As of June 18, 2015
(Passed by the Senate, 71–25)
Overview

On June 18, 2015, the Senate passed S. 1376, the National Defense Authorization Act for Fiscal Year 2016 by a vote of 71-25. The approval of the legislation marks the first time in nearly three years the Senate has passed the annual defense policy bill, which sets Pentagon policy and defense funding levels.

The FY16 NDAA authorizes $620.1 billion for fiscal year 2016, including $611.9 billion in discretionary and $8.2 billion in mandatory funding. Total authorizations in the bill includes $591.9 billion for the Department of Defense (DoD), including $88.9 billion in Overseas Contingency Operations. The bill’s authorization levels are consistent with the $523 billion spending cap on base defense activities, but shift some authorization for base activities to the Overseas Contingency Operations account. For full text of S. 1376, please see: https://www.congress.gov/114/bills/s1376/BILLS-114s1376pcs.pdf

Army National Guard End Strength

The Army National Guard’s (ARNG) overall end strength level decreased by 8,200 and the authorized number of non-dual status technicians decreased by 615. The legislation also reduces Military Technicians by 1,111 from last year’s levels.

| ARNG Non-Dual Status Technicians: | 1,600 (same as FY15) |
| ARNG ADOS: | 17,000 (same as FY15) |

Air National Guard End Strength

In the Senate-approved NDAA, the bill increased the end strength of the ANG by 500. The amount of ANG Dual Status Technicians decreased 397 from FY15 levels.

| ANG Non-Dual Status Technicians: | 350 (same as FY15) |
| ANG ADOS: | 16,000 (same as FY15) |
Operation and Maintenance Authorizations

The Base Funding for ARNG O&M is decreased from the President’s Budget request for FY16. For ANG O&M, S. 1376 matches funding from the President’s budget request for FY16.

For Army National Guard Operation and Maintenance (ARNG O&M) Base Funding in Fiscal Year 2016, the President requested $6.717 billion. S. 1376 authorizes $6.737 billion in total funding. This is an INCREASE of $19.119 million from the President’s budget request. Additionally, the bill authorizes $60.845 million in Overseas Contingency Operation O&M funding, which matches the President’s request.

For Air National Guard Operation and Maintenance (ANG O&M) Base Funding in Fiscal Year 2016, the President requested $6.956 billion. S. 1376 authorizes $6.835 billion, which is a DECREASE of $120.815 million from the President’s budget request. The bill also includes funding for $19.9 million in Overseas Contingency Operation O&M funding, which matches the President’s request.

Military Construction Authorizations

Over the past few years, NGAUS and others in the Guard community have placed an increased priority on modernizing National Guard facilities across the country. S. 1376 increases funding for Air and Army National Guard Military Construction from the President’s budget request.

For Army National Guard Military Construction, the President requested $197.237 million. S. 1376 authorizes $248.537 million, which is an INCREASE of $51.3 million above the President’s request.

For Air National Guard Military Construction, the President requested $123.538 million. S. 1376 authorizes $147.138 million, which is an INCREASE of $23.6 million above the President’s request.

National Guard State Partnership Program

NGAUS has lauded the vital importance of the National Guard State Partnership Program (SPP) and advocated for its reauthorization. Without Congressional action, the State Partnership Program’s authorization is set to lapse at the end of the FY16 fiscal year. S. 1376 gives the program permanent authority. The language also enhances the program by tying its operations to national global cooperation strategies, creates state coordinator positions, and interjects oversight mechanisms for greater accountability and secure funding. The Senate-passed NDAA did not include additional funding for SPP, but authorized at the President’s budget request of $5.6 million.

Other Provisions

Increases Drug Interdiction and Counterdrug Activities: $880.5 million

Adds AESA radar upgrades for F-15C: $48 million

Adds AESA radar upgrades F-15D: $192.5 million
Adds Electronic Propeller Control System for C-130H: $13.5 million

Adds In-Flight Propeller Balancing System for C-130H: $1.5 million

 Adds T-56 3.2 Engine Modernization funding: $33.2 million

Adds C-130 funds to comply with Section 135 of FY15 NDAA: $75 million

Restores funding for A-10: $355 million

Reduces ARNG Marketing: -11.5 million

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

**Legislative Provisions**

S. 1376 contains a number of provisions pertaining to the National Guard. Below you will find a summary, compiled from the bill text:

**Section 120 – Stationing of C-130H Aircraft Avionics Previously Modified by the Avionics Modernization Program (AMP) in Support of Daily Training and Contingency Requirements for Airborne and Special Operations Forces**

This section requires the Secretary of the Air Force to station C-130 AMP aircraft to support US Army Airborne and US Army Special Operation Command FY17 requirements and shall provide such personnel required to maintain and operate the aircraft.

**Section 134 – Prohibition on Availability of Funds for Retirement of A-10 Aircraft**

This section prohibits the use of funds to retire, plan to retire, or place in storage or backup aircraft inventory an A-10 aircraft and requires the Air Force to maintain a minimum of 171 A-10 aircraft designated as primary mission aircraft inventory. This section also requires an independent assessment of the required capabilities or mission platform to replace the A-10.

**Section 136 – Limitation on transfer of C–130 aircraft**

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

**Section 138 – Restriction on retirement of the Joint Surveillance Target Attack Radar System (JSTARS), EC-130H Compass Call, and Airborne Early Warning and Control (AWACS) Aircraft**

This section prohibits the Air Force from retiring the JSTARS, EC-130H or AWACS until the follow-on replacement aircraft programs enters Low-Rate Initial Production.
Section 139 – Sense of Congress Regarding the OCONUS Basing of the F-35A Aircraft

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

Section 1066 – Annual Report by the Chief of the National Guard Bureau Assessing the National Guard to meet its non-federalized Homeland Missions
This section modifies Section 10604(a) of title 10 USC requiring an assessment, in conjunction with the chief executive offices of the State and territories, on the ability of the National Guard to carry out emergency support functions on the National Response Framework in non-federalized statuses.

Military Personnel Authorizations:

Section 411 – Authorization End Strengths for Selected Reserve
This section authorizes the end strengths for reserves on active duty in support of the reserves. The senate version includes a Sense of the Senate that the National Guard Bureau should account for State authorization when allocating full-time operation support duty personnel.

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

Reserve Management Provisions:

Section 512 – Clarification of Purpose of Reserve Component Special Selection Boards as Limited to Correction of Error at a Mandatory Promotion Board
This section would amend section 14502(b) of title 10, United States Code, concerning Reserve Component special selection boards and whether an officer or former officer could request a special selection board based on having not been selected by a previous special selection board vice being considered by a mandatory promotion board convened under section 14101(a) of title 10, United States Code. This section would better align the statutory language regarding Active Duty and Reserve Component special selection boards.

Section 513 – Reconciliation of contradictory provisions relating to citizenship qualifications for enlistment in the reserve components of the Armed Forces
This section 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.
Section 513 – Exemption of Military Technicians (Dual Status) From Civilian Employee Furloughs
This section would amend Section 10216(b)(3) of title 10, United States Code, to exempt Military Technicians from furlough.

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

Section 514 – Authority for certain Air Force reserve component personnel to provide training and instruction regarding pilot instructor training
This section authorizes 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 instructor shortages within the Air Force using authorities available to the Secretary under current law.

Section 554 – Establishment of Office of Complex Investigations within the National Guard Bureau
This section establishes the Office of Complex investigations under the authority, direction and control of the Chief of the National Guard Bureau. The office shall be organized, trained, equipped and managed to conduct administrative investigations in order to assist the States in the organization, maintenance and operations of the Guard regarding allegations of sexual assault in the NG, in circumstances in which other law enforcement agencies within the DOD do not have, or have limited, jurisdiction or authority to investigate and in other circumstances involving members of the NG as the CNGB directs.

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

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

Other Provisions:

Section 588 – Enhancements to Yellow Ribbon Reintegration Program
This section would amend section 582 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) to enhance and improve the Yellow Ribbon Reintegration Program for National Guard and Reserve members and their families. The provision would provide flexibility to deliver events and activities through alternate methods, and would eliminate redundancy by reducing the number of required events and activities to a minimum of four during a service member’s deployment cycle. The provision would continue strong support for suicide prevention efforts and outreach programs led by the states.

Compensation, Benefits, and Retirement:

Section 611 – One-Year Extension of Certain Bonus and Special Pay Authorities for Reserve Forces
This section would extend the authority, through December 31, 2016, for 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, income replacement payments for Reserve Component members experiencing extended and frequent mobilization for Active Duty service, and the authority to reimburse travel expenses for inactive duty training outside of normal commuting distance.

Section 631 – Full participation for members of the uniformed services in Thrift Savings Plan
This section would modernize the current military retirement system by blending the current defined benefit, cliff-vesting retirement plan with a defined contribution plan allowing service members to contribute to a portable Thrift Savings Plan account with a Government contribution matching program.

Section 632 – Modernized retirement system for members of the uniformed services
This section would modernize the current uniformed services retirement system by blending the current defined benefit, cliff-vesting retirement plan with a defined contribution plan, lump sum career continuation pay, and retention bonuses paid at defined career milestones, while continuing a 20 year defined annuity.

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

Section 634 – Continuation Pay after 12 Years of Service for Members of the Uniformed Services Participating in the Modernized Retirement Systems

Section 635 – Authority for Retirement Flexibility for Members of the Uniformed Services
This section 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 Secretary concerned shall be required to provide notice to Congress 1 year in advance of making such a change.

**Section 532 – Termination of program of educational assistance for reserve component members supporting contingency operations and other operations**

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

**Section 592 – Increase in number of days of active duty required to be performed by reserve component members for duty to be considered Federal service for purposes of unemployment compensation for ex-service members**

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

**Organization and Management:**

**Section 351 – Additional Requirements for Streamlining of Department of Defense Management Headquarters**

This section requires the Department of Defense to implement 20% reduction in management Headquarters Functions, as directed by the Secretary of Defense in July 2013, in management headquarters budget and personnel by September 30, 2019, for the covered organizations in the National Capital Region. (House Section 905) The Senate version would reduce funding for headquarters and administrative functions for military services, defense agencies, combatant commands, the Office of the Secretary of Defense, and the Joint Chiefs of Staff by 7.5 percent for four years, totaling 30 percent by the fourth year.

**Miscellaneous Provisions:**

**Section 1044 – Limitation on Transfer of Certain AH-64 Apache Helicopters from Army National Guard to Regular Army and Related Personnel Levels**

This section modifies the FY15 NDAA to extend the limitation of transfers of ARNG apaches until September 30th, 2016.

**Section 1045 – Treatment of certain previously transferred Army National Guard helicopters as counting against number transferrable under exception to limitation on transfer of Army National Guard helicopters**

This section requires that the Secretary of the Army will provide the committee a report within 90 days of enactment on the number of AH-64D Apache helicopters that have been transferred from the ARNG to the original equipment manufacturer for remanufacture to AH-64E. The
Secretary will count those against the total AH-64 Apache helicopters that may be transferred from the ARNG to the Army as required by FY15 NDAA (48 aircraft total).

Section 341 – Modification of Requirements for Transferring Aircraft within the Air Force Inventory
This section modifies the FY11 NDAA and requires that the Secretary of the AF shall ensure a written agreement regarding aircraft transfers between the Chief of Staff of the AF and the Director of the ANG or Chief of the Air Force Reserve.

Section 342 – Limitation on use of funds for Department of Defense sponsorships, advertising, or marketing associated with sports-related organizations or sporting events
This section fences funding for sponsorships, advertising, or marketing associated with sports-related organizations or sporting events until the Department of Defense ensures that such activities contribute to recruiting goals. The committee also directs the Comptroller General of the United States to assess DOD sponsorship, sports marketing and advertising activities, including the active duty, and reserve, and guard components.

Section 1065 – Report on Plans for the Use of Domestic Airfields for Homeland Defense and Disaster Response
This section requires a report by the Secretary of Defense assessing the plans for airfields in the US that are required to support homeland defense and local disaster response missions in consultation with the Secretaries of Defense and Transportation.

Section 1621 – Report on Air National Guard Contributions to the RQ-4 Global Hawk Mission
This section requires 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, on the feasibility of using ANG in association with active duty Air Force to operate and maintain the RQ-4 Global Hawk.

Section 1627 – Biennial Exercises on Responding to Cyber Attacks against Critical Infrastructure
This section provides that not less frequently than once every two years until the date that is six years after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretary of Homeland Security, the Director of National Intelligence, the Director of the Federal Bureau of Investigation, and the heads of the critical infrastructure sector-specific agencies designated under Presidential Policy Directive—and in consultation with governors of the States and the owners and operators of critical infrastructure, organize and execute one or more exercises based on scenarios in which critical infrastructure of the United States is attacked through cyberspace.

Section 343 – Sport Sponsorship
This section fences funding for sponsorships, advertising, or marketing associated with sports-related organizations or sporting events until the Department of Defense ensures that such activities contribute to recruiting goals. The committee also directs the Comptroller General of the United States to assess DOD sponsorship, sports marketing and advertising activities, including the active duty, and reserve, and guard components. The Senate also provides a sense
of Senate that any organization wishing to honor members of the Armed Forces should do so on a voluntary basis and that DoD should ensure that no payments be made for such activities in the future.

**Section 1204 – National Guard State Partnership Program**

This section modifies the FY14 NDAA’s scope of authority for the State Partnership Program and requires the DoD Comptroller and the Undersecretary of Defense for Policy to submit a report setting forth a joint assessment on the feasibility of establishing a central fund to manage funds for the programs under the State Partnership Program.

**Section 2601 – Authorization ARNG Construction**

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**Section 2604 – Authorization ANG Construction**

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Senate Report Language (114-49):


Limitation on Retirement of Air Force Fighter Aircraft:
The committee recommends a provision 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 must also 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 the defense committees that: (1) the retirement of such fighter aircraft will not increase the operational risk of meeting the National Defense Strategy; and (2) the retirement of such aircraft will not reduce the total fighter force structure below 1,950 fighter aircraft or primary mission aircraft inventory below 1,116 and would require a report.

Lastly, the provision would also require a report at least 90 days prior to the date on which a fighter aircraft is retired.

Prohibition on Retirement of A–10 Aircraft:
The committee recommends a provision 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 committee directs 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 committee expects the Air Force to execute the fiscal year program in accordance with the spirit of this provision.

The committee believes that the Air Force is proposing the retirement of the A–10 fleet purely on the basis of the fiscal environment and not on grounds of the ability of the combat air forces to effectively meet the requirements of the combatant commanders and defense strategy. Specifically, the Secretary of the Air Force should ensure that the Air Force does not close or consolidate A–10 units, make changes to standard sustainment processes, or reduce A–10 pilot training or A–10 flying hours disproportionally to reductions applied to pilots or flying hours for other Air Force aircraft.
The Air Force is encouraged to find the billets necessary to fill A–10 and F–35 manpower authorizations from within the 2,200 billets reduced from its management headquarters and its 6,000 billet increase request authorized in title IV of this Act.

Limitation on Transfer of C-130 Aircraft:
The committee recommends a provision that would place a limitation on all of the funds authorized or appropriated by this Act or otherwise made available for fiscal year 2016 for the Air Force that may be obligated or expended to transfer from one facility of the Department of Defense to another any C–130H aircraft, initiate any C–130 manpower 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, certifies to the committees on Armed Services of the Senate and of the House of Representatives that: (1) the United States Air Force will maintain dedicated C–130 wings to support the daily training and contingency at manning levels required to support and operate the number of aircraft that existed as part of the regular and reserve Air Force operations in support of such units as of September 30, 2014; and (2) failure to maintain such Air Force operations will not adversely impact the daily training requirement of those airborne and special operations units.

**Restriction on retirement of the Joint Surveillance Target Attack Radar System (JSTARS), EC–130H Compass Call, and Airborne Early Warning and Control (AWACS) aircraft:**
The committee recommends a provision that would restrict the Secretary of the Air Force from retiring any 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.

**Sense of Congress on F–16 Active Electronically Scanned Array (AESA) radar upgrade:**
The committee recommends a provision that would express the sense of the Congress on F–16 Active Electronically Scanned Array (AESA) radar upgrades.

**MQ–9:**
The budget request included $553.0 million in Aircraft Procurement, Air Force (APAF), for 29 MQ–9 aircraft. The committee recommends an increase of $480.0 million in APAF for 24 additional MQ–9 aircraft and initial spares to support increased combatant commander requirements for medium altitude intelligence, surveillance, and reconnaissance support. Additional funding was included on the Chief of Staff of the Air Force’s unfunded priorities list.

The committee also recommends under title V in this Act a provision that would direct the Secretary of the Air Force to submit a report on actions the Air Force will take to rectify persistent remotely piloted aircraft career field manning shortfalls. The committee expects the Air Force to take required actions to correct these shortfalls to facilitate these additional aircraft to fulfill combatant commander requirements.

**F–15 Capability Upgrades:**
The budget request included $464.4 million in Aircraft Procurement, Air Force (APAF), for F–15 fighter aircraft modifications. The F–15 series of fighter aircraft will be operated through the 2030 decade, and must have capability upgrades to increase its operational effectiveness against advanced threats and operate in increasingly contested environments, and training aircraft modified to mirror combat configurations for the most effective aircrew training. Additional funding was included in the Chief of Staff of the Air Force’s unfunded priorities list.
Therefore, the committee recommends an increase of $11.6 million for the Eagle Passive/Active Warning Survivability System (EPAWSS), an increase of $48.0 million for six F–15C advanced electronically scanned array (AESA) radar upgrades, an increase of $192.5 million for 24 F–15D AESA radar upgrades, and an increase of $10.0 million for Advanced Display/Core Processor II (ADCP II) upgrades to support AESA upgrades. The total recommended increase for APAF is $262.1 million.

**C–130H Propulsion System Enhancements:**
The budget request included $7.0 million in Aircraft Procurement, Air Force (APAF), for C–130 modifications. The Air National Guard and Air Force Reserve will operate C–130H aircraft for the next two decades. Enhancements to the C–130H propulsion system will provide increased performance, improved fuel efficiency, and greater reliability. Therefore, the committee recommends increases of $33.2 million for T–56 3.5 Engine Modifications, $1.5 million for In-flight Propeller Balancing System certification, and $13.5 million for Electronic Propeller Control System for a total increase in APAF of $48.2 million.

**C–130H Avionics Modernization Program:**
The budget request included no funding in Aircraft Procurement, Air Force (APAF), for the C–130H Avionics Modernization Program (AMP). The committee believes the term “avionics modernization program of record for C–130 aircraft” in section 134 of the Carl Levin and Howard P. ‘Buck’ McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291) includes C–130H safety modifications and airspace compliance modifications that will be required to operate in both Federal Aviation Administration-controlled airspace and International Civil Aviation Organization-controlled airspace after January 1, 2020.

The current Air Force plan includes making those airspace compliance modifications within the C–130H Avionics Modernization Program (AMP) effort. However, as the Air Force plan for making airspace compliance modifications (AMP Increment 1) would not achieve airspace compliance for the entire C–130H aircraft fleet until well after that deadline, the committee expects the Air Force to accelerate the AMP Increment I schedule as rapidly as possible.

Additionally, the committee also expects the Air Force to accelerate the effort for AMP increment 2 modifications, using previously purchased components and leveraging research and development efforts to the maximum extent practical. The committee expects the Air Force to comply with the spirit and intent of section 134 of the Carl Levin and Howard P. ‘Buck’ McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291) for executing the C–130H AMP program of record.

The committee understands that the Air Force is restructuring the AMP program of record, but also recognizes that it has no completed design, cost estimates, or schedule plan on how it will execute AMP Increment 2. The committee expects the Air Force to continue to execute AMP and field C–130H aircraft previously upgraded by the AMP program until the Air Force provides a concrete plan that describes the final modification configuration for AMP Increment 2, a service cost position, and a procurement and installation schedule that would realistically support a fleet viability requirement. Therefore, the committee recommends an increase of $75.0 million in APAF for C–130H AMP aircraft modifications.
Army UH–60A to UH–60L conversions for the National Guard:
The committee is aware that the UH–60 Black Hawk helicopter is one of the most versatile and heavily used aviation capabilities in the Army National Guard, as well as by all the states in which they serve. The UH–60A is the oldest model Black Hawk in service and currently flown almost exclusively by the Army National Guard. Although old, these A-model Black Hawks continue to provide a reliable and critically important medium-lift capability to the National Guard in support of its state role in homeland defense and support for civil authorities in response to emergencies. While the Army National Guard currently uses UH–60A Black Hawk helicopters for the range of state and domestic requirements for medium-lift, the lack of modern on-board capabilities means these helicopters are not ordinarily available for deployment overseas into hostile environments without significant upgrades to their current configuration.

The committee notes that based on the Army’s current budget projections Army National Guard units will not replace their aging UH–60A Black Hawk helicopters until the end of fiscal year 2025. To sustain the readiness and increase the availability of the Army National Guard’s UH–60 fleet, and close the A-model capability gap, the committee encourages the Army to review the feasibility of accelerating the replacement of all UH–60A aircraft through the production of new UH–60M helicopters, the UH–60V upgrade program, and the conversion of A-model Black Hawks to UH–60L model aircraft.

Comptroller General of the United States review of the implementation of recommendations from the National Commission on the Structure of the Air Force:
The committee is concerned that although the Air Force was required by the statute to provide discernible milestones for review of the recommendations or preliminary implementation plans, none were included in the initial report required by Section 1055 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291). Additionally, several of the Commission’s recommendations concerned the force mix ratio between the active and reserve components, which the Air Force elected to review through its High Velocity Analysis process. None of the analysis from this process was included in the report.

Additionally, the law required the Secretary of the Air Force to submit to the congressional defense committees an assessment of the costs and benefits of the proposed transfer from one facility of the Department of Defense to another of C–130H or C–130J aircraft. The committee received this report in April 2015.

The committee is concerned that while the Air Force stated it would provide a review of the force mix balance between the active and reserve components through its High Velocity Analysis process, no reference to observations, conclusions, or recommendations are found in the C–130 force structure report. In addition, the report also contains no range or weighting of criteria, similar to the Air Force’s strategic basing process that would determine the operational effectiveness of stationing C–130 units at one location over another.
The committee directs the Comptroller General of the United States to review the Air Force’s methodology and effectiveness in its effort to plan for and implement the National Commission recommendations. The review should include, at a minimum, assessments of:

(1) the Air Force’s plans for review and implementation of the Commission’s recommendations;
(2) the sufficiency of the Air Force’s High Velocity Analysis process to provide decision level information to senior Air Force leaders on appropriate force mix balance between the components;
(3) the applicability and appropriateness of the models used in the High Velocity Analysis process;
(4) the decision process used following data collection and analysis; and
(5) any other matters the Comptroller General determines are appropriate during the review.

The Comptroller General shall submit a preliminary review to the congressional defense committees not later than August 31, 2015, and a final report to follow on February 1, 2016.

**KC–46 aerial refueling tanker aircraft program:**
The budget request included $602.4 million in PE 65221F for KC–46A tanker development and $2.4 billion in Aircraft Procurement, Air Force (APAF) for 12 KC–46A tanker aircraft. The KC–46 tanker aircraft is being developed and procured to replace the aging Department of the Air Force KC–135 aerial refueling tanker fleets.

The committee continues its long-standing support of the KC–46A tanker aircraft program, and believes that the KC–46A tanker aircraft is necessary to meet current and future warfighter requirements for aerial refueling and airlift.

The committee understands that the reduction of funds in fiscal year 2016 will not impact the program delivery schedule of the KC–46A tanker aircraft. Therefore, the committee recommends a decrease of $200.0 million in PE 65221F and $24.0 million in APAF due to availability of unobligated prior year funds.

**Modification of requirements for transferring aircraft within the Air Force inventory:**
The committee recommends a provision to ease administrative burdens and facilitate non-contentious transfers of aircraft from the Air Reserve Components (ARC) to the regular component of the Air Force (RegAF).

The provision would remove uncontentious, routine transfers, and short-term transfers from Section 345 reporting requirements. The provision also would exempt transfers that terminate the reserve component’s interest in the aircraft (due to aircraft retirement or mission transfer) when that transfer has been the subject of prior notification to the defense committees.

The provision would not create an oversight vacuum or allow aircraft transfers to occur without coordination and agreement. The Air Force would still be required to comply with Department of Defense Instruction 1225.06, Equipping the Reserve Forces, May 16, 2012, Enclosure 3, which requires coordination, approval, and a written agreement signed by a general officer or civilian equivalent for equipment transfers, including aircraft.
Limitation on use of funds for Department of Defense sponsorships, advertising, or marketing associated with sports-related organizations or sporting events:
The committee recommends a provision that would prohibit the Department of Defense (DOD) from using appropriated funds to procure sponsorships, advertising, or marketing associated with sports-related organizations or sporting events until the Director, Accessions Policy within the Office of the Under Secretary of Defense for Personnel and Readiness conducts a review of current departmental activities in this area, including those by the active duty, reserve, and guard components to ensure that such activities enable the DOD to achieve recruiting goals and provide an appropriate return on investment. The committee is aware that for fiscal year 2016, DOD has requested $507.5 million to fund its advertising activities.

While the committee recognizes that sports marketing and advertising activities can help DOD achieve its recruiting and retention goals, the committee is also concerned that in a period of declining budgets, the Department may not be ensuring that it is maximizing its return on investment of sports marketing and advertising funds. In particular, the committee is concerned with the Department’s continued use of funds for sports-related sponsorships, advertising and marketing. The committee notes that DOD components do not appear to be utilizing specific metrics, such as leads generated that lead to recruit accessions, in a uniform and consistent way to measure the return on investment associated with these activities. The committee further notes that the approach to managing contracts used to procure these activities differs across DOD components, and in the case of the Army National Guard, is highly decentralized and managed at the individual state level. The committee is concerned that such differences and decentralization hinder the ability to apply best practices, minimize potential duplication, and ensure that appropriate oversight into these activities occurs.

Accordingly, the committee directs the Comptroller General of the United States to assess DOD sponsorship, sports marketing and advertising activities, including the active duty, and reserve, and guard components. The assessment shall include, but not be limited to: (1) Whether DOD marketing and advertising activities are achieving their stated goals; (2) How DOD determines whether its marketing and advertising activities are effective and providing an appropriate return on investment; (3) The extent to which the effectiveness of DOD marketing and advertising activities are consistent with best commercial practices; (4) DOD actions to reduce unnecessary redundancies in its marketing and advertising activities; and (5) an assessment of the activities required under section (a)(1) and (a)(2) in this provision.

The committee directs the Comptroller General to deliver a report to the Committees on Armed Services of the Senate and the House of Representatives no later than March 1, 2016.

Army and Air National Guard Operation Phalanx increase:
The budget request included $6.7 billion in Operation and Maintenance, Army National Guard (OMARNG), of which $88.7 million was for SAG 114 Theater Level Assets and $943.6 million was for SAG 116 Aviation Assets. The budget request also included $6.9 billion in Operation and Maintenance, Air National Guard (OMANG), of which $740.7 million was for SAG 11G Mission Support Operations.
The committee remains concerned that the southern border of the United States remains unsecure. The committee notes that the Army National Guard has been providing support to the Department of Homeland Security along the southwest border under a program entitled Operation Phalanx since 2010. Since its inception, Operation Phalanx has consisted of ground-based Entry Identification Teams, criminal analyst support, and aerial surveillance support to civil authorities along the southwest border. According to the Army National Guard, since Operation Phalanx began in July of 2010, operations have contributed to the apprehension of over 122,000 individuals and the seizure of over 377,000 pounds of marijuana. Accordingly, the committee recommends the following increases in OMARNG: $7.7 million for SAG 114 Theater Level Assets, and $13.0 million for SAG 116 Aviation Assets. Additionally, the committee recommends an increase of $2.6 million in OMANG for SAG 11G Mission Support Operations.

**Army National Guard portrait cuts:**
The budget request included $6.7 billion in Operation and Maintenance, Army National Guard (OMARNG), of which $59.6 million was for SAG 431 Administration.

The committee understands that a portion of the requested increase is for the Chief National Guard Bureau (CNGB) Heritage Paintings, which the CNGB commissions each year. The committee also understands that this increase would be to pay for a backlog of four other paintings at a cost of $62,500 thousand per painting, which includes personnel and framing associated costs. The committee believes these funds should be realigned to support higher priority readiness requirements. Accordingly, the committee recommends a decrease of $250,000 in OMARNG for SAG 431 Administration.

**Army National Guard marketing program reduction:**
The budget request included $283.6 million in Other Personnel Support within Operation and Maintenance, Army National Guard (OMARNG), of which $283.0 million was for SAG 434 Other Personnel Support.

The committee understands that $11.5 million is an increase to the Army Marketing Program. The committee believes that these funds should be realigned to support higher priority readiness requirements. Accordingly, the committee recommends a decrease of $11.5 million for SAG 434 Other Personnel Support.

**Army National Guard readiness funding increase:**
The budget request included $6.7 billion in Operation and Maintenance, Army National Guard (OMARNG), of which $166.8 million was for $943.6 million in SAG 116 Aviation Assets and SAG 123 Land Forces Depot Maintenance. The committee understands that the Army National Guard has identified specific amounts in these readiness accounts that could accelerate readiness recovery while also increasing both actual and simulated flying hour programs increasing aviator readiness.

Accordingly, the committee recommends the following increases in OMARNG: $39.6 million in Aviation Assets and $22.5 million for SAG 123 Land Forces Depot Maintenance.

**Defense-wide funding decrease for base realignment and closure planning and support:**
The budget request included $32.4 billion for Operation and Maintenance, Defense-wide (OMDW), of which $1.3 billion was for SAG 4GTN Office of the Secretary of Defense. The committee understands that $10.5 million was to be used for base realignment and closure (BRAC) planning and support. The bill recommended by the committee would prohibit the expenditure of funds for a new BRAC round. Accordingly, the committee recommends a decrease of $10.5 million in OMDW for SAG 4GTN Office of the Secretary of Defense.

**End strengths for reserves on active duty in support of the reserves:**

The provision also expresses the sense of Senate that the National Guard Bureau should account for States that routinely recruit and retain members of the National Guard in excess of State authorizations when allocating fulltime duty personnel. The committee further recommends that the Chief of the National Guard Bureau shall take into account the actual number of members of the Army National Guard of the United States serving in each State as of September 20 each year when allocating full-time duty personnel in the Army National Guard of the United States.

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

The committee recommends a provision 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 fulltime 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.

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

The committee recommends a provision 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. Currently, section 14301 of title 10, United States Code, requires servicemembers identified on the Reserve Active Status List to be considered for promotion to the next higher grade. This includes certain categories of reservists on the Reserve Active Status List who, by Department of Defense guidance, are in the Individual Ready Reserve and the Standby Reserve and who remain eligible for promotion consideration, but are not actively participating in Reserve duty because they are in a status in which they are receiving membership only points for Reserve credit.

Under current law, some individuals assigned to the Individual Ready Reserve may be discharged from the reserve component upon their second deferral for promotion because they are considered to have twice failed for promotion. This provision would provide the reserve component flexibility to remove individuals from promotion consideration during a period when
they are least competitive for promotion, and would allow the services to retain servicemembers with significant military training as well as civilian technical and professional skills that could contribute to their desirability for selection to be promoted should the individual elect to return to military service.

**Authority for certain Air Force reserve component personnel to provide training and instruction regarding pilot instructor training:**
The committee recommends a provision 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 instructor shortages within the Air Force using authorities available to the Secretary under current law.

**Establishment of Office of Complex Investigations within the National Guard Bureau:**
The committee recommends a provision 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. It also allows individual investigators established under this provision to request information from any Federal, State or local government.

**Comptroller General of the United States reports on prevention and response to sexual assault by the Army National Guard and the Army Reserve:**
The committee recommends a provision 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 Congress not later than April 1, 2016.

**Improvement of financial literacy and preparedness of members of the Armed Forces:**
The committee recommends a provision that would require servicemember financial literacy training 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. This provision was recommended by the Military Compensation and Retirement Modernization Commission.
Financial literacy training with respect to certain financial services for members of the uniformed services:
The committee recommends a provision that would direct the Secretary concerned to provide financial literacy training to members of the uniformed services under the jurisdiction of such Secretary commencing not later than 6 months after the date of the enactment of this Act. The provision is based on the final report of the Military Compensation and Retirement Modernization Commission.

Sense of Congress on financial literacy and preparedness of members of the Armed Forces:
The committee recommends a provision that would 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 Joint Chiefs of Staff and service secretaries.

Enhancements to Yellow Ribbon Reintegration Program:
The committee recommends a provision that would amend section 582 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) to enhance and improve the Yellow Ribbon Reintegration Program for National Guard and Reserve members and their families. The provision would provide flexibility to deliver events and activities through alternate methods, and would eliminate redundancy by reducing the number of required events and activities to a minimum of four during a servicemember’s deployment cycle. The provision would continue strong support for suicide prevention efforts and outreach programs led by the states.

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:
The committee recommends a provision 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.

Cyber security training, testing and certification:
The committee continues to encourage the Department of Defense (DOD) to enhance its ongoing efforts related to providing certifications to personnel pursuant to Department of Defense Directive (DODD) 8570.01. While DODD 8570.01 is highly effective, this program is limited to coverage to only DOD personnel with information assurance (IA) job responsibilities. The committee believes in addition to these IA functions, technical support and network infrastructure oversight remain critical areas for network defense. Ensuring these positions receive training, testing, and industry-recognized certification would enhance the security of DOD networks and ensure members of the Armed Forces receive the same credentials recognized in the civilian workforce. By instituting testing after training, DOD can ensure that cyber security and IT skills are retained. Therefore, the committee urges DOD to include them in DODD 8570.01 and any successor directives.

National Guard and Reserve headquarters:
The committee notes that the reserve component, both the National Guard and Reserves, are key components of the Department of Defense’s (DOD) organizational structure and strategic capability. Reserve components compromise approximately 50 percent of the Army’s total end strength, while reserve components compromise about 30 percent of the Air Force’s total end strength. The committee notes that the Government Accountability Office (GAO) found in 2013 that amid the DOD’s efforts to trim budgets by finding efficiencies and reducing overhead, some reserve component headquarters have grown. In its report, the GAO found the processes intended to efficiently size and oversee reserve component headquarters have not been consistently applied. The committee is interested in determining whether DOD has taken steps to eliminate overlapping, fragmented, or duplicative functions within the National Guard and Reserve headquarters could lead to greater efficiencies and cost reductions within the reserve components.

Accordingly, the committee directs the Comptroller General of the United States to evaluate the extent to which the National Guard and Reserves have taken steps to eliminate or consolidate overlapping, fragmented, or duplicative functions, and whether the National Guard reviewed its Joint Force Headquarters for greater efficiencies by consolidating roles that are filled by both Army and Air National Guard members. The committee directs the Comptroller General to submit a report to the Committees on Armed Services of the Senate and the House of Representatives no later than March 15, 2016.

**Thrift Savings Plan participation for members of the uniformed services:**
The committee recommends a series of provisions that would implement recommendations of the Military Compensation and Retirement Modernization Commission concerning reform and modernization of the military retirement benefit for new entrants into service. This provision would provide a government-matching Thrift Savings Plan (TSP) element for those who would enter uniformed service on or after January 1, 2018, 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 who would reach 60 days of service and continue until they would reach their second year of service. Once a servicemember passes the 2 years of service point, that member’s TSP account would vest and the Secretary concerned would begin matching TSP contributions up to 5 percent of that servicemember’s base pay at 2 years and 1 day of service. 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 reaches 20 years of service.

The committee notes 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.

**Modernized retirement system for members of the uniformed services:**
The committee recommends a provision 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 to the new system. 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.

**Lump sum payments of certain retired pay:**
The committee recommends a provision that would allow the voluntary election of lump sum payments of retired pay for those serving 20 or more years of service. Members who elect to take the lump sum may choose to take 100 percent or 50 percent of the discounted present value of their defined retirement benefit that would be due to them prior to becoming fully eligible for Social Security.

The committee strongly urges 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:**
The committee recommends a provision 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.

A member receiving continuation pay may elect to take the continuation pay in a lump sum or in installments of not more than four payments. A member who receives continuation pay and fails to complete the obligated service requirement shall be subject to repayment. The rate for active duty continuation pay would be 2.5 times a member’s monthly basic pay with the Secretary concerned having discretionary authority to increase that amount to up to 13 times monthly basic pay for retention and force shaping purposes. The rate for members of the reserve components would be 0.5 times a reserve member’s monthly basic pay with the Secretary concerned having discretionary authority to increase that amount to up to 6 months of monthly basic pay as needed for retention and force shaping purposes. The committee notes that the secretaries concerned would manage continuation pay through their special and incentive pay accounts and should take into consideration any other incentive pay a member may be receiving with any concurrent service obligations owed.

**Authority for retirement flexibility for members of the uniformed services:**
The committee recommends a provision 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 Secretary concerned shall be required to provide notice to Congress 1 year in advance of making such a change.

**Improvement of mental health care provided by health care providers of the Department of Defense:**
The committee recommends a provision 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.

**Reform of the TRICARE program:**
Congress established the Military Compensation and Retirement Modernization Commission in section 671 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239) to conduct a review of the military compensation and retirement systems and to make recommendations to modernize those systems.

The Commission released its report in January 2015. The Commission’s health care recommendations included a reform plan to improve access to care and expand beneficiaries’ choices of health plans by allowing beneficiaries, other than Active-Duty servicemembers, to obtain health care coverage from a selection of military-unique commercial health insurance plans offered through a new DOD health benefit program administered by the Office of Personnel Management.

Following release of the Commission’s report, the Personnel Subcommittee of the Committee on Armed Services of the Senate held a hearing to explore the health care recommendations in detail after which staff members met with various stakeholders to ensure full consideration of their views on the recommendations. Throughout those meetings, stakeholders encouraged the committee to take more time to study the healthcare recommendations before enacting comprehensive legislation to reform TRICARE. Although the committee believes that the Commission’s healthcare recommendations may address lingering problems within the military health system, the committee feels it is prudent to take a very deliberate approach to enacting TRICARE reform legislation.

The committee must better understand the implications and unintended consequences of any plan to transform a large, complex health program like TRICARE. The committee has recommended provisions in this Act, however, that would ensure the Department of Defense improves access to care, delivers better health outcomes, enhances the experience of care for beneficiaries, and controls health care costs. These provisions help lay the foundation for comprehensive TRICARE modernization and reform legislation in the near future.

**Extension of limitations on the transfer to the regular Army of AH–64 Apache helicopters assigned to the Army National Guard:**
The committee recommends a provision that would strike “March 31, 2016” each place it appears and inserting “September 30, 2016” in Section 1712 of the Carl Levin National Defense Authorization Act for Fiscal Year 2015. The provision would also strike “fiscal year 2015” and insert “‘fiscal years 2015 and 2016.’”

**Treatment of certain previously transferred Army National Guard helicopters as counting against number transferrable under exception to limitation on transfer of Army National Guard helicopters:**

The committee recommends a provision that would require the Secretary of the Army not later than 90 days after the date of enactment of this Act to submit a report to the congressional defense committees the number of AH–64 Apaches that have been transferred from the Army National Guard (ARNG) to the original equipment manufacturer for remanufacture. The Secretary of the Army shall treat the number of helicopters specified in the report as counting against the total number of AH–64s that may be transferred from the ARNG to the regular Army pursuant to the Carl Levin National Defense Authorization Act for Fiscal Year 2015.

**Management of Military Technicians:**

The committee recommends a provision that would convert not less than 20 percent of the general administration, clerical, 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 committee also recommends the phased-in termination of military technicians (non-dual status) to begin on January 1, 2017. The committee directs the Secretary of Defense to submit by February 1, 2016, to the Committees on Armed Services of the Senate and the House of Representatives, and to the Comptroller General of the United States, a report setting forth the Department of Defense’s plan for converting military technician (dual status) positions to positions filled by individuals who are employed under section 3103 of title 5, United States Code, to include: (1) An analysis of placing such individuals under the control and authority of the State Adjutants General; (2) an analysis of the employment rights that will now be granted to such individuals; (3) an analysis of any statutory change the Secretary believes is necessary to execute this provision; and (4) such other mechanisms for implementation that the Secretary shall recommend, as appropriate.

**National Guard Counterdrug Program:**

The committee notes that the Department of Defense (DOD) requests funding annually to support the National Guard Counterdrug Program (CDP). The committees believes that the CDP plays an important role in providing military-specific capabilities and expertise resident within the National Guard to support the counterdrug activities of federal, state, and local authorities.

The committee notes that budgetary pressures have led DOD to decrease the annual budget request for the CDP in recent years, which the committee understands may have caused some disruption or curtailment of CDP operations and activities. The committee encourages DOD to continue its support, to the extent practicable, for the CDP and to provide sufficient funding to
ensure the effectiveness and sustainability of the program. The committee understands that the National Guard Bureau has expressed concerns about its ability to execute funding for the CDP in a timely manner. The committee encourages DOD to work with the National Guard Bureau to improve fiscal management and execution rates for the CDP and expects to receive periodic updates on the CDP, to include ongoing and planned CDP programs, budget execution rates, and lessons learned.

**Redesignation, modification, and permanent extension of National Guard State Partnership Program:**
The committee recommends a provision 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 State Partnership Program and direct the Under Secretary of Defense (Comptroller) and Under Secretary of Defense (Policy) to conduct a advisability and feasibility study as to whether a central fund should be created to support the activities associated with the State Partnership Program.

**Reserve component Cyber Protection Teams:**
The committee has a strong interest in Department of Defense (DOD) plans for establishing Cyber Protection Teams (CPTs) in the reserve components to meet the needs of United States Cyber Command (CYBERCOM), and the states, in defending DOD networks and assisting the states in the event of serious cyber attacks. The committee notes that the Army and the Army reserve components intend to field 21 CPTs in fiscal years 2016–2018, one in active status, and 10 each in the Guard and Reserve. These CPTs are not currently planned to be included in the forces assigned to CYBERCOM. The Air Force intends to establish 12 CPTs in the Air National Guard, which will be manned to achieve the equivalent of 2 active CPTs dedicated to the Cyber Mission Forces (CMF) on behalf of the Air Force.

The committee commends the Department and the reserve components for planning for a robust number of CPTs, but has concerns about implementation. Specifically, training costs have not been budgeted yet, and the Department does not yet have a plan for sustaining the current training infrastructure after fiscal year 2016, when funding provided by the Office of the Secretary of Defense for the standup of the CMF ends. The Army Reserve included $10.6 million in the budget request for training the 3 CPTs it plans to establish in fiscal year 2016. However, the $9.0 million required to train the 3 Army National Guard CPTs to be fielded in 2016 has not yet been allocated. Outyear funding to train the remaining 14 CPTs is not budgeted.

The committee directs the following actions. First, the committee directs the Army and Army National Guard to notify the congressional defense committees when a decision is made to allocate funding in fiscal year 2016 for training the CPTs. Second, the committee directs the Secretary of the Army, the Secretary of the Air Force, the Principal Cyber Advisor (PCA), the Commander of CYBERCOM, and the Chief of the National Guard Bureau to report to the congressional defense committees on how the basing and intended use of the reserve component CPTs reflects an appropriate balance between, on the one hand, the core mission of the reserve component’s CPTs to provide surge capacity for CYBERCOM, and, on the other hand, the needs of the states, and the defense of the reserve components’ networks. Third, the committee directs the PCA, the Service Secretaries, and the Commander of CYBERCOM to develop a plan for the
Services to sustain the individual training capabilities that have been centrally funded and maintained since the CMF were first created.

The committee urges the Department to create a federated and joint training model and discourages having each service build separate training capabilities for its cyber contingent. The committee directs that the plan provide for a training capacity in fiscal years 2017 and 2018 that is adequate to complete all required training for the reserve component CPTs and the sustainment of the active CMF units. The plan should be available for briefing to the congressional defense committees when the President submits the budget request for fiscal year 2017.

**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 committee recommends authorization of appropriations of $636.8 million for military construction in fiscal year 2016 for facilities for the National Guard and reserve components. The detailed funding recommendations are contained in the state list table included in this report. The committee recognizes that in difficult budget times military construction funding is often deferred in favor of other priorities and notes the National Guard and Reserve forces have identified significant unfunded military construction priorities, including a tactical aerial unmanned systems hangar at Fort Stewart, Georgia; an equipment concentration point at Fort A.P. Hill, Virginia; an access control point at Fort Buchanan, Puerto Rico; an aviation classification and repair depot at Gulfport, Mississippi; a fire station security complex at Dobbins, Georgia; a space control facility at Cape Canaveral, Florida; an F–22 composite repair facility at Joint Base Pearl Harbor-Hickam, Hawaii; a building modification for the KC–46 fuselage trainer at Pease, New Hampshire; operations and deployment facilities at Bradley Air National Guard Base, Connecticut; and a vehicle maintenance shop at Camp Foley, Alabama.

The committee notes that these projects were identified as the top unfunded priorities of their respective service chiefs or the Chief of the National Guard Bureau. Funding for these projects has been added as outlined in the tables in this title and section 4601.

**Project Authorizations and Authorizations of Appropriations Authorized Army National Guard construction and land acquisition projects:**
The committee recommends a provision that would authorize military construction projects for the Army National Guard for fiscal year 2016. The authorized amounts are listed on an installation-by-installation basis.

**Authorized Air National Guard construction and land acquisition projects:**
The committee recommends a provision that would authorize military construction projects for the Air National Guard for fiscal year 2016. The authorized amounts are listed on an installation-by-installation basis.

**Authorization of appropriations, National Guard and Reserve:**
The committee recommends a provision that would authorize appropriations for the reserve component military construction projects authorized for construction for fiscal year 2016 in this Act. This provision would also provide an overall limit on the amount authorized for military
construction projects for each of the reserve components of the military departments. The state list contained in this report is the binding list of the specific projects authorized at each location.

**Change in authorities relating to scope of work variations for military construction projects:**
The committee recommends a provision 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 committee recognizes that there are valid reasons why the square footage of a facility might be appropriately increased as new electronic systems are incorporated, new security requirements are identified, or other needs emerge after authorization. Rather than requiring a delay in the project as new authority is sought, or sub-optimizing the project in order to avoid delays, the committee believes that the ability of a service to increase the scope by up to 10 percent, subject to congressional notification and a waiting period of 14 days, is warranted.

**Increase of threshold of notice and wait requirement for certain facilities for reserve components and parity with authority for unspecified minor military construction and repair projects:**
The committee recommends a provision that would modify section 18233a of title 10, United States Code, relating to unspecified minor military construction and repair of facilities for the reserve components to conform to sections 2805 and 2811 of title 10, United States Code.