at which the individual was confirmed to have reengaged in terrorist activities.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment clarifying that the report would include information on the dates of release and the dates of confirmation of reengagement for all such individuals.

*Report to Congress on terms of written agreements with foreign countries regarding transfer of detainees at United States Naval Station, Guantanamo Bay, Cuba (sec. 1040)*

The Senate amendment contained a provision (sec. 1037) that would require the Secretary of Defense to provide to appropriate committees a report on any written agreement entered into between the United States and any foreign country regarding an individual detained at Guantanamo who was transferred to a foreign country.

The House bill contained no similar provision.

The House recesses with an amendment clarifying the information requested for the report.

*Report on use of United States Naval Station, Guantanamo Bay, Cuba, and other Department of Defense or Bureau of Prisons prisons or detention or disciplinary facilities in recruitment or other propaganda of terrorist organizations (sec. 1041)*

The Senate amendment contained a provision (sec. 1038) that would require the Secretary of Defense to report to Congress on the propaganda and recruitment value for terrorist organizations of the United States Naval Station, Guantanamo Bay, Cuba, and any other Department of Defense or Bureau of Prisons prison or other detention or disciplinary facility.

The House bill contained no such provision.

The House recesses with an amendment requiring the Department of Defense to provide a one-time report to the appropriate committees that covers the entire period after September 11, 2001.

*Permanent authority to provide rewards through Government personnel of allied forces and certain other modifications to Department of Defense program to provide rewards (sec. 1042)*

The House bill contained a provision (sec. 1031) that would modify section 127b of title 10, United States Code, to make permanent the authority to make rewards to a person providing information or non-lethal assistance to U.S. Government personnel or government personnel of allied forces participating in a combined operation with U.S. Armed Forces conducted outside the United States against terrorism, or providing such information or assistance that is beneficial to force protection associated with such an operation.

The Senate amendment contained a similar provision (sec. 1039) that would modify and extend section 127b of title 10, United States Code through December 31, 2016, as well as create

a notification requirement for when the Secretary of Defense designates a country as a country in which an operation is occurring in connection with which rewards may be paid by this section.

The House recedes with an amendment that would make the authority permanent and incorporate the notification requirement from the Senate provision.

*Sunset on exception to congressional notification of sensitive military operations (sec. 1043)*

The House bill contained a provision (sec. 1031) that would modify section 130f of title 10, United States Code, by striking the exception to the notification requirement for a sensitive military operation executed within the territory of the Islamic Republic of Afghanistan pursuant to the Authorization for Use of Military Force (Public Law 107-40).

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would repeal the exception for sensitive military operations conducted within the territory of the Islamic Republic of Afghanistan on December 31, 2017.

In the classified annex that accompanies this report, the conferees direct periodic reporting on Afghanistan to the congressional defense committees.

*Repeal of semiannual reports on obligation and expenditure of funds for the combating terrorism program (sec. 1044)*

The House bill contained a provision (sec. 1033) that would modify reporting requirements for budget information related to program for combating terrorism as required by section 229 of title 10, United States Code. This section would specifically eliminate subsection (d) of section 229, regarding semiannual reports on obligations and expenditures.

The Senate amendment contained no similar provision.

The Senate recedes.

*Limitation on interrogation techniques (sec. 1045)*

The Senate amendment contained a provision (sec. 1040) that would limit interrogation techniques to those in the Army Field Manual for individuals in the custody or under the effective control of an officer, employee, or agent of the United States Government, or detained within a facility owned, operated, or controlled by a department or agency of the United States, in any armed conflict.

The House bill contained no similar provision.

The House recedes with an amendment that would make the limitation on interrogation techniques inapplicable to law enforcement and requires an update to the Army Field Manual no sooner than three years after the date of enactment. The conferees recognize that law enforcement personnel may continue to use authorized non-coercive techniques of interrogation, and that Army Field Manual 2-22.3 is designed to reflect best practices for interrogation to elicit reliable statements.

## **SUBTITLE E—MISCELLANEOUS AUTHORITIES AND LIMITATIONS**

### *Department of Defense excess property program (sec. 1051)*

The House bill contained a provision (sec. 1052) that would make changes to excess defense article donations authorized under section 2576a of title 10, United States Code. Specifically, the provision would require the establishment of a public website containing information on certain transfers made under the program, establish specific criteria for State program managers to be met before the Defense Logistics Agency may transfer certain types of equipment, and mandate several reviews of program objectives and efficacy, to include training recommendations, by a federally funded research and development center, the Comptroller General of the United States, and the Department of Defense.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment to include additional requirements on transfer of controlled property, a study on controlled property transfers, the incidence of controlled property that is lost or unaccounted for, and procedures governing the return of controlled property to the Department of Defense.

### *Sale or donation of excess personal property for border security activities (sec. 1052)*

The House bill contained a provision (sec. 1060b) that would amend Section 2576a of title 10, United States Code, to include border security activities as a specific category eligible for the transfer of excess personal property of the Department of Defense.

The Senate amendment contained no similar provision.

The Senate recedes.

The conferees note that any controlled equipment, as designated in Department of Defense Instruction 4160.28, Volume 2, or any succeeding instruction, transferred to the Department of Homeland Security through the "1033 program" as amended by this section remains the property of the Department of Defense, and this section does not authorize the Department of Homeland Security to transfer controlled DOD equipment to any non-federal entity. The conferees expect the Department of Defense and the Department of Homeland Security to use memoranda of agreement similar to those used for the transfer of equipment to law enforcement agencies to state the conditions of transfer and compliance, including that non-compliance requires the return of all equipment to DOD.

#### *Management of military technicians (sec. 1053)*

The Senate amendment contained a provision (sec. 1046) that would convert not less than 20 percent of the general administration, clerical, financial, and office service occupation positions identified in the report of the Secretary of Defense under section 519 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 112-81; 125 Stat. 1397) from military technician (dual status) positions to positions filled by individuals who are employed under section 3103 of title 5, United States Code, by no later than January 1, 2017. The provision also requires the phased-in termination of military technicians (non-dual status) to begin on January 1, 2017.

The House bill contained no similar provision.  
The House recedes with a technical amendment.

#### *Limitation on transfer of certain AH-64 Apache helicopters from Army National Guard to regular Army and related personnel levels (sec. 1054)*

The House bill contained a provision (sec. 1053) that would change section 1712 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015. The Senate amendment contained a similar provision.  
The Senate recedes.

#### *Authority to provide training and support to personnel of foreign ministries of defense (sec. 1055)*

The Senate amendment contained a provision (1082) that would authorize the Secretary of Defense to provide training to

personnel of foreign ministries of defense (or ministries with security force oversight), or regional organizations with security missions for the purpose of: (1) enhancing civilian oversight of foreign security forces; (2) establishing responsible defense governance and internal controls in order to help build effective, transparent, and accountable defense institutions; (3) assessing organizational weaknesses and establishing a roadmap for addressing shortfalls; and (4) enhancing ministerial, general or joint staff, service level core competencies such as personnel and readiness, acquisition and logistics, strategy and policy, and financial management.

The House bill contained no similar provision.

The House recesses with an amendment that would sunset the authority on December 31, 2017.

*Information operations and engagement technology demonstrations (sec. 1056)*

The House bill contained a provision (sec. 1055) that would authorize the Secretary of Defense to carry out a pilot program or multiple pilot programs related to information and strategic communications capabilities to support the geographic and functional combatant commanders.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would require the Secretary of Defense to carry out a series of technology demonstrations, subject to the availability of funds for such purpose or to a prior approval reprogramming, related to information operations and information engagement to support the geographic and functional combatant commanders, with associated notification requirements.

*Prohibition on the use of funds for the retirement of helicopter sea combat squadron 84 and 85 aircraft (sec. 1057)*

The House bill contained a provision (sec. 1056) that would prohibited the obligation of appropriated funds to retire, prepare to retire, transfer or place in stowage any aircraft in Helicopter Sea Squadrons 84 and 85 until the Secretary of the Navy certifies to Congress that the Navy has conducted a cost-benefit analysis, identified a replacement capability and deployed the capability.

The Senate amendment contained no similar provision.

The Senate recesses with a clarifying amendment.

The conferees expect the directed cost-benefit analysis to include any cost-sharing arrangements between the combatant commanders, including U.S. Special Operations Command, and the

Navy, as well as a long term plan for recapitalization of the deployed capability.

*Limitation on availability of funds for destruction of certain landmines (sec. 1058)*

The House bill contained a provision (sec. 1057) that limits the Department of Defense's ability to destroy any anti-personnel landmines (APL) until the Secretary of Defense provides a comprehensive study on the tactical and operational impacts of a ban on APL, a strategy for replacing current APL systems that are compliant with current DOD policy, and a certification that alternative systems will not endanger members of the Armed Forces. The provision provides an exception for landmines certified as unsafe by the Secretary.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would remove the required certification and would link the limitation on the obligation or expenditure of funds for the destruction of anti-personnel landmine munitions, with the exception included in the House provision, to the delivery of a new report to be delivered to Congress within 180 days after the enactment of this Act.

The conferees understand the Secretary of Defense is conducting an Analysis of Alternatives (AOA) on Area Denial Capability Development to include next generation anti-personnel landmines, and that the AOA is expected to be complete in the fourth quarter of fiscal year 2016. The conferees expect this AOA to inform the report required in this provision. The conferees further direct the Secretary of Defense to provide the AOA to the congressional defense committees on its completion.

*Department of Defense authority to provide assistance to secure the southern land border of the United States (sec. 1059)*

The Senate amendment contained a provision (sec. 1041) that would authorize the Secretary of Defense, with concurrence of the Secretary of Homeland Security, to provide assistance to U.S. Customs and Border Protection for the purpose of increasing the ongoing efforts to secure the southern land border of the United States.

The House bill contained no similar provision.

The House recedes with a clarifying amendment and additional reporting requirements.

## **SUBTITLE F—STUDIES AND REPORTS**

*Provision of defense planning guidance and contingency planning guidance information to Congress (sec. 1060)*

The House bill contained a provision (sec. 1061) that would require the Secretary of Defense to provide to the congressional committees, not later than 120 days after the enactment of this Act, a report containing summaries of the defense planning guidance and contingency planning guidance developed in accordance with the requirements of such section, and to include those summaries in the annual budget documents submitted to Congress. Additionally, this section would provide a limitation on the obligation or expenditure of 25 percent of the funds authorized to be appropriated by this Act for Operation and Maintenance, Defense-wide, for the Office of the Secretary of Defense, until 15 days after the date on which the Secretary of Defense submits the first report required by this section.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would remove the funding limitation for the Office of the Secretary of Defense.

*Expedited meetings of the National Commission on the Future of the Army (sec. 1061)*

The House bill contained a provision (sec. 1069) that would amend section 1702(f) of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act of Fiscal Year 2015 (Public Law 113-291: 128 Stat. 3665). The section would be amended by adding at the end the following new sentence: "Section 10 of Federal Advisory Committee Act (5 U.S.C. App. I) shall not apply to a meeting of the Commission unless the meeting is attended by 5 or more members of the Commission."

The Senate amendment contained no similar provision.

The Senate recedes.

*Modification of certain reports submitted by Comptroller General of the United States (sec. 1062)*

The House bill contained a provision (sec. 1062) that would amend section 3255(a)(2) of the National Nuclear Security Administration Act (50 U.S.C. 2455), to provide the Comptroller General of the United States, in any odd-numbered year, 150 days to submit the report required by such section. This provision would also amend section 3134 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84) to eliminate a requirement for the Comptroller General to conduct a final review of all projects carried out by the Department of

Energy's Office of Environmental Management using American Recovery and Reinvestment Act of 2009 Public Law 111-5) funds.

The Senate amendment contained two similar provisions (sec. 3120 and 3121) that would extend the Government Accountability Office's annual reporting deadline for reviewing the budget of the National Nuclear Security Administration weapons program from 90 days to 150 days in odd-numbered years when NNSA is required to submit a detailed Stockpile Stewardship Management Plan (SSMP). Additionally, section 3121 would repeal phase three of section 3134 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84) related to defense environmental cleanup projects, as the Government Accountability Office has reported on all phases of this project.

The Senate recesses. The conferees emphasize that, to support the legislative calendar in odd-numbered years, the Comptroller General should still provide the congressional defense committees interim briefings on the SSMP.

*Report on implementation of the geographically distributed force laydown in the area of responsibility of United States Pacific Command (sec. 1063)*

The House bill contained a provision (sec. 1063) that would require the Secretary of Defense, in consultation with the Commander of U.S. Pacific Command (PACOM), to submit a report to congressional defense committees no later than March 1, 2016 on the Department of Defense's plans for implementing the geographically distributed force laydown in the area of responsibility of U.S. Pacific Command.

The Senate amendment contained no similar provision.  
The Senate recesses.

*Independent study of national security strategy formulation process (sec. 1064)*

The House bill contained a provision (sec. 1064) that would require the Secretary of Defense to contract with an independent research entity to carry out a study of the Department of Defense role in, and process for, the formulation of national security strategy. This study would include several case studies on the role of the Department of Defense in the formulation of previous national security strategies and issues related to the formulation process throughout the history of the United States and a complete review and analysis of the current

national security strategy formulation process as it relates to the Department of Defense.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would also require the report to include recommendations for the executive and legislative branches on the best practices for enabling the Department of Defense to formulate long-term strategy. The conferees believe the Secretary of Defense should continue to make every effort to recruit, cultivate, and further strategic thinking within the Department.

*Report on the status of detection, identification, and disablement capabilities related to remotely piloted aircraft (sec. 1065)*

The House bill contained a provision (sec. 1067) that would require the Secretary of Defense to submit, not later than 60 days after the date of enactment of this Act, a report to the congressional defense committees addressing the suitability of existing capabilities to detect, identify, and disable remotely piloted aircraft operating within special use and restricted airspace.

The Senate amendment contained no similar provision.

The Senate recesses.

*Report on options to accelerate the training of remotely piloted aircraft pilots (sec. 1066)*

The House bill contained a provision (sec. 1067) that would require the Secretary of the Air Force to submit, not later than February 1, 2016, a report to the congressional defense committees addressing the immediate and critical training and operational needs of the remotely piloted aircraft community.

The Senate amendment contained no similar provision.

The Senate recesses.

*Studies of fleet platform architectures for the Navy (sec. 1067)*

The Senate amendment contained a provision (sec. 1021) that would direct the Secretary of Defense to commission three studies to be submitted to the congressional defense committees in unclassified, and to the extent necessary, in classified versions to recommend potential future fleet architectures. These studies would provide competing visions and alternatives for future fleet architectures. One study would be performed by the Department of the Navy, with input from the Naval Surface

Warfare Center Dahlgren Division. The second study would be performed by a federally funded research and development center. The third study would be conducted by a qualified independent, non-governmental institute, as selected by the Secretary of Defense.

The House bill contained no similar provision.

The House recedes with an amendment that would modify the required submission date of the reports to April 1, 2016.

The conferees note that the majority of the total ownership costs for Navy surface ships, almost 70 percent, is comprised of operating and support costs incurred over the life of a ship. Personnel costs are the largest contributor to operating and support costs incurred over a ship's life cycle. As such, transitioning from the personnel- and workload-intensive ships of the past to optimally crewed ships with reduced workloads has potential to free up resources for the Navy to use in recapitalizing the fleet. However, previous studies have found that reduced and optimal manning initiatives were implemented without complete analysis and may have had detrimental effects on crew training and the material condition of some legacy class ships. In addition, reductions in crew size are frequently offset by increases in shore support and contractor personnel to address shipboard workload.

The Navy's newest surface ship classes, the *Ford*-class aircraft carrier, the Littoral Combat Ship and the *Zumwalt*-class destroyer, have been designed to leverage technology and optimal manning concepts to reduce the total crew sizes aboard these ships, but the impact of these efforts on reducing total ownership costs have not been fully demonstrated. Therefore, the conferees direct the Comptroller General of the United States to prepare a report to the congressional defense committees by July 1, 2016 as to the following elements:

1. To what extent has the Navy implemented reduced manning initiatives in the surface fleet?

2. To what extent has the Navy identified total manpower requirements, including both shipboard and shore-based, to support optimally manned ships over their life cycle?

3. To what extent have manning reductions on Navy surface ships resulted in reductions to total ownership costs and to what extent has the Navy realized its projected manpower reductions and cost savings?

4. How have reduced manning initiatives impacted the Navy's plans to operate and support ship classes in the areas of personnel, training, and maintenance (e.g., training qualification times, contractor support for shipboard maintenance, shipboard system casualties)?

5. To what extent does the Navy rely on technological innovations and design features to enable manning reductions in new ship construction, and to what extent have these reductions been realized after the ships have entered service?

*Report on strategy to protect United States national security interests in the Arctic region (sec. 1068)*

The Senate amendment contained a provision (sec. 1043) that would direct the Secretary of Defense to submit not later than 1 year after the date of enactment of this Act a report that sets forth an updated military strategy for the protection of United States national security interests in the Arctic region.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

*Comptroller General briefing and report on major medical facility projects of Department of Veterans Affairs (sec. 1069)*

The Senate amendment contained a provision (sec. 1085) that would require the Comptroller General of the United States to provide a briefing 270 days after the enactment of this Act and a report not later than 1 year after the date of enactment of this Act on the administration and oversight Department of Veterans Affairs of contracts for the design and construction of major medical facility projects, as defined in section 8104(a)(3)(A) of title 38, United States Code.

The House bill contained no similar provision.

The House recedes.

*Submittal to Congress of munitions assessments (sec. 1070)*

The Senate amendment contained a provision (sec. 1063) that would require the Secretary of Defense to provide the Committees on Armed Services of the Senate and House of Representatives not later than March 1, 2016, and each year thereafter, the most current Department of Defense Munitions and Munitions Sufficiency Assessments, as defined in Department of Defense Instruction 3000.04. The provision would also require the Department of Defense to provide the committees the most recently approved Joint Requirements Oversight Council memo resulting from the annual Munitions Requirements Process.

The House bill contained no similar provision.

The House recedes with an amendment that would sunset the requirement to submit reports and assessments in the provision 2 years after the date of the enactment of this Act.

*Potential role for United States ground forces in the Pacific theater (sec. 1071)*

The Senate amendment contained a provision (sec. 1064) that would require the Secretary of Defense and Chairman of the Joint Chiefs of Staff to conduct a comprehensive operational assessment of a potential future role for U.S. ground forces in the island chains of the western Pacific in creating anti-access/area denial (A2/AD) capabilities in cooperation with host nations to deter and defeat aggression in the region.

The House bill contained no similar provision.

The House recedes with amendments.

The conferees direct the Secretary and the Chairman to conduct the assessment required by subsection (a) using operations research methods and wargaming, in addition to historical analysis of the use of ground forces by the United States and Japan in the Pacific theater during World War II, technical analysis, analysis of force structure impacts, and any other analysis they deem appropriate. Further, in making this assessment, the Secretary should consider the potential geopolitical impact on the United States posture in the Pacific theater associated with a strategy of long-term engagement by United States ground forces.

The conferees also direct the Secretary and the Chairman to confer with U.S. Pacific Command; the Joint Requirements and Analysis Division and the wargaming resources of the Warfighting Analysis Division of the Force Structure, Resources, and Assessment Directorate of the Joint Staff, augmented as necessary and appropriate from the war colleges of the military departments; the Office of Net Assessment; any appropriate federally funded research and development centers (FFRDCs); and any other organizations or divisions as they deem appropriate.

Additionally, the conferees note that the term "ground forces" in this section is inclusive of all U.S. military services, including both the U.S. Army and U.S. Marine Corps.

*Repeal or revision of reporting requirements related to military personnel issues (sec. 1072)*

The House bill contained a provision (sec. 1071) that would repeal or revise certain reporting requirements related to military personnel authorities.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would restore several report requirements.

*Repeal or revision of reporting requirements relating to readiness (sec. 1073)*

The House bill contained a provision (sec. 1072) that would repeal or revise Department of Defense reporting requirements relating to readiness.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

*Repeal or revision of reporting requirements related to naval vessels and Merchant Marine (sec. 1074)*

The House bill contained a provision (sec. 1073) that would repeal or revise certain reporting requirements that are overly burdensome, duplicative, or outdated.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would remove the following language from the House provision: "(c) Amending section 126 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239) to delete a requirement for a quarterly report on Mission Modules of the Littoral Combat Ship;"; "(d) Deleting section 124 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) that required an assessment prior to the start of construction on the first ship of a shipbuilding program;" and "(e) Amending section 122 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364) to delete a quarterly reporting requirement associated with the *Ford*-class carrier;".

*Repeal or revision of reporting requirements related to civilian personnel (sec. 1075)*

The House bill contained a provision (sec. 1077) that would repeal or revise certain reporting requirements to include:

(a) Amending section 1110(i) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84), by striking a report on the pilot program for the temporary exchange of information technology personnel.

(b) Amending section 1001(g) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261) by striking the annual report on extension and modification of experimental personnel management program for scientific and technical personnel.

The Senate amendment contained no similar provision.  
The Senate recesses.

*Repeal or revision of reporting requirements related to nuclear, proliferation, and related matters (sec. 1076)*

The House bill contained a provision (sec. 1074) that would amend certain reporting requirements related to nuclear, proliferation, and related matters. This provision would remove an annual report by the Chairman of the Nuclear Weapons Council; remove a biannual reporting requirement on the Proliferation of Security Initiative; remove briefings on dialogue between the United States and the Russian Federation on nuclear arms; and remove a reporting requirement regarding annual updates to an implementation plan for the whole-of-government vision prescribed in the National Security Strategy.

The Senate amendment contained no similar provision.  
The Senate recesses with a technical amendment.

*Repeal or revision of reporting requirements related to acquisition (sec. 1077)*

The House bill contained a provision (sec. 1076) that would repeal or revise certain reporting requirements related to acquisition that are overly burdensome on the Department of Defense, duplicative, or outdated.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would retain the section 8305 of title 41, United States Code, report on purchases from foreign entities.

*Repeal or revision of miscellaneous reporting requirements (sec. 1078)*

The House bill contained a provision (sec. 1078) that would repeal or revise certain miscellaneous reporting requirements for the Department of Defense.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would retain the following reports repealed in the House provision: report on regional defense counterterrorism fellowship program, report on airlift requirements, and report on airborne signals intelligence, surveillance, and reconnaissance capabilities.

*Repeal of reporting requirements (sec. 1079)*

The Senate amendment contained a provision (sec. 1061) that would repeal a number of reporting requirements for the Department of Defense that have been included in law in past years.

The House bill contained a similar provision.

The House recedes with an amendment that would strike a number of reports repeals from the Senate amendment.

*Termination of requirement for submittal to Congress of reports required of the Department of Defense by statute (sec. 1080)*

The Senate amendment contained a provision (sec. 1062) that would, 2 years after the date of enactment of the Act, repeal requirements for recurring reports due to Congress. This would include only report requirements in effect on April 1, 2015.

The House bill contained no similar provision.

The House recedes with an amendment that would limit the repeal of reports to those reports enacted by a National Defense Authorization Act. The amendment also requires the Department of Defense to provide the congressional defense committees a list of all reports still required, the citation for each report, and a draft legislative provision for the repeal of such reports.

The conferees note the importance and value of reports from the Department of Defense as a key enabler of effective oversight. However, the conferees also note the burden excessive reporting places on the Department and the conferees are eager to strike a balance in the coming years.

## **SUBTITLE G—OTHER MATTERS**

*Technical and clerical amendments (sec. 1081)*

The House bill contained a provision (sec. 1081) that would make technical and clerical corrections to title 10, United States Code, and various National Defense Authorization Acts.

The Senate amendment contained a similar provision (sec. 1081).

The Senate recedes with an amendment making additional technical and clerical amendments.

*Situations involving bombings of places of public use, Government facilities, public transportation systems, and infrastructure facilities (sec. 1082)*

The House bill contained a provision (sec. 1093) that would amend chapter 18 of title 10, United States Code, to authorize the Secretary of Defense, upon the request of the Attorney General, to provide assistance in Department of Justice activities related to the enforcement of section 2332f of title 18, United States Code, during situations involving bombings of places of public use, Government facilities, public transportation systems, and infrastructure facilities.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

*Executive agent for the oversight and management of alternative compensatory control measures (sec. 1083)*

The House bill contained a provision (sec. 1082) that would direct the Secretary of Defense to establish an executive agent for the oversight and management of alternative compensatory control measures. This section would also require the Secretary of Defense to submit a report to the congressional defense committees not later than 30 days after the close of each of the fiscal years 2016 through 2020, on the oversight and management of alternative compensatory control measures.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would add a requirement that the report required include a brief description of each alternative compensatory control measures program and the number of individuals with access to such program.

*Navy support of Ocean Research Advisory Panel (sec. 1084)*

The House bill contained a provision (sec. 1083) that would repeal the requirement for the Department of the Navy to fund the Ocean Research Advisory Panel.

The Senate amendment contained an identical provision (sec. 903).

The conference agreement includes this provision.

The conferees are aware that the Ocean Research Advisory Panel plays an important role in setting the civilian agenda for ocean research. The conferees encourage the Navy and the Executive Office of the President to engage in discussions with appropriate federal science and technology agencies to ensure the transfer of funding and responsibilities do not impair the Panel's activities.

*Level of readiness of Civil Reserve Air Fleet carriers (sec. 1085)*

The House bill contained a provision (sec. 1084) that would amend Chapter 931 of title 10, United States Code, by creating a new subsection addressing the readiness of the Civil Reserve Air Fleet (CRAF). Specifically, this new section would codify the importance of the CRAF and the need to provide appropriate levels of commercial airlift augmentation to maintain networks and infrastructure, exercise the system, and interface effectively within the military airlift system. This section also would require the Secretary of Defense to provide, concurrent with the submission of the President's request, an assessment of the number of block hours necessary to achieve sufficient levels of commercial airlift augmentation, a strategic plan for achieving necessary levels of commercial airlift augmentation, and an explanation of any difference from the previous fiscal year's assessment.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would sunset the report requirement provision in 2 years.

*Reform and improvement of personnel security, insider threat detection and prevention, and physical security (sec. 1086)*

The Senate amendment contained a provision (sec. 1090) that would mandate the implementation of reforms in the personnel security clearance process, insider threat detection and prevention, and physical security in the Department of Defense (DOD) and elsewhere in the Federal Government.

The House bill contained no similar provision.

The House recedes with technical and clarifying amendments.

The provision would:

(1) Require the Secretary of Defense to develop a plan to implement Continuous Evaluation ("CE") for Department of Defense employees to reduce critical gaps in background investigations; to develop and implement an Insider Threat strategy detailing the Department's plan to provide a centralized capability that can quickly analyze the results of automated records checks and reports of behavior of concern and recommend action as appropriate; to centralize the programmatic authority of such activities under one official (the Under Secretary of Defense for Intelligence); to provide resources for the expedited deployment of identity management systems for access to DOD facilities which was a critical gap identified in the aftermath of the Fort Hood and Washington Navy Yard shootings; and to centralize control of requests for security clearances from the Office of Personnel Management (OPM) to achieve efficiencies, as well as other key recommendations

resulting from the study by the Director of Cost Analysis and Program Evaluation mandated by section 907 of the National Defense Authorization Act for Fiscal Year 2014.

(2) Require the Secretary of Defense to develop standards for physical and logical access to secured facilities and information systems, and requires the Secretary, in coordination with the Office of Management and Budget (OMB), the Chair of the Performance Accountability Council (PAC), and the Administrator of the Government Services Administration, to develop a capability to share and apply electronic identity information across the government.

(3) Require OMB to formalize the Security, Suitability and Credentialing Line of Business to ensure adequate oversight and efficient investments are made across the enterprise.

(4) Require the PAC Chair to develop a plan to ensure reciprocity management systems function effectively and securely. The intent is also for agencies to formulate a plan to address how an automated and continuous background check for national security personnel will travel with that individual as long as they hold a clearance, regardless of changes in employer and program or contract support.

(5) Require the PAC Chair, along with the Security and Suitability Executive Agents and the Secretary of Defense, to jointly develop a plan to ensure implementation of uniform self-reporting requirements for all personnel who hold a clearance, including contractors. The provision mandates that reported information be shared with those who have a need to know, to ensure that individuals with derogatory information are not allowed to move around the government without the negative information being known.

The second part of the provision would:

(1) Clarify and update the agencies covered under section 9101. This section has not been updated since 2000 - before the creation of the Department of Homeland Security and the Office of the Director of National Intelligence. This revision also includes agencies that are delegated authority by the Security and Suitability Executive Agents and expands the "covered agency" definition to explicitly include contractor background investigators working on behalf of covered agencies.

(2) Clarify and update the applicable purposes of investigation to expressly include basic suitability or fitness assessments, credentialing under Homeland Security Presidential Directive 12, Transportation Security Administration Security Threat Assessment Programs, and Federal Aviation Administration checks required by Federal Statute.

(3) Permit investigative agencies to conduct both biometric (fingerprint) and biographic checks for criminal history records information, as appropriate. The investigative agencies are to determine what is appropriate. Nothing under this section prohibits the Federal Bureau of Investigation from requiring a request for criminal history record information.

(4) Amend section 9101 to indicate that when more than one automated system can provide the same information, the most cost-effective system to the Federal Government shall be used.

(5) Require that the Department of State, Bureau of Consular Affairs, American Citizen Services (ACS), release information about an individual's interaction with law enforcement or intelligence organizations abroad if that individual has contacted ACS for assistance after they have been arrested or has been in contact with intelligence agencies of a foreign country while abroad.

(6) Require contractors who conduct background investigations on behalf of a covered agency to comply with necessary security requirements when accessing an automated information delivery system to request criminal history record information.

(7) Clarify Title 5 U.S.C. section 7512 to strengthen the Federal Government's ability to take action against individuals who falsify background investigation information.

(8) Require an annual report from the PAC to describe and analyze the extent and effectiveness of federal, state, and local systems for sharing criminal history record information; analyze the extent and effectiveness of education programs regarding criminal history record information sharing; provide updates on the implementation of best practices for sharing criminal history record information, including ongoing limitations experienced by investigators; and provide descriptions of other limitations to investigators and State and local law enforcement agencies.

(9) Request a Government Accountability Office report summarizing the major characteristics of federal critical infrastructure protection access controls, as well as background check and credentialing standards for the protection of critical infrastructure and key resources.

*Transfer of surplus firearms to Corporation for the Promotion of Rifle Practice and Firearms Safety (sec. 1087)*

The House bill contained a provision (sec. 1085) that would authorize the transfer of surplus firearms to the Civilian Marksmanship Program (CMP).

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment that establishes a pilot program limited to .45 caliber handguns and restricts the amount of handguns that can be transferred to the CMP to no more than 10,000 units annually. Additionally, it requires the CMP to provide a report to Congress after the conclusion of the pilot program, obtain a federal firearm license to conduct any and all handgun sales, and adhere to all local, state, and federal laws in respect to handgun sales.

*Modification of requirements for transferring aircraft within the Air Force inventory (sec. 1088)*

The House bill contained a provision (sec. 1086) that would amend section 345 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383) to ease administrative burdens and facilitate non-contentious transfers of aircraft from the Air Reserve Components to the regular component of the Air Force.

The Senate amendment contained a similar provision (sec. 341).

The Senate recedes with an amendment specifying technical clarifications.

*Reestablishment of Commission to Assess the Threat to the United States from Electromagnetic Pulse Attack (sec. 1089)*

The House bill contained a provision (sec. 1087) that would reinstate the Commission to Assess the Threat to the United States from Electromagnetic Pulse Attacks. This provision also provides updated guidance on the membership and duties of that commission.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

*Mine countermeasures master plan (sec. 1090)*

The House bill contained a provision (sec. 1089) that would require the Secretary of the Navy to submit a mine countermeasures master plan to the congressional defense committees along with the annual budget request of each fiscal year from 2018 through 2023. This provision would also require the Secretary of the Navy to submit a one-time report to the congressional defense committees within 1 year of enactment of

this Act as to current and future mine countermeasure force structure based on current mine countermeasure capabilities, including an assessment as to whether certain decommissioned ships should be retained in reserve operating status.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require, as part of the one-time report, an assessment of the Littoral Combat Ship (LCS) mine countermeasures mission package increment one performance against the initial operational test and evaluation criteria, as well as an assessment of other commercially available mine countermeasures systems that could supplement or supplant LCS mine countermeasures mission package systems.

*Congressional notification and briefing requirement on ordered evacuations of United States embassies and consulates involving the use of United States Armed Forces (sec. 1091)*

The House bill contained a provision (sec. 1090) that would express a sense of Congress on the importance of ensuring the safety and security of members of the Armed Forces of the United States overseas pending an ordered evacuation of a United States embassy or consulate and require the Secretary of Defense and the Secretary of State to notify and brief appropriate congressional committees as soon as practicable after the initiation of an ordered evacuation.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

The conferees believe that it is critical to ensure the safety and security of all U.S. personnel stationed overseas, including members of the Department of Defense ordered to assist in an ordered evacuation of a U.S. embassy or consulate. The conferees expect the notification required by this provision should include, to the extent practicable: (1) an overview of the ordered evacuation, (2) an overview of the manner and location from which the Department of State will continue to conduct the duties and responsibilities of the embassy or consulate, (3) a description of the disposition of embassy or consulate property, and (4) any other matters the Secretary of Defense and Secretary of State determine relevant.

*Interagency Hostage Recovery Coordinator (sec. 1092)*

The House bill contained a provision (sec. 1092) that would require the President to designate an existing federal official to serve as the Interagency Hostage Recovery Coordinator responsible coordinating the government's efforts to

secure the release of any United States hostage, chair a fusion cell of appropriate government personnel, and keep informed family members of any hostage.

The Senate amendment contained no similar provision.

The Senate recesses with a clarifying technical amendment that would modify the Coordinator's duties and scope of authority.

*Sense of Senate on the inadvertent shipment of live Bacillus anthracis (sec. 1093)*

The Senate amendment contained a provision (section 1086) that expressed a sense of the Senate on the inadvertent transfer of live Bacillus anthracis from Army laboratories, that the Center for Disease Control and Prevention and the Federal Bureau of Investigation should investigate the cause of the transfer and that the Department of Defense should reassess of standards on a regular basis to prevent a re-occurrence.

The House bill contained no similar provision.

The House recesses with an amendment that accounts for the number of affected sites that received the live Bacillus anthracis over time.

*Modification of certain requirements applicable to major medical facility lease for a Department of Veterans Affairs outpatient clinic in Tulsa, Oklahoma (sec. 1094)*

The Senate amendment contained a provision (sec. 1084) that would make modifications to the requirements associated with the amount of usable space, and the length of the lease, for a major veteran's medical facility in Tulsa, Oklahoma before entering into such a lease.

The House bill contained no similar provision.

The House recesses.

*Authorization of certain major medical facility projects of the Department of Veterans Affairs for which amounts have been appropriated (sec. 1095)*

The Senate amendment contained a provision (sec. 1089) that would authorize the Secretary of Veterans Affairs to carry out certain projects contained in the Consolidated and Further Continuing Appropriations Act, 2015 (Public Law 113-235) appropriated to the Department of Veterans Affairs, including:

(A) \$35,000,000 to make seismic corrections to Building 205 in the West Los Angeles Medical Center of the Department in Los Angeles, California, which, according to the Department, is a building that is designated as having an exceptionally high risk of sustaining substantial damage or collapsing during an earthquake;

(B) \$101,900,000 to replace the community living center and mental health facilities of the Department in Long Beach, California, which, according to the Department, are designated as having an exceptionally high risk of sustaining substantial damage or collapsing during an earthquake;

(C) \$187,500,000 to replace the existing spinal cord injury clinic of the Department in San Diego, California, which, according to the Department, is designated as having an extremely high risk of sustaining major damage during an earthquake; and

(D) \$122,400,000 to make renovations to address substantial safety and compliance issues at the medical center of the Department in Canandaigua, New York, and for the construction of a new clinic and community living center at such medical center.

The House bill contained no similar provision.

The House recedes with a technical amendment.

*Designation of construction agent for certain construction projects by Department of Veterans Affairs (sec. 1096)*

The Senate amendment contained a provision (sec. 1091) that would require the Secretary of Veterans Affairs to enter into an agreement with the Army Corps of Engineers or another entity of the Federal Government to serve, on a reimbursable basis, as the construction agent on all construction projects of the Department of Veterans Affairs specifically authorized by Congress after the date of the enactment of the National Defense Authorization Act for Fiscal Years 2016 that involve a total expenditure of more than \$100.0 million, excluding any acquisition by exchange.

The House bill contained no similar provision.

The House recedes with an amendment that would apply this to major medical facilities of the Department of Veterans Affairs.

*Department of Defense strategy for countering unconventional warfare (sec. 1097)*

The House bill contained a provision (sec. 1088) that would require the Secretary of Defense, in consultation with the

President and the Chairman of the Joint Chiefs of Staff, to develop a strategy for the Department of Defense to counter unconventional warfare threats posed by adversarial state and non-state actors. This section would require the Secretary of Defense to submit the strategy to the congressional defense committees within 180 days after the date of the enactment of this Act.

The Senate amendment contained no similar provision.

The Senate recesses with a clarifying amendment.

## **LEGISLATIVE PROVISIONS NOT ADOPTED**

### *Sustainment enhancement*

The Senate amendment contained a provision (sec. 852) that would express the sense of Congress that the Department of Defense does not place sufficient emphasis on sustainment of weapon systems and would require the Secretary of Defense to assess of the feasibility and advisability of assigning additional functions regarding sustainment, manufacturing, and industrial base policy to the Assistant Secretary of Defense for Logistics and Materiel Readiness.

The House bill contained no similar provision.

The Senate recesses.

The conferees direct the Secretary of Defense to submit a report to the congressional defense committees by February 1, 2016, on recommendations concerning the feasibility and advisability of assigning additional functions regarding sustainment, manufacturing, and industrial base policy to the Assistant Secretary of Defense for Logistics and Materiel Readiness.

### *Consideration of strategic materials in preliminary design review*

The House bill contained a provision (sec. 859) that would require the Under Secretary of Defense for Acquisition, Technology, and Logistics to ensure that Department of Defense Instruction 5000.02 and other applicable guidance receive full consideration during preliminary design review for strategic materials requirements over the life cycle of the product.

The Senate amendment contained no similar provision.

The House recesses.

### *Authority to transfer funds to the National Nuclear Security Administration to sustain nuclear weapons modernization and Naval Reactors*

The House bill contained a provision (sec. 1002) that would provide the Secretary of Defense the authority to transfer up to \$150.0 million to the nuclear weapons and naval reactor programs of the National Nuclear Security Administration (NNSA) if the amount authorized to be appropriated or otherwise made available for fiscal year 2016 for the weapons activities of the NNSA is less than \$8.9 billion (the amount specified for fiscal year 2016 in the report required by section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84)).

The Senate amendment contained no similar provision.  
The House recedes.

*Restrictions on the overhaul and repair of vessels in foreign shipyards*

The House bill contained a provision (sec. 1021) that would amend section 7310 of title 10, United States Code, to prohibit the Secretary of the Navy from beginning in a shipyard outside the United States or outside a territory of the United States any work that is scheduled to be for a period of more than 6 months for the overhaul, repair, or maintenance of a naval vessel whose homeport is not in the United States or Guam.

The Senate amendment contained no similar provision.  
The House recedes.

*Report on Department of Defense definition of and policy regarding software sustainment*

The Senate amendment contained a provision (sec. 1026) that would require the Secretary of Defense to submit a report on the definition and policy of software sustainment used by the Department of Defense. The study would be performed by a federally funded research and development center.

The House bill contained no similar provision.  
The Senate recedes.

The conferees note that weapon systems are increasingly reliant on software and the sustainment of these systems presents new issues and challenges. Weapon systems may include proprietary data and unique software that could limit sustainment to a single entity and may result in cost increases and increased risk to operations and readiness.

The conferees recommend the Department examine private sector and government best practices to inform its software sustainment strategy. Additionally, the conferees encourage the Secretary of Defense to determine if the current definitions and policies regarding software sustainment provides adequate

guidance for program managers to ensure software system sustainment planning include assessments of both public and private capabilities, costs, and operational risks.

*Sense of Congress regarding technical correction*

The House bill contained a provision (sec. 1026) that would express the sense of Congress that a technical correction to the Carl Levin and Howard P. `Buck' McKeon National Defense Authorization Act of Fiscal Year 2015 (Public Law 113-291; 128 Stat. 3881) should be enacted in order to expeditiously carry out the intent of such section 3095.

The Senate amendment contained no similar provision.

The House recesses.

*Authority to temporarily transfer individuals detained at United States Naval Station, Guantanamo Bay, Cuba, to the United States for emergency or critical medical treatment*

The Senate amendment contained a provision (sec. 1034) that would provide limited authority to the Department of Defense to transfer detainees to the United States for emergency or critical medical treatment.

The House bill contained no similar provision.

The Senate recesses.

*Prohibition on use of funds to transfer or release individuals detained at United States Naval Station, Guantanamo Bay, Cuba, to combat zones*

The House bill contained a provision (sec. 1038) that would prohibit the use of funds provided to the Department of Defense to transfer individuals detained at United States Naval Station, Guantanamo Bay, Cuba to combat zones, as defined by IRS code, for a period of two years.

The Senate amendment contained no similar provision.

The House recesses.

*Submission to Congress of certain documents relating to transfer of individuals detained at Guantanamo to Qatar*

The House bill contained a provision (sec 1040) that would require the Secretary of Defense to provide appropriate congressional committees copies of correspondence within the executive branch concerning the decision to transfer individuals detained at Guantanamo to Qatar.

The Senate amendment contained no similar provision.

The House recesses.

The conferees note that the House Committee on Armed Services and the Department of Defense have reached an agreement regarding documents related to the transfer of individuals detained at Guantanamo to Qatar.

*Submission of unredacted copies of documents relating to the transfer of certain individuals detained at Guantanamo to Qatar*

The House bill contained a provision (sec. 1041) that would require the Secretary of Defense to provide unredacted copies of materials concerning the decision to transfer individuals detained at Guantanamo to Qatar.

The Senate amendment contained no similar amendment.

The House recesses.

The conferees note that the House Committee on Armed Services and the Department of Defense have reached an agreement regarding documents relating to the transfer of individuals detained at Guantanamo to Qatar.

*Treatment of certain previously transferred Army National Guard helicopters as counting against number transferable under exception to limitation on transfer of Army National Guard helicopters*

The Senate amendment contained a provision (sec. 1045) that would require the Secretary of the Army to report to Congress the number of Army National Guard AH-64 helicopters that have been transferred to the original equipment manufacturer for remanufacture. The provision would also treat that number as counting against the number required to be transferred from the Army National Guard to the regular Army pursuant to section 1712 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015.

The House bill contained no similar provision.

The Senate recesses.

*Sense of Congress on consideration of the full range of Department of Defense manpower worldwide in decisions on the proper mix of military, civilian, and contractor personnel to accomplish the National Defense Strategy*

The Senate amendment contained a provision (sec. 1047) that expressed the sense of Congress that the Secretary of Defense should consider the full range of Department of Defense manpower available worldwide in making decisions on the proper

mix of military, civilian, and contractor personnel to accomplish the National Defense Strategy.

The House bill contained no similar provision.

The Senate recesses.

*Space available travel for environmental morale leave by certain spouses and children of deployed members of the Armed Forces*

The House bill contained a provision (sec. 1054) that would require the Secretary of Defense to authorize space-available travel for environmental morale leave by certain unaccompanied spouses and dependent children of deployed members of the Armed Forces.

The Senate amendment contained no similar provision.

The House recesses.

The conferees note that that effective June 9, 2015 the Department of Defense (DOD) policy on space-available travel for dependents of deployed members was updated to authorize dependents of military members deployed for thirty or more consecutive days to travel space-available on DOD aircraft.

*Limitation on availability of funds for modifying command and control of United States Pacific Fleet*

The House bill contained a provision (sec. 1058) that would limit the availability of fiscal year 2016 funds to modify command and control relationships to give Fleet Forces Command operational and administrative control of Navy forces assigned to the Pacific Fleet.

The Senate amendment contained no similar provision.

The House recesses.

*Prohibition on closure of United States Naval Station, Guantanamo Bay, Cuba*

The House bill contained a provision (sec. 1059) that prohibited the President from closing or abandoning the United States Naval Station, Guantanamo Bay, Cuba, and required that the obligations of the United States under Article III of the Treaty Between the United States and Cuba signed on May 29, 1934 are met.

The Senate amendment contained no similar provision.

The House recesses.

*Civilian Aviation Asset Military Partnership Pilot Program*

The House bill contained a provision (sec. 1060a) that would establish a pilot program that would grant authority to the Secretary of Defense, in coordination with the Federal Aviation Administration. The aim of the Civilian Aviation Asset Military Partnership Pilot Program would be to award competitive grants of no more than \$2.5 million for infrastructure or tower improvements and repairs at up to three eligible airports that support military and civilian operations per fiscal year.

The Senate amendment contained no similar provision.

The House recesses.

*Limitation on use of funds to deactivate the 440th Airlift Wing*

The House bill contained a provision (sec. 1060c) that would limit the availability of funds authorized to be appropriated for the deactivation of the 440th Airlift Wing until the Secretary of Defense certified the deactivation of the wing would not affect the military readiness of the airborne and special operations units stationed at Fort Bragg, North Carolina.

The Senate amendment contained a similar provision (sec. 136).

The House recesses.

The conferees agree to include the Senate provision elsewhere in this Act because it would require sufficient certification by the Secretaries and Chiefs of Staff of the Army and the Air Force as to the military readiness of Army airborne and special operations units regarding support from Air Force airlift operations.

*Study and report on role of Department of Defense in formulation of long-term strategy*

The House bill contained a provision (sec. 1065) that requires the Secretary of Defense to direct the Office of Net Assessment (ONA) to conduct a study on the role of the Department of Defense in the formulation of long-term strategy, and to submit a report to the congressional defense committees on the results of the study not later than 2 years after the date of the enactment of this Act.

The Senate amendment contained no similar provision.

The House recesses.

The conferees note their continued support for the work of the Office of Net Assessment and applaud senior Department leadership for their engagement with ONA.

*Report on plans for the use of domestic airfields for homeland defense and disaster response*

The Senate amendment contained a provision (sec. 1065) that would require, not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Homeland Security and the Secretary of Transportation, to submit to the appropriate committees of Congress a report setting forth an assessment of the plans for airfields in the United States that are required to support homeland defense and local disaster response missions.

The House bill contained no similar provision.

The Senate recesses.

The conferees direct the Secretary of Defense, in consultation with the Secretary of Homeland Security and the Secretary of Transportation, to submit to the Committee on Armed Services, the Committee on Homeland Security and Government Affairs, and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Armed Services, the Committee on Homeland Security, and the Committee on Transportation and Infrastructure of the House of Representatives a report that contains an assessment of the plans for airfields in the United States that are required to support homeland defense and disaster response missions. The report shall include:

(1) A description of the criteria used to determine the capabilities and locations of airfields in the United States needed to support safe operations of military aircraft in the execution of homeland defense and local disaster response missions;

(2) A description of the processes and procedures in place to ensure that contingency plans for the use of airfields in the United States that support both military and civilian air operations are coordinated among the Department of Defense and other Federal agencies with jurisdiction over those airfields;

(3) An assessment of the impact, if any, to logistics and resource planning as a result of the reduction of certain capabilities of airfields in the United States that support both military and civilian air operations; and

(4) A review of the existing agreements and authorities between the Commander of the United States Northern Command and the Administrator of the Federal Aviation Administration that allow for consultation on decisions that impact the capabilities of airfields in the United States that support both military and civilian air operations.

The report shall be submitted in unclassified form, but may include a classified annex.

*Report on potential threats to members of the Armed Forces of United States Naval Forces Central Command and United States Fifth Fleet in Bahrain*

The House bill contained a provision (Sec. 1066) that would require a report on potential threats to members of the Armed Forces of the United States Naval Forces Central Command and the United States Fifth Fleet in Bahrain.

The Senate amendment contained no similar provision.

The House recesses.

The conferees direct the Secretary of Defense to provide a report to the Armed Services Committees of the House of Representatives and the Senate, not later than 120 days after the date of enactment of this Act, on threats posed to Department of Defense personnel and operations associated with United States military installations in Bahrain. The report should, at a minimum, include an assessment of the current security situation in Bahrain, the safety and security of Department of Defense personnel and dependents, and appropriate measures to mitigate the threat to U.S. operations and personnel including potential alternative facilities should U.S. personnel require temporary relocation.

*Conflict of interest certification for investigations relating to whistleblower retaliation*

The Senate amendment contained a provision (sec. 1088) that would require each investigator involved in a covered investigation to submit to the Inspector General of the Department of Defense or the Inspector General of the military department, as applicable, a certification that there was no conflict of interest between the investigator, any witness involved in the covered investigation, and the covered employee or member of the Armed Forces, as applicable, during the conduct of the covered investigation.

The House bill contained no similar provision.

The Senate recesses.

The conferees expect that the Department of Defense and the military services will establish uniform procedures to ensure there are no conflicts of interest for persons investigating whistleblower complaints.

*Determination and disclosure of transportation costs incurred by Secretary of Defense for congressional trips outside the United States*

The House bill contained a provision (sec. 1091) that would require the Secretary of Defense to determine the cost of transportation provided in the case of a trip taken by a Member, officer, or employee of the Senate or the House of Representatives in carrying out official duties outside the United States and to report that cost not later than 10 days after completion of the trip to the Committees on Armed Services of the Senate or the House of Representatives, and to make the information available on the Secretary's official public website until the expiration of the 4 year period which begins on the final day of the trip involved.

The Senate amendment contained no similar provision.

The House recesses.

The conferees support public disclosure of official travel by Members, officers, and employees of the Senate and the House of Representatives. To this end, the conferees note that section 1754(b) of title 22, United States Code, contains reporting and disclosure requirements for congressional travel outside the United States, including a requirement for reports to be open to public inspection and published in the Congressional Record. The conferees recognize that there are circumstances under which transportation provided by the Department of Defense best meets the needs of congressional delegations, ranging from protecting the safety and security of the delegations, expediency, and accessing destinations that have little or no commercial air service. The conferees further note that the Committees on Armed Services of the Senate and the House of Representatives each maintain policies and processes to provide further oversight of travel requests by members and employees of the committees.

*Observance of Veterans Day*

The House bill contained a provision (sec. 1095) that would amend chapter 1 of title 36, United States Code, to add a new section that would require the President to issue a proclamation each year calling on the people of the United States to observe 2 minutes of silence on Veterans Day in honor of the service and sacrifice of veterans throughout the history of the Nation.

The Senate amendment contained no similar provision.

The House recesses.

*Business case analysis of decision to maintain C-130J aircraft at Keesler Air Force Base, Mississippi*

The House bill contained a provision (sec. 1096) that would require the Secretary of the Air Force to conduct, not later than 60 days after the date of enactment of this Act, a business case analysis of the decision to maintain 10 C-130J aircraft at Keesler Air Force Base, Mississippi.

The Senate amendment contained no similar provision.

The House recedes.

The conferees recognize that the report provided to the committees by the Secretary of the Air Force in April 2015 in response to as required by section 138 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291), included information on the business case for maintaining 10 C-130J aircraft at Keesler Air Force Base, Mississippi.

*Sense of Congress regarding cyber resiliency of National Guard networks and communications systems*

The House bill contained a provision (sec. 1097) that would express a sense of Congress that the National Guard personnel need to have situational awareness and reliable communications in the event of an emergency, terrorist attack, or natural or man-made disaster, and that the current communications and networking systems for the National Guard, including commercial wireless solutions, are interoperable with the systems of civilian first responders.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note the importance of National Guard personnel having robust situational awareness and reliable communications in the event of a natural or man-made disaster that are interoperable with the systems of civilian first responders. In disaster situations, the National Guard serves as a critical bridge linking military and civilian response capabilities, and thus has the requirement to maintain a broad range of communications equipment. The conferees encourage the National Guard to constantly explore ways to improve and expand its communications and networking capabilities to provide for enhanced performance and resilience in the face of cyber attacks or disruptions, as well as other instances of degradation.

**TITLE XI—CIVILIAN PERSONNEL MATTERS**

## LEGISLATIVE PROVISIONS ADOPTED

### *Procedures for reduction in force of Department of Defense civilian personnel (sec. 1101)*

The House bill contained a provision (sec. 906) that would express the sense of the Congress that the Secretary of Defense should proceed with the collaborative work with employee representatives on the "New Beginnings" performance management and workforce incentive system and begin implementation of the new system at the earliest possible date.

The Senate amendment contained a provision (sec. 1103) that would provide the Secretary of Defense with the authority to establish procedures to provide that, in implementing any reduction in force for civilian positions in the Department of Defense in the competitive service or the excepted service, the determination of which employees shall be separated from employment in the Department of Defense shall be made primarily on the basis of performance.

The agreement includes the Senate provision with an amendment that would express the sense of the Congress contained in the House provision.

### *One-year extension of temporary authority to grant allowances, benefits, and gratuities to civilian personnel on official duty in a combat zone (sec. 1102)*

The House bill contained a provision (sec. 1101) that would extend by 1 year the discretionary authority of the head of a federal agency to provide allowances, benefits, and gratuities comparable to those provided to members of the Foreign Service to an agency's civilian employees on official duty in a combat zone.

The Senate amendment contained a similar provision (sec. 1107).

The Senate recesses.

### *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. 1103)*

The House bill contained a provision (sec. 1103) that would amend section 5542(a)(6)(B) of title 5, United States Code, to extend for 1 year the authority for a civilian employee of the Department of the Navy who is assigned to temporary duty to perform work aboard, or dockside in direct support of, the

nuclear aircraft carrier that is forward deployed in Japan to receive overtime pay.

The Senate amendment contained an identical provision (sec. 1108).

The agreement includes this provision.

*Modification to temporary authorities for certain positions at Department of Defense research and engineering facilities (sec. 1104)*

The House bill contained a provision (sec. 1104) that would modify section 1107 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66) to allow for the noncompetitive conversion of students that have graduated from an applicable institution of higher learning to a permanent appointee. In addition, the House provision would change the percentages of the work force that would be eligible for certain direct hiring authorities.

The Senate amendment contained a similar provision (sec. 1109) that would change the percentage of the work force that would be eligible for bachelor's degree holder direct hiring authority.

The Senate recedes with a technical amendment.

*Required probationary period for new employees of the Department of Defense (sec. 1105)*

The Senate amendment contained a provision (sec. 1101) that would set the required probationary period for new employees of the Department of Defense at 2 years. The provision would also give discretionary authority to the service secretary concerned to extend a probationary period of a new employee of the Department of Defense.

The House bill contained no similar provision.

The agreement contains the Senate provision with a technical amendment.

In extending the probationary period for new employees of the Department of Defense (DOD), the conferees expect the Secretary of Defense to ensure that supervisors optimize the additional probationary time by educating supervisors on the importance of tracking when an individual's probationary period is ending and directing the supervisor to make an affirmative decision or otherwise take appropriate action. The Secretary should take steps to ensure DOD supervisors are aware of the range of tools and guidance available through the Office of Personnel Management, including on-line and in-person training and guidebooks. The conferees note that the probationary period

extension will be beneficial only if an agency has effective performance management practices in place and uses the extra time for the purpose intended. The conferees expect the Secretary of Defense to assess the adequacy of leadership training provided to supervisors in DOD components and Defense agencies in order to ensure supervisors obtain the skills needed to effectively conduct performance management responsibilities.

*Delay of periodic step increase for civilian employees of the Department of Defense based upon unacceptable performance (sec. 1106)*

The Senate amendment contained a provision (sec. 1102) that would provide the Secretary of Defense with the authority to require satisfactory performance by civilian employees in order to qualify for periodic step increases based on that service.

The House bill contained no similar provision.  
The House recedes.

*United States Cyber Command workforce (sec. 1107)*

The Senate amendment contained a provision (sec. 1104) that would provide enhanced hiring and retention authorities to the Secretary of Defense for civilians on the staff of the United States Cyber Command (CYBERCOM) and the elements of the CYBERCOM components of the Armed Forces. These enhanced authorities are modeled after the personnel authorities in title 10 provided for the staff of the intelligence components of the Department of Defense. These authorities are also similar to those that Congress provided in 2014 for the cyber workforce at the Department of Homeland Security. The provision also would require the Secretary of Defense to provide a plan to Congress on implementation of these authorities.

The House bill contained no similar provision.

The House recedes with technical and clarifying amendments, including an amendment that would delay the effective date of the authority granted under this section until 30 days after receipt of an implementation plan submitted by the Secretary of Defense to the congressional defense committees.

*One-year extension of authority to waive annual limitation on premium pay and aggregate limitation on pay for Federal civilian employees working overseas (sec. 1108)*

The Senate bill contained a provision (sec. 1105) that would authorize the head of an executive agency to waive

limitation on the aggregate of basic and premium pay payable through calendar year 2016 to an employee who performs work in an overseas location that is in the area of responsibility of the Commander, U.S. Central Command (CENTCOM), or a location that was formerly in the CENTCOM but has been moved to an area of responsibility of the Commander, U.S. Africa Command, in support of a contingency operation or an operation in response to a declared emergency. The amount payable may not exceed the total annual compensation payable to the Vice President under section 104 of title 3, United States Code.

The House bill contained no similar provision.

The House recesses.

*Pilot program on dynamic shaping of the workforce to improve the technical skills and expertise at certain Department of Defense laboratories (sec. 1109)*

The Senate amendment contained a provision (sec. 1111) that would authorize Department of Defense laboratories to conduct a pilot program to use specific new authorities to improve the dynamic shaping of their technical workforces, including the ability to hire technical experts into flexible length and renewable term appointments, exercise flexibility in applying existing authorities for accessing the expertise of recently retired technical personnel and offer voluntary early retirement and voluntary separation incentives.

The House bill contained no similar provision.

The conference agreement contains the Senate provision with the inclusion of a few technical clarifying amendments.

The conferees believe that the ability of the Department of Defense laboratories to be flexible in both hiring and shaping their workforce is critical to maintaining a world-class research workforce that can adapt over time to new and emerging areas of technical need. The Senate and House Armed Services Committees, in coordination with the Oversight and Government Reform Committee of the House of Representatives and the Homeland Security and Government Affairs Committee of the Senate, have been active in modifying and seeking new authorities to make the Defense laboratories agile and attractive places for civilian researchers and engineers.

The conferees believe that taking stock of the authorities granted over the past 10 years and understanding their effects on attracting, recruiting and retaining a skilled workforce are important. Therefore, the conferees direct the Assistant Secretary of Defense for Research and Engineering, in coordination with the military departments and laboratory directors, to brief the Committees on Armed Services of the

Senate and House of Representatives, the Oversight and Government Reform Committee of the House of Representatives and the Homeland Security and Government Affairs Committee of the Senate no later than 90 days of the enactment of this Act. This briefing should include how the military departments, the laboratories, and the Office of the Secretary of Defense are using these authorities, metrics for understanding the effectiveness of these authorities, and any recommendations for legislative or regulatory action to improve the functioning of these authorities.

*Pilot program on temporary exchange of financial management and acquisition personnel (sec. 1110)*

The Senate amendment contained a provision (sec. 1112) that would authorize a pilot program to assess the feasibility and advisability of the temporary assignment of financial management and acquisition personnel to nontraditional defense contractors as defined by section 2303(9) of title 10, United States Code, and of covered employees of such contractors to the Department of Defense. Nontraditional defense contractors are commercial companies who either do not do business with the Department of Defense or do so exclusively through commercial terms and conditions. This authority would expire on September 30, 2019.

The House bill contained no similar provision.

The House recedes with an amendment that would make the authority permissive rather than mandatory and would modify the terms and conditions of participation in the pilot program by the private-sector employees.

The conferees believe that any exchange of government personnel with industry designed to improve skills and knowledge of finance and acquisition should be with those types of firms that do not traditionally do business with the Department of Defense and as such may offer different business management approaches to address similar problems. These firms also do not pose the same potential conflict of interest concerns that any exchange with a traditional defense contractor would pose.

*Pilot program on enhanced pay authority for certain acquisition and technology positions in the Department of Defense (sec. 1111)*

The Senate amendment contained a provision (sec. 1113) that would authorize a pilot program to assess the feasibility and advisability of using a higher-level pay authority to attract and retain high-quality acquisition and technology

experts in positions responsible for management and developing complex, high-cost, technological acquisition efforts of the Department of Defense. The conferees are concerned that in some cases the Department of Defense cannot competitively compensate the senior-level government program managers and engineers required for the government to oversee major defense acquisition programs. This provision would allow, in select cases, for the Department of Defense to pay a higher rate of compensation to recruit and retain senior acquisition officials who are exceptionally well qualified. These officials would be limited to a 5-year term. This authority would expire on October 1, 2020.

The House bill contained no similar amendment.

The House recesses.

*Pilot program on direct hire authority for veteran technical experts into the defense acquisition workforce (sec. 1112)*

The Senate amendment contained a provision (sec. 1114) that would authorize a 5-year pilot program for the service acquisition executives of each military department to directly appoint qualified veteran candidates for scientific, technical, engineering, and mathematics positions in the defense acquisition activities. This direct hire authority would be limited to no more than 1 percent of the total number of positions in the acquisition workforce in each military department that are filled as of the close of the previous fiscal year.

The House bill contained no similar amendment.

The House recesses.

The conferees direct the Secretary of Defense to provide a report to the congressional defense committees on the use of this authority no later than 2 years after the date of enactment of the Act.

*Direct hire authority for technical experts into the defense acquisition workforce (sec. 1113)*

The Senate amendment contained a provision (sec. 1115) that would authorize the service secretaries of each military department to directly appoint qualified candidates possessing a scientific or engineering degree to positions in the defense acquisition activities. This direct hire authority would be limited to no more than 5 percent of the total number of scientific and engineering positions in the acquisition workforce in each military department that are filled as of the

close of the previous fiscal year. This authority would expire December 31, 2020.

The House bill contained no similar provision.  
The House recesses.

## **LEGISLATIVE PROVISIONS NOT ADOPTED**

### *Authority to provide additional allowances and benefits for Defense Clandestine Service employees*

The House bill contained a provision (sec. 1102) that would grant the Secretary of Defense the authority to provide additional allowances and benefits for Defense Clandestine Service employees.

The Senate amendment contained no similar provision.  
The House recesses.

### *Preference eligibility for members of reserve components of the Armed Forces appointed to competitive service; clarification of appeal rights*

The House bill contained a provision (sec. 1105) that would create a hiring preference for certain members of the reserve components of the Armed Forces for the competitive service and would clarify the appeals rights of individuals hired under section 3330a of title 5, United States Code.

The Senate amendment contained no similar provision.  
The House recesses.

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

### **SUBTITLE A—TRAINING AND ASSISTANCE**

#### *One-year extension of logistical support for coalition forces supporting certain United States military operations (sec. 1201)*

The House bill contained a provision (sec. 1201) that would amend section 1234 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181), as most recently amended by section 1223 of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291), by authorizing the Secretary of Defense to provide supplies, services, transportation, and other logistical support to coalition forces

supporting U.S. operations in Iraq and Afghanistan during fiscal year 2016.

The Senate amendment contained no similar provision.

The Senate recesses.

*Strategic framework for Department of Defense security cooperation (sec. 1202)*

The House bill contained a provision (sec. 1202) that would require the Secretary of Defense, in coordination with the Secretary of State, to develop a strategic framework for Department of Defense security cooperation to guide prioritization of resources and activities. This section would also require the Secretary of Defense, in coordination with the Secretary of State, to submit a report on the strategic framework for security cooperation to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives, not later than 90 days after enactment of this Act.

The Senate amendment contained no similar provisions.

The Senate recesses with an amendment that would make clarifying changes and require the Secretary of Defense to submit the required report not later than 180 days after enactment of this Act.

*Redesignation, modification, and extension of National Guard State Partnership Program (sec. 1203)*

The House bill contained a provision (sec. 1203) that would amend section 1205 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66) by modifying and extending the authorization for the National Guard State Partnership Program (SPP) by 2 years, would require the Chief of the National Guard Bureau to establish and submit a list of core competencies to support SPP activities to the Secretary of Defense for approval, and would require the Secretary of Defense to establish a fund to administer and execute the funds authorized and appropriated for SPP.

The Senate amendment contained a similar provision (sec. 1204) that would amend section 1205 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 114-66) to provide for the extension of the Department of Defense (DOD) State Partnership Program and direct the Under Secretary of Defense (Comptroller) and Under Secretary of Defense (Policy) to conduct an advisability and feasibility study as to whether a

central fund should be created to support the activities associated with the State Partnership Program.

The House recedes with an amendment that would make clarifying changes, would require the Secretary of Defense to submit a legislative proposal if it is found to be advisable and feasible to establish a central fund for the program, and would extend the underlying authority for the program for 5 years.

The conferees encourage DOD to consider if it would be useful to establish a list of core competencies of the National Guard to be used to better educate security assistance officers and countries participating in the State Partnership Program about the capabilities that can be brought to bear by the Guard. The Secretary should inform the Armed Services Committees of the House of Representative and the Senate if such a step is considered to be useful.

*Extension of authority for non-reciprocal exchanges of defense personnel between the United States and foreign countries (sec. 1204)*

The House bill contained a provision (sec. 1204) that would amend section 1207(f) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84) by extending the authorization for non-reciprocal exchanges of defense personnel between the United States and foreign countries through December 31, 2017.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would extend the authority through December 31, 2021.

*Monitoring and evaluation of overseas humanitarian, disaster, and civic aid programs of the Department of Defense (sec. 1205)*

The House bill contained a provision (sec. 1205) that would allow up to 5 percent of the amounts authorized to be appropriated by this act for sections 401, 402, 404, 407, 2557, and 2561 of title 10, United States Code be used to conduct monitoring and evaluation of these programs.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

The conferees further note that the briefing shall include a description of how the Department of Defense evaluates program and project outcomes and impact, including cost effectiveness and extent to which programs meet designated goals.

*One-year extension of funding limitations for authority to build the capacity of foreign security forces (sec. 1206)*

The Senate amendment contained a provision (sec. 1201) that would extend for 1 year the funding limitations for the Department of Defense to build the capacity of foreign security forces under section 2282, title 10, United States Code.

The House bill contained no similar provisions.

The House recesses.

*Authority to provide support to national military forces of allied countries for counterterrorism operations in Africa (sec. 1207)*

The Senate amendment contained a provision (sec. 1205) that would authorize through September 30, 2018, the Secretary of Defense, in coordination with the Secretary of State, to provide, on a non-reimbursable basis, logistic support, supplies, and services to the national military forces of an allied country conducting counterterrorism operations in Africa if the Secretary of Defense determines that the provision of such support is (1) in the national security interests of the United States; and (2) critical to the timely and effective participation of such national military forces in such operations.

The House bill contained no similar provision.

The House recesses.

The conferees note that, in this section, the term 'allied country' has the meaning given to that term in section 2350c of title 10, United States Code.

*Reports on training of foreign military intelligence units provided by the Department of Defense (sec. 1208)*

The Senate amendment contained a provision (sec 1206) that would authorize the Secretary of Defense to provide intelligence training to foreign military intelligence units to increase partner capacity.

The House bill contained no similar provision.

The House recesses with an amendment that would require the Under Secretary of Defense for Intelligence to provide semi-annual reports to the congressional defense committees on the military intelligence training performed by Department of Defense of foreign military intelligence personnel and the authorities under which such activities are conducted.

The conferees believe that the current matrix of capacity building authorities may not sufficiently cover sustained intelligence training for foreign military forces for purposes other than counterterrorism operations and stability operations with whom the United States partners or may need to partner in

the future. Based on the reports and any potential gaps in authorities, the conferees will evaluate whether further authorities should be included in the 2017 authorizing legislation.

*Prohibition on assistance to entities in Yemen controlled by the Houthi movement (sec. 1209)*

The Senate amendment contained a provision (sec. 1207) that would prohibit assistance to an entity in Yemen controlled by members of the Houthi movement unless the Secretary of Defense determines the provision of such assistance is important to the national security interests of the United States.

The House bill did not contain a similar provision.

The House recedes with an amendment requiring the Secretary of Defense to submit a notification to certain congressional committees should the national security exception be exercised.

## **SUBTITLE B—MATTERS RELATING TO AFGHANISTAN AND PAKISTAN**

*Extension and modification of Commanders' Emergency Response Program (sec. 1211)*

The House bill contained a provision (sec. 1211) that would amend section 1201 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81), as most recently amended by section 1221 of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291), by extending for 1 year the Commanders' Emergency Response Program (CERP) in Afghanistan and authorizing \$5.0 million for fiscal year 2016.

The Senate amendment contained a similar provision (sec. 1222) that would make up to \$10.0 million available during fiscal year 2016 for CERP in Afghanistan, and would authorize certain payments to redress injury and loss in Iraq.

The House recedes with an amendment that would limit amounts available during Fiscal Year 2016 to not exceed \$5.0 million, require the Secretary of Defense to submit revised guidance to take into account the modifications to CERP made by this provision and would allow the Secretary to begin payments to redress injury and loss in Iraq 30 days after the submission of a report related to the conditions for which payment would be made and the manner in which claims for payments shall be verified.

*Extension and modification of authority for reimbursement of certain coalition nations for support provided to United States military operations (sec. 1212)*

The House bill contained a provision (sec. 1212) that would extend the authority for reimbursement of coalition nations for support provided to the U.S. for military operations in Afghanistan through fiscal year 2016 and would authorize \$1.3 billion. Of the \$1.0 billion in reimbursement authorized for Pakistan during fiscal year 2016, \$400.0 million would not be eligible for a waiver unless the Secretary of Defense certifies that Pakistan is conducting military operations against the Haqqani Network and is actively coordinating with the Government of Afghanistan to restrict the movement of militants along the Afghanistan-Pakistan border.

The Senate amendment contained a similar provision (sec. 1224) that would extend the authority to make Coalition Support Fund (CSF) payments to reimburse certain nations for support provided to U.S. military operations in Afghanistan and would authorize to \$1.2 billion, of which \$900.0 million would be provided to Pakistan. Of the \$900.0 million, \$100.0 million would be authorized for a pilot program.

The Senate recedes with an amendment that would authorize \$1.3 billion and would limit the authorization for reimbursement to Pakistan to \$900.0 million. Of the \$900.0 million, \$350.0 million would not be eligible for a waiver unless the Secretary of Defense certifies that Pakistan has met certain conditions. An additional \$100.0 million of CSF would be made available for Pakistan for direct assistance for a pilot program for stability activities undertaken in the Federally Administered Tribal Areas, including the provision of funds to the Pakistan military and the Pakistan Frontier Corps Khyber Pakhtunkhwa.

The conferees encourage the continuation of military operations undertaken by the Pakistan Military in the Federally Administered Tribal Area but note the need for further action against terrorist organizations such as the Haqqani Network.

*Additional matter in semiannual report on enhancing security and stability in Afghanistan (sec. 1213)*

The House bill contained a provision (sec. 1213) that would state the sense of Congress that the President's decision to maintain 9,800 U.S. troops through 2015 is appropriate, that the President should withdraw U.S. troops only on a pace that is consistent with the ability of the Afghan National Security Forces to sustain itself and secure Afghanistan, and that the

U.S. President should review maintaining the U.S. advisory mission beyond 2016.

The Senate amendment contained a similar provision (sec. 1221) that would require a certification by the President to the congressional defense committees that the reduction of U.S. forces in Afghanistan will result in an acceptable level of risk to U.S. national security objectives.

The House recesses with an amendment that adds an assessment of risks associated with the drawdown of U.S. forces to the semiannual report required by section 1225 of the Carl Levin and Howard P. `Buck' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291).

*Extension of authority to acquire products and services produced in countries along a major route of supply to Afghanistan (sec. 1214)*

The House bill contained a provision (sec. 1214) that would extend section 801 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84), as most recently amended by section 832 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66), through December 31, 2016, for limiting competition for products or services that are from one or more countries along a major route of supply to Afghanistan or providing a preference for such a product or service, under certain circumstances.

The Senate amendment contained a similar provision (sec. 827) that would extend by 1 year the authority in section 801(f) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84).

The House recesses.

*Extension of authority to transfer defense articles and provide defense services to the military and security forces of Afghanistan (sec. 1215)*

The House bill contained a provision (sec. 1215) that would extend section 1222 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239), as amended by section 1231 of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291), for 1 year and would extend the quarterly reporting requirement through March 31, 2017. This section would authorize that, during fiscal years 2015-16, the excess defense articles transferred from the stocks of the Department of Defense to the military and security forces of Afghanistan will not be subject to the authorities and

limitations in section 561 of the Foreign Assistance Act of 1961 (Public Law 87-195).

The Senate amendment contained a similar provision (sec. 1223).

The Senate recesses.

*Modification of protection for Afghan allies (sec. 1216)*

The House bill contained a provision (sec. 1216) that would express the sense of Congress that it is in the interest of the United States to continue to assist Afghan partners, and their immediate families, who have served as translators or interpreters and those who have performed sensitive and trusted activities for U.S. Armed Forces.

The Senate amendment contained a provision (sec. 1227) that would modify the Afghan Special Immigrant Visa program to require not less than 2 years of service if submitting a petition after September 30, 2015, would express the sense of Congress that the necessity of providing special immigrant status should be assessed at regular intervals by the Committee on Armed Services of the Senate and the House of Representatives taking into account the scope of the current and planned presence of U.S. troops in Afghanistan, and would make technical amendments.

The House recesses with a technical amendment.

## **SUBTITLE C—MATTERS RELATING TO SYRIA AND IRAQ**

*Extension of authority to support operations and activities of the Office of Security Cooperation in Iraq (sec. 1221)*

The House bill contained a provision (sec. 1221) that would extend the authority for the Office of Security Cooperation in Iraq (OSC- I) for 1 year. This authority would allow the Secretary of Defense, with the concurrence of the Secretary of State, to authorize OSC-I to conduct training activities in support of the Iraqi Ministry of Defense and Counter Terrorism Service personnel at a base or facility of the Government of Iraq. This section would limit the total authorized funding for operations and activities for OSC-I to \$143.0 million in fiscal year 2016 and would require the Secretary of Defense and the Secretary of State to submit a report assessing how OSC-I integrates into Operation Inherent Resolve in Iraq.

The Senate amendment contained a similar provision (sec. 1228) that would authorize the use of up to \$80.0 million in fiscal year 2016 to support OSC-I operations and activities.

The House recesses.

*Strategy for the Middle East and to counter violent extremism (sec. 1222)*

The House bill contained a provision (sec. 1222) that would express a sense of Congress on U.S. strategy in the Middle East and would require the Secretary of Defense to submit to the congressional defense committees a comprehensive strategy for the Middle East.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would require the Secretary of Defense and the Secretary of State, not later than February 15, 2016, to jointly submit to certain congressional committees a strategy for the Middle East and to counter violent extremism.

*Modification of authority to provide assistance to counter the Islamic State of Iraq and the Levant (sec. 1223)*

The House bill contained a provision (sec.1223) that would authorize \$715.0 million in fiscal year 2016 for assistance to the military and security forces associated with the Government of Iraq, of which not less than 25 percent of such funds would be obligated to such groups as Kurdish and tribal security forces with a national security mission. This section would require an assessment by the Secretary of Defense and Secretary of State of the conditions of the Government of Iraq relating to political inclusiveness, minority integration, and efforts to address grievances of ethnic and sectarian minorities. If the assessment is not submitted or Iraq has not substantially achieved the conditions contained in the assessment, the Secretaries would be required to withhold the provision of assistance pursuant to the "Iraq Train and Equip Authority" under section 1236 of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291) and 60 percent of such assistance would go directly to certain groups.

The Senate amendment contained provisions (sec. 1225, 1229, 1271) that would require the Secretary of Defense to submit a report to the congressional defense committees within 30 days if the Secretary determines that equipment provided by the United States to Iraq has been transferred to or acquired by a violent extremist organization and would add an additional element to the quarterly report under the Iraq Train and Equip

authority to include a list of units restricted from receiving assistance under that authority as a result of vetting.

The Senate recesses with an amendment that would express the sense of Congress that: (1) the Islamic State of Iraq and the Levant poses an acute threat to the people and territorial integrity of Iraq (ISIL), (2) defeating ISIL is critical to maintaining a unified Iraq, and (3) the United States in coordination with coalition partners should provide security assistance in an expeditious and responsive manner to the national security forces associated with the Government of Iraq including Kurdish and tribal security forces or other security forces with a national security mission. The amendment would also require the Secretary of Defense and the Secretary of State to jointly submit an assessment, to certain congressional committees on the extent to which the Government of Iraq is increasing political inclusiveness, addressing grievances of ethnic and sectarian minorities, and enhancing minority integration in the political and military structures in Iraq. Taking into account such an assessment, in the event the President determines that the Government of Iraq has failed to take substantial action to: (1) increase political inclusiveness, (2) address the grievances of ethnic and sectarian minorities, and (3) enhance minority integration in the political and military structures in Iraq; the Secretary of Defense, in coordination with the Secretary of State, would be authorized to provide, in coordination to the extent practicable with the Government of Iraq, assistance pursuant to the Iraq Train and Equip authority directly to the Kurdish Peshmerga, Sunni tribal security forces, or other local security forces with a national security mission for the purpose of supporting international coalition efforts against ISIL. The conferees note that local security forces with a national security mission may include, in addition to Sunni tribal elements, local security forces that are committed to protecting highly vulnerable ethnic and religious minority communities, such as Yazidi, Christian, Assyrian and Turkoman communities, against the ISIL threat. Additionally, this section would prohibit assistance pursuant to the Iraq Train and Equip authority from being provided to the Government of Iraq unless the Secretary of Defense certifies that the Government of Iraq has taken actions as may be reasonably necessary to safeguard against such assistance being transferred to, or acquired by violent extremist organizations, including designated Foreign Terrorist Organizations (FTOs) or an organization that is known to be under the command and control of, or is associated with the Government of Iran.

*Reports on United States Armed Forces deployed in support of Operation Inherent Resolve (sec. 1224)*

The House bill contained a provision (sec. 1224) that would express the sense of the Congress that Operation Inherent Resolve and the force protection and combat search and rescue requirements be continuously evaluated, and would require the Secretary of Defense to submit to the congressional defense committees a report on the U.S. Armed Forces deployed in support of OIR.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require a report to the congressional defense committees, not later than 30 days after the date of the enactment of this Act and every 90 days thereafter, on United States Armed Forces deployed in support of Operation Inherent Resolve.

*Matters relating to support for the vetted Syrian opposition (sec. 1225)*

The House bill contained a provision (sec. 1225) that would require a strategy and authorize \$600.0 million for the overall Syria Train and Equip program, which includes \$531.5 million for the Syria Train and Equip Fund, \$25.8 million for costs that would be incurred by the Army for such program, and \$42.8 million for costs that would be incurred by the Air Force for such program.

The Senate amendment contained a provision (sec. 1208) that would require the Secretary of Defense to submit a report on the military support the Secretary considers necessary to provide to recipients of assistance upon their return to Syria.

The Senate recedes with an amendment that would: (1) require the Secretary of Defense to submit a report on what support is determined to be necessary to provide recipients of assistance upon their return to Syria; (2) modify quarterly reporting matters; and (3) require certain information to accompany reprogramming requests.

*Support to the Government of Jordan and the Government of Lebanon for border security operations (sec. 1226)*

The House bill contained a provision (sec. 1226) that would authorize \$300.0 million in assistance on a reimbursement basis to enhance and support the efforts of Jordan's Armed Forces to sustain security along its border with Syria and Iraq.

The Senate amendment contained a similar provision (sec. 1202) that would authorize assistance to Jordan and Lebanon in

any fiscal year through fiscal year 2020 for the purposes of sustaining security along their borders with Syria and/or Iraq. Regarding assistance to the Government of Lebanon, the provision would prohibit reimbursement of Hezbollah or any forces other than the armed forces of Lebanon.

The Senate recedes with an amendment that would make available to Jordan and Lebanon funds not to exceed \$150.0 million for each country in any 1 fiscal year for reimbursement from amounts authorized pursuant to section 1233 of the National Defense Authorization Act for fiscal year 2008 (P.L. 110-181) and section 1534 of the National Defense Authorization Act for fiscal year 2015 (P.L. 113-291), the Counterterrorism Partnership Fund, and would make other clarifying modifications.

*Sense of Congress on the security and protection of Iranian dissidents living in Camp Liberty, Iraq (sec. 1227)*

The Senate amendment contained a provision (sec. 1230) that would express the sense of Congress regarding the security and disposition of Camp Liberty residents while encouraging cooperation with the United Nations High Commissioner for Refugees in expediting the resettlement of Camp Liberty resident to safe locations outside Iraq.

The House bill did not contain a similar provision.

The House recedes with a clarifying amendment.

## **SUBTITLE D—MATTERS RELATING TO IRAN**

*Modification and extension of annual report on the military power of Iran (sec. 1231)*

The House bill contained a provision (sec. 1231) that would extend the annual report on the military power of Iran to December 31, 2025, and add a reporting requirement that provides an assessment of transfers of military equipment, technology, and training to Iran from non-Iranian sources.

The Senate amendment contained a similar provision (sec. 1241).

The Senate recedes with an amendment that would create an additional element of the underlying report to require information on Iran's cyber capabilities.

*Sense of Congress on the Government of Iran's malign activities (sec. 1232)*

The House bill contained a provision (sec. 1232) that would express the sense of the Congress that Iran's illicit pursuit, development, or acquisition of a nuclear weapons capability and its malign military activities constitute a grave threat to regional stability and the national security interests of the U.S. and its allies.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would express the sense of Congress that Iran continues to conduct malign activities and sponsorship of terrorism, and that the United States should continue to enhance the region's security architecture, build partner capacity to respond to external aggression, and increase interoperability with regional security forces.

*Report on military-to-military engagements with Iran (sec. 1233)*

The House bill contained a provision (sec. 1234) that would restrict the Secretary of Defense from authorizing any military-to-military exchange or contact by the Armed Forces or Department of Defense civilians with Iran with certain exceptions.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to submit a report to certain congressional committees on military-to-military engagements with Iran.

*Security guarantees to countries in the Middle East (sec. 1234)*

The House bill contained a provision (sec. 1235) that would require the Secretary of Defense, in coordination with the Secretary of State, to provide the appropriate congressional committees a copy of any security agreement by the U.S. to any country in the Middle East associated with Iran's nuclear weapons program.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense and Secretary of State to submit a report to certain congressional committees that summarizes any agreement on security commitments by the United States to any country in the Middle East in effect as of 15 days prior to the submittal of the report. Additionally, this section would require the Chairman of the Joint Chiefs of Staff to provide the Secretary of Defense with an analysis of the United States military force structure and posture required to meet any

current agreement that provides security commitments in the Middle East.

*Rule of construction (sec. 1235)*

The House bill contained a provision (sec. 1236) that states that nothing in this Act shall be construed as authorizing the use of force against Iran.

The Senate amendment contained no similar provision.

The Senate recesses.

## **SUBTITLE E—MATTERS RELATING TO THE RUSSIAN FEDERATION**

*Notifications relating to testing, production, deployment, and sale or transfer to other states or non-state actors of the Club-K cruise missile system by the Russian Federation (sec. 1241)*

The House bill contained a provision (sec. 1241) that would require the Secretary of Defense to submit to the appropriate committees of Congress quarterly notifications and updates relating to testing, production, deployment, sale or transfer to other states or non-state actors of the Club-K cruise missile system by the Russian Federation. This provision would also require the Secretary of Defense to notify the congressional defense committees no later than 7 days after the Secretary determines that there is reasonable belief that Russia has deployed, sold, or transferred the Club-K cruise missile system to other states or non-state actors. Additionally, the Chairman of the Joint Chiefs of Staff is required to develop a strategy to detect, defend against and defeat the Club-K cruise missile system, and will submit to the appropriate committees of Congress the strategy no later than September 30, 2016.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment requiring the Secretary of Defense to notify the appropriate committees of Congress not later than 7 days after the Secretary determines there is reasonable grounds to believe the Russian Federation has tested, initially deployed, or sold or transferred to another state or non-state actor the Club-K cruise missile system. The Chairman of the Joint Chiefs of Staff shall include options for responding to the Club-K cruise missile threat in current military planning. The reporting requirement contained in the House provision is carried in another section of the Act.

*Notifications of deployment of nuclear weapons by Russian Federation to territory of Ukrainian Republic or Russian territory of Kaliningrad (sec. 1242)*

The House bill contained a provision (sec. 1242) that would require the Secretary of Defense to submit to the appropriate congressional committees quarterly notifications on the status of the Russian Federation conducting exercises with, planning or preparing to deploy, or deploying certain weapons systems, onto the territory of the Ukrainian Republic. This provision would also require prompt notification, no more than seven days, after the Secretary of Defense determines that there exists reasonable grounds to believe that Russia has deployed certain weapon systems onto the territory of Ukraine. Further, the Chairman of the Joint Chiefs of Staff shall submit to the congressional defense committees, no later than June 30, 2016, a strategy to respond to the military threat posed by the Russian Federation deploying covered weapons systems onto the territory of the Ukraine Republic.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would expand the notification to include the deployment of covered weapon systems into the Russian territory of Kaliningrad, and would require the Chairman of the Joint Chiefs of Staff to include in current planning options for responding to the military threat posed by the Russian Federation deploying covered weapons into the territory of Ukraine and Kaliningrad, including opportunities for allied cooperation. The agreement also addresses the requirement to report on the status of exercises with, planning or preparing to deploy, or deploying certain weapons systems, onto the territory of the Ukrainian Republic in another section of this Act, and includes reporting on deployment of such weapons systems in the Russian territory of Kaliningrad in that section. The provision would terminate after 5 years.

*Measures in response to non-compliance by the Russian Federation with its obligations under the INF Treaty (sec. 1243)*

The House bill contained a provision (sec. 1243) that would require the President to submit to the appropriate congressional committees a notification of whether the Russian Federation has flight-tested, deployed, or possessed a military system that has achieved an initial operation capability of a covered missile system, and whether the Russian Federation has begun steps to return to full compliance with the Intermediate-Range Nuclear Forces (INF) Treaty, including by agreeing to inspections and verification measures necessary to achieve high

confidence that any covered missile system will be eliminated, as required by the INF Treaty upon its entry into force.

The Senate amendment contained a similar provision (sec. 1671) that would require the President to notify the appropriate congressional committees with respect to whether the Russian Federation has flight-tested, deployed, or possessed a military system that has achieved an initial operating capability that is in violation of the INF Treaty or has begun taking measures to return to full compliance with the INF Treaty. The provision would also require the Secretary of Defense to submit a report to the appropriate congressional committees on the status of updates provided to the North Atlantic Treaty Organization (NATO) and other allies of the United States on the Russian Federation's flight testing, operational capability, and deployment of ground-launched ballistic missiles in violation of the INF Treaty. If the Russian Federation fails compliance measures by the date of the enactment of this Act, the Secretary of Defense will also submit to Congress, a plan outlining the development of military capabilities, including counterforce capabilities, countervailing strike capabilities, and active defense to defend against intermediate-range ground-launched cruise missile attacks.

The House recedes with a clarifying amendment.

*Modification of notification and assessment of proposal to modify or introduce new aircraft or sensors for flight by the Russian Federation under the open skies treaty (sec. 1244)*

The House bill contained two provisions (sec. 1244 and 1265) that would amend section 1242 (b)(1) of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291; 128 Stat. 3564) to extend reporting requirements from 30 days to 90 days and extend oversight to include the commander of each relevant combatant command as well as the Joint Chiefs of Staff. Additionally, the Secretary of Defense, in coordination with the Secretary of State this provision limits obligated funds to less than 50 percent until a report on any meetings of the Open Skies Consultative Commission during the prior year is delivered to Congress to the appropriate committees.

The Senate amendment contained a similar provision (sec. 1672) that would modify Section 1242(b) of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291) by adding a requirement to include an assessment by the commander of each combatant command potentially affected by a proposal of the Russian Federation to modify or introduce a new aircraft or sensor for flight under the Open Skies Treaty, including an assessment of the potential

effects of the proposal on operations and any potential vulnerabilities. The provision would also require that not later than 30 days after the date of any meeting of the Open Skies Consultative Commission, the Secretary of Defense submit to the defense committees of Congress a report on such meeting, including a description of any agreements entered into during such meeting, and whether any such agreement will result in a modification to the aircraft or sensors that will be subject to the Open Skies Treaty.

The House recedes with an amendment that would combine the three similar provisions and limit the availability of funds made available for fiscal year 2016 for arms control implementation (PE 0305145F) to not more than 75 percent until the Secretary of Defense, in coordination with the Secretary of State, submits a report to Congress describing any meetings of the Open Skies Consultative Commission during the prior year, a description of any agreements entered into during such meetings, and a description of future year proposals for modification to aircraft sensors that will be subject to the Open Skies Treaty.

*Prohibition on availability of funds relating to sovereignty of the Russian Federation over Crimea (sec. 1245)*

The House bill contained a provision (sec. 1247) that would prohibit funds authorized to be appropriated or made available by this Act through fiscal year 2016 for the Department of Defense to implement any action or policy that recognizes the de facto sovereignty of Russia over Crimea, or any country whose central government has taken steps to recognize or support Russia's illegal occupation of Crimea. The provision included a waiver if the Secretary of Defense certifies and reports that doing so would be in the national security interest of the United States.

The Senate amendment contained no similar provision.

The Senate recedes with a technical and clarifying amendment.

*Limitation on military contact and cooperation between the United States and the Russian Federation (sec. 1246)*

The House bill contained a provision (sec. 1248) that would prohibit funds authorized to be appropriated or otherwise made available for fiscal year 2016 to be used for bilateral military-to-military contact or cooperation between the United States and the Russian Federation without certain certifications by the Secretary of Defense, in consultation with the Secretary of State, or unless certain waiver conditions are met.

The Senate bill did not contain a similar provision.  
The Senate recedes with a technical and clarifying amendment.

*Limitation on funds for implementation on the New START Treaty (sec. 1247)*

The House bill contained a provision (sec. 1249) that would limit all authorized funds that would be used for implementation of the New START Treaty until the President certifies to the appropriate congressional committees that the armed forces of the Russian Federation are no longer illegally occupying Ukrainian territory; the Russian Federation is respecting the sovereignty of all Ukrainian territory; the Russian Federation is no longer taking actions that are inconsistent with the INF Treaty; the Russian Federation is in compliance with the Conventional Forces in Europe (CFE) Treaty and has lifted its suspension of Russian observance of its treaty obligations; and there have been no inconsistencies by the Russian Federation with the New START Treaty requirements.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that changes the limitation to a reporting requirement on the reasons continued implementation of the New START treaty is in the national security interests of the United States, for any year in which the New START Treaty is in effect and the following conditions apply (and steps taken to remedy the conditions), the Russian Federation (i) continues to occupy Ukraine territory, (ii) disrespects the sovereignty of Ukraine territory, (iii) is not in fully compliance with the Intermediate Nuclear Forces Treaty, (iv) is not in compliance with the CFE Treaty and has not lifted its suspension of observing the Treaty, and (v) is not reducing its deployed strategic delivery vehicles, which are under the central limits of the New START Treaty. The conferees are concerned about the impact of Russia increasing its number of deployed strategic delivery vehicles, but notes that this increase is occurring within the legally-binding New START Treaty caps.

*Additional matters in annual report on military and security developments involving the Russian Federation (sec. 1248)*

The Senate amendment contained a provision (sec. 1255) that would add a reporting requirement to section 1245 of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291) requiring an assessment of the force structure and capabilities of Russian military forces stationed in the Arctic

region, Kaliningrad, and Crimea, as well as an assessment of the Russian military strategy in the Arctic region.

The House bill did not contain a similar provision.

The House recedes with an amendment that would create an additional element to require a description of the testing, production, deployment, and sale or transfer of the Club-K cruise missile system by the Russian Federation.

*Report on alternative capabilities to procure and sustain nonstandard rotary wing aircraft historically procured through Rosoboronexport (sec. 1249)*

The Senate amendment contained a provision (sec. 1256) that would require an independent assessment on the feasibility and advisability of using alternative industrial base capabilities to procure and sustain nonstandard rotary wing aircraft historically acquired through the Russian state corporation Rosoboronexport as well as an analysis of alterations that may be required for waivers of foreign military sales requirements and procedures for approval of airworthiness certificates associated with such alternative capabilities.

The House bill did not contain a similar provision.

The House recedes with technical and clarifying amendments.

The conferees direct the Under Secretary of Defense for Acquisition, Technology, and Logistics, not later than 180 days after date of the enactment of this Act and in consultation with the Chairman of the Joint Chiefs of Staff, to provide an interim brief to the Committees on Armed Services of the House of Representatives and the Senate on the initial findings, conclusions, and recommendations of the independent assessment required by this section.

*Ukraine Security Assistance Initiative (sec. 1250)*

The House bill contained a provision (sec. 1532) that would authorize \$200.0 million for the Secretary of Defense, in concurrence with the Secretary of State, to provide assistance and sustainment to the military and national security forces of Ukraine. This assistance would include the explicit authority to provide lethal weapons of a defensive nature to the security forces of Ukraine.

The Senate amendment contained a similar provision (sec. 1251) that would authorize \$300.0 million for the Secretary of Defense, in coordination with the Secretary of State, to provide security assistance and intelligence support to military and other security forces of Ukraine.

The House recesses with an amendment that would require \$50.0 million of the funds authorized to be available only for lethal assistance and counterartillery radars unless the Secretary of Defense, with the concurrence of the Secretary of State, certifies that use of such funds for lethal assistance is not in the U.S. national security interest. If the certification is made, such funds could be used for assistance or support to Partnership for Peace (PfP) nations, or for exercises and training for the security forces of PfP nations or the Government of Ukraine to assist in preserving their sovereignty and territorial integrity against Russian aggression.

The conferees emphasize the importance of providing support to the Government of Ukraine in defending itself against actions by Russia and Russian-backed separatists that continue to violate ceasefire agreements. The conferees note the success of current training of Ukrainian security forces by U.S. forces and encourage expansion of such training efforts as provided for in this section. The conferees further note the growing threat to the sovereignty and territorial integrity of other nations in the region and stress the importance of assisting such nations in developing the capability to defend against Russian aggression.

*Training for Eastern European national military forces in the course of multilateral exercises (sec. 1251)*

The Senate amendment contained a provision (sec. 1252) that would authorize the Secretary of Defense, with the concurrence of the Secretary of State, to provide multilateral or regional training, and pay the incremental expenses of participating in such training, for the national military forces of countries in Eastern Europe that are a signatory to the Partnership for Peace Framework Documents but not a member of the North Atlantic Treaty Organization (NATO) or that became a NATO member after January 1, 1999.

The House bill did not contain a similar provision.

The House recesses with a technical and clarifying amendment that further refines the types of training authorized under this section to training provided in the course of the conduct of a multilateral exercise in which the U.S. Armed Forces are a participant and that is comparable to or complimentary of training the U.S. Armed Forces receive in the course of such multilateral exercises. Training authorized under this section would be for certain specified purposes, including enhancing the interoperability of the trained forces to be able to participate in NATO or coalition operations, or to

increase the capacity of those forces to respond to external threats or hybrid warfare.

## **SUBTITLE F—MATTERS RELATING TO THE ASIA-PACIFIC REGION**

*Strategy to promote United States interests in the Indo-Asia-Pacific region (sec. 1261)*

The House bill contained a provision (sec. 1253) that would require the President to develop an overall strategy to promote U.S. interests in the Indo-Asia-Pacific region and to provide policy directives and priority goals to relevant U.S. Government departments and agencies.

The Senate amendment contained a similar provision (sec. 1265) that would require the report to be completed within 120 days of enactment.

The Senate recedes with an amendment that would delay the date the strategy is due to March 1, 2017.

The Senate bill contained a provision (sec. 1262) that would express the sense of the Congress to reaffirm the importance of the rebalance to the Asia-Pacific region. In order to maintain the credibility of the U.S. policy to rebalance towards the Indo-Asia-Pacific theater, the conferees believe it is vital that the United States continue to shift forces to the region to strengthen the ability of the United States Armed Forces to project power to shape the choices of regional states. Any reduction or failure to adequately resource U.S. force structure in the U.S. Pacific Command would diminish the rebalance policy.

The House bill included a number of provisions that would express the sense of the Congress regarding the various contributions of different allies and partner nations (sec. 1251, sec. 1252, sec. 1254, sec. 1255, and sec. 1272).

The conferees note the 70th Anniversary of the end of Allied military engagement in the Pacific theater, marking the end of the Second World War and joins with a grateful nation in expressing respect and appreciation to the members of the U.S. Armed Forces who served in the Pacific theater during the Second World War.

Further, the conferees believe any long-term strategy for the Indo-Asia-Pacific region must include continued engagement with allies and partners in the region.

The United States values its alliance with the Government of Japan as a cornerstone of peace and security in the region. The United States welcomes Japan's decision to contribute more

proactively to regional and global peace and security. Furthermore, the conferees note that the Senkaku Islands are under the administrative control of Japan. The conferees oppose any unilateral actions by a third party that would seek to undermine such administration, and remain committed under the Treaty of Mutual Cooperation and Security to respond to any armed attack in the territories under the administration of Japan. Finally, the conferees acknowledge the significant and unprecedented financial contributions the Government of Japan has made to facilitate U.S. military access in both Japan and Guam.

The conferees also note that the alliance between the United States and the Republic of Korea has served as an anchor for stability, security, and prosperity on the Korean Peninsula, in the Asia-Pacific region, and around the world. The United States and the Republic of Korea should continue further cooperation by strengthening the combined defense posture on the Korean Peninsula and enhancing mutual security based on the Republic of Korea-United States Mutual Defense Treaty. The conferees support the vision of a Korean Peninsula free of nuclear weapons, free from the fear of war, and peacefully reunited on the basis of democratic and free market principles. Finally, we acknowledge the significant financial contributions the Republic of Korea has made to facilitate U.S. military access on the Korean Peninsula.

The conferees note that United States has an upgraded, strategic-plus relationship with India based on regional cooperation, space science cooperation, and defense cooperation. The conferees believe that the defense relationship between the United States and the Republic of India is strengthened by the common commitment of both countries to liberal democracy should continue to expand. Further, we welcome the role of the Republic of India in providing security and stability in the Indo-Pacific region and beyond, and we support the implementation of the United States-India Defense Framework Agreement and the India Defense Trade and Technology Initiative (DTTI).

*Requirement to submit Department of Defense policy regarding foreign disclosure or technology release of Aegis Ashore capability to Japan (sec. 1262)*

The House bill contained a provision (sec. 1256) that would express the sense of Congress that a decision by the Government of Japan to purchase Aegis Ashore for its self-defense could create a significant opportunity for promoting interoperability and integration of air- and missile defense

capability with close allies, could provide for force multiplication benefits, and could potentially alleviate force posture requirements on multi-mission assets. This provision would also require the Secretary of Defense to submit to the appropriate congressional committees, a copy of the Department of Defense policy regarding foreign disclosure or technology release of Aegis Ashore capability to allies, including Japan, that possess sea-based Aegis weapons system-equipped naval vessels.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would remove the references to other allies and would edit the title of the provision to directly reference the Government of Japan.

#### *South China Sea Initiative (sec. 1263)*

The Senate amendment contained a provision (sec. 1261) that would authorize the Secretary of Defense, with the concurrence of the Secretary of State, to provide assistance and training for the purposes of increasing maritime security and the maritime domain awareness of foreign countries in the South China Sea. The provision would authorize \$50.0 million from amounts authorized to be appropriated for the Department of Defense Operation and Maintenance, Defense-wide (OMDW) account for fiscal year 2016, with increases in funding levels in subsequent fiscal years, to provide assistance to the recipient countries, which include Indonesia, Malaysia, the Philippines, Thailand, and Vietnam. The provision would require that the Secretary of Defense provide prior notification to the congressional defense committees not later than 15 days before exercising this authority.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize \$50.0 million from amounts authorized to be appropriated for the Department of Defense for fiscal year 2016 only and, if the Secretary uses these funds to provide assistance and training under this authority during the first half-year of fiscal year 2016, the Secretary must submit a report to the congressional defense committees on the account or accounts that were used to provide the funds. The authority to provide assistance and training cannot be exercised after September 30, 2020. The conferees expect the Department to request additional funding for the South China Sea Initiative in fiscal years 2017 through 2020 as part of the annual budget request.

## **SUBTITLE G—OTHER MATTERS**

*Two-year extension and modification of authorization for non-conventional assisted recovery capabilities (sec. 1271)*

The House bill contained a provision (sec. 1261) that would extend, for 1 year, the authority of the Department of Defense to continue to develop, manage, and execute a Non-Conventional Assisted Recovery (NAR) personnel recovery program for isolated Department of Defense (DOD), U.S. Government, and other designated personnel supporting U.S. national interests worldwide. This section would allow the Secretary of Defense to use up to \$25.0 million in funds authorized to be appropriated for the Department of Defense for operation and maintenance for such recovery programs through fiscal year 2017.

The Senate amendment contained a similar provision (sec. 1282) that would extend the authority of the Department of Defense to establish, develop, and maintain NAR capabilities for 2 additional years. The provision would also designate the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict (ASD SOLIC) as the primary civilian within DOD with programmatic and policy oversight responsibilities for such activities.

The House recedes with an amendment that would authorize the Secretary of Defense to use up to \$25.0 million in funds authorized for operation and maintenance for NAR.

The conferees note that the agreement would designate the ASD SOLIC as the primary civilian within DOD with programmatic and policy oversight responsibilities for such activities. Given the sensitive nature of NAR activities, including the authorized use of irregular forces, groups, and individuals, the committee believes that ASD SOLIC is the most appropriate civilian office within the Department to exercise oversight of such activities and associated policies.

*Amendment to the annual report under Arms Control and Disarmament Act (sec. 1272)*

The House bill contained a provision (sec. 1262) that would amend subsection (e) of section 403 of the Arms Control and Disarmament Act (22 U.S.C. 2593a) and would require the Director of National Intelligence to submit to the appropriate congressional committees a report that details each instance of inconsistent behavior by a state party of an arms control treaty or related agreement to which the United States is a party.

The Senate amendment contained no similar provision.

The Senate recedes.

*Extension of authorization to conduct activities to enhance the capability of foreign countries to respond to incidents involving weapons of mass destruction (sec. 1273)*

The House bill contained a provision (sec. 1264) that would extend the authority to conduct activities to enhance the capability of foreign countries to respond to incidents involving weapons of mass destruction from section 1204 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66) through September 30, 2020.

The Senate amendment contained a similar provision (sec. 1203) that would extend the authority for the Secretary of Defense to provide Weapons of Mass Destruction incident response training and basic equipment to foreign first responders until September 30, 2018.

The Senate recedes with an amendment that would extend the authority through September 30, 2019.

*Modification of authority for support of special operations to combat terrorism (sec. 1274)*

The House bill contained a provision that would amend the authority for support of special operations to combat terrorism contained in section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375), as amended, by increasing the annual cap on the authority from \$75.0 million to \$100.0 million.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would increase the annual cap on the authority from \$75.0 million to \$85.0 million and would require the Secretary of Defense to notify the congressional defense committees not later than 15-days prior to initiating the authority.

The conferees direct the Secretary of Defense to notify the congressional defense committees of funding changes to Section 1208 programs when such a proposed increase exceeds 20 percent of the current approved total for that particular program or \$500,000, whichever amount is less.

*Limitation on availability of funds to implement the Arms Trade Treaty (sec. 1275)*

The House bill contained a provision (sec. 1270) that would limit the Department of Defense's ability to implement the Arms Trade Treaty while also permitting the Department to assist foreign governments in bringing their laws and regulations to a level equal to that of the United States.

The Senate amendment contained no similar provision.

The House recesses with a technical amendment.

The conferees note that a substantively identical provision was included in the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for fiscal year 2015 (Public Law 113-291).

*Report on the security relationship between the United States and the Republic of Cyprus (sec. 1276)*

The House bill contained a provision (sec. 1271) that would require, not later than 90 days after the enactment of this Act, the Secretary of Defense and Secretary of State to jointly submit an assessment of the military capability of Cyprus to defend against threats to its national security.

The Senate amendment contained a similar provision (sec. 1274), requiring an assessment of the U.S.-Cyprus bilateral security relationship not later than 120 days after the enactment of this Act.

The House recesses.

*Sense of Congress on European defense and the North Atlantic Treaty Organization (sec. 1277)*

The House bill contained a provision (sec. 1280) that would express the sense of the Congress that the U.S. should continue to work with aspirant countries for entry into the North Atlantic Treaty Organization (NATO) and work with NATO members to identify current and future security threats as well as ensuring sufficient funding is obligated to meet NATO responsibilities.

The Senate amendment contained a provision (sec. 1254) that would express the sense of Congress urging the United States to encourage NATO allies to meet defense budget commitments made at the Wales Summit in September 2014 and to continue to coordinate defense investments to improve deterrence against Russian aggression and terrorist organizations as well as more appropriately balancing defense spending across the alliance.

The House recesses with an amendment that expresses the sense of Congress that the United States should continue NATO's open-door policy for nations that share Alliance values, are willing to assume the responsibilities and obligations of membership, and are in a position to contribute to the security of the North Atlantic area, as well as encouraging continued work with aspirant countries to prepare for entry into NATO.

*Briefing on the sale of certain fighter aircraft to Qatar (sec. 1278)*

The Senate amendment contained a provision (sec. 1273) that would express the sense of the Senate that the United States should promptly consider the sale of fighter aircraft to the Government of Qatar and requires a report describing the risks and benefits as they relate to such a sale.

The House bill did not contain a similar provision.

The House recedes with an amendment that would require a briefing to certain congressional committees on the risks and benefits of the sale of fighter aircraft to Qatar.

*United States-Israel anti-tunnel cooperation (sec. 1279)*

The House bill contained a provision (sec. 1267) that would establish a cooperative research and development program with Israel to develop anti-tunneling defense capabilities to detect, map, and neutralize underground tunnels.

The Senate amendment contained a similar provision (sec. 1272).

The House recedes with an amendment that requires the Secretary of Defense to designate an appropriate research and development entity of a military department as the lead agency of the Department of Defense to carry out this section, establishes an annual limit on the amount that can be provided, and requires matching contributions from the Government of Israel.

The conferees direct the Secretary of Defense, not later than 1 year after the date of the enactment of this Act, to submit to congressional defense committees a report that includes: (1) instances of tunnels being used to attack installations of the United States or allies of the United States; (2) trends or developments in tunnel attacks throughout the world; (3) key technologies employed by potential adversaries and challenges faced when using tunnels; (4) the capabilities of the Department of Defense for defending fixed or forward locations from tunnel attacks; (5) the plans, including with respect to funding, of the Secretary for countering threats posed by tunnels.

*NATO Special Operations Headquarters (sec. 1280)*

The House bill contained a provision (sec. 1263) that would make permanent the authority for the North Atlantic Treaty Organization Special Operations Headquarters, as first

authorized in section 1244(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84).

The Senate amendment contained a similar provision (sec. 1281) that would extend, for 3 years, the authority under section 1244(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2541), as most recently amended by section 1272(a) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 126 Stat. 2023).

The Senate recedes with an amendment that would extend, for 5 years, the authority for the North Atlantic Treaty Organization Special Operations Headquarters.

*Increased presence of United States ground forces in Eastern Europe to deter aggression on the border of the North Atlantic Treaty Organization (sec. 1281)*

The House bill contained a provision (sec. 1274) that would require the Secretary of Defense to submit a report on the impact of any significant reduction in United States troop levels or materiel in Europe on the North Atlantic Treaty Organization's ability to credibly deter, resist, or repel external threats, not later than 30 days prior to the date of such reduction.

The Senate amendment contained a provision (sec. 1253) that would require, no later than 120 days after the enactment of this Act, that the Secretary of Defense, in consultation with the Secretary of State, submit to the congressional defense committees an assessment of options for expanding the presence of U.S. ground forces in Eastern Europe to respond, with European allies and partners, to the security challenges posed by Russia with a report that would include an evaluation of the optimal location(s) of the enhanced ground force presence and a description of any initiatives by other members of NATO, or other European allies and partners.

The House recedes with an amendment that would create an additional element of the report required by this section to assess the impact of any significant reduction in U.S. troop levels or material in Europe on U.S. national security interests in Europe.

## **LEGISLATIVE PROVISIONS NOT ADOPTED**

*Report on efforts to engage United States manufacturers in procurement opportunities related to equipping the Afghan National Security Forces*

The House bill contained a provision (sec. 1217) that would require, not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State to submit a report on efforts of the Secretaries to engage United States manufacturers in procurement opportunities related to equipping the Afghan National Security Forces.

The Senate amendment contained no similar provision.

The House recesses.

The conferees direct the Secretary of Defense, with the concurrence of the Secretary of State, to provide a report to the congressional defense committees, within 180 days of the enactment of this Act, on efforts of the Secretaries to engage United States manufacturers and service providers in procurement and service provision opportunities related to equipping and supporting the Afghan National Defense Security Forces.

*Report on access to financial records of the Government of Afghanistan to audit the use of funds for assistance for Afghanistan*

The House bill contained a provision (sec. 1218) that would require the Special Inspector General for Afghanistan Reconstruction (SIGAR) to submit to Congress, not later than December 31, 2016, a report on the extent to which the Office of SIGAR has adequate access to financial records of the Government of Afghanistan to audit the use of funds authorized by this Act or otherwise made available for fiscal year 2016.

The Senate amendment contained no similar provision.

The House recesses.

The conferees direct the Lead Inspector General for Operation Freedom's Sentinel to brief the congressional defense committees on the extent to which the Inspector General has access to financial records of the Government of Afghanistan to audit the use of funds authorized to be appropriated by this Act.

*Sense of Congress relating to Dr. Shakil Afridi*

The House bill contained a provision (sec. 1219) that would express the sense of Congress that Dr. Shakil Afridi, a Pakistani physician who helped the United States locate Osama bin Laden, is an international hero and that the Government of Pakistan should release him immediately from prison.

The Senate amendment contained no similar provision.

The House recesses.

The conferees note the contributions of Dr. Afridi to efforts to locate Osama bin Laden, remain concerned about Dr. Afridi's continuing incarceration, and urge the Government of Pakistan to release him immediately.

*Report on lines of communication of Islamic State of Iraq and the Levant and other foreign terrorist organizations*

The Senate amendment contained a provision (sec. 1226) that would that would require the Secretary of Defense to submit a report on the lines of communication that enable the Islamic State of Iraq and the Levant, Jabhat al-Nusra, and other foreign terrorist organizations that facilitate assistance through countries bordering on Syria.

The House bill did not contain a similar provision.

The Senate recesses.

The conferees are concerned with the lines of communication that enable the Islamic State of Iraq and the Levant and other terrorist organizations in Syria and Iraq and urge the administration to address such lines of communication in its campaign strategy.

*Report on efforts of Turkey to fight terrorism*

The House bill contained a provision (sec. 1227) that would require the Secretary of Defense to submit a report to Congress, not later than 180 days after the date of the enactment of this Act, on: Turkey's bilateral and multilateral efforts to combat the flow of foreign fighters through its country to Syria; relationship with Hamas, including its harboring of leaders of Hamas; and efforts to fight terrorism, including its military and humanitarian role in the coalition to combat the Islamic State of Iraq and the Levant.

The Senate amendment contained no similar provision.

The House recesses.

The conferees note the requirement for an assessment of efforts to combat the flow of foreign fighters to and from Syria and Iraq is included in another provision of this Act.

*Report to assess the potential effectiveness of and requirements for the establishment of safe zones or a no-fly zone in Syria*

The House bill contained a provision (sec. 1228) that would require, no later than 90 days after the date of enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, to submit a report that would assesses the potential effectiveness, risks, and operational requirements of

the establishment and maintenance of a no-fly zone over part or all of Syria, as well as such effectiveness, risks, and operational requirements for internally displaced people or for the facilitation of humanitarian assistance.

The Senate amendment contained no similar provision.

The House recesses.

The conferees direct the Secretary of Defense, in consultation with the Secretary of State, to provide a report to the Committees on Armed Services of the House of Representatives and the Senate, the Senate Foreign Relations Committee and the House Foreign Affairs Committee, not later than 180 days after the enactment of this Act, that assesses the potential effectiveness, risks and operational requirements, including legal requirements, to establish and maintain: (1) a no-fly zone over a significant portion or all of Syria; and (2) one or more safe zones in Syria for internally displaced people or for the facilitation of humanitarian assistance.

*Report on military posture required in the Middle East to deter Iran from developing a nuclear weapon*

The House bill contained a provision (sec. 1233) that would require the Secretary of Defense to submit a report to Congress, not later than 90 days after this Act, regarding the military posture required in the Middle East to deter Iran from developing a nuclear weapon.

The Senate amendment contained no similar provision.

The House recesses.

The conferees direct the Secretary of Defense to provide a briefing not later than 120 days after the enactment of this Act to the Committees on Armed Services of the House of Representatives and the Senate on the U.S. force posture required to protect U.S. national interests and deter Iranian aggression in the Middle East.

*Sense of Congress on support for Estonia, Latvia, and Lithuania*

The House bill contained a provision (sec. 1245) that would express the sense of Congress on U.S. support for Estonia, Latvia, and Lithuania, including support for their sovereignty, concern over aggressive military actions of the Russian Federation against these nations, and encouragement for further defense cooperation between the United States and these nations.

The Senate amendment contained no similar provision.

The House recesses.

The conferees note Estonia, Latvia, Lithuania and Georgia are highly valued allies and friends of the United States that

have repeatedly demonstrated commitment to advancing our mutual interests and those of NATO. The conferees reaffirm United States support for the sovereignty, independence, and territorial integrity along internationally recognized borders of these nations and express concern over increasingly aggressive military maneuvering by Russia near or within their borders or airspace. The conferees also emphasize their support for the U.S. policy of not recognizing the Russia-occupied regions of Abkhazia and South Ossetia as independent states. Additionally, the conferees encourage the Administration to further enhance defensive security cooperation with these valued security allies and partners and support the efforts of their respective governments to provide for the defense of their people and sovereign territory.

*Sense of Congress on support for Georgia*

The House bill contained a provision (sec. 1246) that would express the sense of Congress on U.S. support for Georgia's sovereignty and territorial integrity as well as support for continued cooperation between the United States and Georgia.

The Senate amendment contained no similar provision.

The House recesses.

The conferees note the continued support for a North Atlantic Treaty Organization Membership Action Plan for Georgia is included in another provision of this Act and concerns regarding Russian aggression against the sovereignty and territorial integrity of Georgia appear elsewhere in this conference report.

*Sense of Congress recognizing the 70th anniversary of the end of Allied military engagement in the Pacific theater*

The House bill contained a provision (sec. 1251) that would express the sense of the Congress to remember and honor those Americans who made the ultimate sacrifice and gave their lives for their country during the campaigns in the Pacific theater during the Second World War.

The Senate amendment contained no similar provision.

The conference agreement does not include this provision.

The conferees note that this provision is discussed elsewhere in this report.

*Sense of Congress regarding consolidation of United States military facilities in Okinawa, Japan*

The House bill contained a provision (sec. 1252) that would express the sense of Congress regarding the progress to fulfill the April 27, 2012 agreement of the United States-Japan Security Consultative Committee on the realignment of U.S. facilities in Okinawa, Japan.

The Senate amendment contained no similar provision.

The House recesses.

The conferees note the significant progress that has been made towards implementing the Okinawa Consolidation Plan, to include the approval of the landfill permit on December 27, 2013, which cleared the way for the construction of the Futenma Replacement Facility. The conferees encourage continued progress towards implementation of the "2+2 agreement," as restated in the April 27, 2015 Joint Statement, which is critical to the bilateral security interests of the United States and Japan.

*Sense of Congress on the United States alliance with Japan*

The House bill contained a provision (sec. 1254) that would express the sense of Congress on the U.S. alliance with Japan, including that the United States highly values the alliance with the Government of Japan, supports recent changes in Japanese defense policy and the new bilateral guidelines for U.S.-Japan defense cooperation, and reaffirms the U.S. commitment to the alliance.

The Senate amendment contained no similar provision.

The House recesses.

The conferees note the matters addressed in the House provision are addressed elsewhere in the conference agreement.

*Sense of Congress on opportunities to enhance the United States alliance with the Republic of Korea*

The House bill contained a provision (sec. 1255) that would express the sense of Congress on opportunities to deepen and broaden the scope of alliance cooperation between the United States and the Republic of Korea based on the alliance's role as an anchor for stability, security, and prosperity on the Korean Peninsula, Asia-Pacific region, and around the world.

The Senate amendment contained no similar provision.

The House recesses.

The conferees note the matters addressed in the House provision are addressed elsewhere in the conference agreement.

*Requirement to invite the military forces of Taiwan to participate in RIMPAC exercises*

The House bill contained a provision (sec. 1257) requiring the Secretary of Defense to invite the military forces of Taiwan to participate in the Rim of the Pacific Exercise if the Secretary has invited the military forces of the People's Republic of China to participate in such maritime exercise.

The Senate amendment contained no similar provision.

The House recesses.

The conferees note the matters addressed in the House provision are addressed elsewhere in the conference agreement.

*Sense of Congress reaffirming the importance of implementing the rebalance to the Asia-Pacific region*

The Senate amendment contained a provision (sec. 1262) that would express the sense of Congress that the United States continue to implement the rebalance of U.S. forces to the Asia-Pacific region and that forces should be increased consistent with commitments already made by the Department of Defense.

The House bill contained no similar provision.

The House recesses.

The conferees note the matters addressed in the House provision are addressed elsewhere in the conference agreement.

*Sense of Senate on Taiwan asymmetric military capabilities and bilateral training activities*

The Senate amendment contained a provision (sec. 1263) that would express the sense of the Senate on Taiwan's asymmetric military capabilities and bilateral training activities.

The House bill did not contain a similar provision.

The Senate recesses.

The Senate amendment contained a provision (sec. 1264) that would encourage the Secretary of Defense to carry out a program of exchanges of senior military officers and senior officials between the United States and Taiwan to improve military to military relations between the United States and Taiwan.

The House bill contained a provision (sec. 1257) that would require the Secretary of Defense to invite the military forces of Taiwan to participate in the Rim of the Pacific Exercise if the Secretary has invited the military forces of the People's Republic of China.

The Senate amendment also contained a provision (sec. 1263) that would express the sense of the Senate on Taiwan's asymmetric military capabilities and bilateral training activities.

The conferees believe that the United States, in accordance with the Taiwan Relations Act (Public Law 96-8), should continue to make available to Taiwan such defense articles and services as may be necessary to enable Taiwan to maintain a sufficient self-defense. The United States should continue to support the efforts of Taiwan to integrate innovative and asymmetric capabilities to balance the growing military capabilities of the People's Republic of China, including fast-attack craft, coastal-defense cruise missiles, rapid-runway repair systems, offensive mines, and submarines optimized for defense of the Taiwan straits. With regards to training, the conferees believe the military forces of Taiwan should be permitted to participate in bilateral training activities hosted by the United States that increase credible deterrent capabilities of Taiwan, particularly those that emphasize the defense of Taiwan Island from missile attack, maritime blockade, and amphibious invasion by the People's Republic of China. Toward this end, the conferees believe that Taiwan should be encouraged to participate in exercises that include realistic air-to-air combat training, including the exercise conducted at Eielson Air Force Base, Alaska, and Nellis Air Force Base, Nevada, commonly referred to as "Red Flag."

The conferees recommend that the Secretary of Defense carry out a program of exchanges of military officers between the United States and Taiwan designed to improve military-to-military relations between the United States and Taiwan. The officer exchanges should include field-grade officers, particularly officers with combat and specialized experience, and general officers, who can provide support to Taiwan to develop and improve its joint warfighting capabilities.

The conferees also note that section 1259A of the Fiscal Year 2015 National Defense Authorization Act (P.L. 113-291) includes the conferees recommendation on inviting Taiwan to the humanitarian assistance and disaster relief portions of multilateral exercises.

*Military exchanges between senior officers and officials of the United States and Taiwan*

The Senate amendment contained a provision (sec. 1264) authorizing the Department of Defense to conduct exchanges between senior military officers and senior officials focused on a variety of subjects between the United States and Taiwan designed to improve military-to-military relations between those two countries.

The House bill contained no similar provision.  
The Senate recesses.

The conferees note the matters addressed in the House provision are addressed elsewhere in the conference agreement.

*Efforts of the Department of Defense to prevent and respond to gender-based violence globally*

The House bill contained a provision (sec. 1268) that would express a series of findings and a statement of policy on preventing and responding to gender-based violence globally, and require the Secretary of Defense to submit a report to certain congressional committees on the Department of Defense's implementation efforts of the U.S. Strategy to Prevent and Respond to Gender-Based Violence Globally.

The Senate amendment contained no similar provision.

The House recesses.

The conferees believe that gender-based violence undermines the health, economic stability, and security of nations which, in turn, has an impact on United States interests. The committee notes that the United States Global Strategy on Gender-based Violence Prevention and Response requires the participation of the Department of Defense (DOD) in efforts to implement the strategy. The conferees encourage the continued efforts of the DOD in support of the United States Global Strategy on Gender-based Violence Prevention and Response.

Additionally, the conferees direct the Secretary of Defense, not later than 180 days after the enactment of this Act, to provide to the Committee on Armed Services of the Senate and House of Representatives and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, a report on efforts to prevent and respond to gender-based violence globally in support of the United States' strategy, including a description of the efforts of DOD in the Interagency Working Group to implement the international gender-based violence prevention and response strategy and an assessment of the human and financial resources necessary to fulfill the purpose and duties of such strategy.

*Combating crime through intelligence capabilities*

The House bill contained a provision (sec. 1269) that would authorize the Secretary of Defense to deploy assets, personnel, and resources to United States Southern Command to combat transnational criminal organizations by supplying sufficient intelligence, surveillance, and reconnaissance capabilities.

The Senate amendment contained no similar provision.

The House recesses.

The conferees note that JIATF-S continues to contribute to United States Southern Command's detection and monitoring and countering-transnational organized crime mission. The conferees encourage the Department ensure Joint Interagency Task Force-South has sufficient assets, personnel, and resources to fulfill its mandate.

*Sense of Congress on the defense relationship between the United States and the Republic of India*

The House bill contained a provision (sec. 1272) that would express the sense of Congress on the defense relationship between the United States and the Republic of India based on both countries' common interests and commitments to stability, security, and democracy.

The Senate amendment contained no similar provision.

The House recesses.

The conferees note the matters addressed in the House provision are addressed elsewhere in the conference agreement.

*Sense of Congress on evacuation of United States citizens and nationals from Yemen*

The House bill contained a provision (sec. 1273) that would express the sense of Congress that the President should exercise all available authorities as expeditiously as possible to evacuate United States citizens and nationals from Yemen.

The Senate amendment contained no similar provision.

The House recesses.

The conferees encourage the President to work with international partners, to the extent practicable, to protect non-combatants and assist in the evacuation of U.S. Citizens and nationals as well as the citizens and nationals of other states from Yemen.

*Report on violence and cartel activity in Mexico*

The House bill contained a provision (sec. 1275) that would require the Secretary of Defense to submit a report on violence and cartel activity in Mexico and the impact of such on United States national security.

The Senate amendment contained no similar provision.

The House recesses.

The conferees note that ongoing violence associated with transnational organized crime poses a threat to the security interests of Mexico and the United States. The conferees

recognize the shared commitment of the United States and Mexico to combat this threat and expect the Secretary of Defense to update periodically the Committees Armed Services of the House of Representatives and the Senate on the Department's security cooperation activities with the Government of Mexico.

*Report on actions to ensure Qatar is preventing terrorist leaders and financiers from operating in its country*

The House bill contained a provision (sec. 1276) that would express the sense of Congress that Qatar is an important partner in the region, has played a significant role in fighting the Islamic State of Iraq and the Levant (ISIL) and that the United States should do everything in its power to encourage Qatar to crack down on terrorist leaders and financiers who are operating in its country. The provision would require that, not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report on actions taken by the United States Government to ensure that Qatar is preventing terrorist leaders and financiers from operating in its country.

The Senate amendment contained no similar provision.

The House recesses.

The conferees direct the President or appropriate department or agency head(s), not later than 180 days after the date of the enactment of this Act, to provide to the Committees on Armed Services of the House of Representatives and the Senate, a briefing on actions taken by the United States Government to urge the government of Qatar to ensure that it is working to ensure that no foreign terrorist organizations or their leaders are operating in Qatar.

*United States support for Jordan*

The House bill contained a provision (sec. 1277) that would express the sense of Congress that the United States should continue to support Jordan's military efforts to counter violent extremism and enhance regional stability.

The Senate amendment contained no similar provision.

The House recesses.

The conferees note the authorization of reimbursable assistance to Jordan for border security elsewhere in this Act.

*Report on United States efforts to combat Boko Haram and support regional allies and other partners*

The House bill contained a provision (sec. 1278) that would require, not later than 90 days after enactment of this Act, the Secretary of Defense and the Secretary of State to jointly submit a report on the assessment of the threat of Boko Haram to United States national security, as well as a description of U.S. efforts to combat Boko Haram.

The Senate amendment contained no similar provision.

The House recesses.

The conferees direct the Secretary of Defense and the Secretary of State not later than 180 days after enactment to submit to the appropriate congressional committees a report that includes the following:

(1) An assessment of the threat posed by Boko Haram to United States national security interests in Nigeria, the region, and homeland;

(2) A description of United States efforts to combat Boko Haram, including the authorities to carry out such efforts and the roles and missions of the Department of Defense and Department of State;

(3) A description of United States humanitarian support to civilian populations impacted by Boko Haram's activity;

(4) A description of United States activities to enhance the capacity of supported regional partners to investigate and prosecute human rights violations and promote respect for the rule of law;

(5) A description of military equipment, supplies, training, and other defense articles and services, including by type, quantity, and prioritization of such items, required to combat Boko Haram effectively and the gaps within regional allies to engage in the mission to combat Boko Haram;

(6) A description of military equipment, supplies, training, and other defense articles and services, including by type, quantity, and actual or estimated delivery date, that the United States Government has provided, is providing, and plans to provide to regional allies and other partners to combat Boko Haram as well as a description of associated plans to sustain United States provided equipment and capabilities; and

(7) A description of support received by the Nigerian military from other foreign governments.

The report required shall be, to the extent practicable, submitted in unclassified form, but may contain a classified annex.

*Sense of Congress on United States support for Tunisia*

The House bill contained a provision (sec. 1279) that would express a sense of the Congress that it is a national security priority of the United States to support and cooperate with Tunisia by providing assistance to combat the growing terrorist threat from the Islamic State of Iraq and the Levant (ISIL) or other terrorist organizations.

The Senate amendment contained no similar provisions.

The House recesses.

The conferees note the importance of a secure and stable Tunisia to counter the threat posed by the Islamic State of Iraq and the Levant and other terrorist organizations in North Africa and encourages the provision of United States assistance to Tunisia.

## **TITLE XIII—COOPERATIVE THREAT REDUCTION**

### **SUBTITLE A—FUNDING ALLOCATIONS**

#### *Specification of Cooperative Threat Reduction funds (sec. 1301)*

The House bill contained a provision (sec. 1301) that would define Cooperative Threat Reduction programs and funds and make funds appropriated for the Department of Defense Cooperative Threat Reduction Program available for fiscal years 2016, 2017, and 2018.

The Senate amendment contained an almost identical provision, with a technical difference (sec. 1301).

The House recesses.

#### *Funding allocations (sec. 1302)*

The House bill contained a provision (sec. 1302) that would specify funding allocations for each program under the Department of Defense Cooperative Threat Reduction program.

The Senate amendment contained a similar provision (sec. 1302).

The Senate recesses with a technical amendment.

## **TITLE XIV—OTHER AUTHORIZATIONS**

### **SUBTITLE A—MILITARY PROGRAMS**

#### *Working Capital Funds (sec. 1401)*

The House bill contained a provision (sec. 1401) that would authorize the appropriations for the defense working capital and revolving funds at the levels identified in section 4501 of division D of this Act.

The Senate bill contained an identical provision (sec. 1401).

The conference agreement includes this provision.

#### *National Defense Sealift Fund (sec. 1402)*

The House bill contained a provision (sec. 1402) that would authorize the appropriations for the National Defense Sealift Fund in section 4501 of division D of this Act.

The Senate bill contained an identical provision (sec. 1402).

The conference agreement includes this provision.

#### *Chemical Agents and Munitions Destruction, Defense (sec. 1403)*

The House bill contained a provision (sec. 1403) that would authorize the appropriations for Chemical Agents and Munitions Destruction, Defense, at levels identified in section 4501 of division D of this Act.

The Senate bill contained an identical provision (sec. 1403).

The conference agreement includes this provision.

#### *Drug Interdiction and Counter-Drug Activities, Defense-Wide (sec. 1404)*

The House bill contained a provision (sec. 1404) that would authorize the appropriations for Drug Interdiction and Counter-Drug Activities, Defense-Wide, at the levels identified in section 4501 of division D of this Act.

The Senate bill contained an identical provision (sec. 1404).

The conference agreement includes this provision.

#### *Defense Inspector General (sec. 1405)*

The House bill contained a provision (sec. 1405) that would authorize the appropriations for the Office of the Inspector General of the Department of Defense at the levels identified in section 4501 of division D of this Act.

The Senate bill contained an identical provision (sec. 1405).

The conference agreement includes this provision.

*Defense Health Program (sec. 1406)*

The House bill contained a provision (sec. 1406) that would authorize appropriations for the Defense Health Program activities at the levels identified in section 4501 of division D of this Act.

The Senate bill contained an identical provision (sec. 1406).

The conference agreement includes this provision.

*National Sea-Based Deterrence Fund (sec. 1407)*

The House bill contained a provision (sec. 1407) that would authorize appropriations for the National Sea-Based Deterrence Fund activities at the levels identified in section 4501 of division D of this Act.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would authorize to be appropriated sums as may be necessary for fiscal year 2017.

## **SUBTITLE B—NATIONAL DEFENSE STOCKPILE**

*Extension of date for completion of destruction of existing stockpile of lethal chemical agents and munitions (sec. 1411)*

The House contained a provision to extend the completion date for the destruction of the existing stockpile of lethal chemical agents and munitions from December 31, 2017 to December 31, 2023.

The Senate contained no similar provision.

The Senate recedes.

## **SUBTITLE C—WORKING CAPITAL FUNDS**

*Limitation on cessation or suspension of distribution of funds from Department of Defense working capital funds (sec. 1421)*

The House bill contained a provision (sec. 1421) that would prohibit the Secretary of Defense or Secretary of any military department from furloughing any employee of the Department of Defense whose salary is funded by working capital funds with certain exceptions.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would specify that the Secretary of Defense may not cease funding current

projects being completed by indirectly funded government employees of the Department of Defense who are paid out of working-capital funds. The conferees note that this provision shall not be construed to provide for the exclusion of any particular category of employees of the Department of Defense from furlough.

*Working capital fund reserve account for petroleum market price fluctuations (sec. 1422)*

The House bill contained a provision (sec. 1422) that would amend Section 2208 of title 10, United States Code, by including a market fluctuation account for the purchase of petroleum.

The Senate amendment contained no similar provision.  
The Senate recesses.

## **SUBTITLE D—OTHER MATTERS**

*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. 1431)*

The House bill contained a provision (sec. 1431) that would authorize the Secretary of Defense to transfer \$120.4 million to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund for operations of the Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities.

The Senate amendment contained a similar provision (sec. 1411).

The Senate recesses.

*Authorization of appropriations for Armed Forces Retirement Home (sec. 1432)*

The House bill contained a provision (sec. 1432) that would authorize appropriations of \$64.3 million for the Armed Forces Retirement Home for fiscal year 2016.

The Senate amendment contained an identical provision (sec. 1412).

The conference agreement includes this provision.

## LEGISLATIVE PROVISIONS NOT ADOPTED

### *Inspections of the Armed Forces Retirement Home by the Inspector General of the Department of Defense*

The Senate amendment contained a provision (sec. 1413) that would amend section 1518 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 418) to require the Inspector General of the Department of Defense to conduct an inspection of the Armed Forces Retirement Home not less than once every 3 years and to authorize the Inspector General to determine the scope of the inspection through a risk-based analysis of the operations of the home.

The House bill contained no similar provision.

The Senate recesses.

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

### SUBTITLE A—AUTHORIZATION OF APPROPRIATIONS

#### *Purpose and treatment of certain authorizations of appropriations (sec. 1501)*

The House bill contained a provision (sec. 1501) that would establish the purpose of this title and make authorization of appropriations available upon enactment of this Act for the Department of Defense, in addition to amounts otherwise authorized in this Act, to provide for additional costs due to overseas contingency operations and other additional funding requirements. The provision also includes clarification on the treatment of these funds.

The Senate bill contained a similar provision that would establish this title and make authorization of appropriations available upon enactment of this Act for the Department of Defense, in addition to amounts otherwise authorized in this Act.

The Senate recesses with an amendment that includes language from the Senate provision section 1003, stating if an act is enacted at a later date that would revise the discretionary spending limits for fiscal year 2016, the amount authorized to be appropriated by section 1504 and no greater than the increase to the revised security category will be deemed as authorized to be appropriated by section 301.

*Procurement (sec. 1502)*

The House bill contained a provision (sec. 1502) that would authorize the additional appropriation for procurement activities at the levels identified in section 4102 of division D of this Act.

The Senate bill contained an identical provision (sec. 1503).

The conference agreement includes this provision.

*Research, development, test, and evaluation (sec. 1503)*

The House bill contained a provision (sec. 1503) that would authorize the additional appropriation for research, development, test, and evaluation activities at the levels identified in section 4202 of division D of this Act.

The Senate bill contained an identical provision (sec. 1504).

The conference agreement includes this provision.

*Operation and maintenance (sec. 1504)*

The House bill contained a provision (sec. 1504) that would authorize additional appropriations for operation and maintenance programs at the levels identified in sections 4302 and 4303 of division D of this Act.

The Senate amendment contained a provision (sec. 1505) that would authorize the additional appropriations for operation and maintenance activities at the levels identified in section 4302 of division D of this Act.

The Senate recedes with an amendment.

*Military personnel (sec. 1505)*

The House bill contained a provision (sec. 1505) that would authorize the additional appropriations for military personnel activities at the levels identified in section 4402 of division D of this Act.

The Senate bill contained an identical provision (sec. 1506).

The conference agreement includes this provision.

*Working capital funds (sec. 1506)*

The House bill contained a provision (sec. 1506) that would authorize the additional appropriations for defense

working capital and revolving funds at the levels identified in section 4502 of division D of this Act.

The Senate bill contained an identical provision (sec. 1507).

The conference agreement includes this provision.

*Drug Interdiction and Counter-Drug Activities, Defense-Wide (sec. 1507)*

The House bill contained a provision (sec. 1507) that would authorize the additional appropriations for the Drug Interdiction and Counter-Drug Activities, Defense-Wide at the levels identified in section 4502 of division D of this Act.

The Senate bill contained an identical provision (sec. 1508).

The conference agreement includes this provision.

*Defense Inspector General (sec. 1508)*

The House bill contained a provision (sec. 1508) that would authorize the additional appropriations for the Office of the Inspector General of the Department of Defense identified in section 4502 of division D of this Act.

The Senate bill contained an identical provision (sec. 1509).

The conference agreement includes this provision.

*Defense Health Program (sec. 1509)*

The House bill contained a provision (sec. 1509) that would authorize the additional appropriations for the Defense Health Program activities identified in section 4502 of division D of this Act.

The Senate bill contained an identical provision (sec. 1510).

The conference agreement includes this provision.

*Counterterrorism Partnership Fund (sec. 1510)*

The Senate bill contained a provision (sec. 1511) that would authorize the additional appropriations for the Counterterrorism Partnership Fund at the levels identified in section 4502 of division D of this Act. Amounts authorized in this fund will be available for obligations for 2 fiscal years.

The House bill contained no similar provision.

The House recesses.

## **SUBTITLE B—FINANCIAL MATTERS**

### *Treatment as additional authorizations (sec. 1521)*

The House bill contained a provision (sec. 1521) that would state that the amounts authorized to be appropriated in this title are in addition to amounts otherwise authorized to be appropriated by this Act.

The Senate bill contained an identical provision (sec. 1521).

The conference agreement includes this provision.

### *Special transfer authority (sec. 1522)*

The House bill contained a provision (sec. 1522) that would allow the Secretary of Defense to transfer up to \$3.5 billion of additional war-related funding authorizations in this title among the accounts in this title.

The Senate bill contained a provision (sec. 1522) that would allow the Secretary of Defense to transfer up to \$4.0 billion of additional war-related funding authorizations in this title among the accounts in this title.

The Senate recedes.

## **SUBTITLE C—LIMITATIONS, REPORTS, AND OTHER MATTERS**

### *Afghanistan Security Forces Fund (sec. 1531)*

The House bill contained a provision (sec. 1541) that would continue the existing limitation on the use of the Afghanistan Security Forces Fund (ASFF) for fiscal year 2016, would require \$50.0 million to be used for the recruitment and retention of women in the Afghanistan National Security Forces (ANSF), and would require reporting on inventory of facilities and services that are lacking adequate resources for Afghan female service members and police, as well as a plan to address the short-comings of facilities and services.

The Senate amendment contained similar provisions (sec. 1209, 1531) that would require \$10.0 million of the ASFF be used for recruitment and retention of women in the ANSF.

The House recedes with an amendment that would continue the existing limitation on the use of ASFF for fiscal year 2016, and would require that of the funds available to the Department of Defense for the Afghanistan Security Forces Fund for fiscal

year 2016, the Secretary shall use not less than \$10.0 million, with the goal of using \$25.0 million, to support, to the extent practicable, the efforts of the Government of Afghanistan to promote the security of Afghan women and girls. This section also would require the Secretary of Defense, with the concurrence of the Secretary of State, to report on a plan to promote the security of Afghan women.

*Joint Improvised Explosive Device Defeat Fund (sec. 1532)*

The House bill contained a provision (sec. 1542) that would authorize various transfer authorities, reporting requirements, and other associated activities for the Joint Improvised Explosive Device (IED) Defeat Fund during fiscal year 2016, and would modify the implementation requirements associated with the plan for consolidation and alignment of rapid acquisition organizations.

The Senate amendment contained a similar provision (sec. 1532) that would authorize the Joint IED Defeat Fund and provide the Secretary of Defense with the authority to investigate, develop and provide equipment, supplies, services, training, facilities, personnel, and funds to assist in the defeat of improvised explosive devices for operations in Afghanistan, Iraq, Syria, and other operations or military missions designated by the Secretary.

The House recedes with an amendment that would prohibit the transition of the Joint IED Defeat Organization to a combat support agency, require the Secretary of Defense to provide a plan by January 31, 2016 for the activities, functions, and resources of Joint IED Defeat Organization to be fully and completely transitioned to an office under the authority, direction, and control of an executive agent by September 30, 2016. Additionally, if the full transition is not complete by September 30, 2016 none of the funds in the Joint IED Defeat Fund would be available to the Department of Defense after September 30, 2016.

The conferees urge the Secretary of Defense to provide information to the Committee on Foreign Affairs of the House of Representatives and Senate Committee on Foreign Relations for any activities conducted pursuant to subsection (b).

The conferees understand that as of March 11, 2015, the Deputy Secretary of Defense formally initiated the transition of the Joint IED Defeat Organization to a new combat support agency named the Joint Improvised-Threat Agency (JIDA) with the Under Secretary of Defense for Acquisition, Technology, and Logistics as the component lead. The conferees have concerns regarding this current transition and believe a new strategy and

implementation plan is required that would provide for a more streamlined approach to integrating the roles, missions, and activities of the JIDA into an existing military department, rather than establishing a new combat support agency within the Office of the Secretary of Defense. This would create reduced overhead management costs while maintaining institutional core knowledge for counter defeat and detection capabilities for IEDs and other improvised threats. The intent of this required new transition so not to disrupt ongoing, near-term counter-IED activities in support of overseas contingency operations.

*Availability of improvised explosive device defeat funds for training of foreign security forces to defeat improvised explosive devices (sec. 1533)*

The Senate amendment contained a provision (sec. 1533) that would authorize up to \$30.0 million of the amounts authorized to be appropriated for fiscal year 2016 for the Joint Improvised Explosive Device Defeat Fund to provide training for foreign security forces to increase effectiveness in defeating improvised explosive devices. The provision would require training be provided only pursuant to other provisions of law.

The House bill contained no similar provision.

The House recedes with a clarifying amendment that would conform the provision to a related provision concerning the Joint Improvised Explosive Device Defeat Organization included elsewhere in this Act.

*Comptroller General report on use of certain funds provided for Operation and Maintenance (sec. 1534)*

The House bill contained a provision (sec. 1543) that would require the Comptroller General to submit a report specifying how funds for overseas contingency operations were ultimately used.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would limit the report to funds authorized in section 4303.

## **LEGISLATIVE PROVISIONS NOT ADOPTED**

*Statement of policy regarding European Reassurance Initiative*

The House bill contained a provision (sec. 1531) that would express a series of findings highlighting continued aggression and intimidation by Russia against United States allies and partners in Europe, in particular, and include a

statement of policy on efforts by the United States to continue and expand initiatives to reassure allies and partners and to deter aggression and intimidation by Russian, in order to enhance security and stability in the region.

The Senate amendment did not contain a similar provision. The House recesses.

The conferees urge the Department of Defense to enhance efforts in Europe to reassure allies and partners and deter further aggression and intimidation by the Russian Government to enhance security and stability in the region through: (1) increased U.S. military presence, exercises, training, repositioning of equipment and infrastructure; (2) increased emphasis on countering unconventional warfare methods in areas such as cyber warfare, information operations, and intelligence operations; and (3) increased security assistance to allies and partners in Europe.

## **TITLE XVI—STRATEGIC PROGRAMS, CYBER, AND INTELLIGENCE MATTERS**

### **SUBTITLE A—SPACE ACTIVITIES**

*Major force program and budget for national security space (sec. 1601)*

The House bill contained a provision (sec. 1601) that would amend chapter 9 of title 10, U.S.C., to establish a unified major force program for national security space programs to prioritize national security space activities in accordance with the requirement of the Department of Defense and national security. Additionally, this section would require a report from the Secretary of Defense that assesses the budget from fiscal years 2017-20 that includes a comparison between the current budget and the previous year's budget, as well as the current future years defense program, and the previous one with specific budget line identification. The provision would also require a plan be provided to the congressional defense committees for carrying out the unified major force program for national security space programs within 180 days of the date of enactment.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would remove the findings.

*Principal advisor on space control (sec. 1602)*

The Senate amendment contained a provision (sec. 1602) that would require the Secretary of Defense to designate an individual who is already a full time equivalent of the Department of Defense to serve as the Principal Space Control Advisor, who shall act as the principal advisor to the Secretary on space control activities.

The House bill contained no similar provision.

The House recedes with an amendment clarifying the roles and responsibilities of the cross-functional team.

The conferees direct the Secretary of Defense to provide a briefing to the congressional defense committees within 180 days on the roles and responsibilities for space control activities within the Department of Defense; efforts underway to streamline decision making and limit bureaucracy for space control within the Department; and a description of how the Space Security and Defense Program will be appropriately integrated and aligned in the space control activities.

*Council on Oversight of the Department of Defense Positioning, Navigation, and Timing Enterprise (sec. 1603)*

The Senate amendment contained a provision (sec. 1610) that would establish a council to review and be responsible for the Department of Defense positioning, navigation, and timing enterprise, including positioning, navigation, and timing services provided to civil, commercial, scientific and international users. This council would terminate 10 years after the date of enactment.

The House bill contained no similar provision.

The House recedes with an amendment that would add the Secretaries of the military departments as ex officio members of the council.

*Modification to development of space science and technology strategy (sec. 1604)*

The House bill contained a provision (sec. 1602) that would modify and streamline section 2271 of title 10, U.S.C., by removing specific direction on elements of the strategy, coordination, and reporting requirements to Congress.

The Senate amendment contained no similar provision.

The Senate recedes.

*Delegation of authority regarding purchase of Global Positioning System user equipment (sec. 1605)*

The House bill contained a provision (sec. 1605) that would modify section 913 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383) by limiting the delegation of waiver authority to a level no lower than the Under Secretary of Defense for Acquisition, Technology, and Logistics.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would add the secretaries of the military departments to the waiver authority delegation limitation.

*Rocket propulsion system development program (sec. 1606)*

The House bill contained a provision (sec. 1603) that would amend section 1604 of the Carl Levin and Howard P. 'Buck' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291) by inserting a section on streamlined acquisition; a clarification that, of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for the rocket propulsion system required by section 1604 of Public Law 113-291, the Secretary of Defense would be permitted to obligate or expend such funds only for the development of such rocket propulsion system, and the necessary interfaces to the launch vehicle, to replace non-allied space launch engines by 2019 as required by such section; and a requirement for the Secretary of Defense to provide a briefing on the streamlined acquisition approach, requirements, and acquisition strategy.

The Senate amendment also contained a provision (sec. 1606) that would amend section 1604 of the Carl Levin and Howard P. 'Buck' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291) to include a plan for the development and fielding of a full-up engine.

The Senate recedes with an amendment that would limit the availability of funds only for the development of a rocket propulsion system and the necessary interfaces to, or integration of, the launch vehicle, to replace non-allied space launch engines by 2019 as required by section 1604 of the Carl Levin and Howard P. 'Buck' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291).

The amendment would specify that funds may be used for the integration of a rocket propulsion system on a new or existing launch vehicle. Funds may not be used to develop or procure a new launch vehicle or infrastructure.

The agreement would also direct the Secretary of the Air Force to provide the congressional defense committees a briefing no later than 90 days from the date of enactment on a plan for

the development and fielding of a full-up rocket propulsion system.

*Exception to the prohibition on contracting with Russian suppliers of rocket engines for the evolved expendable launch vehicle program (sec. 1607)*

The House bill contained a provision (sec. 1604) that would amend section 1608 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291; 128 Stat. 3626; 10 U.S.C. 2271 note).

The Senate amendment also contained a provision (sec. 1603) that would amend section 1608 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291; 128 Stat. 3626; 10 U.S.C. 2271 note).

The House recedes with an amendment that would amend section 1608 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291) by modifying the exception to the prohibition. The amendment would except contracts awarded for the procurement of property or services for space launch activities that includes the use of not more than a total of five rocket engines designed or manufactured in the Russian Federation that prior to February 1, 2014, were either fully paid for by the contractor or covered by a legally binding commitment of the contractor to fully pay for such rocket engines. The amendment would also add an additional exception which would allow contracts, not covered under the other exceptions, that are awarded for the procurement of property or services for space launch activities that include the use of not more than a total of four additional rocket engines designed or manufactured in the Russian Federation. Therefore, the agreement allows for a total of nine Russian rocket engines, aside from the waiver authority and the existing contract number FA8811-13-C-0003 awarded on December 18, 2013. Of those nine engines, not more than four additional rocket engines can be procured from the Russian Federation as five of the nine allowed under the (c)(1)(B) exception would have already been fully paid for as of February 1, 2014.

The existing exception on the placement of orders or the exercise of options under the contract number FA8811-13-C-0003 and awarded on December 18, 2013 and the existing waiver remain unchanged and unaffected.

The conferees believe that the continued reliance on Russian rocket engines represents a significant risk to our national security and that their use should be minimized to the

greatest extent practicable while maintaining assured access to space and competition.

Consistent with the limitations established by this provision, the conferees direct the Secretary of Defense, in coordination with the Director of National Intelligence, to evaluate options for an executable backup plan for assured access to space that maintains competition as feasible. The conferees expect the report to consider options in the event of a national emergency including using a Delta launch vehicle, relying on the National Aeronautics and Space Administration's launch capability, acquiring or leveraging space launch services provided by international partners consistent with the National Space Transportation Policy, or any other options that the Secretary deems feasible. The report shall include identification of requirements, feasibility, costs, infrastructure, security, timelines, required authorities and risks and benefits associated with each option considered. The Secretary shall submit the results in the form of a briefing to the appropriate congressional committees no later than April 15, 2016.

*Acquisition strategy for evolved expendable launch vehicle program (sec. 1608)*

The House bill contained a provision (sec. 1606) that would express the sense of Congress concerning the need for an updated, phased acquisition strategy and contracting plan for the Evolved Expendable Launch Vehicle (EELV) program and that the acquisition strategy and contracting plan should eliminate the currently structured EELV launch capability (ELC) arrangement after the current contractual obligations, among other statements. The provision would require the Secretary of the Air Force to discontinue the current ELC arrangement by the latter of either the date on which the Secretary determines that the obligations of the contracts relating to such arrangement have been met, or by December 31, 2020. The provision would also require the Secretary to apply consistent and appropriate standards to certified EELV providers with respect to certified cost and pricing data, and audits, in accordance with section 2306a of title 10, United States Code; would require the Secretary to develop and carry out a 10-year acquisition strategy for the EELV program, in accordance with section 2273 of title 10, United States Code, and other elements of the provision; would require any contract for launch services to account for the value of the ELC arrangement per contract line item numbers in the bid price of the offeror as appropriate per launch; and would require a report on the acquisition strategy.

The Senate amendment contained a provision (sec. 1604) that would prohibit the Secretary of Defense from awarding a contract, renewing a contract, or maintaining a separate contract line item for the procurement of property or services for space launch capabilities under the Evolved Expendable Launch Vehicle (EELV) program. The provision would allow for the Secretary to waive the requirement if the Secretary determines that: (1) awarding or renewing, or maintaining a separate contract line item for launch capabilities is necessary for the national security interests of the United States and the contract or contract line item does not support space launch activities using rocket engines designed or manufactured in the Russian Federation; and (2) failing to award or renew such a contract or maintain such a contract line item would have significant consequences to national security and result in the significant loss of life or property or economic harm. The provision would not apply to the placement of orders or the exercise of options under the contract numbered FA8811-13-C-003 and awarded on December 18, 2013. That exception would expire on September 30, 2019.

The Senate recedes with an amendment that would strike the sense of Congress language; revise the date for discontinuing the current ELC arrangement to not later than December 31, 2019 for existing contracts using rocket engines designed or manufactured in the Russian Federation and not later than December 31, 2020 for existing contracts using domestic rocket engines; and clarify language concerning the acquisition strategy required.

*Allocation of funding for evolved expendable launch vehicle program (sec. 1609)*

The Senate amendment contained a provision (sec. 1605) that would realign the cost share of the Evolved Expendable Launch Vehicle (EELV) Launch Capabilities (ELC) between the Air Force and the National Reconnaissance Office (NRO). The provision would require, for fiscal years 2017, 2018, or 2019, that the Air Force request for ELC funding bear the same ratio to the total number of Air Force cores to be procured under the Evolved Expendable Launch Vehicle Launch Services (ELS).

The House bill contained no similar provision.

The House recedes with an amendment that would direct the Director of the Office of Management and Budget to submit a certification with the budgets for fiscal years 2017, 2018, and 2019 that the cost share between the Air Force and the National Reconnaissance Office for the evolved expendable launch vehicle launch capability program equitably reflects the appropriate

allocation of funding for the Air Force and the National Reconnaissance Office, respectively, based on the launch schedule and national mission forecast. The amendment would also require sufficient rationale to justify such cost share.

*Procurement of wideband satellite communications (sec. 1610)*

The House bill contained a provision (sec. 1607) that would require the Secretary of Defense to designate a senior Department of Defense official to procure wideband satellite communications, both military and commercial, to meet the requirements of the Department. Additionally, this section would require the Secretary of Defense to submit to the congressional defense committees, a plan to meet the requirements of the Department for satellite communications, including identification of roles and responsibilities, no later than 180 days after the date of the enactment of this Act.

The Senate amendment contained a similar provision (sec. 1609) that would require the Department of Defense Executive Agent for Space to submit by January 31, 2016 a plan to the congressional defense committees for consolidating the acquisition of commercial satellite communications (COMSATCOM) services from across the Department of Defense into a program office in the Air Force Space and Missile Systems Center. The plan would require consolidation to take place within a 3-year period. It would also require an assessment of the current management and overhead costs, a projection of the consolidated management and overhead costs, and an estimate of the cost of consolidation. The provision would require the Director of Cost Assessment and Program Evaluation to review and validate each of the estimates.

The Senate recedes with an amendment that would require the Secretary of Defense to submit a plan for the consolidation of the acquisition of wideband satellite communications. The amendment would require the Secretary to identify and designate a single acquisition agent and implementation of the consolidation plan. The amendment would also allow the Secretary to forgo implementation if the Secretary determines that the implementation will require significant additional funding or is not in the interests of national security.

*Analysis of alternatives for wide-band communications (sec. 1611)*

The Senate amendment contained a provision (sec. 1611) that would require an analysis of alternatives for the replacement of the Wideband Global Satellite System with a

report due to the congressional defense committees by March 31, 2017. The analysis required shall take into account future bandwidth of space, air, and ground communications systems.

The House bill contained no similar provision.

The House recesses.

*Modification of pilot program for acquisition of commercial satellite communication services (sec. 1612)*

The House bill contained a provision (sec. 1609) that would modify an existing pilot program for acquisition of commercial satellite communications services by removing the requirement to use the working capital fund and authorize multiple methods or pathfinder efforts to be used within the pilot program. Additionally, the Secretary would have to establish metrics to track the progress of meeting the objectives of the program and provide annual briefings on the progress of the pilot program, concurrent with the submission of the budget request in each year from fiscal year 2017 through fiscal year 2020.

The Senate amendment contained a similar provision (sec. 1612) that would direct the Department of Defense to seek to achieve order-of-magnitude improvements in communications capability as a goal of pilot programs for commercial satellite communications.

The House recesses with an amendment that would require the Secretary of Defense to conduct the pilot program, remove the requirement to use the working capital fund for the pilot program and authorize multiple methods or pathfinder efforts to be used within the pilot program. The amendment would also direct the Department to seek to achieve order-of-magnitude improvements in communications capability as a goal of pilot programs for commercial satellite communications. The conferees believe that Department of Defense should use this program to explore new and innovative ways to acquire commercial satellite communications for the benefit of the warfighter and the taxpayers. This should include new activities to meet the goals established in the pilot program while also leveraging the Department's pathfinder efforts.

*Integrated policy to deter adversaries in space (sec. 1613)*

The House bill contained a provision (sec. 1614) that would state a sense of Congress regarding space defense, as outlined in the National Space Policy of 2010.

The Senate amendment contained a similar provision (sec. 1601) that would require the President to establish an

interagency process to develop a policy to deter adversaries in space. This integrated deterrence policy would be developed with the objectives of (1) reducing risks to the United States and its allies in space; and (2) protecting and preserving the rights, access, capabilities, use, and freedom of action of the United States in space and the right of the United States to respond to an attack in space and, if necessary, deny adversaries the use of space capabilities hostile to the national interests of the United States. The provision would require the President to provide a report setting forth the deterrence policy and the answers to Enclosure 1, regarding offensive space control policy, of the classified annex to this Act, to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives within 180 days of the date of enactment. If the report required and the answers to Enclosure 1 are not provided within 180 days of the date of enactment, the provision would prohibit, until provided, the obligation or expenditure of \$10.0 million of the amounts authorized to be appropriated or otherwise made available to the Department of Defense for fiscal year 2016 to provide support services to the Executive Office of the President.

The House recedes with a technical amendment.

*Prohibition on reliance on China and Russia for space-based weather data (sec. 1614)*

The House bill contained a provision (sec. 1610) that would prohibit reliance on space-based weather data from the Government of the People's Republic of China or the Government of the Russian Federation, and would require the Secretary of Defense to certify that the Department of Defense does not rely on, or in the future does not plan to rely on, space-based weather data for national security purposes, that is provided by the Government of the People's Republic of China, the Government of the Russian Federation, or an entity owned or controlled by the Government of China or the Government of Russia.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

*Limitation on availability of funds for weather satellite follow-on system (sec. 1615)*

The House bill contained a provision (sec. 1608) that would limit any funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for the weather satellite follow-on system until the Secretary of Defense

provides a briefing to the congressional defense committees on a plan to address the requirements of the Department of Defense for cloud characterization and theater weather imagery, and that such plan will not negatively affect the commanders of the combatant commands and will meet the requirements of the Department for cloud characterization and theater weather imagery.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would change the limitation of funds from a full limitation to a limitation on half of the funds.

The conferees are aware and supportive of the efforts to reassess the appropriate portions of the analysis of alternatives (AoA) for space-based environmental monitoring in consideration of the changes that have occurred since the original AoA that was completed.

*Limitations on availability of funds for the Defense Meteorological Satellite program (sec. 1616)*

The Senate amendment contained a provision (sec. 1607) that would prohibit the use of funds authorized to be appropriated in fiscal year 2016 and any unobligated funds made available for appropriation in fiscal year 2015 for the Defense Meteorological Satellite Program (DMSP) or the launch of Defense Meteorological Satellite Program satellite #20 (DMSP-20) until the Secretary of Defense and the Chairman of the Joint Chiefs of Staff jointly certify to the congressional defense committees that: (1) relying on civil and international contributions to meet space-based environmental monitoring requirements is insufficient or is a risk to national security and launching DMSP-20 will meet those requirements; (2) launching DMSP-20 is the most affordable solution to meeting requirements validated by the Joint Requirements Oversight Council; and (3) nonmaterial solutions within the Department of Defense, the National Oceanic and Atmospheric Administration (NOAA), or National Aeronautics and Space Administration (NASA) are incapable of providing a solution for cloud characterization and theater weather requirements as validated by the Joint Requirements Oversight Council.

The House bill contained no similar provision.

The House recesses with an amendment that reduces the fence in fiscal year 2015 to half of any unobligated funds made available for appropriation and clarifies the elements of the certification.

*Streamline commercial space launch activities (sec. 1617)*

The Senate amendment contained a provision (sec. 1613) that would direct the Secretary of Transportation, in consultation with the Secretary of Defense, the Administrator of the National Aeronautics and Space Administration, the commercial space sector, and the heads of other executive agencies as appropriate to report annually on actions taken to remove duplication and minimize inconsistencies across the federal government for commercial space launch requirements and approval. The report shall be submitted to the congressional defense committees, the Senate Committee on Commerce, Science and Transportation and the House Committee on Science, Space and Technology.

The House bill contained no similar provision.

The House recedes with a technical amendment that would add the House Committee on Transportation and Infrastructure as a recipient of the required reports. The conferees note the importance of efforts to eliminate duplicative requirements and approvals to streamline commercial space launch activities.

*Plan on full integration and exploitation of overhead persistent infrared capability (sec. 1618)*

The House bill contained a provision (sec. 1612) that would require the Commander, U.S. Strategic Command and the Director, Cost Assessment and Program Evaluation jointly submit to the appropriate congressional committees a plan for the integration of overhead persistent infrared (OPIR) capabilities to support specified mission capabilities of the Department of Defense.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

*Options for rapid space reconstitution (sec. 1619)*

The House bill contained a provision (sec. 1613) that would state the sense of Congress regarding rapid reconstitution of critical space capabilities. It would also direct the Secretary of Defense to evaluate options for the use of current assets of the Department of Defense for the purpose of rapid reconstitution of critical space-based warfighter enabling capabilities and provide a briefing to the congressional defense committees not later than March 31, 2016.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would strike the sense of Congress.

*Evaluation of exploitation of space-based infrared system against additional threats (sec. 1620)*

The House bill contained a provision (sec. 1611) that would require the Under Secretary of Defense for Acquisition, Technology, and Logistics, in cooperation with the Secretary of the Navy, the Secretary of the Air Force, and the Director of National Intelligence, to conduct an evaluation of the Space-based Infrared System to detect, track, and target, or develop the capability to do the detect, track and target, against the full-range of threats to the United States, deployed members of the Armed Forces, and the allies of the United States, and provide the results of such evaluation to the congressional defense committees not later than December 31, 2016.

The Senate bill contained no similar provision.

The Senate recedes with an amendment replacing the Under Secretary of Defense for Acquisition, Technology, and Logistics with the Commander, U.S. Strategic Command and adding the Commander, U.S. Northern Command.

The conferees note that the classified annex accompanying the House bill includes further discussion related to this section.

*Quarterly reports on Global Positioning System III space segment, Global Positioning System operational control segment, and Military Global Positioning System user equipment acquisition programs (sec. 1621)*

The Senate amendment contained a provision (sec. 1608) that would require the Secretary of the Air Force to provide quarterly reports to the Comptroller General of the United States on the Global Positioning System III (GPS III) space segment, the Global Positioning System Operational Control Segment (GPS OCX), and the Military Global Positioning System User Equipment (MGUE) acquisition programs. The reporting requirement would sunset on the date at which GPS III, GPS OCX, and MGUE reach their full operational capabilities.

The House bill contained no similar amendment.

The House recedes with an amendment that would add a requirement to provide supporting documents and modify the date of termination of the reporting requirement from full operational capability to initial operational capability.

*Sense of Congress on missile defense sensors in space (sec. 1622)*

The House bill contained a provision (sec. 1615) that would express the sense of Congress that a robust multi-mission space sensor network will be vital to ensuring a strong missile defense system.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would strike the findings.

## **SUBTITLE B—DEFENSE INTELLIGENCE AND INTELLIGENCE-RELATED ACTIVITIES**

### *Executive agent for open-source intelligence tools (sec. 1631)*

The House bill contained a provision (sec. 1621) that would require the Secretary of Defense to designate a senior official of the Department of Defense to serve as the executive agent for the Department for open-source intelligence tools.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

### *Waiver and congressional notification requirements related to facilities for intelligence collection or for special operations abroad (sec. 1632)*

The House bill contained a provision (sec. 1622) that would modify section 2682(c) of title 10, United States Code, regarding facilities for intelligence collection and for special operations abroad to include a notification requirement for the Secretary of Defense to specified congressional committees and sunset the waiver authority of the Secretary of Defense on December 31, 2017.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

### *Prohibition on National Intelligence Program consolidation (sec. 1633)*

The House bill contained a provision (sec. 1623) that would prohibit the Secretary of Defense from using any of the funds authorized to be appropriated or otherwise made available to the Department of Defense during the period beginning on the date of the enactment of this Act and ending on December 31, 2016, to execute: the separation of the portion of the Department of Defense budget designated as part of the National Intelligence Program from the rest of the Department of Defense budget; the consolidation of the portion of the Department of

Defense budget designated as part of the National Intelligence Program within the Department of Defense budget; or the establishment of a new appropriations account or appropriations account structure for such funds.

The Senate amendment contained no similar provision.

The Senate recesses.

*Limitation on availability of funds for Office of the Under Secretary of Defense for Intelligence (sec. 1634)*

The House bill contained a provision (sec. 1626) that would prohibit the obligation or expenditure of 25 percent of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for the Office of the Under Secretary of Defense for Intelligence (OUSD(I)) until the Secretary of Defense establishes the policy required by section 922 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66). Section 922 required the Secretary to develop a written policy by June 24, 2014, governing the internal coordination and prioritization of intelligence priorities of the Office of the Secretary of Defense, the Joint Staff, the combatant commands, and the military departments to improve identification of the intelligence needs of the Department of Defense.

The Senate amendment contained no similar provision.

The Senate recesses.

*Department of Defense intelligence needs (sec. 1635)*

The House bill contained a provision (sec. 1628) that would require the Director of National Intelligence to provide a report to the congressional defense committees and the congressional intelligence committees on how the Director ensures that the National Intelligence Program budgets for the elements of the Intelligence Community that are within the Department of Defense are adequate to satisfy the national intelligence needs of the Department, as required by section 102A(p) of the National Security Act of 1947 (50 U.S.C. 3024(p)). The report would specifically include a description of how the Director incorporates the needs of the Chairman of the Joint Chiefs of Staff and the commanders of the unified and specified commands into the metrics used to evaluate the performance of the elements of the Intelligence Community that are within the Department of Defense in conducting intelligence activities funded under the National Intelligence Program.

The Senate amendment contained no similar provision.

The Senate recesses.

*Report on management of certain programs of Defense intelligence elements (sec. 1636)*

The House bill contained a provision (sec. 1629) that would require the Under Secretary of Defense for Intelligence to review the Science and Technology Research and Foreign Material Exploitation work being conducted by the intelligence elements of the Department of Defense and recommend any changes and realignment of organizations that should take place.

The Senate amendment contained no similar provision.

The Senate recedes.

The conferees continue to have concerns about the activities of the Intelligence Systems Support Office which was transferred from the office of the Under Secretary of Defense for Intelligence to the Air Force in fiscal year 2015 and believes that there are significant synergies and potential savings to be gained through consolidation of these activities with other intelligence elements of the Department of Defense. The committees are also concerned about the Foreign Material Exploitation activities which were transferred in fiscal year 2015 as well and believe that these elements could also be consolidated with organizations elsewhere in the Defense Intelligence Enterprise.

*Report on Air National Guard contributions to the RQ-4 Global Hawk mission (sec. 1637)*

The Senate amendment contained a provision (sec. 1621) that would require the Secretary of the Air Force, in coordination with the Chief of Staff of the Air Force and the Chief of the National Guard Bureau, to submit, not later than 180 days after the date of enactment of this Act, a report to Congress on the feasibility of using the Air National Guard in association with the Active-Duty Air Force to operate and maintain the RQ-4 Global Hawk aircraft.

The House bill contained no similar provision.

The House recedes.

*Government Accountability Office review of intelligence input to the defense acquisition process (sec. 1638)*

The House bill contained a provision (sec. 1630) that would require the Comptroller General of the United States to carry out a comprehensive review of the processes and procedures for the integration of intelligence into the Department of Defense acquisition process. The review would include the integration of intelligence on foreign capabilities into the

acquisition process from initial requirement through deployment, including staffing and training of intelligence personnel assigned to the program offices, as well as the procedures for identifying opportunities for weapon systems to collect intelligence, and accounting for the support requirements the weapon systems will place on the Defense Intelligence Enterprise once fielded.

The Senate amendment contained no similar provision.

The Senate recesses.

The conferees believe it is important to ensure that the Department is taking into consideration both intelligence assessments of potential adversaries, as well as the exquisite intelligence required to make new weapon systems work to their fullest potential.

## **SUBTITLE C—CYBERSPACE-RELATED MATTERS**

*Codification and addition of liability protections relating to reporting on cyber incidents or penetrations of networks and information systems of certain contractors (sec. 1641)*

The House bill contained a provision (sec. 1641) that would amend section 941 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112- 239) as a new section 393 of title 10, United States Code, and also amend section 391 of such title, to provide for liability protection for covered contractors reporting cyber incidents to the Department of Defense through these two statutorily required mechanisms.

The Senate amendment contained no similar provision.

The Senate recesses.

*Authorization of military cyber operations (sec. 1642)*

The Senate amendment contained a provision (sec. 1631) that would authorize the Secretary of Defense to develop, prepare, coordinate, and (when authorized by the President to do so) to conduct a military cyber operation in response to malicious cyber activity carried out against the United States or a United States person by a foreign power (as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801)).

The House bill contained no similar provision.

The House recesses with an amendment that would clarify that the authority to conduct cyber operations shall be exercised when appropriately authorized.

The conferees note that nothing in this provision shall be construed to limit existing presidential or congressional power to authorize action.

*Limitation on availability of funds pending the submittal of integrated policy to deter adversaries in cyberspace (sec. 1643)*

The Senate amendment contained a provision (sec. 1633) that would prohibit the obligation or expenditure of \$10.0 million of the unobligated balance of the amounts appropriated or otherwise made available to the Department of Defense to provide support services to the Executive Office of the President, until the President submits to the congressional defense committees the integrated policy to deter adversaries in cyberspace required by section 941 of the National Defense Authorization Act for Fiscal Year 2014.

The House bill contained no similar provision.

The House recesses with a technical amendment.

The conferees note that section 941 of the National Defense Authorization Act for Fiscal Year 2014 (127 Stat. 837; Public Law 113-66), required the President to establish an interagency process to provide for the development of an integrated policy to deter adversaries in cyberspace. The provision required the President, not later than 270 days after the date of enactment, which occurred on December 26, 2013, to submit to the congressional defense committees a report setting forth that integrated policy to deter adversaries in cyberspace. The report required has not been provided. The conferees believe that an integrated policy to deter adversaries in cyberspace is essential to ensuring the national security of the United States and countering the cyber threats posed by our adversaries. The conferees remain concerned that the failure to establish a well-articulated strategy for deterring potential adversaries from conducting cyber attacks, emboldens our adversaries and increases the likelihood of cyber attacks in the near future.

*Authorization for procurement of relocatable Sensitive Compartmented Information Facility (sec. 1644)*

The Senate amendment contained a provision (sec. 1634) that would authorize \$10.6 million of the unobligated amounts made available in fiscal years 2014 and 2015 for the Army for the procurement of a relocatable Sensitive Compartmented Information Facility (SCIF) for the Cyber Center of Excellence at Fort Gordon, Georgia.

The House bill contained no similar provision.

The House recesses with a technical amendment.

*Designation of military department entity responsible for acquisition of critical cyber capabilities (sec. 1645)*

The Senate amendment contained a provision (sec. 1631) that would direct the Secretary of Defense to designate within 90 days of the date of enactment an entity of the Department of Defense (DOD) to be responsible for the acquisition of critical cyber capabilities to include: (1) the unified platform, (2) a persistent cyber training environment, and (3) a cyber situational awareness and battle management system.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify that the Secretary of Defense shall designate an entity within a military department to be responsible for the critical cyber capabilities identified in the provision.

*Assessment of capabilities of United States Cyber Command to defend the United States from cyber attack (sec. 1646)*

The Senate amendment contained a provision (sec. 1636) that would require the Principal Cyber Advisor (PCA) to sponsor an independent panel to assess the ability of the National Mission Forces of the U.S. Cyber Command (CYBERCOM) to reliably prevent or block large-scale attacks on the United States by foreign powers with capabilities comparable to those of countries like China, Iran, North Korea, and Russia in the 2020 and 2025 timeframes.

The House bill contained no similar provision.

The House recedes with an amendment that would remove the requirement for an independent assessment.

*Evaluation of cyber vulnerabilities of major weapon systems of the Department of Defense (sec. 1647)*

The Senate amendment contained a provision (sec. 1635) that would require the Secretary of Defense to evaluate the cyber vulnerabilities of every major Department of Defense weapons system by not later than December 31, 2019.

The House bill contained no similar provision.

The House recedes with an amendment that would require the updates to the congressional defense committees on activities undertaken in the evaluation of major weapon systems occur as part of the quarterly cyber operations briefings required under section 484 of title 10, United States Code.

*Comprehensive plan and biennial exercises on responding to cyber attacks (sec. 1648)*

The Senate amendment contained a provision (sec. 1637) that would require the Secretary of Defense to conduct national-level cyber exercises not less frequently than once every 2 years for a period of 6 years. In preparing and executing these exercises, the Secretary would be required to coordinate with the Secretary of Homeland Security, the Director of National Intelligence, the Director of the FBI, and the heads of the critical infrastructure sector-specific agencies designated under Presidential Policy Directive 21. The Secretary also would be required to consult with governors of the States and the owners and operators of critical infrastructure. The exercises would be based on scenarios in which critical infrastructure is attacked through cyberspace and the President directs the Secretary to defend the Nation and to provide support to civil authorities in responding and recovering from the attacks.

The Senate amendment also contained a provision (sec. 1638) that would require the Secretary of Defense to develop a comprehensive plan for the United States Cyber Command to support civil authorities in responding to cyber attacks by foreign powers against the United States or a United States person.

The House bill contained no similar provisions.

The House recedes with an amendment that would combine both Senate provisions.

In carrying out the requirements of this section concerning national-level cyber exercises, the conferees encourage the Department to coordinate activities with the Secretary of Homeland Security, consistent with section 227 of the Homeland Security Act of 2002 (6 U.S.C. 149), to the maximum extent practicable. The conferees believe such exercises should include opportunities to address the full spectrum of cyber defense and mitigation capabilities available to the Federal Government, and when appropriate should leverage existing National Cyber Exercise programs, such as the Department of Homeland Security Biennial Cyber Storm Program.

*Sense of Congress on reviewing and considering findings and recommendations of Council of Governors on cyber capabilities of the Armed Forces (sec. 1649)*

The Senate amendment contained a provision (sec. 1639) that would express that it is the sense of Congress that the Secretary of Defense should review and consider any findings and recommendations of the Council of Governors pertaining to cyber mission force requirements and any proposed reductions in and synchronization of the cyber capabilities of active or reserve components of the Armed Forces.

The House bill contained no similar provision.  
The House recesses with a technical amendment.

## **SUBTITLE D—NUCLEAR FORCES**

### *Assessment of threats to national leadership command, control, and communications system (sec. 1651)*

The House bill contained a provision (sec. 1652) that would require the Council on Oversight of the National Leadership Command, Control, and Communications System to collect and assess all reports and assessments conducted by the Intelligence Community regarding foreign threats, including cyber threats, to the command, control, and communications system for the national leadership of the United States and the vulnerabilities of such system to the threats.

The Senate amendment contained no similar provision.  
The Senate recesses.

### *Organization of nuclear deterrence functions of the Air Force (sec. 1652)*

The House bill contained a provision (sec. 1651) that would require that, subject to the authority, direction, and control of the Secretary of the Air Force, the Chief of Staff of the Air Force shall be responsible for overseeing the safety, security, effectiveness, and credibility of the nuclear deterrence mission of the Air Force. This section would also require that, by March 1, 2016, the Chief of Staff designate a Deputy Chief of Staff to carry out the following duties: (1) provide direction, guidance, integration, and advocacy regarding the nuclear deterrence mission; (2) conduct monitoring and oversight activities regarding the safety, security, reliability, effectiveness, and credibility of the nuclear deterrence mission; and (3) conduct periodic comprehensive assessments of all aspects of the nuclear deterrence mission and provide such assessments to the Secretary and the Chief of Staff. This section would also require that, by March 30, 2016, the Secretary shall consolidate, to the extent the Secretary determines appropriate, under a major command commanded by a single general officer, the responsibility, authority, accountability, and resources for carrying out the nuclear deterrence mission. The major command would be made responsible, to the extent the Secretary determines appropriate, for carrying out all elements and activities related to nuclear deterrence, including nuclear weapons, nuclear weapon delivery systems, and the nuclear command, control, and communication

system. The activities would include planning and execution of modernization programs; procurement and acquisition; research, development, test, and evaluation; sustainment; operations; training; safety and security; research, education, and applied science relating to nuclear deterrence and assurance; and such other functions of the nuclear deterrence mission as the Secretary determines appropriate.

The Senate amendment contained a provision (sec. 1641) that would require the Secretary of the Air Force to designate a senior acquisition official responsible for ensuring the procurement and integration of Air Force Nuclear, Command and Control (NC3) Systems.

The House recedes with an amendment that would retain the requirement that the Chief of Staff of the Air Force be responsible for overseeing the safety, security, effectiveness, and credibility of the nuclear deterrence mission of the Air Force as well as requiring the designation of a Deputy Chief of Staff to carry out the duties as listed in section 1651 of the House bill. The amendment contains a sense of Congress that the Secretary of the Air Force should consolidate, to the extent the Secretary determines appropriate, under a major command commanded by a single general officer the responsibility, authority, accountability, and resources for carrying out all aspects of the nuclear deterrence mission of the Air Force and that this should be memorialized through a series of enduring directives and orders. The amendment further requires the Secretary of the Air Force to submit to the congressional defense committees a report no later than February 28, 2016 on what actions have been taken or are planned to reorganize, streamline, and clarify responsibilities, authorities, accountability, and resources within the Air Force for the nuclear deterrence mission. This report must include what guidance, directives, and orders have been or will be issued to institutionalize these changes.

*Procurement authority for certain parts of intercontinental ballistic missile fuzes (sec. 1653)*

The House bill contained a provision (sec. 1653) that would authorize \$13.7 million of the funds made available by this Act for Missile Procurement, Air Force, for the procurement of certain commercially available parts for intercontinental ballistic missile fuzes, notwithstanding section 1502(a) of title 31, United States Code, under contracts entered into under section 1645(a) of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291).

The Senate amendment contained a similar provision (sec. 1645).

The Senate recesses.

*Prohibition on availability of funds for de-alerting intercontinental ballistic missiles (sec. 1654)*

The House bill contained a provision (sec. 1657) that included a sense of Congress on the responsiveness and alert levels of intercontinental ballistic missiles and would prohibit authorized funds for reducing, or preparing to reduce, the responsiveness or alert level of United States intercontinental ballistic missiles.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would strike the sense of Congress and include a clarification that the prohibition does not apply to reductions carried out to comply with the New START treaty as long as such reductions are in compliance with Section 1644 of the National Defense Authorization Act for Fiscal Year 2015.

*Assessment of global nuclear environment (sec. 1655)*

The Senate amendment contained a provision (sec. 1643) that would direct the Department of Defense Director of Net Assessment, in coordination with the Commander of U.S. Strategic Command, to conduct an assessment of the global security environment with respect to nuclear weapons and the role of United States nuclear forces, policy, and strategy in that environment. Not later than November 15, 2016, the Director of Net Assessment shall submit to the congressional defense committees a report on its findings. The assessment should include experts outside the Department of Defense with particular emphasis on those individuals and independent institutions with demonstrated expertise in strategy and net assessment methodology.

The House bill contained no similar provision.

The House recesses with an amendment that would strike the findings and adjust the time period covered by the assessment to be 10 to 20 years.

*Annual briefing on the costs of forward deploying nuclear weapons in Europe (sec. 1656)*

The House bill contained a provision (sec. 1654) that would require the Secretary of Defense to provide the congressional defense committees a briefing on specific costs

related to forward-deploying nuclear weapons in Europe no later than 30 days after the President submits to Congress the budget for each of fiscal years 2017 through 2021.

The Senate amendment contained no similar provision.

The Senate recesses with a clarifying amendment.

*Report on the number of planned long-range standoff weapons (sec. 1657)*

The House bill contained a provision (sec. 1659) that would require the Secretary of Defense to submit a report to Congress on the justification of the number of planned nuclear-armed cruise missiles, known as the Long Range Standoff Weapon, to the U.S. arsenal.

The Senate amendment contained no similar provision.

The Senate recesses with a clarifying amendment.

*Review of Comptroller General of the United States on recommendations relating to nuclear enterprise of the Department of Defense (sec. 1658)*

The Senate amendment contained a provision (sec. 1642) that would require the Comptroller General of the United States to review the Department of Defense's process for addressing the recommendations of the Nuclear Enterprise Review and the Nuclear Deterrence Enterprise Review Group.

The House bill contained no similar provision.

The House recesses with an amendment that would strike the requirement for a report and substitute a requirement for a briefing to the congressional defense committees.

*Sense of Congress on organization of Navy for nuclear deterrence mission (sec. 1659)*

The House bill contained a provision (sec. 1656) that would express the sense of Congress that the safety, security, reliability, and credibility of the nuclear deterrent of the United States is a vital national security priority and that nuclear weapons require special consideration because of the political and military importance of the weapons. This provision also expresses that the Navy has repeatedly demonstrated its commitment to and prioritization of the nuclear deterrence mission of the Navy and has put an emphasis on ensuring its nuclear weapons are safe, secure, reliable, and credible both ashore and at sea.

The Senate amendment contained no similar provision.

The Senate recesses.

*Sense of Congress on the nuclear force improvement program of the Air Force (sec. 1660)*

The Senate amendment contained a provision (sec. 1647) that would express the sense of the Senate that the Air Force should regularly inform Congress on the progress being made under the nuclear force improvement program and its efforts to strengthen the nuclear enterprise and make Congress aware of any additional actions that should be taken to optimize performance of the nuclear mission of the Air Force and maximize the strength of the United States strategic deterrent.

The House bill contained no similar provision.

The House recedes with an amendment that would change the sense of the Senate to a sense of the Congress and make technical and clarifying changes.

*Senses of Congress on importance of cooperation and collaboration between United States and United Kingdom on nuclear issues and on 60th anniversary of strategic systems programs (sec. 1661)*

The House bill contained a provision (sec. 1655) that would express the sense of Congress that co-operation and collaboration under the 1958 Mutual Defense Agreement and the 1963 Polaris Sales Agreement are fundamental elements of the security of the United States and the United Kingdom, as well as international stability. Additionally, the recent renewal of these agreements are critical to sustaining and enhancing the capabilities and knowledge base of both countries regarding nuclear deterrence, nuclear nonproliferation and counterproliferation, and naval nuclear propulsion.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would add a sense of Congress commemorating the 60th anniversary of the Navy's Fleet Ballistic Missile Program.

*Sense of Congress on plan for implementation of nuclear enterprise reviews (sec. 1662)*

The House bill contained a provision (sec. 1658) that would express the sense of Congress that the Secretary of Defense should submit to Congress a plan on how the Secretary plans to implement the full recommendations of the two nuclear enterprise reviews.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

*Sense of Congress and report on milestone A decision on long-range standoff weapon (sec. 1663)*

The Senate amendment contained a provision (sec. 1644) that would require the Secretary of Defense to make a Milestone A decision on the Long-Range Standoff Weapon no later than May 31, 2016.

The House bill contained no similar provision.

The House recedes with an amendment that would transform the provision into a Sense of Congress with a reporting requirement.

*Sense of Congress on policy on the nuclear triad (sec. 1664)*

The Senate amendment contained a provision (sec. 1646) that would express the sense of Congress that retaining all three legs of the nuclear triad is the highest priority mission of the Department of Defense and will best maintain strategic stability at a reasonable cost, while hedging against potential technical problems and vulnerabilities. The provision states that it is the policy of the United States to sustain and modernize or replace the triad of strategic nuclear delivery systems and that it is the policy of the United States to operate, sustain, and modernize or replace a capability to forward-deploy nuclear weapons and dual capable fighter-bomber aircraft.

The House bill contained no similar provision.

The House recedes.

*Report relating to the costs associated with extending the life of the Minuteman III intercontinental ballistic missile (sec. 1665)*

The House bill contained a provision (sec. 1679) that would require the Secretary of the Air Force to submit to Congress a report examining the costs associated with extending the life of the Minuteman III intercontinental ballistic missile compared to the costs associated with procuring a new ground-based strategic deterrent.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment changing the submission of the report from "Congress" to "congressional defense committees."

## **SUBTITLE E—MISSILE DEFENSE PROGRAMS AND OTHER MATTERS**

*Prohibitions on providing certain missile defense information to Russian Federation (sec. 1671)*

The House bill contained a provision (sec. 1661) that would prohibit the use of funds authorized to be appropriated for the Department of Defense to provide the Russian Federation with "hit-to-kill" technology and telemetry data for missile defense interceptors or target vehicles and information relating to the velocity at burnout of missile defense interceptors or targets of the United States. This provision would also provide the President with a single use waiver to provide Russia with information regarding ballistic missile early warning in the event the Chairman of the Joint Chiefs of Staff, the Commander of U.S. Strategic Command, and the Commander of U.S. European Command jointly certify to the President and the congressional defense committees that the provision of such information is required because of a failure of the early warning system of Russia. The provision would allow the prohibitions to expire on January 1, 2031.

The Senate amendment contained a similar provision (sec. 1659) that would amend Section 1246(c)(2) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 127 Stat. 923), as amended by Section 1243(2)(A) of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291; 128 Stat. 3564) to extend the limitation on providing certain sensitive missile defense information to the Russian Federation through fiscal year 2017.

The Senate recedes with an amendment that removes the President's single use waiver, clarifies that the provision does not prohibit the United States from providing early warning data to the Russian Federation, and allows the provision to expire on January 1, 2017.

*Prohibition on integration of missile defense systems of Russian Federation into missile defense systems of United States (sec. 1672)*

The House bill contained a provision (sec. 1663) that would prohibit the use of any authorized funds by this Act for fiscal years 2016 through 2031 for the Department of Defense or for the contributions of the United States to the North Atlantic Treaty Organization (NATO) to integrate a missile defense system of the Russian Federation into any missile defense system of the United States or NATO.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would prohibit the use of funds authorized for fiscal years 2016 and 2017 for the Department of Defense to integrate a missile defense system of the Russian Federation into any missile defense system of the United States.

*Prohibition on integration of missile defense systems of China into missile defense systems of United States (sec. 1673)*

The House bill contained a provision (sec. 1662) that would prohibit any authorized funds by this Act for fiscal year 2016 to be obligated or expended for the integration of a missile defense system of the People's Republic of China into any missile defense system of the United States.

The Senate amendment contained no similar provision.

The Senate recedes.

*Limitations on availability of funds for Patriot lower tier air and missile defense capability of the Army (sec. 1674)*

The House bill contained a provision (sec. 1665) that would provide that none of the funds authorized to be appropriated for programs related to the Patriot lower tier air and missile defense capability that depend specifically on the results of the analysis of alternatives (AOA) regarding the Patriot lower tier air and missile defense capability of the Army, may be obligated or expended until the results of the AOA are submitted to the congressional defense committees.

This section would also provide that the Under Secretary of Defense for Acquisition, Technology, and Logistics could waive the application of the limitation in this section if the Under Secretary determines that it is necessary to prevent an unacceptable risk to mission performance of the Patriot system and notifies the congressional defense committees of the decision to use such waiver authority.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would reduce the limitation to 30 days after the submission of the AOA to the congressional defense committees.

The committees understand that the AOA will be completed by August 2015, prior to the beginning of fiscal year 2016. The committees do not intend to limit funding for programs or technology that could support Patriot modernization regardless of the options chosen based on the AOA. The committees believe a modernized Patriot capability is vital to a robust air and missile defense capability of the Army, and that such capability is further required for the protection of deployed U.S. Armed

Forces and allied forces. The committees are committed to the modernization of Patriot and, elsewhere in this Act, recommend full funding of the budget request for these activities.

*Integration and interoperability of air and missile defense capabilities of the United States (sec. 1675)*

The House bill contained a provision (sec. 1666) that would require the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Vice Chairman of the Joint Chiefs of Staff to ensure the interoperability and integration of certain U.S. air and missile defense systems. Additionally, it would require the Director of the Missile Defense Agency and the Secretary of the Army to conduct at least one intercept or flight test per year that demonstrates interoperability and integration among the covered air and missile defense capabilities, and would provide waiver authority.

The Senate amendment contained no similar provision. The Senate recedes with a clarifying amendment.

*Integration and interoperability of allied missile defense capabilities (sec. 1676)*

The House bill contained a provision (sec. 1667) that would require the Commander of U.S. European Command, the Commander of U.S. Central Command, and the Commander of U.S. Pacific Command to submit to the Secretary of Defense and the Joint Chiefs of Staff an assessment of the opportunities for integration and interoperability of air and missile defense capabilities of the United States with those capabilities of allies of the United States, including carrying out the planning, risk assessments, policy development and concept of operations development necessary to assure the integration and interoperability of U.S. and allied air and missile defense capabilities by December 31, 2017.

The Senate amendment contained no similar amendment.

The Senate recedes with an amendment that would include interoperability in the title and that would make it clear that such integration and interoperability should be ensured to the extent that specific integration arrangements are agreeable to the partner nation or among the partner nations involved in those arrangements.

*Missile defense capability in Europe (sec. 1677)*

The House bill contained a provision (sec. 1668) that would ensure the Aegis Ashore site to be deployed in the

Republic of Poland has anti-air warfare (AAW) capability upon the site achieving full operating capability. It would also require that the Aegis Ashore site in Romania be retrofitted with AAW capability no later than December 31, 2018. It would also require the Secretary to evaluate the feasibility, benefit, and cost of using the Evolved Sea Sparrow Missile or the Standard Missile-2 in providing the anti-air warfare capability. Additionally, it would require the Secretary of Defense to study no less than three sites in the U.S. European Command (EUCOM) area of responsibility for the deployment of the Terminal High Altitude Area Defense (THAAD) battery; ensure that the THAAD battery is available for rotational deployment to the EUCOM area of responsibility; and to examine sites to pre-position such THAAD battery if such pre-position is necessary for military requirements.

The Senate amendment contained a similar provision (sec. 1653) that would express the sense of the Congress that the Secretary of Defense, in consultation with the relevant combatant command, should ensure that arrangements are in place, including support from North Atlantic Treaty Organization (NATO) allies, to provide anti-air defense capability at all NATO missile defense sites in support of phases 2 and 3 of the European Phased Adaptive Approach. Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing the plan of the Secretary to provide anti-air defense capability at the sites and the contributions being made by NATO to support the provision of the anti-air defense capability.

The Senate recedes with an amendment that would state the sense of the Congress that the Secretary of Defense should ensure that arrangements are in place, including support from other members of NATO and the host nations, to provide air defense capabilities at the Aegis Ashore sites in Romania and Poland by not later than June 1, 2019. The conference agreement would require the Secretary of Defense, in coordination with the Secretary of State, to submit a request to NATO to support an air defense capability at the Aegis Ashore sites in Romania and Poland. The Secretary shall submit a notification to the appropriate congressional committees by not later than April 1, 2016, as to whether NATO has agreed in principle to provide such capability. Not later than 180 days after the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing the plan and budget profile to provide an air defense capability to the Aegis Ashore sites in Romania and Poland and an assessment of the air and ballistic missile threat to United States military installations in Europe, including the Naval Shore Facility in Devesulu,

Romania and the planned site in Redzikowo, Poland. The conferees also direct the Secretary of Defense to ensure, not later than 180 days after enactment, that a terminal high altitude area defense battery is available for rotational deployment to the area of responsibility of the United States European Command unless the Secretary notifies the congressional defense committees that such a battery is needed in another combatant command's area of responsibility. The Secretary of Defense shall also implement the direction contained in the classified annex of this Act bearing on this matter.

*Availability of funds for Iron Dome short-range rocket defense system (sec. 1678)*

The House bill contained a provision (sec. 1669) that would make available \$41.4 million for the Government of Israel to procure radars for the Iron Dome short-range rocket defense system, subject to the terms and conditions of the "Agreement Between the Department of Defense and the United States of America and the Ministry of Defense of the State of Israel Concerning Iron Dome Defense System Procurement" and an amended agreement for co-production of radar components.

The Senate amendment included a similar amendment (sec. 1654) that would authorize \$41.4 million for the Department of Defense to provide to the Government of Israel to procure the Iron Dome short-range rocket defense system, including for co-production of Iron Dome parts and components in the United States by United States industry. The provision would also provide that these funds shall be available subject to the terms and conditions in the "Agreement Between the Department of Defense and the Ministry of Defense of the State of Israel Concerning Iron Dome Defense System Procurement," signed on March 5, 2014, including any negotiated amendment to that agreement for co-production of Iron Dome radar components.

The Senate recedes with a technical amendment.

*Israeli cooperative missile defense program co-development and co-production (sec. 1679)*

The House bill contained a provision (sec. 1670) that would authorize \$165.0 million for procurement and co-production of the David's Sling Weapon System and the Arrow 3 Upper Tier missile defense system. This provision would further specify the terms and conditions that shall be achieved by the Director of the Missile Defense Agency and the Under Secretary of Defense for Acquisition, Technology, and Logistics prior to the disbursement of the authorized funds.

The Senate amendment contained a similar provision (sec. 1655) that would authorize \$165.0 million for the Missile Defense Agency to provide to the Government of Israel to procure the David's Sling Weapon System and the Arrow 3 Upper Tier Interceptor program, including for co-production of parts and components in the United States by United States industry. The funds may be disbursed after certain conditions, which include a certification by the Director of the Missile Defense Agency and the Under Secretary of Defense for Acquisition, Technology, and Logistics that in the case of co-production for the David's Sling Weapon System, not less than half of such co-production is carried out by United States industry.

The House recedes to the Senate with an amendment that would require the Under Secretary of Defense for Acquisition, Technology, and Logistics to certify that the Government of Israel has demonstrated the successful completion of key knowledge points; that such funds will be provided on the basis of a one-for-one cash match made by Israel or in another mutually agreed matching amount; that the United States has entered into a bilateral agreement with Israel; that there is complete transparency on the requirement of Israel for the number of interceptors and batteries to be procured; that technical milestones are established for co-production; that there is a joint approval process for third party sales; and that the level of co-production for the David's Sling Weapon System is equal to or greater than 50 percent for U.S. industry. The Under Secretary may waive the certification if the funds are provided to Israel solely for funding the procurement of long-lead components and that the long-lead procurement will be conducted in a manner that maximizes co-production in the United States without incurring additional non-recurring engineering activity or cost. The Director of the Missile Defense Agency would also be required to submit to the Congress, at the same time the President submits to Congress the budget request for fiscal year 2017, a plan to achieve a rate of co-production by United States industry of parts and components of the David's Sling Weapon System at a rate that is not less than 50 percent.

*Boost phase defense system (sec. 1680)*

The House bill contained a provision (sec. 1672) that would require the Secretary of Defense to prioritize technology investments to develop and field a boost phase missile defense system by fiscal year 2022 and ensure it can benefit multiple warfighter requirements. It would also require the Director of the Missile Defense Agency establish a senior level advisory group to recommend to the Director promising technologies that

the Director can evaluate for use as a boost phase missile defense layer and then provide a briefing to the congressional defense committees no later than May 1, 2016 on the recommendations of the advisory group.

The Senate amendment contained a similar provision (sec. 1658) that would prioritize technology investments in the Department of Defense to support efforts by the Missile Defense Agency (MDA) to develop and deploy a boost phase airborne laser weapon system by fiscal year 2025. The provision encourages collaboration and cooperation between MDA and other Department of Defense components, and directs the Secretary of Defense to provide the congressional defense committees with a report, within 120 days of enactment of this Act, of Department of Defense efforts to develop and deploy a boost phase airborne laser weapon system for missile defense.

The Senate recedes with an amendment that would prioritize feasible and cost-effective efforts, would eliminate the requirement for a senior level advisory group and require a report on the efforts of the Department of Defense to develop and deploy an airborne or other boost phase defense system by fiscal year 2025. The report should also include recommendations from industry on emerging technologies that could be applied for boost phase missile defense, and an evaluation by MDA of those recommendations. The conferees also encourage the Department of Defense to develop concept of operations for those boost phase missile defense systems for which it intends to develop prototypes to accompany its fiscal year 2017 budget request.

*Development and deployment of multiple-object kill vehicle for missile defense of the United States homeland (sec. 1681)*

The House bill contained a provision (sec. 1671) that would express the sense of Congress that the ballistic missile defense of the United States homeland is the highest priority of the Missile Defense Agency; that the Missile Defense Agency is appropriately prioritizing the design, development, and deployment of the redesigned kill vehicle; and, the multiple-object kill vehicle is critical to the future of the ballistic missile defense of the U.S. homeland. This section would require that the Director of the Missile Defense Agency develop a highly reliable multiple-object kill vehicle for the Ground-Based Midcourse Defense system, with rigorous flight testing to occur no later than 2020, and the deployment of such vehicle as soon as practicable thereafter. This section would also require that the management of the multiple-object kill vehicle program be undertaken by the Deputy Director of the Missile Defense Agency and would require the Director of the Missile Defense Agency to

provide the funding profile required for the multiple-object kill vehicle program to the congressional defense committees no later than 30 days after the date of the enactment of this Act.

The Senate bill contained a similar provision (sec. 1656) that would require the Director of the Missile Defense Agency to conduct flight testing of the multi-object kill vehicle by not later than 2020 and field such vehicle as soon as technically practicable. The provision would also direct that the management of the multi-object kill vehicle program shall report directly to the Deputy Director of the Missile Defense Agency.

The Senate recedes with an amendment that would require the deployment of the multi-object kill vehicle as early as practicable after rigorous flight testing is completed and would require the fiscal year 2017 budget submission to reflect the funding profile necessary to meet the objectives of the multiple object kill vehicle program.

*Requirement to replace capability enhancement I exoatmospheric kill vehicles (sec. 1682)*

The Senate amendment contained a provision (sec. 1657) that would require the Director of the Missile Defense Agency to ensure, to the maximum extent practicable, that all remaining ground-based interceptors of the Ground-Based Midcourse Defense system that are armed with the capability enhancement I exoatmospheric kill vehicle are replaced with the redesigned exoatmospheric kill vehicle before September 30, 2022.

The House bill contained no similar provision.

The House recedes.

*Designation of preferred location of additional missile defense site in the United States and plan for expediting deployment time of such site (sec. 1683)*

The House bill contained a provision (sec. 1678) that would require the Director of the Missile Defense Agency, in consultation with the Commander of the United States Northern Command, to designate the preferred location in the United States for the potential future deployment of a missile defense site not later than 30 days after the Secretary of Defense publishes the draft environmental impact statements (EIS) being conducted for the candidate sites.

The Senate amendment contained a provision (sec. 1651) that would require the Secretary of Defense to develop a plan for expediting the deployment time for a potential future continental United States interceptor site by at least 2 years, and submit to the congressional defense committees a report on

such plan not later than 30 days after the transmittal of the EIS required by the National Defense Authorization Act for Fiscal Year 2013. The provision would require the Comptroller General to assess the Department's report on the deployment plan and submit a report to the congressional defense committees with findings and recommendations.

The Senate recedes with an amendment that would require the Director of the Missile Defense Agency, in consultation with the Commander of United States Northern Command, to designate the preferred location in the United States for the potential future deployment of a missile defense site not later than 30 days after the Secretary of Defense publishes the draft EIS pursuant to the National Defense Authorization Act for Fiscal Year 2013. The determination of such site should be based on operational effectiveness and cost effectiveness in addition to the results of the EIS. The Secretary would be permitted to submit any updates to the designation that he finds appropriate after the final EIS is submitted. According to the Missile Defense Agency, the draft EIS is anticipated to be completed and published in the Federal Register by January 2016 and the EIS is anticipated to be finalized between April and July of 2016.

Not later than 30 days after the Secretary of Defense completes the final designation of the missile defense site, the Secretary of Defense shall develop and submit to the congressional defense committees a plan for expediting the deployment time for a potential future continental interceptor site by at least 2 years, in the case that the decision is made to proceed with such deployment. Not later than 90 days after the Secretary of Defense submits the plan to Congress, the Comptroller General of the United States is to provide its assessment of that plan. The Secretary of Defense may not obligate or expend such planning and design funds for military construction as are authorized in this Act until such date as the final EIS is published.

*Additional missile defense sensor coverage for the protection of United States homeland (sec. 1684)*

The House bill contained a provision (sec. 1673) that would require the sea-based X-band (SBX) radar to be relocated to a new homeport on the East Coast of the United States no later than December 31, 2020, and shall have an at-sea capability of not less than 120 days per year. Prior to relocating the sea-based X-band radar, the Director of the Missile Defense Agency (MDA) would be required to certify that the relocation would not impact the missile defense of Hawaii. Additionally, this provision would require the Director of MDA

to begin siting studies, environmental impact surveys, and any other appropriate studies and evaluations to base the sea-based X-band radar at a site on the East Coast.

The Senate bill contained a similar provision (sec. 1652) that would require the Director of MDA, in cooperation with the relevant combatant command, to deploy by not later than December 31, 2020, a long-range discrimination radar or other appropriate tracking and discrimination sensor capabilities in a location optimized to support the defense of the homeland of the United States against emerging long-range ballistic missile threats from Iran.

The Senate recedes with an amendment that would express the sense of the Congress that additional missile defense sensor discrimination capabilities are needed to enhance the protection of the United States homeland against potential long-range ballistic missiles from Iran. Accordingly, the Director of MDA shall, in cooperation with the relevant combatant command, deploy by not later than December 31, 2020, a long-range discrimination radar or other appropriate sensor capability in a location optimized to support the defense of the homeland of the United States from emerging long-range ballistic missile threats from Iran. The Director of MDA shall commence any siting studies and other required evaluations necessary to carry out the homeport reassignment of the SBX to the east coast. The Director of MDA shall commence a study to evaluate at least three possible additional locations, selected by the Director of MDA, that would be best suited for future deployment of an advanced missile defense sensor site at a location, whether in the United States or not, optimized against threats from Iran. In the event that the Department of Defense determines to move the SBX to the east coast, such a relocation may not be carried out until the date on which the Director of MDA certifies to the congressional defense committees that Hawaii will have adequate missile defense coverage prior to any reassignment of the homeport of the SBX. The Director of MDA shall include in the budget request for each fiscal year until December 31, 2020 an update on his progress in implementing this provision.

*Concept development of space-based missile defense layer (sec. 1685)*

The House bill contained a provision (sec. 1675) that would require the Director of the Missile Defense Agency (MDA), no later than 30 days after the date of the enactment of this Act, to commence a concept definition, design, research, development, and engineering evaluation of a space-based ballistic missile intercept and defeat layer to the ballistic

missile defense system, and submit a report to the congressional defense committees on the findings of such concept development no later than 1 year after the date of the enactment of this Act.

The Senate bill contained no similar provision, but included language in the report accompanying its bill, that would request a report from the Missile Defense Agency on the need for a space-based interceptor layer, assessment of the maturity of necessary technology, and an estimate of the effectiveness and cost of such a space-based missile defense layer.

The Senate recedes with an amendment that would require the Director of the Missile Defense Agency, in coordination with the Director of the Defense Advanced Research Project Agency and the Secretary of the Air Force, to commence the concept definition of a space-based ballistic missile intercept layer and report its findings to the defense committees not later than 1 year after the date of enactment of this Act. The conference agreement does not include the language in the original House provision that would direct MDA to begin design, engineering evaluations, or research and development on a space-based layer. Not later than March 31, 2016, the Director of the Missile Defense Agency shall provide to the congressional defense committees an interim briefing on the plan described in subsection (c) (2). In light of this conference agreement, the Missile Defense Agency does not have to submit to the congressional defense committees the report on a space-based missile defense interceptor as directed in the Senate Report 114-49 accompanying the Senate bill.

*Aegis ashore capability development (sec. 1686)*

The House bill contained a provision (sec. 1676) that would require the Director of the Missile Defense Agency, in coordination with the chief of Naval Operations and the Chief of Staff of the Army, to evaluate the role, feasibility, cost, and cost benefit of additional Aegis Ashore sites and upgrades to current ballistic missile defense system sensors to offset capacity demands on current Aegis ships, Aegis Ashore sites, and Patriot and Terminal High Altitude Area Defense capability and to meet the requirements of the combatant commanders. Such review would be further reviewed and evaluated by the Secretary of Defense and the Chairman of the Joint Chiefs of Staff. It would further require that the Under Secretary of Defense for Policy and the Secretary of State to jointly identify any obstacles to foreign military sales of Aegis Ashore or co-financing of additional Aegis Ashore sites.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that includes certain technical changes that would eliminate the requirement for the President to enter into negotiations on host nation agreements for Aegis Ashore sites. The conferees also add direction that the Secretary of Defense and Chairman of the Joint Chiefs include in their evaluation recommendations for potential future locations of Aegis Ashore sites.

*Development of requirements to support integrated air and missile defense capabilities (sec. 1687)*

The House bill contained a provision (sec. 1677) that would require the Chairman of the Joint Chiefs of Staff to provide the appropriate congressional committees a briefing on the military requirement for left-of-launch capability and any current capability gaps in meeting such requirement.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would direct the Vice Chairman of the Joint Chiefs of Staff to oversee the development of warfighter requirements for persistent and survivable capabilities to detect, identify, determine the status, track, and support engagement of strategically important mobile or relocatable assets. The requirements shall be used for the purpose of informing applicable acquisition programs (including those involving systems-of-systems required to integrate multiple inputs and outputs of related left-of-launch information) and architecture planning funded through the Military Intelligence Program, the National Intelligence Program, and non-intelligence programs. The Vice Chairman shall also oversee the development of the enabling framework for intelligence support to integrated air and missile defense and, as appropriate, the development of requirements for capabilities to be acquired to achieve integrated operation.

*Extension of requirement for Comptroller General of the United States review and assessment of missile defense acquisition programs (sec. 1688)*

The House bill contained a provision (sec. 1075) that would repeal or revise reporting requirements related to missile defense. These requirements include removing annual reports on the Missile Defense Executive Board, and removing a required report on the Ground-based Midcourse Defense system.

The Senate amendment contained a provision (sec. 1660) that would amend section 232 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81) and

would extend various reporting requirements by an additional 5 years to Comptroller General of the United States reviews and assessments of missile defense acquisition programs.

The House recedes with a clarifying amendment. We note that several annual reporting requirements directed toward the Missile Defense Agency have expired and urge the Department to update its report database accordingly.

*Plan for medium range ballistic missile defense sensor alternatives for enhanced defense of Hawaii (sec. 1689)*

The House bill contained a provision (sec. 1674) that would express the sense of Congress regarding ballistic missile defense sensor and sensor discrimination capability. This provision would further require the Director of the Missile Defense Agency to conduct an evaluation of potential options for fielding a medium range ballistic missile defense sensor for the defense of Hawaii. Such evaluation would have to be submitted to the congressional defense committees no later than 60 days after the date of the enactment of this Act.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would change the required plan to a required report on options for augmenting the missile defense of Hawaii.

*Milestone A decision for the Conventional Prompt Global Strike Weapons System (sec. 1690)*

The Senate amendment contained a provision (sec. 1673) that would require the Secretary of Defense to make a Milestone A decision for the conventional prompt global strike program no later than September 30, 2020, or 8 months after the successful completion of the Intermediate Range Flight 2 test.

The House bill contained no similar provision.

The House recedes with an amendment that would transform the provision into a sense of Congress with a reporting requirement. The conferees expect the Department to include in the required report whether there are any potential ambiguity problems created by conventional prompt global strike capability, including any involving the launch of a conventionally-armed ballistic missile from a submarine platform, that it is aware of as of the date of the Milestone A acquisition decision, and if so, to also include in the required report what specific measures he is recommending to address those problems. Additionally, such report should include whether there are any appropriate bilateral cooperative or

verification measures he recommends and the timeline for decision and implementation of such measures and their cost.

### **LEGISLATIVE PROVISIONS NOT ADOPTED**

*Clarification of annual briefing on the intelligence, surveillance, and reconnaissance requirements of the combatant commands*

The House bill contained a provision (sec. 1627) that would include the United States Special Operations Command in the annual briefing required under section 1626 of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291).

The Senate amendment contained no similar provision.  
The House recesses.

The conferees expect any U.S. Special Operations Command ISR requirements to be briefed to the defense committees within the existing combatant command briefing structure as defined under section 1626 of the National Defense Authorization Act for Fiscal Year 2015.

*Comprehensive plan of Department of Defense to support civil authorities in response to cyber attacks by foreign powers*

The Senate amendment contained a provision (sec. 1638) that would require the Secretary of Defense to develop a comprehensive plan for the United States Cyber Command to support civil authorities in responding to cyber attacks by foreign powers against the United States or a United States person.

The House bill contained no similar provision.  
The Senate recesses.

The conferees note that elsewhere in the conference agreement a comprehensive plan on Department of Defense support to civil authorities is required as part of a provision requiring the Secretary of Defense to conduct national-level cyber exercises.

*Limitation on availability of funds for long-range discriminating radar*

The House bill contained a provision (sec. 1664) that would prohibit any authorized funds by this Act for fiscal year 2016 for military construction of the Long-Range Discriminating Radar (LRDR) until the Director of Cost Assessment and Program Evaluation submits an assessment, no later than 60 days after

the enactment of this Act, to the congressional defense committees concerning the cost of the sensor architecture required, and that the Commander, U.S. Strategic Command and the Commander, U.S. Northern Command jointly certify the proposed site for the LRDR best supports missile defense and space situational awareness.

The Senate amendment contained no similar provision.

The House recedes. The conferees direct the Commander of U.S. Northern Command, jointly with the Commander of U.S. Air Force Space Command, the Director, Missile Defense Agency, and the Director of National Intelligence, to provide a briefing to the congressional defense committees not later than April 1, 2016 concerning the plan for the Cobra Dane radar capability at Shemya, Alaska, including the military requirements it currently serves and whether those requirements will continue to require a material capability solution, including those requirements not related to missile defense; and any sustainment and modernization decision timelines and costs.

*Sense of Congress on maintaining and enhancing military intelligence support to force protection for installations, facilities, and personnel of the Department of Defense*

The Senate bill contained a provision (sec. 1674) that would provide a sense of Congress on the importance of military intelligence for force protection.

The House-reported bill contained no similar provision.

The Senate recedes.

## **DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS**

*Summary and explanation of funding tables*

Division B of this Act would authorize funding for military construction projects of the Department of Defense (DOD). It includes funding authorizations for the construction and operation of military family housing as well as military construction for the reserve components, the defense agencies, and the North Atlantic Treaty Organization (NATO) Security Investment Program. It would also provide authorization for the base closure accounts that fund military construction, environmental cleanup, and other activities required to implement the decisions in base closure rounds.

*Short title (sec. 2001)*

The House bill contained a provision (sec. 2001) that would designate division B of this Act as the Military Construction Authorization Act for Fiscal Year 2016.

The Senate amendment contained an identical provision (sec. 2001).

The conference agreement includes this provision.

*Expiration of authorizations and amounts required to be specified by law (sec. 2002)*

The House bill contained a provision (sec. 2002) that would ensure that the authorizations provided in titles XXI through XXVII and title XXIX of this Act shall expire on October 1, 2018, or the date of enactment of an act authorizing funds for military construction for fiscal year 2019, whichever is later.

The Senate amendment contained a similar provision (sec. 2002).

The House recesses.

*Effective date (sec. 2003)*

The House bill contained a provision (sec. 2003) that would provide that titles XXI, XXII, XXIII, XXIV, XXV, XXVI, XXVII, and XXIX of this Act shall take effect on October 1, 2015, or the date of enactment of this Act, whichever is later.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would not include title XXIX for Overseas Contingency Operations funding.

## **TITLE XXI—ARMY MILITARY CONSTRUCTION**

*Summary*

The budget request included authorization of appropriations of \$743.3 million for military construction and \$493.2 million for family housing for the Army for fiscal year 2016.

The conference agreement includes authorization of appropriations of \$727.7 million for military construction and \$493.2 million for family housing for the Army for fiscal year 2016.

Both the House bill and the Senate amendment cut \$43.0 million operations center in San Antonio and the \$37.0 million

instruction building at Joint Base Meyer-Henderson Hall from the President's budget request. Therefore, funding was not included for these projects.

The conference agreement includes funding for two access control point projects at Fort Meade and \$30.0 million for an Arlington National Cemetery Defense Access Road project in accordance with the unfunded priorities of the Army.

### **LEGISLATIVE PROVISIONS ADOPTED**

#### *Authorized Army construction and land acquisition projects (sec. 2101)*

The House bill contained a provision (sec. 2101) that would contain the list of authorized Army construction projects for fiscal year 2016. The authorized amounts are listed on an installation-by-installation basis. The state list contained in this Act is intended to be the binding list of the specific projects authorized at each location.

The Senate amendment contained a similar provision (sec. 2101).

The House recedes with a technical amendment.

#### *Family housing (sec. 2102)*

The House bill contained a provision (sec. 2102) that would authorize new construction and planning and design of family housing units for the Army for fiscal year 2016.

The Senate amendment contained an identical provision (sec. 2102).

The conference agreement includes the provision.

#### *Improvements to military family housing units (sec. 2103)*

The House bill contained a provision (sec. 2103) that would authorize the Secretary of the Army to make improvements to existing units of family housing for fiscal year 2016.

The Senate amendment contained an identical provision (sec. 2103).

The conference agreement includes the provision.

#### *Authorization of appropriations, Army (sec. 2104)*

The House bill contained a provision (sec. 2104) that would authorize appropriations for Army military construction at the levels identified in section 4601 of division D of this Act.

The Senate amendment contained a similar provision (sec. 2104).

The Senate recesses.

The conferees note that the amounts associated with the following projects remain available under the original project authorization:

(1) \$226.4 million (the balance of the amount authorized under section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113-291) for a Command and Control Facility at Fort Shafter, Hawaii);

(2) \$6.0 million (the balance of the amount authorized under section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112-239; 126 Stat. 2119) for cadet barracks at the United States Military Academy, New York); and

(3) \$78.0 million (the balance of the amount authorized under section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112-239; 126 Stat. 2119), as amended by section 2105(d) of this Act, for a Secure Administration/Operations Facility at Fort Belvoir, Virginia).

*Modification of authority to carry out certain fiscal year 2013 project (sec. 2105)*

The House bill contained a provision (sec. 2105) that would modify the authority provided by section 2101 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112-239) and authorize the Secretary of the Army to make certain modifications to the scope of a previously authorized construction project.

The Senate amendment contained an identical provision (sec. 2105).

The conference agreement includes the provision.

*Extension of authorizations of certain fiscal year 2012 projects (sec. 2106)*

The House bill contained a provision (sec. 2106) that would extend the authorization of a certain projects originally authorized in section 2101 of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112-81) until October 1, 2016, or the date of the enactment of an act authorizing funds for military construction for fiscal year 2017, whichever is later.

The Senate amendment contained a similar provision (sec. 2106).

The Senate recesses.

*Extension of authorizations of certain fiscal year 2013 projects (sec. 2107)*

The House bill contained a provision (sec. 2107) that would extend the authorization of certain projects originally authorized by section 2101 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112-239) until October 1, 2016, or the date of the enactment of an act authorizing funds for military construction for fiscal year 2017, whichever is later.

The Senate amendment contained a similar provision (sec. 2107).

The House recesses.

*Additional authority to carry out certain fiscal year 2016 projects (sec. 2108)*

The House bill contained a provision (sec. 2108) that would authorize a military construction project in the amount of \$6.0 million to construct a multi-sport athletic field and track and perimeter road and fencing and acquire approximately 5 acres of land adjacent to the existing Sterrebeek Dependent School site in Brussels, Belgium, to allow relocation of Army functions to the site in support of the European Infrastructure Consolidation effort. In addition, this section would authorize a payment-in-kind project in the amount of \$12.4 million to construct a vehicle bridge and traffic circle to facilitate traffic flow to and from the Medical Center at Rhine Ordnance Barracks, Germany.

The Senate amendment contained a provision that would authorize the payment-in-kind project but not the project related to the Sterrebeek Dependent School (sec. 2108).

The House recesses.

The conferees have included another provision elsewhere in the bill to amend a prior year authorization for the Sterrebeek Dependent School to allow the additional land purchase and improvements.

**LEGISLATIVE PROVISIONS NOT ADOPTED**

*Limitation on construction of new facilities at Guantanamo Bay, Cuba*

The Senate amendment contained a provision (sec. 2109) that would limit funding authorized by the bill for new facilities at Guantanamo Bay, Cuba, until the Secretary of Defense certifies to the congressional defense committees that any new construction of facilities at Guantanamo Bay, Cuba, have enduring military value independent of a high-value detention mission.

The House bill contained no similar provision.

The Senate recesses.

## **TITLE XXII—NAVY MILITARY CONSTRUCTION**

### *Summary*

The budget request included authorization of appropriations of \$1.6 billion for military construction and \$369.6 million for family housing for the Navy for fiscal year 2016.

The conference agreement includes authorization of appropriations of \$1.6 billion for military construction and \$369.6 million for family housing for the Navy for fiscal year 2016.

The conferees are concerned with the Navy's proposal to construct civilian infrastructure not directly related to military activities at Townsend Range, Georgia. Therefore, the conference agreement does not include \$5.0 million for the two civilian fire stations included within the project request for the Townsend Range expansion.

The conference agreement includes funding for two projects from the Marine Corps unfunded requirements list - \$11.2 million for the KC-130J Enlisted Air Crew Trainer at Miramar, California, and \$23.3 million for Air Field Security Improvements at Cherry Point Marine Corps Air Station, North Carolina.

### **LEGISLATIVE PROVISIONS ADOPTED**

*Authorized Navy construction and land acquisition projects (sec. 2201)*

The House bill contained a provision (sec. 2201) that would contain the list of authorized Navy construction projects for fiscal year 2016. The authorized amounts are listed on an installation-by-installation basis. The state list contained in this Act is intended to be the binding list of the specific projects authorized at each location.

The Senate amendment contained a similar provision (sec. 2201).

The Senate recedes with a technical amendment.

*Family housing (sec. 2202)*

The House bill contained a provision (sec. 2202) that would authorize new construction and planning and design of family housing units for the Department of the Navy for fiscal year 2016.

The Senate amendment contained an identical provision (sec. 2202).

The conference agreement includes this provision.

*Improvements to military family housing units (sec. 2203)*

The House bill contained a provision (sec. 2203) that would authorize the Secretary of the Navy to make improvements to existing units of family housing for fiscal year 2016.

The Senate amendment contained an identical provision (sec. 2203).

The conference agreement includes this provision.

*Authorization of appropriations, Navy (sec. 2204)*

The House bill contained a provision (sec. 2204) that would authorize appropriations for Navy military construction at the levels identified in section 4601 of division D of this Act.

The Senate amendment contained a similar provision (sec. 2204).

The Senate recedes.

The conferees note that the amounts associated with the following projects remain available under the original project authorization:

(1) \$274,099,000 (the balance of the amount authorized under section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112-81; 125 Stat. 1666) for an explosive handling wharf at Kitsap, Washington); and

(2) \$68,196,000 (the balance of the amount authorized under section 2201(b) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111-84; 123 Stat. 2633) for ramp parking at Joint Region Marianas, Guam).

*Extension of authorizations of certain fiscal year 2012 projects (sec. 2205)*

The House bill contained a provision (sec. 2205) that would extend the authorizations listed, and originally included in section 2201 of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 11281), until October 1, 2016, or the date of the enactment of an act authorizing funds for military construction for fiscal year 2017, whichever is later.

The Senate amendment contained an identical provision (sec. 2205).

The conference agreement includes this provision.

*Extension of authorizations of certain fiscal year 2013 projects (sec. 2206)*

The House bill contained a provision (sec. 2206) that would extend the authorizations listed until October 1, 2016, or the date of the enactment of an act authorizing funds for military construction for fiscal year 2017, whichever is later.

The Senate amendment contained an identical provision (sec. 2206).

The conference agreement includes this provision.

#### **LEGISLATIVE PROVISIONS NOT ADOPTED**

*Townsend Bombing Range expansion, Phase 2*

The House bill contained a provision (sec. 2207) that would provide special conveyance authority to the Secretary of the Navy for two fire and emergency response stations as part of the land acquisition agreement to support emergency services for Townsend Bombing Range Expansion, Phase 2, Marine Corps Air Station Beaufort, Townsend, Georgia.

The Senate amendment contained no similar provision.

The House recedes.

### **TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION**

*Summary*

The budget request included authorization of appropriations of \$1.4 billion for military construction and \$491.7 million for family housing for the Air Force in fiscal year 2016.

The conference agreement includes authorization of appropriations of \$1.4 billion for military construction and

\$491.7 million for family housing for the Air Force in fiscal year 2016.

The conference agreement includes \$21.0 million for a Communications Facility at Luke Air Force Base, Arizona, in accordance with the unfunded priorities of the Air Force.

### **LEGISLATIVE PROVISIONS ADOPTED**

#### *Authorized Air Force construction and land acquisition projects (sec. 2301)*

The House bill contained a provision (sec. 2301) that would contain the list of authorized Air Force construction projects for fiscal year 2016. The authorized amounts are listed on an installation-by-installation basis. The state list contained in this Act is intended to be the binding list of the specific projects authorized at each location.

The Senate amendment contained a similar provision (sec. 2301).

The Senate recedes with a technical amendment.

#### *Family housing (sec. 2302)*

The House bill contained a provision (sec. 2302) that would authorize new construction and planning and design of family housing units for the Air Force for fiscal year 2016.

The Senate amendment contained an identical provision (sec. 2302).

The conference agreement includes this provision.

#### *Improvements to military family housing units (sec. 2303)*

The House bill contained a provision (sec. 2303) that would authorize the Secretary of the Air Force to make improvements to existing units of family housing for fiscal year 2016.

The Senate amendment contained an identical provision (sec. 2303).

The conference agreement includes this provision.

#### *Authorization of appropriations, Air Force (sec. 2304)*

The House bill contained a provision (sec. 2304) that would authorize appropriations for Air Force military construction at the levels identified in section 4601 of division D of this Act.

The Senate amendment contained a similar provision (sec. 2304).

The House recesses.

*Modification of authority to carry out certain fiscal year 2010 project (sec. 2305)*

The House bill contained a provision (sec. 2305) that would modify the authority provided by section 2301 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111-84) and authorize the Secretary of the Air Force to make certain modifications to the scope of a previously authorized construction project.

The Senate amendment contained an identical provision (sec. 2305).

The conference agreement includes this provision.

*Modification of authority to carry out certain fiscal year 2014 project (sec. 2306)*

The House bill contained a provision (sec. 2306) that would modify the authority provided by section 2301 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113-66) and authorize the Secretary of the Air Force to make certain modifications to the scope of a previously authorized construction project. This section would also require a notification and 14-day wait period, or 7-day wait period if submitted via electronic medium, to the Committees on Armed Services of the Senate and the House of Representatives on the selected project location before commencing construction.

The Senate amendment contained a similar provision (sec. 2306).

The Senate recesses with an amendment that would include a congressional notification requirement.

*Modification of authority to carry out certain fiscal year 2015 project (sec. 2307)*

The House bill contained a provision (sec. 2307) that would modify the authority provided by section 2301 of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113-291) to authorize the Secretary of the Air Force to make certain modifications to the scope of a previously authorized construction project.

The Senate amendment contained an identical provision (sec. 2307).

The conference agreement includes this provision.

*Extension of authorization of certain fiscal year 2012 project  
(sec. 2308)*

The House bill contained a provision (sec. 2308) that would extend the authorization listed, originally provided by section 2301 of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112-81), until October 1, 2016, or the date of the enactment of an act authorizing funds for military construction for fiscal year 2017, whichever is later.

The Senate amendment contained a similar provision (sec. 2308).

The conference agreement includes the House provision.

*Extension of authorization of certain fiscal year 2013 project  
(sec. 2309)*

The House bill contained a provision (sec. 2309) that would extend the authorization listed, originally provided by section 2301 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112-239), until October 1, 2016, or the date of the enactment of an act authorizing funds for military construction for fiscal year 2017, whichever is later.

The Senate amendment contained an identical provision (sec. 2309).

The conference agreement includes this provision.

*Certification of optimal location for Joint Intelligence  
Analysis Complex and plan for rotation of forces at Lajes Field,  
Azores (sec. 2310)*

The House bill contained a provision (sec. 2310) that would restrict funding for the construction of the Joint Intelligence Analysis Complex Consolidation, Phase 2, at Royal Air Force Croughton, United Kingdom, until the Secretary of the Air Force, in coordination with the Director of the Defense Intelligence Agency, submits a report to the congressional defense committees and would also limit actions to realign forces at Lajes Air Force Base, Azores, until the Secretary of Defense made certain determinations.

The Senate amendment contained no similar provisions.

The Senate recesses with an amendment that would require the Secretary of Defense to certify to the congressional defense committees that the Secretary has determined that Royal Air

Force Croughton, United Kingdom, remains the optimal location for recapitalization of the Joint Intelligence Analysis Complex before amounts may be expended for the construction of the Joint Intelligence Analysis Complex Consolidation, Phase 2, at Royal Air Force Croughton, United Kingdom, as authorized by section 2301(b). The Secretary of Defense would also be required to submit to the congressional defense committees a determination of the operational viability of Lajes Field, Azores, for certain uses. If the Secretary of Defense determines that Lajes Field is a viable option for certain uses, the Secretary would be required to submit to the congressional defense committees a plan for such uses.

## **TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION**

### *Summary*

The budget request included authorization of appropriations of \$2.3 billion for military construction for the defense agencies and \$58.7 million for family housing for the defense agencies for fiscal year 2016.

The conference agreement includes authorization of appropriations of \$2.3 billion for military construction for the defense agencies and \$58.7 million for family housing for the defense agencies for fiscal year 2016.

The budget request included \$239.9 million for the Hospital Replacement, Increment 7 at Fort Bliss, Texas. The conferees support the authorization for appropriations in an amount equivalent to the ability of the military department to execute in the year of the authorization for appropriations. For this project, the conferees believe that the Department of Defense has exceeded its ability to fully expend the funding requested for fiscal year 2016. As such, the conference agreement recommends \$189.9 million, a reduction of \$50.0 million, for this project.

The budget request included \$47.2 million for the SOF Logistics Support Unit One Ops Fac. #2 at Naval Base Coronado, California. The conferees note that the utilities needed to support this facility are not available and are not programmed until fiscal year 2017. Without these utilities, the conferees note that the facility would not be complete and useable. While the conferees support the requirement for this project, and the conference agreement includes \$47.2 million for this project, the conferees expect the Department of Defense to sequence the construction of this project in a manner that ensures the

required supporting utilities are available at the time the construction is complete.

The budget request included \$10.0 million for contingency construction at various world-wide locations. The conferees note that the Department of Defense has not requested a military construction project using funds from this account since 2008. As such, the conference agreement recommends no funds, a reduction of \$10.0 million, for this program.

In addition, the conferees recommend an increase of funding for a military construction project not included in the budget request, \$30.0 million for the Missile Defense Agency Military Construction Planning and Design activities for an East Coast site for homeland missile defense.

### **LEGISLATIVE PROVISIONS ADOPTED**

#### *Authorized defense agencies construction and land acquisition projects (sec. 2401)*

The House bill contained a provision (sec. 2401) that would contain the list of authorized defense agencies' construction projects for fiscal year 2016. The authorized amounts are listed on an installation-by-installation basis. The state list contained in this Act is intended to be the binding list of the specific projects authorized at each location.

The Senate amendment contained a similar provision (sec. 2401).

The House recedes with a technical amendment.

#### *Authorized energy conservation projects (sec. 2402)*

The House bill contained a provision (sec. 2402) that would authorize the Secretary of Defense to carry out energy conservation projects valued at a cost greater than \$3.0 million at the amounts authorized for each project at a specific location. This section would also authorize the sum total of projects across various locations, each project of which is less than \$3.0 million. This section would also preclude the ability to set-aside operation and maintenance facilities restoration and modernization funds for the exclusive purpose of funding energy projects. It would require installation energy projects to compete in the normal process of determining installation requirements.

The Senate amendment contained a similar provision (sec. 2402).

The House recedes with a technical amendment.

*Authorization of appropriations, defense agencies (sec. 2403)*

The House bill contained a provision (sec. 2403) that would authorize appropriations for defense agencies' military construction at the levels identified in section 4601 of division D of this Act.

The Senate amendment contained a similar provision (sec. 2403).

The House recedes with a technical amendment.

The conferees note that the amounts associated with the following projects remain available under the original project authorization:

(1) \$20,800,000 (the balance of the amount authorized under section 2401(b) of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112-239; 126 Stat. 2129) for the Aegis Ashore Missile Defense System Complex at Deveselu, Romania);

(2) \$141,039,000 (the balance of the amount authorized under section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112-81; 125 Stat. 1672), as amended by section 2404(a) of the Military Construction Authorization Act for Fiscal Year 2013 (division B Public Law 112-239; 126 Stat. 2131), for a data center at Fort Meade, Maryland);

(3) \$50,500,000 (the balance of the amount authorized under section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112-81; 125 Stat. 1672) for an Ambulatory Care Center at Joint Base Andrews, Maryland);

(4) \$54,300,000 (the balance of the amount authorized under section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112-81; 125 Stat. 1672) for an Ambulatory Care Center at Joint Base San Antonio, Texas); and

(5) \$123,827,000 (the balance of the amount authorized as a Military Construction, Defense-Wide project by title X of the Supplemental Appropriations Act, 2009 (Public Law 111-32; 123 Stat. 1888) for a data center at Camp Williams, Utah).

The conferees also note that overlapping statutory authorities between title 10, United States Code, and title 50, United States Code, have resulted in challenges and delays in executing a recent emergency military construction project. Specifically, the overlap found in section 2803 of title 10, United States Code, and section 3304 of title 50, United States Code, resulted in a significant delay in a request for emergency funds. Therefore, the conferees direct the Secretary of Defense,

in consultation with the Director of National Intelligence, to provide a briefing to the congressional defense committees and the congressional intelligence committees not later than March 1, 2016, on the statutory authorities for infrastructure investments that support both the Department of Defense and the Intelligence Community. The briefing should include a comparison of authorities found in both titles for infrastructure investments, a discussion of any discrepancies between the authorities, the impact that identified discrepancies may have on the timely execution of an infrastructure investment, and, if necessary, recommendations for legislation to clarify or streamline the statutory authorities to ensure the timely and effective execution of an infrastructure investment.

Furthermore, the conferees expect supporting classified material for any ongoing or future classified projects to be delivered to the congressional defense committees in a more timely fashion, to ensure proper oversight and consideration is given to these projects.

*Modification of authority to carry out certain fiscal year 2012 project (sec. 2404)*

The House bill contained a provision (sec. 2404) that would modify the authority provided by section 2401 of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112-81), as amended, to authorize the Secretary of Defense to make certain modifications to the scope of a previously authorized construction project.

The Senate amendment contained a similar provision (sec. 2404).

The House recedes.

*Extension of authorizations of certain fiscal year 2012 projects (sec. 2405)*

The House bill contained a provision (sec. 2405) that would extend the authorizations listed, originally authorized by section 2401 of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112-81), until October 1, 2016, or the date of the enactment of an act authorizing funds for military construction for fiscal year 2017, whichever is later.

The Senate amendment contained an identical provision (sec. 2405).

The conference agreement includes this provision.

*Extension of authorizations of certain fiscal year 2013 projects (sec. 2406)*

The House bill contained a provision (sec. 2406) that would extend the authorizations listed, originally authorized by section 2401 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112-239), until October 1, 2016, or the date of the enactment of an act authorizing funds for military construction for fiscal year 2017, whichever is later.

The Senate amendment contained a similar provision (sec. 2406).

The House recesses.

*Modification and extension of authority to carry out fiscal year 2014 project (sec. 2407)*

The House bill contained a provision (sec. 2407) that would modify the authority provided by section 2401 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113-66), to authorize the Secretary of Defense to make certain modifications to the scope of a previously authorized construction project. This provision would also extend the authorization authority of the project through October 1, 2018, or the date of enactment of an Act authorizing funds for military construction for fiscal year 2019.

The Senate amendment contained a similar provision (sec. 2407).

The House recesses.

*Modification of authority carry out certain fiscal year 2015 projects (sec. 2408)*

The House bill contained a provision (sec. 2108) that would authorize a military construction project in the amount of \$6.0 million to construct a multi-sport athletic field and track and perimeter road and fencing and acquire approximately 5 acres of land adjacent to the existing Sterrebeek Dependent School site in Brussels, Belgium, to allow relocation of Army functions to the site in support of the European Infrastructure Consolidation effort. In addition, this section would authorize a payment-in-kind project in the amount of \$12.4 million to construct a vehicle bridge and traffic circle to facilitate traffic flow to and from the Medical Center at Rhine Ordnance Barracks, Germany.

The Senate amendment contained a provision that would authorize the payment-in-kind project but not the project related to the Sterrebeek Dependent School (sec. 2108).

The conference agreement includes a new provision, which would amend the authorization contained in section 2401 of the Military Construction Authorization Act for Fiscal Year 2015 (division B of P.L. 113-291) for the Sterrebeek Dependent School to allow the additional land purchase and improvements.

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

### *Summary*

The Department of Defense requested authorization of appropriations of \$120.0 million for military construction in fiscal year 2016 for the North Atlantic Treaty Organization (NATO) Security Investment Program. The conference agreement includes this amount.

### **LEGISLATIVE PROVISIONS ADOPTED**

#### *Authorized NATO construction and land acquisition projects (sec. 2501)*

The House bill contained a provision (sec. 2501) that would authorize the Secretary of Defense to make contributions to the North Atlantic Treaty Organization Security Investment Program in an amount equal to the sum of the amount specifically authorized in section 2502 of this Act and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

The Senate amendment contained an identical provision (sec. 2501).

The conference agreement includes this provision.

#### *Authorization of appropriations, NATO (sec. 2502)*

The House bill contained a provision (sec. 2502) that would authorize appropriations for the North Atlantic Treaty Organization Security Investment Program at the levels identified in section 4601 of division D of this Act.

The Senate amendment contained an identical provision (sec. 2502).

The conference agreement includes this provision.

## TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

### *Summary*

The Department of Defense requested authorization of appropriations of \$517.3 million for military construction in fiscal year 2016 for facilities for the National Guard and reserve components.

The conference agreement includes authorization of appropriations of \$619.3 million for military construction in fiscal year 2016 for facilities for the National Guard and reserve components.

The conference agreement includes three Army National Guard projects from the unfunded priority list - a \$4.5 million vehicle maintenance shop at Camp Foley, Alabama, a \$6.8 million tactical aerial unmanned systems facility at Fort Stewart, Georgia, and a \$40.0 million aviation classification and repair facility at Gulfport, Mississippi.

The conference agreement includes two Army Reserve projects from the unfunded priority list - a \$10.2 million access control point at Fort Buchanan, Puerto Rico, and a \$24.0 million equipment concentration facility at Fort A.P. Hill, Virginia.

The conference agreement includes one Air National Guard project from the unfunded priority list - a \$6.1 million Space Control Facility at Cape Canaveral Air Force Station, Florida.

The Conference agreement includes one Air Force Reserve project from the unfunded priority list - a \$10.4 million Fire Station/Security Complex at Dobbins Air Reserve Base, Georgia.

## SUBTITLE A—PROJECT AUTHORIZATIONS AND AUTHORIZATIONS OF APPROPRIATIONS

### *Authorized Army National Guard construction and land acquisition projects (sec. 2601)*

The House bill contained a provision (sec. 2601) that would contain the list of authorized Army National Guard construction projects for fiscal year 2016. The authorized amounts are listed on an installation-by-installation basis. The state list contained in this Act is intended to be the binding list of the specific projects authorized at each location.

The Senate amendment contained a similar provision (sec. 2601).

The House recesses.

*Authorized Army Reserve construction and land acquisition projects (sec. 2602)*

The House bill contained a provision (sec. 2602) that would contain the list of authorized Army Reserve construction projects for fiscal year 2016. The authorized amounts are listed on an installation-by-installation basis. The state list contained in this Act is intended to be the binding list of the specific projects authorized at each location.

The Senate amendment contained a similar provision (sec. 2602).

The House recesses with a technical amendment.

*Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects (sec. 2603)*

The House bill contained a provision (sec. 2603) that would contain the list of authorized Navy Reserve and Marine Corps Reserve construction projects for fiscal year 2016. The authorized amounts are listed on an installation-by-installation basis. The state list contained in this Act is intended to be the binding list of the specific projects authorized at each location.

The Senate amendment contained a similar provision (sec. 2603).

The Senate recesses.

*Authorized Air National Guard construction and land acquisition projects (sec. 2604)*

The House bill contained a provision (sec. 2604) that would contain the list of authorized Air National Guard construction projects for fiscal year 2016. The authorized amounts are listed on an installation-by-installation basis. The state list contained in this Act is intended to be the binding list of the specific projects authorized at each location.

The Senate amendment contained a similar provision (sec. 2604).

The Senate recesses with a technical amendment.

*Authorized Air Force Reserve construction and land acquisition projects (sec. 2605)*

The House bill contained a provision (sec. 2605) that would contain the list of authorized Air Force Reserve

construction projects for fiscal year 2016. The authorized amounts are listed on an installation-by-installation basis. The state list contained in this Act is intended to be the binding list of the specific projects authorized at each location.

The Senate amendment contained a similar provision (sec. 2605).

The House recesses.

#### *Authorization of appropriations, National Guard and Reserve (sec. 2606)*

The House bill contained a provision (sec. 2606) that would authorize appropriations for the National Guard and Reserve military construction at the levels identified in section 4601 of division D of this Act.

The Senate amendment contained a similar provision (sec. 2606).

The House recesses.

### **SUBTITLE B—OTHER MATTERS**

#### *Modification and extension of authority to carry out certain fiscal year 2013 project (sec. 2611)*

The House bill contained a provision (sec. 2611) that would modify the authority provided by section 2602 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112-239) to authorize the Secretary of the Army to make certain modifications to the scope of a previously authorized construction project. This section would also extend the authorization listed until October 1, 2016, or the date of the enactment of an act authorizing funds for military construction for fiscal year 2017, whichever is later.

The Senate amendment contained an identical provision (sec. 2611).

The conference agreement includes this provision.

#### *Modification of authority to carry out certain fiscal year 2015 projects (sec. 2612)*

The Senate amendment contained a provision (sec. 2612) that would modify the authorizations contained in section 2604 and 2605 of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113-291), for construction of a Guardian Angel Operations facility at Davis-Monthan Air Force Base, Arizona, and construction of a

consolidated Secure Compartmented Information Facility at Fort Smith Municipal Airport, Arkansas to provide for increased costs associated with these projects.

The House bill contained no similar provision.

The House recesses.

*Extension of authorizations of certain fiscal year 2012 projects (sec. 2613)*

The House bill contained a provision (sec. 2612) that would extend the authorizations listed, originally provided by section 2602 the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112-81) until October 1, 2016, or the date of the enactment of an act authorizing funds for military construction for fiscal year 2017, whichever is later.

The Senate amendment contained a similar provision (sec. 2613).

The Senate recesses.

*Extension of authorizations of certain fiscal year 2013 projects (sec. 2614)*

The House bill contained a provision (sec. 2613) that would extend the authorizations listed, originally provided by sections 2601, 2602, and 2603 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112-239) until October 1, 2016, or the date of the enactment of an act authorizing funds for military construction for fiscal year 2017, whichever is later.

The Senate amendment contained a similar provision (sec. 2614).

The Senate recesses.

## **TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES**

### *Summary*

The budget request included \$251.3 million for the ongoing cost of environmental remediation and other activities necessary to continue implementation of the 1988, 1991, 1993, 1995, and 2005 Base Realignment and Closure rounds.

The conference agreement includes this amount.

### **LEGISLATIVE PROVISIONS ADOPTED**

*Authorization of appropriations for Base Realignment and Closure activities funded through Department of Defense Base Closure Account (sec. 2701)*

The House bill contained a provision (sec. 2701) that would authorize appropriations for ongoing activities that are required to implement the Base Realignment and Closure activities authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510), at the levels identified in section 4601 of division D of this Act.

The Senate amendment contained an identical provision (sec. 2701).

The conference agreement includes this provision.

*Prohibition on conducting additional Base Realignment and Closure (BRAC) round (sec. 2702)*

The House bill contained a provision (sec. 2702) that would state that nothing in this Act shall be construed to authorize an additional Base Realignment and Closure (BRAC) round, affirming congressional intent to reject the budget request to authorize another BRAC round in 2017.

The Senate amendment contained a similar provision (sec. 2702).

The Senate recesses.

## **TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS**

### **SUBTITLE A—MILITARY CONSTRUCTION PROGRAM AND MILITARY FAMILY HOUSING CHANGES**

*Revision of congressional notification thresholds for Reserve facility expenditures and contributions to reflect congressional notification thresholds for minor construction and repair projects (sec. 2801)*

The House bill contained a provision (sec. 2801) that would align reserve component minor construction and repair thresholds with the threshold specified in chapter 169 of title 10, United States Code.

The Senate amendment contained a similar provision (sec. 2814).

The Senate recesses.

*Extension of temporary, limited authority to use operation and maintenance funds for construction projects in certain areas outside the United States (sec. 2802)*

The Senate amendment contained a provision (sec. 2803) that would reauthorize contingency construction authority in certain areas outside the United States for an additional year.

The House bill contained no similar provision.

The House recesses.

*Defense laboratory modernization pilot program (sec. 2803)*

The House bill contained a provision (sec. 2803) that would authorize the Secretary of Defense to carry out a pilot program, using amounts authorized to be appropriated to the Department of Defense for Research, Development, Test, and Evaluation, such military construction projects for any Department of Defense Science and Technology Reinvention Laboratory or Department of Defense federally funded research and development center as are authorized in the Military Construction Authorization Act. This section would also limit the maximum amount that may be obligated in any fiscal year under this authority at \$150.0 million and would expire on October 1, 2020.

The Senate amendment contained a similar provision (sec. 2805).

The Senate recesses with a clarifying amendment.

*Temporary authority for acceptance and use of contributions from Kuwait for construction, maintenance, and repair projects mutually beneficial to the Department of Defense and Kuwait Military Forces (sec. 2804)*

The House bill contained a provision (sec. 2802) that would authorize the Secretary of Defense, after consultation with the Secretary of State, to accept contributions from the Government of the State of Kuwait in support of construction, maintenance, and repair projects within Kuwait that are mutually beneficial to the Department of Defense and the Kuwait military forces. The section would also limit the maximum amount the Secretary of Defense may obligate to \$50.0 million annually, require a congressional notification with 21-day wait period, 14-day period if notification is provided in electronic medium, for projects exceeding the thresholds prescribed by section 2805, title 10, United States Code, and expire on September 30, 2020.

The Senate amendment contained a similar provision (sec. 2801) that would amend subchapter II of Chapter 138 of title 10, United States Code, to authorize the Secretary of Defense, in consultation with the Secretary of State, to accept cash contributions from partner countries for the purpose of the payment of costs in connection with mutually beneficial construction, maintenance, and repair projects. Such projects would be required to support bilateral defense cooperation agreement, or otherwise benefit the United States, as determined by the Secretary of Defense.

The House recedes with an amendment that would limit the authorization to Kuwait, provide a temporary authority through September 30, 2020, and require a congressional notification.

*Conveyance to Indian tribes of relocatable military housing units at military installations in the United States (sec. 2805)*

The Senate amendment contained a provision (sec. 2806) that would permit service secretaries to convey excess relocatable military housing units to certain Indian tribes, at no cost, and without consideration.

The House bill contained no similar provision.

The House recedes.

## **SUBTITLE B—REAL PROPERTY AND FACILITIES ADMINISTRATION**

*Protection of Department of Defense installations (sec. 2811)*

The Senate amendment contained a provision (sec. 1042) that would authorize the Secretary of Defense to protect the buildings, grounds, and property that are under the jurisdiction, custody, or control of the Department of Defense (DOD) and persons on that property. The provision provides that the Secretary may designate personnel to: (1) enforce federal laws and regulations for the protection of persons and property; (2) carry firearms; (3) make arrests; and (4) conduct investigations of offenses against the property of the DOD. This new authority would not apply in those locations currently under the protection of the Federal Protective Service, for example, office buildings provided by the General Services Administration in which DOD organizations are tenants.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

*Enhancement of authority to accept conditional gifts of real property on behalf of military service academies (sec. 2812)*

The House bill contained a provision (sec. 2811) that would provide consistency across the military service academies on the acceptance of a gift of real property, if the gift of such real property is conditioned upon the property bearing a specified name. This section would authorize the military service academies to accept such a gift if the acceptance and naming would not reflect unfavorably on the United States, and the real property has not otherwise been named by an act of Congress. This section would also require the secretaries of the military departments to issue uniform regulations governing circumstances under which gifts conditioned on naming rights may be accepted.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would restrict the ability to delegate this authority to only individuals appointed by the President and confirmed by the Senate.

*Utility systems conveyance authority (sec. 2813)*

The Senate amendment contained a provision (sec. 2811) that would clarify section 2688(j) of title 10, United States Code, to allow for conveyance of additional utility systems to an entity already operating other utility systems on a joint base if doing so would be in the best interest of the government and is supported by an independent cost estimate.

The House bill contained no similar provision.

The House recedes with a technical amendment.

The conferees note that there has been confusion about whether the definition of a utility system for the treatment of wastewater includes the treatment of stormwater. The conferees believe, consistent with the Department of Defense's interpretation, that wastewater includes stormwater.

*Leasing of non-excess property of military departments and Defense Agencies; treatment of value provided by local education agencies and elementary and secondary schools (sec. 2814)*

The Senate amendment contained a provision (sec. 2812) that would amend section 2667 of title 10, United States Code, by authorizing the secretary concerned to lease non-excess property for consideration in an amount below fair market value if the lease is to a local education agency or an elementary or secondary school. This provision is intended to help local

education agencies and schools that are providing support for military families.

The House bill contained no similar provision.

The House recesses.

*Force-structure plan and infrastructure inventory and assessment of infrastructure necessary to support the force structure (sec. 2815)*

The House bill contained a provision (sec. 2814) that would require the Secretary of Defense to submit a report, as part of the budget justification documents accompanying the President's budget request for fiscal year 2017, that details a 20-year force structure plan for each of the military services and a comprehensive inventory of worldwide infrastructure. The report would also compare these two items to determine the infrastructure necessary to support the force structure, discuss the categories of excess infrastructure and infrastructure capacity, and assess the value of retaining certain excess infrastructure to accommodate contingency, mobilization, or surge requirements. In addition, this provision would require the Comptroller General of the United States to prepare an evaluation of such force-structure plans and infrastructure inventory not later than 60 days after the date on which the plans and inventory are submitted to Congress. The committee encourages the Secretary of Defense and the Comptroller General to also take into consideration, as appropriate, the recommendations regarding force structure and force sizing provided by the July 31, 2014, assessment of the 2014 Quadrennial Defense Review by the National Defense Panel.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would remove certain elements of the proposed review including a review of efficiencies from joint tenancy of military installations and potential restrictions on facilities outside the United States.

*Temporary reporting requirements related to main operating bases, forward operating sites, and cooperative security locations (sec. 2816)*

The House bill contained a provision (sec. 2813) that would amend section 2687a(a) of title 10, United States Code, by adding a requirement for the Secretary of Defense to include with the existing overseas basing report a strategic summary for each main operating base, forward operating site, or cooperative security location within the U.S. Central Command and U.S.

Africa Command area of responsibility. This provision would sunset in fiscal year 2020.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would make the requirements applicable to operating locations that have been newly designated, or had a change in its designation as a main operating base, forward operating site, or cooperative security location since the previous fiscal year's report.

*Exemption of Army off-site use and off-site removal only non-mobile properties from certain excess property disposal requirements (sec. 2817)*

The Senate amendment contained a provision (sec. 2816) that would exempt from the requirements of title V of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411 et seq.) certain non-mobile properties that are not feasible for transfer and use for the purposes of that act.

The House bill contained no similar provision.

The House recedes.

## **SUBTITLE C—PROVISIONS RELATED TO ASIA-PACIFIC MILITARY REALIGNMENT**

*Limited exception to restriction on development of public infrastructure in connection with realignment of Marine Corps forces in Asia-Pacific region (sec. 2821)*

The House bill contained a provision (sec. 2821) that would amend restrictions placed on the development of civilian infrastructure on Guam to support the realignment of Marine Corps Forces in the Asia-Pacific region to allow the use of funds for infrastructure projects that are identified in the report of the Economic Adjustment Committee required by section 2831(d) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66). This section would also permit the use of funding for the planning and design of such projects.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize the Secretary of Defense to proceed only with projects intended to improve water and wastewater systems that are identified in the report prepared by the Secretary of Defense under section 2822(d)(2) of the Military Construction Authorization Act for Fiscal Year 2014 (P.L. 113-66).

The conferees believe that projects which are directly connected to the Department of Defense's actions, and are

fiscally responsible, are appropriate investments for the Department of Defense, but projects without a direct military connection should be funded through local or other non-defense federal funding.

*Annual report on Government of Japan contributions toward realignment of Marine Corps forces in Asia-Pacific region (sec. 2822)*

The House bill contained a provision (sec. 2822) that would require the Secretary of Defense to submit an annual report to the congressional defense committees for each of fiscal years 2017-26 that addresses the total amount contributed from the Government of Japan to the Support for United States Relocation to Guam Account during the most recent year, as well as the anticipated contributions to be made during the current and next Japanese fiscal years. The report would also cover the infrastructure projects carried out on Guam or the Commonwealth of the Northern Mariana Islands in the previous fiscal year using funds from the Support for United States Relocation to Guam Account, as well as the projects anticipated to be carried out during the next fiscal year. This section would also repeal a reporting requirement from the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417).

The Senate amendment contained no similar provision.

The Senate recesses with technical amendment.

## **SUBTITLE D—LAND CONVEYANCES**

*Release of reversionary interest retained as part of the conveyance to the Economic Development Alliance of Jefferson County, Arkansas (sec. 2831)*

The Senate amendment contained a provision (sec. 2821) that would amend the terms of conveyance contained in section 2827 of the National Defense Authorization Act for Fiscal Year 2009 (Public Law 104-201) to allow the conveyance for other than the conditions contained in the section 2827, if the Economic Development Alliance pays fair market value for the property and the costs associated with conveyance are born by the Economic Development Alliance.

The House bill contained no similar provision.

The House recesses.

*Land exchange authority, Mare Island Army Reserve Center, Vallejo, California (sec. 2832)*

The House bill contained a provision (sec. 2831) that would authorize a land exchange involving a parcel of real property under the jurisdiction of the Secretary of the Army on the site of the former Mare Island Naval Shipyard, Vallejo, California, in the event that a current real property exchange process is unsuccessful.

The Senate amendment contained no similar provision.  
The Senate recesses.

*Land exchange, Navy Outlying Landing Field, Naval Air Station, Whiting Field, Florida (sec. 2833)*

The House bill contained a provision (sec. 2832) that would authorize the Secretary of the Navy to convey a parcel of real property, including any improvements thereon, containing Navy Outlying Landing Field Site 8 in Escambia County, Florida, to Escambia County. In exchange, this section would require Escambia County to convey to the Secretary of the Navy a parcel of property that is suitable for use as a Navy outlying landing field to replace Navy Outlying Landing Field Site 8.

The Senate amendment contained a similar provision (sec. 2822).

The Senate recesses.

*Release of property interests retained in connection with conveyance, Camp Villere, Louisiana (sec. 2834)*

The House bill contained a provision (sec. 2834) that would authorize the Secretary of the Army to release the rights and the reversionary interests reserved by the United States for a parcel of land at Camp Villere, Louisiana, to the State of Louisiana to transfer the parcel to the Louisiana Agricultural Finance Authority and make available real property to the Louisiana Military Department that is suitable for use for National Guard training and operational support.

The Senate amendment contained no similar provision.  
The Senate recesses.

*Release of property interests retained in connection with land conveyance, Fort Bliss Military Reservation, Texas (sec. 2835)*

The House bill contained a provision (sec. 2833) that would authorize the Secretary of the Army to release the rights and the reversionary interests reserved by the United States for a parcel of land in El Paso, Texas, to authorize the State of Texas to sell a portion of the property and use all proceeds

from the sale to fund improvements or repairs for the National Guard facilities on the remainder of the property.

The Senate amendment contained no similar provision.

The Senate recedes.

## **SUBTITLE E—MILITARY LAND WITHDRAWALS**

*Additional withdrawal and reservation of public land, Naval Air Station China Lake, California (sec. 2841)*

The House bill contained a provision (sec. 2841) that would amend section 2971(b) of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113-66; 27 Stat. 1044) to provide for an additional public land withdrawal in San Bernardino County, California, to support operations at Naval Air Weapons Station China Lake, California. The provision would also amend Section 2979 of the same Act to convert both land withdrawals from 25-year withdrawals into permanent withdrawals.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would include only the additional land withdrawal, leaving the original withdrawal period through March 31, 2039.

## **SUBTITLE F—OTHER MATTERS**

*Modification of Department of Defense guidance on use of pavement markings (sec. 2851)*

The House bill contained a provision (sec. 2861) that would require the Secretary of Defense to modify the Unified Facilities Guide Specifications for pavement markings, an Air Force engineering technical letter, and any other Department of Defense guidance on airfield pavement markings as necessary to permit the use of Type III category of retro-reflective beads. In addition, the Secretary shall develop appropriate policy to ensure that determination of the category of retro-reflective beads used on airfields is determined on an installation-by-installation basis based on local conditions and the life-cycle maintenance costs of the pavement markings.

The Senate amendment contained no similar provision.

The Senate recedes.

*Extension of authority for establishment of commemorative work in honor of Brigadier General Francis Marion (sec. 2852)*

The House bill contained a provision (sec. 2852) that would extend the authority to establish a commemorative work on federal land in the District of Columbia and its environs to honor Brigadier General Francis Marion and his service, originally provided by section 331 of the Consolidated Natural Resources Act of 2008 (Public Law 110-229), through May 8, 2018.

The Senate amendment contained no similar provision.  
The Senate recesses.

### **LEGISLATIVE PROVISIONS NOT ADOPTED**

#### *Change in authorities relating to scope of work variations for military construction projects*

The Senate amendment contained a provision (sec. 2802) that would amend section 2853 of title 10, United States Code, to authorize a military service to increase the scope of a military construction project by up to 10 percent once the service secretary involved approves the increase and notifies the congressional defense committees of the increase and the reasons for it.

The House bill contained no similar provision.  
The Senate recesses.

#### *Special authority for minor military construction projects for child development program facilities*

The House bill contained a provision (sec. 2804) that would amend section 2805 of title 10, United States Code, to allow the appropriate Secretary to carry out an unspecified minor military construction project with an approved cost equal to or less than \$15.0 million to create, expand, or modify a child development program facility serving children under 13 years of age.

The Senate amendment contained no similar provision.  
The House recesses.

#### *Sense of the Congress regarding base housing projects*

The House bill contained a provision (sec. 2805) that would express the sense of the Congress regarding how the Department of Defense should consider commuting times and available land on base when prioritizing base housing projects.

The Senate amendment contained no similar provision.  
The House recesses.

The conferees note that the Department already considers commute times and available land, among other issues, when

making base housing decisions and encourage the Department to continue to do so.

*Consultation requirement in connection with Department of Defense major land acquisitions*

The House bill contained a provision (sec. 2812) that would modify section 2664(a) of title 10, United States Code, to require consultation by the Secretary concerned with the chief executive officer of the state, district, or territory as to options for completing the real property acquisition.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the Secretary concerned is already required to obtain a specific military construction authorization in accordance with section 2802 of title 10, United States Code, and comply with National Environmental Policy Act of 1969 (42 U.S.C. 4321) before any major land acquisition can be implemented.

*Modification of facility repair notification requirement*

The Senate amendment contained a provision (sec. 2813) that would modify section 2811 of title 10, United States Code, by adding new congressional notifications for facility repair projects that are expected to cost more than 75 percent of the estimated cost of a military construction project to replace the facility or the facility is located at an overseas location that has not been designated a main operating base or forward operating site. These new reporting requirements would only apply to facility repair projects that are expected to cost more than \$1.0 million.

The House bill contained no similar provision.

The Senate recedes.

The conferees believe that, as a matter of practice, the Department of Defense should notify the congressional defense committees of the expenditure of significant funding for repairs at overseas locations that have not been designated as a main operating base or forward operating site even if such expenditures do not meet the thresholds specified in section 2811 of title 10, United States Code.

*Arsenal installation reutilization authority*

The House bill contained a provision (sec. 2815) that would allow the Secretary with authority over a military

manufacturing arsenal to delegate leasing authority to the commander of the military manufacturing arsenal.

The Senate amendment contained no similar provision.

The House recesses.

The conferees note that section 2667 of title 10, United States Code, provides the Secretary concerned the authority to lease non-excess property and that the Secretary has the ability to delegate authority to approve such leases. Therefore, the conferees encourage the Secretary concerned to consider delegating authority to lease non-excess property at military manufacturing arsenals if the Secretary concerned believes such delegation of authority would be in the best interest of the Department.

*Sense of Congress on coordination of hunting, fishing, and other recreational activities on military land*

The Senate amendment contained a provision (sec. 2815) that would express the sense of Congress on the coordination between the Department of Defense and state fish and wildlife managers, tribes, and local governments to facilitate communication with hunting, fishing, and recreational use groups prior to traditional hunting, fishing, and recreational use seasons.

The House bill contained no similar provision.

The Senate recesses.

The conferees note the extensive process that base commanders go through in coordinating with appropriate state and local groups when opening the base for hunting, fishing, and other recreational activities.

*Land conveyance, Campion Air Force Radar Station, Galena, Alaska*

The House bill contained a provision (sec. 2835) that would authorize the Secretary of the Interior to convey all right, title, and interest of the United States in the former Campion Air Force Station, Alaska, to the Town of Galena, Alaska, for public purposes.

The Senate amendment contained no similar provision.

The House recesses.

*Bureau of Land Management withdrawn military lands efficiency and savings*

The House bill contained a provision (sec. 2842) that would extend the public lands withdrawn for military purposes listed in the Military Lands Withdrawal Act of 1999 (title 30 of

Public Law 106-65) until the Secretary of the military department determines a military purpose does not exist, or the Secretary of Interior permanently transfers the administrative jurisdiction to the Secretary of the military department concerned.

The Senate amendment contained no similar provision.

The House recesses.

*Renaming site of the Dayton Aviation Heritage National Historical Park, Ohio*

The House bill contained a provision (sec. 2851) that would modify the name of the John W. Berry, Sr. Wright Brothers Aviation Center, Dayton, Ohio, to the John W. Berry, Sr. Wright Brothers National Museum, Dayton, Ohio.

The Senate amendment contained no similar provision.

The House recesses.

*Amendments to the National Historic Preservation Act*

The House bill contained a provision (sec. 2853) that would prohibit the designation of federal property as a National Historic Landmark or for nomination to the World Heritage List if the head of the agency managing the federal property objects to such inclusion or designation for reasons of national security. This section would also authorize the expedited removal of federal property listed on the National Register of Historic Places if the managing agency of that federal property submits a request to the Secretary of Interior for such removal for reasons of national security.

The Senate amendment contained no similar provision.

The House recesses.

*Protection and recovery of greater sage grouse*

The House bill contained a provision (sec. 2862) that would delay any finding by the Secretary of the Interior with respect to the Greater Sage Grouse under clause (i), (ii), or (iii) of section 4(b)(3)(B) of the Endangered Species Act of 1973 (16 U.S.C. 1533(b)(3)(B)) through September 30, 2025. This section would prohibit the Secretary of the Interior and the Secretary of Agriculture from amending any Federal resource management plan applicable to Federal lands in a State in which the Governor of the State has notified the Secretaries concerned that the State has a State management plan in place. Lastly, this section would also require the Secretary of the Interior and the Secretary of Agriculture to jointly submit an annual

report to the Committee on Natural Resources of the House of Representatives on the effectiveness of the systems to monitor the status of Greater Sage Grouse on Federal lands under their jurisdiction through 2021.

The Senate amendment contained no similar provision.

The House recesses.

*Use of Military Operations Areas for national security activities*

The House bill contained a provision (sec. 2863) that would ensure the expansion or establishment of a national monument by the President under the authority of chapter 3203 of title 54, United States Code (commonly known as the Antiquities Act of 1906; 54 U.S.C. 320301 et seq.), after the date of the enactment of this Act on land located beneath or associated with a Military Operations Area (MOA) shall not be construed to prohibit or constrain any activities on or above the land conducted by the Department of Defense or other federal agencies for national security purposes, including training and readiness activities.

The Senate amendment contained no similar provision.

The House recesses.

*Renaming of the Captain William Wylie Galt Great Falls Armed Forces Readiness Center in honor of Captain John E. Moran, a recipient of the Medal of Honor*

The House bill contained a provision (sec. 2864) that would rename the Captain William Wylie Galt Great Falls Armed Forces Readiness Center in Great Falls, Montana to be known and designated as the "Captain John E. Moran and Captain William Wylie Galt Armed Forces Reserve Center", to honor the Medal of Honor recipient.

The Senate amendment contained no similar provision.

The House recesses.

The conferees note that the military services have existing authority to name facilities.

*Implementation of Lesser Prairie Chicken Range-Wide Conservation Plan and other conservation measures*

The House bill contained a provision (sec. 2865) that would prohibit the Secretary of the Interior from listing the lesser prairie chicken as a threatened or endangered species under the Endangered Species Act until January 31, 2021.

The Senate amendment contained no similar provision.

The House recesses.

*Removal of endangered species status for American burying beetle*

The House bill contained a provision (sec. 2866) that would remove the endangered species status for the American burying beetle.

The Senate amendment contained no similar provision.

The House recesses.

**TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS  
MILITARY CONSTRUCTION**

**LEGISLATIVE PROVISIONS NOT ADOPTED**

*Authorized Army construction and land acquisition project*

The House bill contained a provision (sec. 2901) that would contain the list of a certain authorized Army construction project for fiscal year 2016. This project represents a binding list of the specific projects authorized at this location.

The Senate amendment contained no similar provision.

The House recesses.

*Authorized Navy construction and land acquisition projects*

The House bill contained a provision (sec. 2902) that would contain the list of certain authorized Navy construction projects for fiscal year 2016. These projects represent a binding list of the specific projects authorized at these locations.

The Senate amendment contained no similar provision.

The House recesses.

*Authorized Air Force construction and land acquisition projects*

The House bill contained a provision (sec. 2903) that would contain the list of certain authorized Air Force construction projects for fiscal year 2016. These projects represent a binding list of the specific projects authorized at these locations.

The Senate amendment contained no similar provision.

The House recesses.

*Authorized Defense Agencies construction and land acquisition projects*

The House bill contained a provision (sec. 2904) that would contain the list of certain authorized defense-wide construction projects for fiscal year 2016. These projects represent a binding list of the specific projects authorized at these locations.

The Senate amendment contained no similar provision.  
The House recesses.

*Authorization of appropriations*

The House bill contained a provision (sec. 2905) that would authorize appropriations for overseas contingency operations military construction at the levels identified in section 4602 of division D of this Act.

The Senate amendment contained no similar provision.  
The House recesses.

**DIVISION C—DEPARTMENT OF ENERGY  
NATIONAL SECURITY AUTHORIZATIONS  
AND OTHER AUTHORIZATIONS**

**TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL  
SECURITY PROGRAMS**

**SUBTITLE A—NATIONAL SECURITY PROGRAMS  
AUTHORIZATIONS**

*National Nuclear Security Administration (sec. 3101)*

The House bill contained a provision (sec. 3101) that would authorize appropriations for the National Nuclear Security Administration for fiscal year 2016 and would also authorize a new plant project for the National Nuclear Security Administration.

The Senate amendment contained a similar provision (sec. 3101) that would authorize a total of \$12.8 billion for the Department of Energy in fiscal year 2016 for the National Nuclear Security Administration to carry out programs necessary to national security.

The House recesses.

*Defense environmental cleanup (sec. 3102)*

The House bill contained a provision (sec. 3102) that would authorize appropriations for defense environmental cleanup activities for fiscal year 2016.

The Senate amendment contained an identical provision (sec. 3102).

The conference agreement includes this provision.

*Other defense activities (sec. 3103)*

The House bill contained a provision (sec. 3103) that would authorize appropriations for other defense activities for the Department of Energy for fiscal year 2016.

The Senate amendment contained an identical provision (sec. 3103).

The conference agreement includes this provision.

*Nuclear energy (sec. 3104)*

The House bill contained a provision (sec. 3104) that would authorize appropriations for the Department of Energy for fiscal year 2016 for nuclear energy.

The Senate amendment contained no similar provision.

The Senate recesses.

## **SUBTITLE B—PROGRAM AUTHORIZATIONS, RESTRICTIONS, AND LIMITATIONS**

*Improvement to accountability of Department of Energy employees and projects (sec. 3111)*

The House bill contained a provision (sec. 3113) that would amend subtitle C of the National Nuclear Security Administration Act (50 U.S.C. 2442) to add a new section requiring the Secretary of Energy and the Administrator for Nuclear Security to jointly notify the specified congressional committees the number of covered employees whose security clearance was revoked during the previous year and the length of time such employees were employed by the Department of Energy or NNSA since such revocation. This provision would also require that the Secretary of the Administrator may not pay to a covered employee a salary bonus during the one-year period beginning on the date on which the Secretary of the Administrator determines that the covered employee committed improper program management or whose actions undermined health, safety or security, while providing the authority to waive the denial of a salary bonus. Additionally, the provision would require the Secretary or

Administrator to notify the specified congressional committees of the actions being taken against DOE or NNSA contractors, pursuant to contractual terms, whose actions lead to project or program delays or cost-growth.

The Senate amendment contained a similar provision (sec. 3118) that would provide authority to the Administrator of the National Nuclear Security Administration to withhold bonus payments to employees who engage in improper program management on the date such a determination is made.

The Senate recedes with an amendment that would reference the terms of exceeding cost, scope and schedule to those established in section 4713 of the Atomic Energy Defense Act (50 U.S.C. 2753) or the terms of critical decision three of Department of Energy Order 413.3B (Program and Project Management for the Acquisition of Capital Assets) as well as, pursuant to a requirement to issue new Departmental or Administration guidance, actions that jeopardize the health, safety, or security of employees or facilities of the Administration or another element of the Department of Energy involved in nuclear security or in carrying out defense nuclear nonproliferation activities. The amendment further provides for a waiver for either program management or health, safety or security with notification to the congressional committees of the waiver and a period of 60 days elapses following the notification. The amendment further requires notifying the congressional defenses committees if a contractor of the National Nuclear Security Administration exceeds cost, scope and schedule as defined by section 4713 of the Atomic Energy Defense Act (50 U.S.C. 2753) or by critical decision three of Department of Energy Order 413.3B (Program and Project Management for the Acquisition of Capital Assets), including an explanation as to whether termination of the contract is an appropriate remedy, a description of the terms of the contract regarding award fees and performance, and a description of what options under the contract will be exercised in response. If such information cannot be submitted by reason of a contract enforcement action a notification shall be submitted of the enforcement action and the date on which the required information shall be submitted.

*Stockpile responsiveness program (sec. 3112)*

The House bill contained a provision (sec. 3115) that would amend the Atomic Energy Defense Act (50 U.S.C. 2521) to establish that it is the policy of the United States to sustain, enhance, and continually exercise all capabilities required to conceptualize, study, design, develop, engineer, certify, produce, and deploy nuclear weapons to ensure the nuclear

deterrent of the United States remains safe, secure, reliable, credible, and responsive. The Secretary of Energy, acting through the Administrator for Nuclear Security and in consultation with the Secretary of Defense, would be required to carry out a program in parallel with the stockpile stewardship program and stockpile management program to fulfill this policy. This section would also stipulate a series of objectives for this program. Finally, this section would amend certain existing annual reporting requirements to ensure robust attention on the program by senior leaders and enable congressional oversight of the status and effectiveness of the program.

The Senate amendment contained a provision (sec. 3111) that would to develop a responsive capabilities program to exercise the design capabilities of the weapons complex that would lead to shorter and most cost effective design and engineering tools and manufacturing methods for parts and joint test assemblies that would lead to actual prototype testing as the final exercise, similar to an ongoing effort already underway at the National Nuclear Security Administration.

The Senate recedes with an amendment that adds to the House provision the importance of an integrated design life cycle, to shorten design, certification, and manufacturing timelines in order to minimize the amount of time and costs leading to an engineering prototype and production.

*Notification of cost overruns and selected acquisition reports for major alteration projects (sec. 3113)*

The House bill contained a provision (sec. 3123) that defined a life extension program as one whose costs exceed \$1.0 billion.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that modifies section 4713(a) (50 U.S.C. 2753(a)) and section 4217 (50 U.S.C. 2537) of the Atomic Energy Defense Act to include major alteration programs whose cost exceeds \$750.0 million.

*Root cause analyses for certain cost overruns (sec. 3114)*

The House bill contained a provision (sec. 3131) that would amend section 4713(c) of the Atomic Energy Defense Act (50 U.S.C. 2753) to require the Secretary of Energy to conduct and submit to the congressional defense committees a root cause assessment when certain programs experience a significant cost overrun.

The Senate amendment contained no similar provision.  
The Senate recedes.

*Funding of Laboratory-Directed Research and Development Programs  
(sec. 3115)*

The House bill contained a provision (sec. 3135) that would require the Administrator for Nuclear Security to seek to enter into a contract with the JASON Defense Advisory Panel to conduct a review of the laboratory-directed research and development (LDRD) program authorized under section 4811 of the Atomic Energy Defense Act (50 U.S.C. 2791). The review would be required to include assessments of whether and how the projects within the LDRD program support the mission of the National Nuclear Security Administration (NNSA), whether the science conducted under LDRD underpin the advancement of scientific understanding necessary for NNSA's core programs, the scientific and programmatic opportunities and challenges in the LDRD program, recent significant accomplishments and failures within the LDRD program, and how LDRD projects are selected for funding. This section would require the Administrator to submit to the congressional defense committees, by November 1, 2016, a report containing the review carried out by the JASON Defense Advisory Panel. This House bill would also require a briefing to the congressional defense committees by the Comptroller General of the United States by November 1, 2016. The Comptroller General would be required to assess: how NNSA LDRD funding limits compare to other Department of Energy and Department of Defense laboratories and federally funded research and development centers; how many NNSA personnel are supported by LDRD funding, including how many receive a majority of their compensation from LDRD; and how many devote the majority of their time to LDRD programs for more than three years.

The Senate amendment contained a provisions (sec. 3117) would amend section 4811(c) of the Atomic Energy Defense Act (50 U.S.C. 2791(c)) to strike the 6 percent upper bound for National Nuclear Security Administration (NNSA) weapons laboratory-directed research and development programs with a floor not to go below 5 percent with a upper bound of 8 percent. A similar provision was recommended for NNSA weapons production facilities and the Nevada Site Office with a ceiling of 4 percent.

The House recedes with an amendment that would strike the plant direct laboratory research and development programs, reduce the ceiling to 7 percent and require a briefing by the Administrator of the National Nuclear Security Administration, no later than February 28, 2016, on all recent or ongoing reviews of the laboratory-directed research and development program, including such reviews initiated by the Secretary of Energy; the costs and accounting practices associated with laboratory-directed research and development; how laboratory-

directed research and development projects support the mission of the National Nuclear Security Administration. The conferees direct the Government Accountability Office to assess no later than March 15, 2016, how NNSA LDRD funding limits compare to other Department of Energy and Department of Defense laboratories and federally funded research and development centers; how many NNSA personnel are supported by LDRD funding, including how many receive a majority of their compensation from LDRD; and how many devote the majority of their time to LDRD programs for more than 3 years.

*Hanford waste treatment and immobilization plant contract oversight (sec. 3116)*

The Senate amendment contained a provision (section 3115) that would require the Secretary of Energy to arrange to have an owner's agent assist the Secretary in carrying out oversight responsibilities associated with Hanford Waste Treatment and Immobilization Plant contract DE-AC27-01RV14136. Since the current contractor for the Waste Treatment Plant is its own design agent, the owner's design agent will act as an independent expert on the project.

The House bill contained no similar provision.

The House recedes with an amendment with clarifying language to ensure that the owner's agent does not assume roles reserved for the federal government, that the owner's agent's role is to advise the Secretary of Energy, and that the owner's agent report would be sent to the Secretary of Energy who would transmit the report with any additional views to the congressional defense committees.

*Use of best practices for capital asset projects and nuclear weapon life extension programs (sec. 3117)*

The House bill contained a provision (sec. 3122) that would require the Secretary of Energy to ensure that analyses of alternatives are conducted in accordance with best practices for: (1) capital asset projects and life extension programs of the National Nuclear Security Administration; and (2) capital asset projects relating to defense environmental management.

The Senate amendment contained no similar provision.

The Senate recedes.

*Research and development of advanced naval nuclear fuel system based on low-enriched uranium (sec. 3118)*

The House bill contained a provision (sec. 3142) that would require that, of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for defense nuclear nonproliferation for material management and minimization, not more than \$5.0 million shall be made available to the Deputy Administrator for Naval Reactors for initial planning and early research and development of an advanced naval nuclear fuel system based on low-enriched uranium. In addition, this section would require that, at the same time the President submits the fiscal year 2017 budget to Congress, the Secretary of Energy, and the Secretary of the Navy shall jointly submit to the congressional defense committees their determination as to whether the United States should continue to pursue research and development of an advanced naval nuclear fuel system based on low-enriched uranium. If the Secretaries determine to continue the research and development, the Secretaries would be required to ensure the budget request for fiscal year 2017 includes funding to carry out the program within the defense nuclear nonproliferation, material management, and minimization budget line. Not later than 30 days after the date of the submission of such determination, the Deputy Administrator for Naval Reactors would be required to submit to the congressional defense committees a plan for such research and development, as well as ensuring that the budget includes amounts for defense nuclear nonproliferation for material management and minimization necessary to carry out the plan. Finally, this section would require that, if the Secretaries determine such research and development should continue, not later than 60 days after the date on which the Deputy Administrator submits the plan, the Deputy Administrator for Naval Reactors would be required to enter into a memorandum of understanding with the Deputy Administrator for Defense Nuclear Nonproliferation regarding the research and development of an advanced naval nuclear fuel system based on low-enriched uranium, including with respect to how funding for such research and development will be requested for the "Defense Nuclear nonproliferation" account for material management and minimization and provided to Naval Reactors to carry out the program.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that requires the Deputy Administrator of the National Nuclear Security Administration to submit within 90 days after the date of enactment a conceptual plan for research and development of an advanced naval nuclear fuel system based on low-enriched uranium to meet military requirements to the congressional defense committees. In addition, 60 days after the conceptual plan is submitted, the Secretary of Energy and the Secretary of the Navy

shall make a determination as to whether the United States should continue to pursue research and development of an advanced naval nuclear fuel system based on low-enriched uranium. If the Secretaries determine that such research and development should continue, they shall include funding necessary in fiscal year 2018, and in fiscal year 2017 if feasible, to carry out such a plan in the budget line item for the Defense Nuclear Nonproliferation account for material management and minimization.

*Disposition of weapons usable plutonium (sec. 3119)*

The House bill contained a provision (section 3119) that would require the Secretary of Energy to carry out construction and program support activities for the Mixed Oxide (MOX) Fuel Fabrication Facility with any funds authorized to be appropriated or otherwise made available for such purposes for fiscal year 2016 and any prior fiscal years. This section would also require the Secretary to include in the budget justification materials submitted to Congress for fiscal year 2017 an updated performance baseline for construction and project support activities relating to the MOX facility.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that authorizes the Secretary to spend \$5.0 million to conduct an analysis of alternative options for carrying out the plutonium disposition program. The conferees direct that the analysis of alternatives be comprehensive with regard to potentially cost-effective alternatives, and to include as alternatives various options for disposal, including costs and timelines associated with options for down-blending, immobilization, disposal in canisters, and deep borehole disposal. The conferees further direct that as part of the down-blending analysis, that the Department of Energy address the questions pertaining to down-blending as found in Senate Report 114-49 (Report to Accompany S. 1376, "National Defense Authorization Act for Fiscal year 2016"), pages 326-329.

*Establishment of microlab pilot program (sec. 3120)*

The House bill contained a provision (sec. 3136) that would give the authority to the Secretary to establish a microlab pilot program in close proximity to a national laboratory and is accessible to the public for the purpose of enhancing collaboration with regional research groups, accelerating technology transfer from national laboratories to the marketplace; promoting regional workforce development

through science, technology, engineering, and mathematics instruction and training.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would change the definition of microlab to one that is in close proximity to but outside the perimeter of a national security laboratory; an extension of or affiliated with a national security laboratory; and accessible to the public. The amendment also narrows the national laboratory to one that is a national security laboratory as defined in section 3821 of the National Nuclear Security Act (50 U.S.C. 2471). The amendment further uses "consultation" rather than "coordination" with lab directors and adjusts timing of reports.

*Prohibition on the availability of funds for the provision of defense nuclear nonproliferation assistance to the Russian Federation (sec. 3121)*

The House bill contained a provision (sec. 3118) that would provide that none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for defense nuclear nonproliferation activities may be obligated or expended to enter into a contract with, or otherwise provide assistance to, the Russian Federation. The Secretary of Energy, without delegation, would be provided the authority to waive this prohibition if the Secretary submits a report to the appropriate congressional committees containing notification that such a waiver is in the national security interest of the United States, a justification for such waiver, and a period of 15 days elapses.

The Senate amendment contains no similar provision.

The Senate recedes.

*Prohibition on availability of funds for fixed site radiological portal monitors in foreign countries (sec. 3122)*

The House bill contained a provision (sec. 3117) that would prohibit any funds authorized by this Act or otherwise made available for fiscal year 2016 or any fiscal year thereafter for the National Nuclear Security Administration from being obligated or expended for the research and development, installation, or sustainment of fixed site radiological portal monitors or equipment for use in foreign countries. This section would clarify that this prohibition does not apply to such activities for mobile radiological inspection equipment.

The Senate amendment had no similar provision.

The Senate recedes with an amendment that would prohibit fiscal year 2016 funds for installation of fixed site portal monitors in foreign countries after date of enactment until the DNI submits an assessment on whether and the extent to which fixed site and mobile radiological monitors address nuclear nonproliferation and smuggling threats; the contribution of other threat reduction programs and how well such programs address nuclear nonproliferation and smuggling threats; which programs have the greatest impact and cost-benefit for addressing nuclear nonproliferation and smuggling threats; and such other matters as the Director considers appropriate. The amendment also requires the Administrator for Nuclear Security to submit a plan by March 1, 2016 to transition sustainment of existing fixed site monitors, to the greatest extent possible, to host nation.

*Limitation on availability of funds for certain arms control and nonproliferation technologies (sec. 3123)*

The House bill contained a provision (sec. 3120) that would prohibit any funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for the National Nuclear Security Administration's Defense Nuclear Nonproliferation program from being obligated or expended to develop nonproliferation or arms control verification or monitoring technologies beyond Technology Readiness Level 5 (TRL 5) unless the Secretary of Energy certifies that such technologies are being developed to fulfill the rights or obligations of the United States under either: (1) a current arms control or nonproliferation treaty or agreement; or (2) a treaty or agreement that the Secretary expects will enter into force within 2 years. The Secretary would be required to submit this written certification to the appropriate congressional committees and include, for each technology the Secretary certifies for development beyond TRL 5, an identification of the amount of fiscal year 2016 funds that will be used and how such development helps to fulfill the rights or obligations of the United States under the treaty or agreement.

The Senate amendment contained no similar provision.

The Senate recedes to the House with an amendment that would prohibit fiscal year 2016 funds to test or validate technologies in the Office of Nonproliferation and Arms Control designed to be used to verify and monitor obligations under arms control treaties or other agreements to which U.S. is not a signatory until the Administrator submits a review to congressional defense committees. The review would be required to include the technology readiness level of the technology; the

obligation under a treaty or other international agreement supported by the technology; and the purpose for which the technology is being developed or produced. The conferees notes that, based on information provided by the Administrator, the funding for the activities that would be limited by this provision is approximately \$3.0 million.

*Limitations on availability of funds for nuclear weapons dismantlement (sec. 3124)*

The House bill contained a provision (sec. 3121) that would provide that, of the funds authorized to be appropriated by this Act or otherwise made available for any of fiscal years 2016 through 2020 for the National Nuclear Security Administration (NNSA), not more than \$50.0 million may be obligated or expended in each such fiscal year to carry out nuclear weapons dismantlement and disposition activities. This section would also prohibit any funds authorized to be appropriated by this Act, or otherwise made available for any of fiscal years 2016 through 2020, to be obligated or expended to dismantle a nuclear weapon of the United States unless: (1) the nuclear weapon was retired on or before September 30, 2008; (2) the Administrator for Nuclear Security certifies that the components of the nuclear weapon are directly required for the purposes of a current life extension program; or (3) the President certifies that the nuclear weapon is being dismantled pursuant to a nuclear arms reduction treaty or similar international agreement that has entered into force after the date of enactment of this Act and was approved with the advice and consent of the Senate or by an Act of Congress. This section would also prohibit any funding authorized to be appropriated by this Act or otherwise made available for any of fiscal years 2016 through 2020 from being used to dismantle or dispose of a W84 nuclear weapon.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would limit the \$50.0 million ceiling to fiscal year 2016 and prohibit the use of fiscal year 2016 funds for the dismantlement of the W84 warhead. There is an exception for maintenance and surveillance for weapons safety and reliability.

## **SUBTITLE C—PLANS AND REPORTS**

*Long-term plan for meeting national security requirements for unencumbered uranium (sec. 3131)*

The Senate amendment contained a provision (sec. 3112) that would require the Secretary of Energy to submit a plan, on even number years, with the President's budget submission, for meeting the national security requirements for unencumbered uranium through 2065.

The House bill contained no similar provision.

The House recedes with an amendment that would change the reporting requirement to terminate in 2026.

*Defense nuclear nonproliferation management plan (sec. 3132)*

The Senate bill contained a provision (sec. 3113) that required in each odd numbered year a management plan of defense nuclear nonproliferation programs of the National Nuclear Security Administration.

The House bill contained a similar provision (sec. 3132) amend section 3122(c) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81) by striking the date of 2016 and inserting 2020. This section would also amend such subsection to clarify that, in the Secretary of Energy's annual assessment, the Secretary must (1) identify any highly-enriched uranium around the world that is obligated by the United States and (2) provide a list, by country and by site, of the separated plutonium around the world, identify such plutonium that is obligated by the United States, and provide an assessment of the vulnerability of such plutonium to theft or diversion.

The House recedes with an amendment that would add the House provision to the Senate provision, expand the programmatic definitions of activities of the nuclear nonproliferation program that must be reported on and make technical and clarifying changes.

*Plan for deactivation and decommissioning of nonoperational defense nuclear facilities (sec. 3133)*

The House bill contained a provision (sec. 3141) that would require the Secretary of Energy to establish and carry out a plan under which the Administrator for Nuclear Security transfers to the Assistant Secretary of Energy for Environmental Management the responsibility for decontaminating and decommissioning facilities of the National Nuclear Security Administration that the Secretary of Energy determines are not operational as of the date of the enactment of this Act and meet the requirements for such transfer.

The Senate amendment contained a provision (sec. 3114) that would that would require the Secretary of Energy to develop a plan that would require a cost-benefit analysis of defense

nuclear facilities that require deactivation and decommissioning as to whether they should be kept in cold shut down awaiting demolition or accelerated to save long term storage costs. The plan will be required every even calendar year no later than March 31, 2016 and end after the fifth report submission on March 31, 2026.

The House recedes with an amendment to require within the first report the Secretary to implement a plan under which the Administrator for Nuclear Security to transfer by March 31, 2019 to the Assistant Secretary for Environmental Management the responsibility for decontaminating and decommissioning facilities of the National Nuclear Security Administration that the Secretary of Energy determines are nonoperational as of September 30, 2015 and meet the requirements of the Office of Environmental Management for such transfer.

*Assessment of emergency preparedness of defense nuclear facilities (sec. 3134)*

The Senate amendment contained a provision (sec. 3116) that would require the Secretary of Energy to include in each award-fee evaluation conducted of a management and operating contract for a Department of Energy defense nuclear facility in 2016, or any even-numbered year thereafter, an assessment of the adequacy of the emergency preparedness of that facility, including an assessment of the seniority level of employees and contractors of the Department of Energy that participate in emergency preparedness exercises at that facility.

The House bill contained no similar provision.

The House recedes with an amendment that would eliminate recurring reports while focusing the assessment on the performance and participation of the management and operating contractor employees and not senior employees of the Department of Energy, since the laboratory award fee is based on performance of the contractor employees. The conferees direct the Secretary of Energy to provide a report to the congressional defense committees no later than October 31, 2016 on the number and level of senior Department of Energy employees that participated in such exercises for fiscal year 2016.

*Modifications to cost-benefit analyses for competition of management and operating contracts (sec. 3135)*

The House bill contained a provision (sec. 3114) that would amend section 3121 of the National Defense Authorization Act for fiscal year 2013 (Public Law 112-239) to extend the a reporting requirement through fiscal year 2019 and require that

the report submitted by the Administrator for Nuclear Security must include a description of the factors considered and processes used by the Administrator to determine whether to compete or extend a contract to manage and operate a facility of the nuclear security enterprise, and whether and which activities at the facility should be covered under the management and operating contract.

The Senate amendment contained a similar provision (sec. 3122) that would amend section 3121 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239) to make technical corrections to increase the utility of reports on competition for management and operating contracts at facilities of the National Nuclear Security Administration and change the timing of the Government Accountability Office's review to assess whether estimated cost savings and other benefits are actually occurring as planned.

The House recedes with an amendment that combines the two provisions, requires the Government Accountability Office to provide a briefing on their initial review 180 days after the required report submitted, and makes certain technical and conforming amendments.

*Interagency review of applications for the transfer of United States civil nuclear technology (sec. 3136)*

The House bill contained a provision (sec. 3119) that would require that, prior to the approval by the Administrator of the National Nuclear Security Administration (NNSA) of any part 810 authorization (regarding the transfer of certain civil nuclear technology) for a covered country with a nuclear naval propulsion program, the Director of National Intelligence and the Chief of Naval Operations would have to jointly submit an assessment to the appropriate congressional committees on the risks of diversion of such technology and the likely consequences of its diversion to such foreign state's military nuclear program. This section would also require that, not less than 14 days prior to the approval of any part 810 authorization for a covered country, the Administrator of the NNSA would have to certify to the appropriate congressional committees that there is sufficient diversion control and such transfer presents a minimal risk of diversion of such technology to a military program that would degrade the technical advantage of the United States. The provision further required that not later than June 1, 2016, and quinquennially thereafter, the Chief of Naval Operations shall determine the critical civil nuclear technologies of the United States and notify the appropriate congressional committees of this list of technologies. The

provision also requires that not later than 30 days after the date on which the Director of National Intelligence determines that there is credible intelligence that United States civil nuclear technology has been diverted to a foreign country not covered by an authorization under section 57b of the Atomic Energy Act of 1954 as amended (Public Law 83-703, 42 U.S.C. 2077), including an agreement for cooperation made pursuant to section 123 of the Atomic Energy Act of 1954 as amended (Public Law 83-703, 42 U.S.C. 2153), the Director shall notify the appropriate congressional committees of such determination. The House provision also required that the Secretary of Energy shall annually notify the appropriate congressional committees that each covered foreign country is in compliance with its obligations under any authorization made pursuant to section 57b, including an agreement for cooperation made pursuant to section 123 of the Atomic Energy Act, as amended. In addition the provision prohibits the Secretary of Energy from making an authorization under section 57b of the Atomic Energy Act with respect to a covered foreign country if a foreign person of the covered foreign country has been sanctioned under the Iran, North Korea, and Syria Nonproliferation Act (Public Law 106-178; 50 U.S.C. 1701 note) during the 5-year period preceding the date of the transfer being sought unless the President certifies to the appropriate congressional committees that the covered foreign country is taking adequate measures to prevent, or is making significant progress in preventing, transfers or acquisitions covered by section 2(a) of the Iran, North Korea, and Syria Nonproliferation Act (Public Law 106-178; 50 U.S.C. 1701 note). The House provision defined a covered country as one that is a nuclear-weapon state, as defined by Article IX (3) of the Treaty on the Non-Proliferation of Nuclear Weapons, signed at Washington, London, and Moscow on July 1, 1968, but does not include the United Kingdom or France.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require that every 90 days, the Secretary of Energy shall submit to the appropriate congressional committees a report that includes a listing and description of the authorizations to transfer United States civil nuclear technology to a covered foreign country (as defined in this provision) issued under section 57b of the Atomic Energy Act of 1954 (42 U.S.C. 2077(b)) during the preceding 90 days and a statement of whether each agency required to be consulted under that section or pursuant to regulation objected or sought condition to each such authorization.

The amendment also would require that not later than 90 days after the date of the enactment of this Act, and every 5

years thereafter, the Secretary of Energy would be required to, in consultation with the Secretary of State, the Secretary of Commerce, the Secretary of Defense, the Director of National Intelligence, and the Nuclear Regulatory Commission, determine the critical United States civil nuclear technologies that should be protected from diversion to a military nuclear program of a covered foreign country (a nuclear weapons state as defined by the Treaty on the Non-Proliferation of Nuclear Weapons other than the United Kingdom or France), including with respect to a naval propulsion or weapons program and notify the appropriate congressional committees with respect to the technologies covered by the determination. The amendment also would require that not later than 14 days before authorizing the transfer of a technology covered by such determination, the Secretary of Energy would be required to submit to the appropriate congressional committees a report that includes a notification of the intention of the Secretary to authorize the transfer of such technology and a statement of whether any agency required to be consulted under such section 57b or pursuant to regulation objected to or required conditions to such authorization of transfer. The amendment includes a waiver of the 14 day notification for an imminent radiological emergency provided within 7 days the Secretary certifies such a hazard exists, the justification and the information required in the original notification.

The amendment would also require the Secretary of Energy to promptly revise part 810 of title 10, Code of Federal Regulations, to ensure that the Director of National Intelligence (DNI) is consulted with respect to the views of the intelligence community with respect to each authorization issued under section 57b of the Atomic Energy Act of 1954 (42 U.S.C. 2077(b)) for the transfer of United States civil nuclear technology to a covered foreign country before the determination to approve or disapprove the request for the authorization, and that he is provided with an opportunity to present the views of the Director and the Intelligence Community on the national security risks of the transfer, if any. It is expected that as part of developing this consultation process the Secretary of Energy and the DNI shall enter into the necessary inter-agency agreements that ensure consultation with the Intelligence Community occurs but gives the DNI the flexibility to manage its ongoing workload, while ensuring timely reviews of authorizations, and provides for the possibility that the views of the Intelligence Community may not have changed from its initial assessment. The Secretary of Energy shall include the results of consultations conducted with the DNI, on behalf of the Intelligence Community, in each report describing an

authorization and each notification with respect to an authorization involving a critical technology.

The amendment would require the Secretary of Energy to annually submit to the appropriate congressional committees a report that includes an assessment of whether each covered foreign country is in compliance with its obligations under any authorization for the transfer of United States civil nuclear technology under section 57b of the Atomic Energy Act of 1954 (42 U.S.C. 2077(b)) and with respect to any covered foreign country that is not in compliance with such obligations, a description of the efforts of the United States to bring the country into compliance with an evaluation of the result of such efforts, and an assessment of the options available to the Secretary as a result of the country not being in compliance. The report also requires an assessment of whether each end-user to which United States civil nuclear technology is transferred pursuant to an authorization under such section 57b is in compliance with the obligations of the end-user under that authorization and a description of any consequences for the end-user or the exporter of the technology if the end-user is not in compliance with such obligations.

The amendment would further require that, concurrent with the submission to Congress of the budget for each fiscal year, the Secretary of Energy would be required to submit to the appropriate congressional committees a report on the activities of the Department of Energy associated with the review of applications for authorization under section 57b to transfer United States civil nuclear technology to any foreign country. The report would be required to include the number of applications for authorization under section 57b of the Atomic Energy Act to transfer United States civil nuclear technology to a foreign country submitted during the year preceding the submission of the report; the length of time each such application was under review; the number of such applications that were granted; and a description of efforts to streamline the review of such applications, taking into account the proliferation and diversion potential of end-users in the country to which United States civil nuclear technology would be transferred pursuant to such applications.

The Director of National Intelligence would also be required to notify the Department of Energy and the appropriate congressional committees not later than 30 days after the date on which the Director determines there is credible intelligence that United States civil nuclear technology is being or has been diverted to a military program in a foreign country to which the transfer of the technology was authorized under section 57b or

to a foreign country to which the transfer of the technology was not so authorized.

The amendment would also require that not later than 60 days after the date of the enactment of this Act, the Secretary of Energy shall issue guidance with respect to the use of authority of under section 234 of the Atomic Energy Act of 1954 (42 U.S.C. 2282) to impose civil penalties, including fines and debarment, and to make referrals to the Attorney General for prosecution, for violations of the terms of authorizations for the transfer of United States civil nuclear technology issued under section 57b. The conferees believe that given the extensive amendments made to section 57b of the Atomic Energy Act of 1954 by section 302 of the Nuclear Nonproliferation Act of 1978 (Public Law 95-242, 42 U.S.C. 2077), which were made after the enactment of the Energy Reorganization Act of 1974 (Public Law 93-438), that the Department of Energy should have justification to utilize section 234 of the Atomic Energy Act of 1954 as a means of civil enforcement.

Finally, the amendment would require that not later than 180 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to the appropriate congressional committees a report describing the efforts of covered foreign countries to prevent the transfer of sensitive items, including efforts to improve the prevention of the transfer of such items; and assessing the adequacy of such efforts as defined by section 2(a) of the Iran, North Korea, and Syria Nonproliferation Act (Public Law 106-178; 50 U.S.C. 1701 note).

The conferees expect the Department of Energy shall take all precautions necessary in this section to protect proprietary information.

*Governance and management of nuclear security enterprise (sec. 3137)*

The House bill contained a provision (sec. 3133) that would require the Secretary of Energy and the Administrator for Nuclear Security to jointly establish a team of senior officials from the Department of Energy and the National Nuclear Security Administration (NNSA) to develop and carry out an implementation plan to reform governance and management to improve the effectiveness and efficiency of the nuclear security enterprise. Additionally, it would require the Administrator to seek to enter into a joint agreement with the National Academy of Sciences and the National Academy of Public Administration to establish a panel of external, independent experts to evaluate

the plan developed by the Department of Energy and NNSA and to evaluate the implementation of such plan.

The Senate amendment contained a similar provision (sec. 3123) that would require the Administrator of the National Nuclear Security Administration to enter into agreements with the National Academy of Sciences and the National Academy of Public Administration to assess implementation of recommendations of the Congressional Advisory Panel on the Governance of the Nuclear Security Enterprise that can be carried out without additional legislation. In addition to monitoring implementation, the agreement should specify that the two entities should determine whether the implementation was effective in addressing the problem it was intended to solve. The agreement shall utilize the procedures of the National Academies in reviewing and publishing the joint report.

The Senate recedes with an amendment makes certain technical and conforming amendments, including changing the date of submission of the implementation plan to be March 31, 2016, with a final report by the Implementation Assessment Panel to 2020.

*Annual report on the number of full time equivalent employees and contractor employees (sec. 3138)*

The House bill contained a provision (sec. 3111) that would amend section 3241A of the National Nuclear Security Administration Act (50 U.S.C. 2441a) to require that, by October 1, 2016, the total number of employees within the Office of the Administrator may not exceed 1,350. This section would also amend section 3241 of the National Nuclear Security Administration Act (50 U.S.C. 2441) by striking "600" and inserting "450" as the number of employees allowed to be appointed under the authority provided by such section.

The Senate amendment contained a provision (sec. 3119) that would that permits the Administrator of the National Nuclear Security Administration (NNSA) to hire above the statutory limit of 1,690 full time positions using up to 100 exempt employees hired under section 3241 of the National Nuclear Security Administration Act (50 United States Code section 2441).

The House bill further contains a provision (sec. 3112) that would amend section 3241A of the National Nuclear Security Administration Act (50 U.S.C. 2441a) to specify that the total number of full-time equivalent employees working under a service support contract of the NNSA may not exceed the number that is 30 percent of the number of employees of the Office of the Administrator authorized under subsection (a)(1) of such section

3241A. The Administrator for Nuclear Security would be required to not exceed this total number of full-time equivalent contractor employees unless, during each fiscal year in which the Administrator exceeds such authorized number, the Administrator submits a report to the congressional defense committees justifying such excess.

The Senate recedes with an amendment that would strike section 3111 of the House bill and modify section 3112 of the House bill to require with each budget submission the National Nuclear Security Administration (NNSA) provide a report that provides the number of full time equivalent employees under section 3241A of the NNSA Act (50 U.S.C. 2441a), the number of service support contracts and whether the contracts are funded with program funds, the number of full time equivalent employees under each contract and the number in each contract that have been employed for more than 2 years.

*Development of strategy on risks to nonproliferation caused by additive manufacturing (sec. 3139)*

The House bill (sec. 3145) contained a provision that would require the President to develop and pursue a strategy to address the risks to the goals and policies of the United States regarding nuclear nonproliferation caused by the increased use of additive manufacture technology (including 3D Printing). This section would require the President to brief the appropriate congressional committees on the development and execution of such strategy not later than March 31, 2016, and every 120 days thereafter until January 1, 2019. Finally, this section would highlight the importance of pursuing such strategy at the Nuclear Security Summit in Chicago in 2016.

The Senate amendment contained no similar provision.  
The Senate recedes.

*Plutonium pit production capacity (sec. 3140)*

The House bill contained a provision (sec. 3143) that would express the sense of Congress that the requirement to create a modern, responsive nuclear infrastructure that includes the capability and capacity to produce, at minimum, 50 to 80 pits per year, is a national security priority and delaying creation of this responsive infrastructure until the 2030s is an unacceptable risk to the national security of the United States. Additionally, it would require the Chairman of the Nuclear Weapons Council to provide a briefing to congressional defense committees by March 1, 2016, on the annual plutonium pit

production capacity requirement of the nuclear security enterprise.

The Senate amendment contained no similar provision.  
The Senate recesses.

*Assessments on nuclear proliferation risks and nuclear nonproliferation opportunities (sec. 3141)*

The House bill contained a provision (sec. 3134) that would require the Director of National Intelligence to submit a report to the appropriate congressional committees, by March 1 of each year from 2016 to 2020, containing an assessment and prioritization of international nuclear proliferation risks and nuclear nonproliferation opportunities and an assessment of the effectiveness of various means and programs for addressing such risks and opportunities.

The Senate amendment contained no similar provision.  
The Senate recesses.

*Analysis of alternatives for Mobile Guardian Transporter program (sec. 3142)*

The House bill contained a provision (sec. 3144) that would require the Administrator for Nuclear Security to submit to the congressional defense committees the analysis of alternatives by the Administrator for the Mobile Guardian Transporter program within 60 days after the date of the enactment of this Act. Additionally, it would also require the Secretary of Energy to include in the annual budget request submission, a separate, dedicated program element for the MGT program.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would eliminate the requirement for an independent assessment and clarify that the submitted report must contain a full and comprehensive analysis of alternatives. The conferees stress that the analysis of alternatives for the MGT program that is conducted and submitted to Congress should take into account all safety and security scenarios, as well as costs, benefits, and risks of various engineering and policy changes that could affect the program.

**TITLE XXXII—DEFENSE NUCLEAR FACILITIES  
SAFETY BOARD**

*Authorization (sec. 3201)*

The House bill contained a provision (sec. 3201) that would authorize funds for the Defense Nuclear Facilities Board for fiscal year 2016.

The Senate amendment contained a similar provision (sec. 3201).

The House recesses.

*Administration of Defense Nuclear Facilities Safety Board (sec. 3202)*

The House bill contained a provision (sec. 3202) that would amend section 311(c) of the Atomic Energy Act of 1954 (42 U.S.C. 2886(c)) to clarify that, in carrying out certain duties, the Chairman of the Defense Nuclear Facilities Board may not withhold from any member of the Board any information that is made available to the Chairman regarding the Board's functions, powers, and mission (including with respect to the management and evaluation of employees of the Board). The provision would also clarify that the Chairman of the Board, subject to the approval of the Board, may appoint and remove certain senior employees of the Board.

The Senate amendment contained no similar provision.

The Senate recesses.

## **TITLE XXXIV—NAVAL PETROLEUM RESERVES**

*Authorization of Appropriations (sec. 3401)*

The House bill contained a provision (sec. 3401) that would authorize \$17.5 million for fiscal year 2016 for operation and maintenance of the Naval Petroleum Reserves.

The Senate amendment contained no similar provision.

The Senate recesses.

## **TITLE XXXV—MARITIME ADMINISTRATION**

### **LEGISLATIVE PROVISIONS ADOPTED**

*Authorization of the Maritime Administration (sec. 3501)*

The House bill contained a provision (sec. 3501) that would authorize appropriations for the national security aspects of the Merchant Marine for fiscal year 2016.

The Senate amendment contained a similar provision (sec. 3505) that would authorize appropriations for the national

security aspects of the Merchant Marine for fiscal years 2016 and 2017.

The Senate recedes with an amendment that would increase by \$24.0 million to \$210.0 million the amount authorized to be appropriated in subsection (5) for expenses to maintain and preserve a United States-flagged merchant marine to serve the national security needs of the United States under chapter 531 of title 46, United States Code.

*Sense of Congress regarding Maritime Security Fleet program (sec. 3502)*

The House bill contained a provision (sec. 3502) that would express the sense of Congress that dedicated and enhanced support is necessary to stabilize and preserve the Maritime Security Fleet program.

The Senate amendment contained no similar provision.  
The Senate recedes.

*Update of references to the Secretary of Transportation regarding unemployment insurance and vessel operators (sec. 3503)*

The House bill contained a provision (sec. 3503) that would update sections 3305 and 3306(n) of title 26, United States Code, to reflect the Maritime Administration's transfer from the Department of Commerce to the Department of Transportation that occurred in 1981.

The Senate amendment contained a similar provision (sec. 3503).

The Senate recedes.

*Payment for maritime security fleet vessels (sec. 3504)*

The House bill contained a provision (sec. 3505) that would increase by \$24.0 million the amount authorized to be appropriated for expenses to maintain and preserve a United States-flagged merchant marine to serve the national security needs of the United States under chapter 531 of title 46, United States Code.

The Senate amendment contained no similar provision.  
The Senate recedes.

*Melville Hall of United States Merchant Marine Academy (sec. 3505)*

The House bill contained a provision (sec. 3506) that would allow the Maritime Administrator to accept a gift from the U.S. Merchant Marine Academy Alumni Association and Foundation for the purpose of renovating Melville Hall on the campus of the U.S. Merchant Marine Academy.

The Senate amendment contained an identical provision (sec. 1087).

The Senate recesses.

*Cadet commitment agreements (sec. 3506)*

The Senate amendment contained a provision (sec. 3501) that would strengthen requirements for proper performance of reserve service obligations for U.S. Merchant Marine Academy (USMMA) graduates by providing clarity that graduates are required to apply for a position in the reserves of an armed force, maintain a Transportation Worker Identification Credential, and maintain a U.S. Coast Guard approved medical certificate. This section also would change the reserve service obligations of USMMA graduates from 6 to 8 years to conform with current Department of Defense reserve requirements.

The House bill contained no similar provision.

The House recesses.

*Student incentive payment agreements (sec. 3507)*

The Senate amendment contained a provision (sec. 3502) that would clarify the requirements for a graduate of the student incentive payment (SIP) program to perform service obligations and facilitate enforcement of the reserve duty component of their service obligation. It would assist in the federal government's recoupment of funds if SIP graduates fail to fully perform their reserve duty service obligation. This section also aligns current U.S. Coast Guard and Department of Defense (DOD) terminology to update references to licensing and the Strategic Sealift Officer Program, as well as bring the Maritime Administration's reserve service obligation requirement in line with DOD requirements for 8 years of reserve duty.

The House bill contained no similar provision.

The House recesses.

*Short sea transportation defined (sec. 3508)*

The Senate amendment contained a provision (sec. 3504) that would amend the definition of short sea transportation in section 55605 of title 46, United States Code.

The House bill contained no similar provision.

The House recesses.

## **LEGISLATIVE PROVISIONS NOT ADOPTED**

### *Reliance on classification society certification for purposes of eligibility for certificate of inspection*

The House bill contained a provision (sec. 3504) that would modify section 53102 of title 46, United States Code, and require the U.S. Coast Guard to implement certain class society certification standards.

The Senate amendment contained no similar provision.  
The House recesses.

The conferees note the continued need for Maritime Security Program (MSP) vessels to meet national defense sealift needs. Section 53102(e)(3)(A) of title 46, United States Code, establishes a process for the U.S. Coast Guard to rely on classification societies to certify compliance for MSP vessels, both initially for reflag, and subsequently during renewal inspections, based solely on applicable international agreements, associated guidelines, and classification society rules. The conferees encourage the Coast Guard to use that process to the greatest extent practicable. The Service should not set up unnecessary barriers to entry for vessels the Department of Defense has determined it needs to meet national defense sealift requirements.

## **DIVISION D—FUNDING TABLES**

### *Authorization of amounts in funding tables (sec. 4001)*

The House bill contained a provision (sec. 4001) that would provide for the authorization of projects, programs, and activities in accordance with the tables in division D.

The Senate bill contained an identical provision (sec. 4001).

The conference agreement includes this provision.

### *Clarification of applicability of undistributed reductions of certain operation and maintenance funding among all operation and maintenance funding (sec. 4002)*

The Senate bill contained a provision (sec. 4002) that clarifies that the undistributed reductions in funding for operation and maintenance due to bulk fuel purchases and foreign currency fluctuations, as shown in table 4301, can be applied to

all operation and maintenance funding, regardless if funding is available in table 4301 or 4302.

The House bill contained no similar provision.

The House recedes with an amendment that would limit reductions mentioned above to table 4301 and 4303.