

**En Bloc Amendments to H.R. 1735**  
**National Defense Authorization Act for Fiscal Year 2016**  
 Wednesday, April 29, 2015

Subcommittee on Readiness		
En Bloc 2		
Log #	Sponsor	Description
008	Tsongas	Authorizes the Secretary of Defense to carry out military construction projects using amounts authorized to Department of Defense for Research, Development, Test, and Evaluation.
044r1	Larsen	Directs the service secretaries to report to the House Committee on Armed Services on efforts to improve asset tracking, including the use of the Item-Unique Identification Defense Federal Acquisition Regulation Supplement (DFARS) clause in contracts.
046	Aguilar	Directs the Secretary of the Air Force to submit a report to the congressional defense committees not later than February 1, 2016, regarding the conveyance directed by section 2851 of Public Law 107-107.
049	O'Rourke	Requires new work at DOD to be assigned on a cost-efficient basis regardless of caps on the civilian workforce and exempts work assigned to specific groups based on law, policy, or in emergency situations.
050r1	O'Rourke	Releases a reversionary clause for a parcel of land in El Paso, TX.
072	Courtney	Requires DOD to brief the House Committee on Armed Services on the number of non-federally connected children residing in housing under the Military Housing Privatization Initiative (MHPI), as well as <u>recommendations for mitigating impacts to local communities</u> .
121r3	Ashford	Requires a briefing from the Secretary of Defense on potential capability gaps in advanced foreign language proficiency training programs.
148r2	Duckworth	Requires a DOD report on foreign purchased equipment that could be manufactured in the United States.
167r1	Wittman	Requires a briefing on Army Explosive Ordnance Disposal Capabilities and Force Structure.
216r1	Turner	Requires the Secretary of the Air Force to provide the House Committee on Armed Services with its plan for the retirement and storage plan for the current fleet of Air Force One (VC-25) aircraft.
240	Thornberry	Provides the DOD authority to accept and use contributions from Kuwait for the construction, maintenance, and repair of projects mutually beneficial to the DOD and Kuwaiti military forces.
249r1	Peters	Directs the Secretary of Defense to brief the House Committee on Armed Services on energy efficiency provisions included in KC-X contracts and Logistics Civil Augmentation Program (LOGCAP) contracts.

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324	Knight	Adds a new section to Title 10, United States Code, to provide for the conservation needs of the Southern Sea Otter while continuing the protections for military readiness activities at important offshore islands in the Southern California Bight.
327	Peters	Directs the Secretary of Defense to brief the House Committee on Armed Services on installation readiness.

**AMENDMENT TO H.R. 1735****OFFERED BY MS. TSONGAS OF MASSACHUSETTS**

At the end of subtitle A of title XXVIII, add the following new section:

1 **SEC. 28\_\_\_ . DEFENSE LABORATORY MODERNIZATION**  
2 **PILOT PROGRAM.**

3 (a) PROGRAM AUTHORIZED.—The Secretary of De-  
4 fense may carry out, using amounts authorized to be ap-  
5 propriated to the Department of Defense for Research,  
6 Development, Test, and Evaluation, such military con-  
7 struction projects as are authorized in a Military Con-  
8 struction Authorization Act at—

9 (1) any Department of Defense Science and  
10 Technology Reinvention Laboratory (as designated  
11 by section 1105(a) of the National Defense Author-  
12 ization Act for Fiscal Year 2010 (Public Law 111-  
13 84; 10 U.S.C. 2358 note); and

14 (2) Department of Defense Federally Funded  
15 Research and Development Centers that function  
16 primarily as research laboratories located on a mili-  
17 tary installation on facilities owned by the Govern-  
18 ment.

1 (b) SCOPE OF PROJECT AUTHORITY.—Authority pro-  
2 vided by law to carry out a military construction project  
3 under this section includes authority for—

4 (1) surveys, site preparation, and advanced  
5 planning and design;

6 (2) acquisition, conversion, rehabilitation, and  
7 installation of facilities;

8 (3) acquisition and installation of equipment  
9 and appurtenances integral to the project; acquisi-  
10 tion and installation of supporting facilities (includ-  
11 ing utilities) and appurtenances incident to the  
12 project; and

13 (4) planning, supervision, administration, and  
14 overhead expenses incident to the project.

15 (c) SUBMISSION OF PROJECT REQUESTS.—The Sec-  
16 retary of Defense shall include military construction  
17 projects proposed to be carried out under this section in  
18 the budget justification documents for the Department of  
19 Defense submitted to Congress in connection with the  
20 budget for a fiscal year submitted under 1105 of title 31,  
21 United States Code.

22 (d) PROJECTS DESCRIBED.—The authority provided  
23 by this section shall be used for military construction  
24 projects that—

1           (1) will support research and development ac-  
2           tivities at laboratories described in subsection (a)(1)  
3           of more than one military department or Defense  
4           Agency and centers described in subsection (a)(2);

5           (2) will establish facilities that will have signifi-  
6           cant potential for use by entities outside the Depart-  
7           ment of Defense, including universities, industrial  
8           partners, and other Federal agencies; and

9           (3) are endorsed for funding by more than one  
10          military department or Defense Agency.

11          (e) FUNDING LIMITATION.—The maximum amount  
12          that may be obligated in any fiscal year under the author-  
13          ity provided by this section is \$150,000,000.

14          (f) TERMINATION OF AUTHORITY.—The authority  
15          provided by this section shall terminate on October 1,  
16          2020.



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## Amendment Offered by Mr. Larsen

H.R. 1735—National Defense Authorization Act for Fiscal Year 2016

In the appropriate place in the report, insert the following:

### *Report on Asset Tracking*

The Committee is in receipt of the congressionally mandated, comprehensive strategy for improving asset tracking and in-transit visibility. The Committee supports the Department's goal of enhancing asset visibility through item-unique identification (IUID), automatic identification (AIT), and automatic identification and data capture (AIDC) processes but is concerned that only 47 percent of contracts include the IUID DFARS clause and only 16 percent of items across all classes of supply have been marked. Any successful asset visibility or AIT/AIDC strategy requires continuous identification, integration, and monitoring of efforts. The Committee urges the Department and the services to increase their oversight of the implementation of IUID and other AIT/AIDC policies and directs the service Secretaries to submit a report to the Congressional Defense Committees by September 15, 2015 on efforts to improve asset tracking, including specific steps taken by each military service to ensure the use of the IUID DFARS clause in contracts.

## **Amendment Offered by Aguilar, Pete (CA-31)**

**H.R. 1735—National Defense Authorization Act for Fiscal Year 2016**

In the appropriate place in the report, insert the following:

### **Report on Former Norton Air Force Base Land Transfers**

#### **Former Norton Air Force Base, California**

The committee notes that Norton Air Force Base, California, was closed on March 31, 1994, as part of the 1988 Base Realignment and Closure (BRAC) process. The committee is aware that the Department of the Air Force conveyed portions of the Former Norton Air Force Base, to include land, improvements thereon, and easements, to the San Bernardino International Airport Authority by quitclaim deed on December 17, 1999. In addition to the 1999 quitclaim deed, the committee is aware that section 2851 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107) directed the Administrator of General Services to convey two aviation easements to the Inland Valley Development Agency. The committee directs the Secretary of the Air Force, in coordination with the Administrator of the General Services Administration, to submit a report to the congressional defense committees not later than February 1, 2016, regarding the conveyance directed by section 2851 of Public Law 107-107. The report should discuss the ownership status of the land and easements associated with the Former Norton Air Force Base, the ability to complete the conveyance as directed by section 2851 of Public Law 107-107, and the impact of the enacting legislation that results in the repeal or amendment of section 2851 of Public Law 107-107.

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## AMENDMENT TO H.R. 1735 OFFERED BY MR. O'ROURKE OF TEXAS

At the appropriate place in title III, insert the following:

1 **SEC. 3\_\_ . ASSIGNMENT OF CERTAIN NEW REQUIREMENTS**  
2 **BASED ON DETERMINATIONS OF COST-EFFI-**  
3 **CIENCY.**

4 (a) AMENDMENT.—Chapter 146 of title 10, United  
5 States Code, is amended by inserting after section 2463  
6 the following new section:

7 **“SEC. 2463a. ASSIGNMENT OF CERTAIN NEW REQUIRE-**  
8 **MENTS BASED ON DETERMINATIONS OF**  
9 **COST-EFFICIENCY.**

10 “(a) ASSIGNMENTS BASED ON DETERMINATIONS OF  
11 COST-EFFICIENCY.—(1) Except as provided in paragraph  
12 (2) and subject to subsection (b), the assignment of per-  
13 formance of a new requirement by the Department of De-  
14 fense to members of the Armed Forces, civilian employees,  
15 or contractors shall be based on a determination of which  
16 sector of the Department’s workforce can perform the new  
17 requirement in the most cost-efficient manner, based on  
18 an analysis of the costs to the Federal Government in ac-  
19 cordance with Department of Defense Instruction 7041.04



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1 (““Estimating and Comparing the Full Costs of Civilian  
2 and Active Duty Military Manpower and Contract Sup-  
3 port””) or successor guidance, consistent with the needs  
4 of the Department with respect to factors other than cost,  
5 including quality, reliability, and timeliness.

6 “(2) Paragraph (1) shall not apply in the case of a  
7 new requirement that is inherently governmental, closely  
8 associated with inherently governmental functions, crit-  
9 ical, or required by law to be performed by members of  
10 the Armed Forces or Department of Defense civilian em-  
11 ployees.

12 “(3) Nothing in this section may be construed as af-  
13 fecting the requirements of the Department of Defense  
14 under policies and procedures established by the Secretary  
15 of Defense under section 129a of this title for determining  
16 the most appropriate and cost-efficient mix of military, ci-  
17 vilian, and contractor personnel to perform the mission of  
18 the Department of Defense.

19 “(b) WAIVER DURING AN EMERGENCY OR EXIGENT  
20 CIRCUMSTANCES.—The head of an agency may waive sub-  
21 section (a) for a specific new requirement in the event of  
22 an emergency or exigent circumstances, as long as the  
23 head of an agency, within 60 days of exercising the waiver,  
24 submits to the Committees on Armed Services of the Sen-  
25 ate and House of Representatives notice of the specific

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1 new requirement involved, where such new requirement is  
2 being performed, and the date on which it would be prac-  
3 tical to subject such new requirement to the requirements  
4 of subsection (a).

5 “(c) PROVISIONS RELATING TO ASSIGNMENT OF CI-  
6 VILIAN PERSONNEL.—If a new requirement is assigned to  
7 a Department of Defense civilian employee consistent with  
8 the requirements of this section—

9 “(1) the Secretary of Defense may not—

10 “(A) impose any constraint or limitation  
11 on the size of the civilian workforce in terms of  
12 man years, end strength, full-time equivalent  
13 positions, or maximum number of employees; or

14 “(B) require offsetting funding for civilian  
15 pay or benefits or require a reduction in civilian  
16 full-time equivalents or civilian end-strengths;  
17 and

18 “(2) the Secretary may assign performance of  
19 such requirement without regard to whether the em-  
20 ployee is a temporary, term, or permanent employee.

21 “(d) NEW REQUIREMENT DESCRIBED.—For pur-  
22 poses of this section, a new requirement is an activity or  
23 function that is not being performed, as of the date of  
24 consideration for assignment of performance under this  
25 section, by military personnel, civilian personnel, or con-

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1 tractor personnel at a Department of Defense component,  
2 organization, installation, or other entity. For purposes of  
3 the preceding sentence, an activity or function that is per-  
4 formed at such an entity and that is re-engineered, reorga-  
5 nized, modernized, upgraded, expanded, or changed to be-  
6 come more efficient but is still essentially providing the  
7 same service shall not be considered a new requirement.”.

8 (b) CLERICAL AMENDMENT.—The table of sections  
9 at the beginning of such chapter is amended by inserting  
10 after the item relating to section 2463 the following new  
11 item:

“2463a. Assignment of certain new requirements based on determinations of  
cost-efficiency.”.



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**AMENDMENT TO H.R. 1735**  
**OFFERED BY MR. O'ROURKE OF TEXAS**

At the end of subtitle D of title XXVIII, add the following new section:

**1 SEC. 2833. RELEASE OF PROPERTY INTERESTS RETAINED**  
**2 IN CONNECTION WITH LAND CONVEYANCE,**  
**3 FORT BLISS MILITARY RESERVATION, TEXAS.**

4 (a) **RELEASE OF RETAINED INTERESTS.**—With re-  
5 spect to a parcel of real property in El Paso, Texas, con-  
6 sisting of approximately 20 acres and conveyed by deed  
7 for National Guard and military purposes by the United  
8 States to the State of Texas pursuant to section 708 of  
9 the Military Construction Authorization Act, 1972 (Public  
10 Law 92-145; 85 Stat. 412), the Secretary of the Army  
11 may release the rights reserved by the United States under  
12 subsections (d) and (e)(2) of such section and the rever-  
13 sionary interest retained by the United States under sub-  
14 section (e)(1) of such section. The release of such rights  
15 and retained interests with respect to any portion of that  
16 parcel shall not be construed to alter the rights or inter-  
17 ests retained by the United States with respect to the re-  
18 mainder of the real property conveyed to the State under  
19 such section.

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1 (b) CONDITION OF RELEASE.—The release author-  
2 ized by subsection (a) of rights and retained interests shall  
3 be subject to the condition that—

4 (1) the State of Texas sell the parcel of real  
5 property covered by the release for fair market  
6 value; and

7 (2) all proceeds from the sale shall be used to  
8 fund improvements or repairs for National Guard  
9 and military purposes on the remainder of the prop-  
10 erty conveyed under section 708 of the Military Con-  
11 struction Authorization Act, 1972 (Public Law 92-  
12 145; 85 Stat. 412) and retained by the State.

13 (c) INSTRUMENT OF RELEASE AND DESCRIPTION OF  
14 PROPERTY.—The Secretary of the Army may execute and  
15 file in the appropriate office a deed of release, amended  
16 deed, or other appropriate instrument reflecting the re-  
17 lease of rights and retained interests under subsection  
18 (a).The exact acreage and legal description of the property  
19 for which rights and retained interests are released under  
20 subsection (a) shall be determined by a survey satisfactory  
21 to the Secretary of the Army.

22 (d) PAYMENT OF ADMINISTRATIVE COSTS.—

23 (1) PAYMENT REQUIRED.—The Secretary of  
24 the Army may require the State of Texas to cover  
25 costs to be incurred by the Secretary, or to reim-

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1       burse the Secretary for costs incurred by the Sec-  
2       retary, to carry out the release of retained interests  
3       under subsection (a), including survey costs, costs  
4       related to environmental documentation, and other  
5       administrative costs related to the conveyance. If  
6       amounts paid to the Secretary in advance exceed the  
7       costs actually incurred by the Secretary to carry out  
8       the conveyance, the Secretary shall refund the excess  
9       amount to the State.

10           (2) TREATMENT OF AMOUNTS RECEIVED.—

11       Amounts received under paragraph (1) as reim-  
12       bursement for costs incurred by the Secretary to  
13       carry out the release of retained interests under sub-  
14       section (a) shall be credited to the fund or account  
15       that was used to cover the costs incurred by the Sec-  
16       retary in carrying out the release of retained inter-  
17       ests. Amounts so credited shall be merged with  
18       amounts in such fund or account and shall be avail-  
19       able for the same purposes, and subject to the same  
20       conditions and limitations, as amounts in such fund  
21       or account.

22           (e) ADDITIONAL TERMS AND CONDITIONS.—The  
23       Secretary of the Army may require such additional terms  
24       and conditions in connection with the release of retained  
25       interests under subsection (a) as the Secretary considers

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1 appropriate to protect the interests of the United States,  
2 to include necessary munitions response actions by the  
3 State of Texas in accordance with subsection (e)(3) of sec-  
4 tion 708 of the Military Construction Authorization Act,  
5 1972 (Public Law 92-145; 85 Stat. 412).



## Amendment Offered by Mr. Courtney of Connecticut

H.R. 1735—National Defense Authorization Act for Fiscal Year 2016

In the appropriate place in the report, insert the following:

*Non-Federally Connected Civilian Children Residing in Military Privatized Housing*

The Committee notes its continued support for the Military Housing Privatization Initiative (MHPI), which has worked to improve military family housing by allowing private developers to improve, maintain and operate housing communities. In the two decades since it was enacted, private ventures created under the program have improved quality of life for those who serve. Recent testimony to the committee notes that the department completed its MHPI award phase in FY 2013 with award of the final three Air Force MHPI projects, bringing the total privatized inventory to about 205,000 housing units.

The committee is aware that under the program, priority for housing goes first to military personnel, federal employees, and retirees. However, if occupancy rates drop below certain levels for a period of time, housing can be made available to the general public. While the committee believes that this is an important part of ensuring the financial viability of these public-private ventures, it is concerned that this approach could also pose unanticipated challenges to the communities that support them.

To this end, the committee directs the Secretary of Defense to provide a briefing to the House Committee on Armed Services by March 1, 2016 with an analysis that includes:

- (1) site-by-site census of non-federally connected civilian children living in housing under the Military Housing Privatization Initiative (MHPI) annually between FY2011 and FY2015;
- (2) an evaluation of projected force structure trends over the next decade that may influence the levels of non-federally connected civilian children; and
- (3) a discussion of any impacts to civilian communities as a result of any changes in the levels of non-federally connected civilian children residing in such housing, and recommendations to mitigate such impacts.



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**REVISED**  
**Amendment to H.R. 1735**

**Offered by Mr. Ashford and Ms. Stefanik**

To be inserted in the appropriate place in the report:

*Advanced Foreign Language Proficiency Training Systems*

The committee believes that foreign language proficiency is an essential component of military readiness that enables U.S. military personnel to provide strategic warning and critical response capability. The committee is concerned that changes in advanced foreign language proficiency training programs may have an impact on the ability of civilian and military personnel at the Department of Defense to support combatant commanders and possibly lead to gaps in readiness. Specifically, the committee is concerned that linguists at the Department of Defense and supporting agencies may be unable to perform their job functions properly if they are unable to access advanced language and cultural training modules, as these personnel are required to interact, speak, and write in multiple dialects and social registers of a given language in order to adequately perform their varied missions.

To better understand any potential shortfalls arising from planned changes in advanced foreign language proficiency training programs, the committee directs the Secretary of Defense to brief the House Committee on Armed Services not later than October 1, 2015, on any capability gaps in advanced foreign language proficiency training within the Department of Defense. The Secretary shall also note any shortfalls that may arise within agencies that support the Department of Defense.

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**AMENDMENT TO H.R. 1735**

**OFFERED BY MS. DUCKWORTH OF ILLINOIS**

At the appropriate place in title III, insert the following:

**1 SEC. 3\_\_\_. REPORT ON EQUIPMENT PURCHASED FROM**  
**2 FOREIGN ENTITIES THAT COULD BE MANU-**  
**3 FACTURED IN UNITED STATES ARSENALS OR**  
**4 DEPOTS.**

5 (a) REPORT.—Not later than 30 days after the date  
6 on which the budget of the President for fiscal year 2017  
7 is submitted to Congress pursuant to section 1105 of title  
8 31, Unites States Code, the Secretary of Defense shall  
9 submit to the congressional defense committees a report  
10 on the equipment, weapons, weapons systems, compo-  
11 nents, subcomponents, and end-items purchased from for-  
12 eign entities that identifies those items which could be  
13 manufactured in the military arsenals of the United States  
14 or the military depots of the United States to meet the  
15 goals of subsection (a) or section 2464 of title 10, United  
16 States Code, as well as a plan for moving that workload  
17 into such arsenals or depots.

18 (b) ELEMENTS OF REPORT.—The report required by  
19 subsection (a) shall include each of the following:

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1 (1) An identification of items purchased by for-  
2 eign manufacturers—

3 (A) described in section 8302(a)(1) of title  
4 41, United States Code, and purchased from a  
5 foreign manufacturer by reason of an exception  
6 under section 8302(a)(2)(A) or section  
7 8302(a)(2)(B) of such title;

8 (B) described in section 2533b(a)(1) of  
9 title 10, United States Code, and purchased  
10 from a foreign manufacturer by reason of an  
11 exception under section 2533b(b); and

12 (C) described in section 2534(a) of such  
13 title and purchased from a foreign manufac-  
14 turer by reason of a waiver exercised under  
15 paragraph (1), (2), (4), or (5) of section  
16 2534(d) of such title.

17 (2) An assessment of the skills required to  
18 manufacture the items identified in paragraph (1)  
19 and a comparison of those skills with skills required  
20 to meet the critical capabilities identified by the  
21 Army Report to Congress on Critical Manufacturing  
22 Capabilities and Capacities dated August 2013 and  
23 the core logistics capabilities identified by each mili-  
24 tary service pursuant to section 2464 of title 10,

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1 United States Code, as of the date of the enactment  
2 of this Act.

3 (3) An identification of the tooling, equipment,  
4 and facilities upgrades necessary for a military arse-  
5 nal or depot to perform the manufacturing workload  
6 identified under paragraph (1).

7 (4) An identification of workload identified in  
8 paragraph (1) most appropriate for transfer to mili-  
9 tary arsenals or depots to meet the goals of sub-  
10 section (a) or the requirements of section 2464 of  
11 title 10, United States Code.

12 (5) Such other information the Secretary con-  
13 siders necessary for adherence to paragraphs (4)  
14 and (5).

15 (6) An explanation of the rationale for con-  
16 tinuing to sole-source manufacturing workload iden-  
17 tified in paragraph (1) from a foreign source rather  
18 than a military arsenal, depot, or other organic facil-  
19 ity.



## **Amendment Offered by Robert J. Wittman**

### **H.R. 1735—National Defense Authorization Act for Fiscal Year 2016**

In the appropriate place in the report, insert the following:

#### **Army Explosive Ordnance Disposal**

The committee has been closely monitoring proposed changes to the Army's Explosive Ordnance Disposal (EOD) force structure and proponentcy. The committee recognizes the importance of the Army EOD force as a unique and highly technical enabler in meeting combatant commander operational and force presence for counter-terrorism and irregular warfare, defense support of civilian law enforcement authorities, and support to major operations and in contingency scenarios. The committee remains concerned that the Army has not clearly identified future capacity and capability requirements for its EOD force and may eliminate too much of its EOD capacity without making needed investments in EOD capabilities to meet the enduring needs of combatant commanders. Therefore, the committee directs the Secretary of the Army to provide a briefing to the House Committee on Armed Services by December 1, 2015, on the Army's EOD force. At a minimum, the briefing shall include:

- (1) Any proposed changes to EOD force structure planned over the Future Years Defense Plan including any costs, efficiencies, or cost avoidance to include the active and reserve components;
- (2) An assessment of demand for Army EOD capabilities over the past 5 years, including by geographic combatant commanders, for national security special events, and in support of civilian law enforcement agencies;
- (3) A list of Army EOD systems program(s) of record, and EOD program elements and levels of funding for the Army's unique requirements for EOD in research, development, test and evaluation; operation and maintenance; and procurement over the Future Years Defense Plan; and
- (4) A cost-benefit analysis on any proposed realignment or relocation of EOD organization, force structure, training, and branch proponentcy.

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## Amendment Offered by Turner

H.R. 1735—National Defense Authorization Act for Fiscal Year 2016

In the appropriate place in the report, insert the following:

### Briefing on Retirement and Storage of Air Force One (VC-25)

Not later than April 1, 2016, the Secretary of the Air Force shall provide a briefing to the Committee on Armed Services of the House of Representatives on its plan to retire and subsequently place into storage the current fleet of Air Force One (VC-25) aircraft. The briefing should include an overview on the plan to move one of both aircraft to a museum owned by the Department of the Air Force.

**AMENDMENT TO H.R. 1735****OFFERED BY MR. THORNBERRY OF TEXAS**

Offered on behalf of himself and Mr. Smith of Washington

At the end of subtitle A of title XXVIII, add the following new section:

1 **SEC. 2802. AUTHORITY FOR ACCEPTANCE AND USE OF CON-**  
2 **TRIBUTIONS FROM KUWAIT FOR CONSTRUC-**  
3 **TION, MAINTENANCE, AND REPAIR PROJECTS**  
4 **MUTUALLY BENEFICIAL TO THE DEPART-**  
5 **MENT OF DEFENSE AND KUWAIT MILITARY**  
6 **FORCES.**

7 (a) **AUTHORITY.**—Subchapter II of chapter 138 of  
8 title 10, United States Code, is amended by adding at the  
9 end the following new section:

10 **“§ 2350n. Authority to accept and use contributions**  
11 **for construction, maintenance, and repair**  
12 **projects mutually beneficial to the De-**  
13 **partment of Defense and Kuwait military**  
14 **forces**

15 **“(a) AUTHORITY TO ACCEPT AND USE CONTRIBU-**  
16 **TIONS.**—The Secretary of Defense, with the concurrence  
17 of the Secretary of State, may accept cash contributions  
18 from the government of Kuwait for the purpose of paying

1 costs in connection with construction (including military  
2 construction not otherwise authorized by law), mainte-  
3 nance, and repair projects in Kuwait that are mutually  
4 beneficial to the Department of Defense and Kuwait mili-  
5 tary forces.

6 “(b) DEPOSIT AND AVAILABILITY.—Contributions  
7 accepted under subsection (a) shall be deposited in an ac-  
8 count established in the Treasury and shall be available  
9 to the Secretary of Defense, in such amounts as may be  
10 provided in advance in appropriation Acts, until expended  
11 for a purpose specified in subsection (a).

12 “(c) DETERMINATION OF MUTUALLY BENEFICIAL.—  
13 A construction, maintenance, or repair project is mutually  
14 beneficial for purposes of subsection (a) if—

15 “(1) the project is in support of a bilateral  
16 United States and Kuwait defense cooperation  
17 agreement; or

18 “(2) the Secretary of Defense determines, with  
19 the concurrence of the Secretary of State, that the  
20 United States may derive a benefit from the project,  
21 including—

22 “(A) access to and use of facilities of Ku-  
23 wait military forces;

24 “(B) ability or capacity for future posture;

25 and



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1           “(C) increased interoperability between  
2           United States armed forces and Kuwait mili-  
3           tary forces.

4           “(d) LIMITATION ON ANNUAL OBLIGATIONS.—The  
5           maximum amount that the Secretary of Defense, with the  
6           concurrence of the Secretary of State, may obligate in any  
7           fiscal year under this section is \$50,000,000.

8           “(e) NOTICE AND WAIT.—When a decision is made  
9           to carry out a construction, maintenance, or repair project  
10          using contributions accepted under subsection (a) and the  
11          estimated cost of the project will exceed the thresholds  
12          prescribed by section 2805 of this title, the Secretary of  
13          Defense shall notify in writing the congressional defense  
14          committees, the Committee on Foreign Relations of the  
15          Senate, and the Committee on Foreign Affairs of the  
16          House of Representatives of that decision, of the justifica-  
17          tion for the project, and of the estimated cost of the  
18          project. The project may then be carried out only after  
19          the end of the 21-day period beginning on the date the  
20          notification is received by the committees or, if earlier, the  
21          end of the 14-day period beginning on the date on which  
22          a copy of the notification is provided in an electronic me-  
23          dium pursuant to section 480 of this title.

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1       “(f) EXPIRATION OF AUTHORITY.—The authority to  
2 carry out construction, maintenance, and repair projects  
3 under this section expires on September 30, 2020.”.

4       (b) CLERICAL AMENDMENT.—The table of sections  
5 at the beginning of subchapter II of chapter 138 of title  
6 10, United States Code, is amended by adding at the end  
7 the following new item:

“2350n. Authority to accept and use contributions for construction, maintenance, and repair projects mutually beneficial to the Department of Defense and Kuwait military forces.”.



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## **Amendment Offered by Rep. Scott H. Peters**

### **H.R. 1735—National Defense Authorization Act for Fiscal Year 2016**

In the appropriate place in the report, insert the following:

#### *Briefing on Energy Performance Initiatives*

The committee is aware that in testimony before the House Armed Services Committee on March 29, 2012, that the then-Assistant Secretary of Defense for Operational Energy Plans and Programs stated that “we are integrating energy considerations into the acquisition process by including requirements for energy performance in contracts.” The Assistant Secretary included examples in testimony that included energy factors in the life cycle cost calculations, to include fuel efficiency, in the competition for the next-generation aerial refueling tanker and provisions included in the Logistics Civil Augmentation Program (LOGCAP) contract. Therefore, the committee directs the Secretary of Defense to, not later than March 1, 2016, brief the House Committee on Armed Services on energy performance and efficiency initiatives. The briefing should address the following issues:

- (1) How the energy efficiency language included in the next-generation aerial refueling tanker competition and subsequent control have been incorporated into other acquisition programs, and any additional plans to include energy-efficiency requirements into future acquisition programs; and
- (2) How energy performance provisions in LOGCAP contracts have been implemented and whether new LOGCAP contracts include such provisions, and if not, the reason for no longer including these provisions

**AMENDMENT TO H.R. 1735**  
**OFFERED BY MR. KNIGHT OF CALIFORNIA**

At the appropriate place in title III, insert the following:

1 **SEC. 3 \_\_\_\_ . SOUTHERN SEA OTTER MILITARY READINESS**  
2 **AREAS.**

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

7 **“§ 7235. Establishment of the Southern Sea Otter**  
8 **Military Readiness Areas**

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

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

“N. Latitude/W. Longitude

33°27.8′/119°34.3′

33°20.5′/119°15.5′

33°13.5′/119°11.8′

“N. Latitude/W. Longitude

33°06.5'/119°15.3'

33°02.8'/119°26.8'

33°08.8'/119°46.3'

33°17.2'/119°56.9'

33°30.9'/119°54.2'

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

8           “(b) ACTIVITIES WITHIN THE SOUTHERN SEA  
9 OTTER MILITARY READINESS AREAS.—

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

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

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

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

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

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

25 “(e) MONITORING.—

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

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

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

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

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

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

24           “(B) when used in reference to activities  
25 subject to regulation by the Marine Mammal

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1 Protection Act of 1972 (16 U.S.C. 1361 et  
2 seq.) shall have the meaning given such term in  
3 that Act.

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

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

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



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

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

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



## Amendment Offered by Rep. Scott H. Peters

H.R. 1735—National Defense Authorization Act for Fiscal Year 2016

In the appropriate place in the report, insert the following:

### *Briefing on Military Installation Readiness*

*The committee is aware that in 2014, the Pentagon released a report claiming that changing conditions, including expected increased water shortages and instances of wildfire with increased drought, in addition to flooding due to sea level rise and coastal erosion from storm surges, pose risks to the United States' national security. Therefore, the committee directs the Secretary of Defense to, not later than March 1, 2016, provide a briefing to the House Committee on Armed Services on the Department's strategy and initiatives to mitigate the impact of these changes to ensure optimal military readiness. At minimum, the briefing should address the following issues:*

- 1. How are changing conditions affecting operations and military readiness at U.S. installations?*
- 2. How are best practices being disseminated and implemented across the U.S. installations?*
- 3. Is the DoD facing any challenges in carrying out preparedness and resilience initiatives? If so, what are these obstacles and do they require congressional action to increase security on installations?*
- 4. What opportunities exist for effective public private partnerships or contracts with industry to address and mitigate the effects of these changing conditions?*