

FY15 Conference - Bill Text

DECEMBER 2, 2014

RULES COMMITTEE PRINT 113-58

HOUSE AMENDMENT TO THE TEXT OF S. 1847

[Showing the text of the Carl Levin and Howard P. 'Buck' McKeon National Defense Authorization Act for Fiscal Year 2015.]

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “Carl Levin and Howard P. ‘Buck’ McKeon National De-
4 fense Authorization Act for Fiscal Year 2015”.

5 (b) **FINDINGS.**—Congress makes the following find-
6 ings:

7 (1)(A) Senator Carl Levin of Michigan was
8 elected a member of the United States Senate on
9 November 7, 1978, for a full term beginning Janu-
10 ary 3, 1979. He has served continuously in the Sen-
11 ate since that date, and was appointed as a member
12 of the Committee on Armed Services in January
13 1979. He has served on the Committee on Armed
14 Services since that date, a period of nearly 36 years.

15 (B) A graduate of Detroit Central High School,
16 Senator Levin went on to Swarthmore College, and

1 subsection (a) shall be determined by a survey satisfactory
2 to the Secretary of the Air Force.

3 (e) ADDITIONAL TERMS AND CONDITIONS.—The
4 Secretary of the Air Force may require such additional
5 terms and conditions in connection with the conveyance
6 under subsection (a) as the Secretary considers appro-
7 priate to protect the interests of the United States.

8 **SEC. 2841. LAND EXCHANGES, ARLINGTON COUNTY, VIR-**
9 **GINIA.**

10 (a) EXCHANGES AUTHORIZED.—

11 (1) IN GENERAL.—The Secretary of Defense
12 may convey—

13 (A) to Arlington County, Virginia (in this
14 section referred to as the “County”), all right,
15 title, and interest of the United States in and
16 to one or more parcels of real property, to-
17 gether with any improvements thereon, located
18 south of Columbia Pike and west of South
19 Joyce Street in Arlington County, Virginia; and

20 (B) to the Commonwealth of Virginia (in
21 this section referred to as the “Common-
22 wealth”), all right, title, and interest of the
23 United States in and to one or more parcels of
24 property east of Joyce Street in Arlington
25 County, Virginia, necessary for the realignment

1 of Columbia Pike and the Washington Boule-
2 vard-Columbia Pike interchange, as well as for
3 future improvements to Interstate 395 ramps.

4 (2) PHASING.—The conveyances authorized by
5 this subsection may be accomplished through a phas-
6 ing of several exchanges if necessary.

7 (b) CONSIDERATION.—As consideration for the con-
8 veyances of real property under subsection (a), the Sec-
9 retary of Defense shall receive—

10 (1) from the County, all right, title, and inter-
11 est of the County in and to one or more parcels of
12 real property in the area known as the Southgate
13 Road right-of-way, Columbia Pike right-of-way, and
14 South Joyce Street right-of-way located in Arlington
15 County, Virginia; and

16 (2) from the Commonwealth, all right, title, and
17 interest of the Commonwealth in and to one or more
18 parcels of property in the area known as the Colum-
19 bia Pike right-of-way, and the Washington Boule-
20 vard-Columbia Pike interchange.

21 (c) SELECTION OF PROPERTY FOR CONVEYANCE.—
22 The Memorandum of Understanding between the Depart-
23 ment of the Army and Arlington County signed in Janu-
24 ary 2013 shall be used as a guide in determining the prop-
25 erties to be exchanged under this section. After consulta-

1 tion with the Commonwealth and the County, the Sec-
2 retary of Defense shall determine the exact parcels to be
3 exchanged, and such determination shall be final. In se-
4 lecting the properties to be exchanged under subsections
5 (a) and (b), the parties shall, within their respective au-
6 thorities, seek—

7 (1) to remove existing barriers to contiguous
8 expansion of Arlington National Cemetery north of
9 Columbia Pike through a realignment of Southgate
10 Road to the western boundary of the former Navy
11 Annex site;

12 (2) to provide the County with sufficient prop-
13 erty to construct a museum that honors the history
14 of Freedman's Village, as well as any other County
15 or public use that is compatible with a location im-
16 mediately adjacent to Arlington National Cemetery;
17 and

18 (3) to support the realignment and straight-
19 ening of Columbia Pike, a redesign of the Wash-
20 ington Boulevard-Columbia Pike interchange, and
21 future improvements to the Interstate 395 ramps.

22 (d) DESCRIPTION OF PROPERTY.—The exact acreage
23 and legal description of the real property to be conveyed
24 under this section shall be determined by surveys satisfac-

1 tory to the Secretary of Defense, in consultation with the
2 Commonwealth and the County.

3 (e) TERMS AND CONDITIONS.—The conveyances of
4 real property authorized under this section shall be accom-
5 plished by one or more exchange agreements upon terms
6 and conditions mutually satisfactory to the Secretary of
7 Defense, the Commonwealth, and the County.

8 (f) REPEAL OF OBSOLETE AUTHORITY.—Section
9 2881 of the Military Construction Authorization Act for
10 Fiscal Year 2005 (division B of Public Law 108–375; 118
11 Stat. 2153) is repealed. The repeal of such section does
12 not affect the amendments made by subsections (g) and
13 (h) of such section.

14 **Subtitle E—Military Memorials,** 15 **Monuments, and Museums**

16 **SEC. 2851. ACCEPTANCE OF IN-KIND GIFTS ON BEHALF OF** 17 **HERITAGE CENTER FOR THE NATIONAL MU-** 18 **SEUM OF THE UNITED STATES ARMY.**

19 Section 4772(c)(2)(A) of title 10, United States
20 Code, is amended by striking “accept funds from the
21 Army Historical Foundation” and insert “accept funds
22 and in-kind gifts, including services, construction mate-
23 rials, and equipment used in construction, from the Army
24 Historical Foundation and other persons”.

FY15 Conference Report

JOINT EXPLANATORY STATEMENT TO ACCOMPANY THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2015

The following consists of the explanatory material to accompany the National Defense Authorization Act for Fiscal Year 2015.

Section 5 of the Act specifies that this explanatory statement shall have the same effect with respect to the implementation of this legislation as if it were a joint explanatory statement of a committee of conference.

In this joint explanatory statement, the provisions of H.R. 4435, the House-passed version of the National Defense Authorization Act for Fiscal Year 2015, are generally referred to as "the House bill." The provisions of S. 2410, the Senate Committee on Armed Services committee-reported version of the National Defense Authorization Act for Fiscal Year 2015, are generally referred to as "the Senate committee-reported bill." Senate amendments included in the agreements are identified by Senate amendment numbers. The final form of the agreements reached during negotiations between the House and the Senate are referred to as "the agreement."

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

Consistent with the intent of clause 9 of rule XXI of the Rules of the House of Representatives and Rule XLIV of the Standing Rules of the Senate, neither the bill text reflected in the agreement nor the accompanying joint explanatory statement contains any congressional earmarks, congressionally-directed spending items, limited tax benefits, or limited tariff benefits, as defined in such rules.

Summary of discretionary authorizations and budget implication

The administration's budget request for national defense discretionary programs within the jurisdiction of the Committees on Armed Services of the Senate and the House of Representatives for fiscal year 2015 was \$577.1 billion. Of this amount, \$495.5 billion was requested for base Department of Defense (DOD) programs, \$63.7 billion was requested for overseas contingency

case analysis to assess the requirements associated with reacquiring the former Camp Gruber, Oklahoma. If the Secretary determined that a reversion of the former Camp Gruber is needed for national defense purposes, the Secretary would exercise the reversionary rights and request the Oklahoma Department of Wildlife to reconvey Camp Gruber to the United States. The Secretary would then convey, without consideration, the former Camp Gruber to the Oklahoma Military Department for military maneuver space.

The Senate committee-reported bill contained a similar provision (sec. 2834) that would provide for the transfer of administrative jurisdiction of property at Camp Gruber, Oklahoma, to the Department of the Army for the purpose of military training if the Secretary of the Army determines that such property is needed for national defense purposes.

The agreement includes the Senate provision.

Conveyance, Joint Base Charleston, South Carolina (sec. 2840)

A proposed amendment to the Senate committee-reported bill (amendment number 3942) contained a provision that would authorize the Secretary of the Air Force to convey approximately 53 acres at Joint Base Charleston, South Carolina, to the City of Hanahan for the purpose of accommodating the City's recreation needs.

The House bill contained no similar provision.

The agreement includes this provision.

Land exchanges, Arlington County, Virginia (sec. 2841)

The Senate committee-reported bill contained a provision (sec. 2832) that would authorize the Secretary of Defense to exchange real property with Arlington County, Virginia, and the Commonwealth of Virginia, for purposes of expanding the contiguous land available to Arlington National Cemetery.

The House bill contained no similar provision.

The agreement includes the Senate provision with a clarifying amendment.

We believe that any use of land exchanged by the Army with Arlington County, Virginia, and the Commonwealth of Virginia should be compatible with a location immediately adjacent to Arlington National Cemetery, one of our Nation's most sacred shrines.

**SUBTITLE E-MILITARY MEMORIALS, MONUMENTS,
AND MUSEUMS**

FY15 Senate Bill

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Calendar No. 402

113TH CONGRESS
2D SESSION

S. 2410

[Report No. 113-176]

To authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 2, 2014

Mr. LEVIN, from the Committee on Armed Services, reported the following original bill; which was read twice and placed on the calendar

A BILL

To authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

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

1 (iv) of section 3(p)(4)(D) of the Small
2 Business Act (15 U.S.C. 632(p)(4)(D))
3 that occurs on or after the date of enact-
4 ment of this Act.

5 **TITLE XXVIII—MILITARY CON-**
6 **STRUCTION GENERAL PROVI-**
7 **SIONS**

8 **Subtitle A—Military Construction**
9 **Program and Military Family**
10 **Housing Changes**

11 **SEC. 2801. CLARIFICATION OF AUTHORIZED USE OF IN-**
12 **KIND PAYMENTS AND IN-KIND CONTRIBU-**
13 **TIONS.**

14 (a) IN GENERAL.—Section 2687a(f) of title 10,
15 United States Code, is amended—

16 (1) in the subsection heading, by inserting “IN-
17 KIND CONTRIBUTIONS” after “PAYMENTS-IN-KIND”;

18 (2) in paragraph (1), by striking “a payment-
19 in-kind contribution pursuant to” and inserting
20 “payment-in-kind or as an in-kind contribution re-
21 quired by”;

22 (3) in paragraph (2)—

23 (A) by striking “a payment-in-kind con-
24 tribution” and inserting “payment-in-kind or an

1 transportation, item of equipment, or facility under
2 the control of a public entity or State or local gov-
3 ernment that is used by, or constructed for the ben-
4 efit of, the general public.

5 **Subtitle D—Land Conveyances**

6 **SEC. 2831. LAND CONVEYANCE, JOINT BASE PEARL HAR-** 7 **BOR-HICKAM, HAWAII.**

8 (a) CONVEYANCE AUTHORIZED.—The Secretary of
9 the Navy may convey, without consideration, to the Hono-
10 lulu Authority for Rapid Transportation (in this section
11 referred to as the “Honolulu Authority”) all right, title,
12 and interest of the United States in and to the real prop-
13 erty, including any improvements thereon, consisting of
14 approximately 1.2 acres located at or in the nearby vicinity
15 of Radford Drive and the Makalapa Gate, which is part
16 of the Joint Base Pearl Harbor-Hickam, for the purpose
17 of permitting the Honolulu Authority to use the property
18 for the public benefit of a rail platform.

19 (b) CONDITION ON USE OF REVENUES.—If the prop-
20 erty conveyed under subsection (a) is used, consistent with
21 such subsection, for a public purpose that results in the
22 generation of revenue for the Honolulu Authority, the
23 Honolulu Authority shall agree that any revenue gen-
24 erated by the use of the property shall be only for pas-

1 subsection (a) shall be determined by a survey satisfactory
2 to the Secretary of the Navy.

3 (e) **ADDITIONAL TERMS AND CONDITIONS.**—The
4 Secretary of the Navy may require such additional terms
5 and conditions in connection with the conveyance under
6 subsection (a) as the Secretary considers appropriate to
7 protect the interests of the United States.

8 **SEC. 2832. LAND EXCHANGE, ARLINGTON COUNTY, VIR-**
9 **GINIA.**

10 (a) **EXCHANGE AUTHORIZED.**—

11 (1) **IN GENERAL.**—The Secretary of Defense
12 may convey—

13 (A) to Arlington County, Virginia (in this
14 section referred to as the “County”), all right,
15 title, and interest of the United States in and
16 to one or more parcels of real property, to-
17 gether with any improvements thereon, located
18 south of Columbia Pike and west of South
19 Joyce Street in Arlington County, Virginia; and

20 (B) to the Commonwealth of Virginia (re-
21 ferred to in this section as the “Common-
22 wealth”), all right, title, and interest of the
23 United States in and to one or more parcels of
24 property east of Joyce Street in Arlington
25 County, Virginia, necessary for the realignment

1 of Columbia Pike and the Washington Boule-
2 vard-Columbia Pike interchange, as well as for
3 future improvements to Interstate 395 ramps.

4 (2) PHASING.—The conveyances authorized
5 under this paragraph may be accomplished through
6 a phasing of several exchanges, if necessary.

7 (b) CONSIDERATION.—As consideration for the con-
8 veyances of real property under subsection (a), the Sec-
9 retary of Defense shall receive—

10 (1) from the County, all right, title, and inter-
11 est of the County in and to one or more parcels of
12 real property in the area known as the Southgate
13 Road right-of-way, Columbia Pike right-of-way, and
14 South Joyce Street right-of-way located in Arlington
15 County, Virginia; and

16 (2) from the Commonwealth, all right, title, and
17 interest of the Commonwealth in and to one or more
18 parcels of property in the area known as the Colum-
19 bia Pike right-of-way, and the Washington Boule-
20 vard-Columbia Pike interchange.

21 (c) SELECTION OF PROPERTY FOR CONVEYANCE.—
22 The Memorandum of Understanding between the Depart-
23 ment of the Army and Arlington County, signed in Janu-
24 ary 2013, shall be used as a guide in determining the
25 properties to be exchanged. After consultation with the

1 Commonwealth and the County, the Secretary shall deter-
2 mine the exact parcels to be exchanged and such deter-
3 mination shall be final. In selecting the properties to be
4 exchanged under subsections (a) and (b), the parties shall,
5 within their respective authorities, seek to—

6 (1) remove existing barriers to contiguous ex-
7 pansion of Arlington National Cemetery north of Co-
8 lumbia Pike through a realignment of Southgate
9 Road to the western boundary of the former Navy
10 Annex site;

11 (2) provide the County with sufficient property
12 to construct a museum that honors the history of
13 freedman's village, as well as any other County or
14 public use this is compatible with a location imme-
15 diately adjacent to Arlington National Cemetery, one
16 of our Nation's most sacred shrines; and

17 (3) support the realignment and straightening
18 of Columbia Pike, a redesign of the Washington
19 Boulevard-Columbia Pike interchange, and future
20 improvements to the Interstate 395 ramps.

21 (d) DESCRIPTION OF PROPERTY.—The exact acreage
22 and legal description of the real property to be conveyed
23 under this section shall be determined by surveys satisfac-
24 tory to the Secretary, in consultation with the Common-
25 wealth and the County.

1 (e) TERMS AND CONDITIONS.—The conveyances of
2 real property authorized under this section shall be accom-
3 plished by one or more exchange agreements upon terms
4 and conditions mutually satisfactory to the Secretary, the
5 Commonwealth, and the County.

6 (f) REPEAL OF OBSOLETE AUTHORITY.—Section
7 2881 of the Ronald W. Reagan National Defense Author-
8 ization Act for Fiscal Year 2005 (Public Law 108-375;
9 118 Stat. 2153) is hereby repealed.

10 **SEC. 2833. TRANSFERS OF ADMINISTRATIVE JURISDICTION,**
11 **CAMP FRANK D. MERRILL AND LAKE LANIER,**
12 **GEORGIA.**

13 (a) TRANSFERS REQUIRED.—

14 (1) CAMP FRANK D. MERRILL.—Not later than
15 September 30, 2015, the Secretary of Agriculture
16 shall transfer to the administrative jurisdiction of
17 the Secretary of the Army for required Army force
18 protection measures certain Federal land adminis-
19 tered as part of the Chattahoochee National Forest,
20 but permitted to the Secretary of the Army for
21 Camp Frank D. Merrill in Dahlonega, Georgia, con-
22 sisting of approximately 282 acres identified in the
23 permit numbers 0018-01.

24 (2) LAKE LANIER PROPERTY.—In exchange for
25 the land transferred under paragraph (1), the Sec-

FY15 Senate Rept.

Calendar No. 402

113TH CONGRESS }
2d Session

SENATE

REPORT
113-176

**CARL LEVIN NATIONAL DEFENSE
AUTHORIZATION ACT FOR
FISCAL YEAR 2015**

R E P O R T

[TO ACCOMPANY S. 2410]

ON

TO AUTHORIZE APPROPRIATIONS FOR FISCAL YEAR 2015 FOR
MILITARY ACTIVITIES OF THE DEPARTMENT OF DEFENSE, FOR
MILITARY CONSTRUCTION, AND FOR DEFENSE ACTIVITIES OF
THE DEPARTMENT OF ENERGY, TO PRESCRIBE MILITARY PER-
SONNEL STRENGTHS FOR SUCH FISCAL YEAR, AND FOR OTHER
PURPOSES

TOGETHER WITH

ADDITIONAL VIEWS

COMMITTEE ON ARMED SERVICES
UNITED STATES SENATE



JUNE 2, 2014.—Ordered to be printed

approximately \$20.0 million on an annual basis thereafter to meet its facilities sustainment requirements. The committee strongly supports the commitment of the Marine Corps of approximately \$22.0 million in facilities sustainment funding for MCAS Futenma in fiscal year 2015 and encourages a similar level of funding each year until the FRF is complete and operational.

Subtitle D—Land Conveyances

Land conveyance, Joint Base Pearl Harbor-Hickam, Hawaii (sec. 2831)

The committee recommends a provision that would authorize the Secretary of the Navy to convey approximately 1.2 acres at Joint Base Pearl Harbor-Hickam, Hawaii, to the Honolulu Authority for Rapid Transportation for the public benefit of a rail platform.

Land exchange, Arlington County, Virginia (sec. 2832)

The committee recommends a provision that would authorize the Secretary of Defense to exchange real property with Arlington County, Virginia, and the Commonwealth of Virginia, for purposes of expanding the contiguous land available to Arlington National Cemetery.

The committee understands Arlington County's desire to utilize the land south of a realigned Columbia Pike for a variety of uses, including public transportation uses and facilities, a museum to honor the history of Arlington County and the Freedman's Village, and to accommodate the indoor space and parking needs of the Air Force Memorial. The committee encourages all interested parties to work together in the development of their respective parcels, making sure these objectives can be achieved while not detracting from the dignity, honor, and solemnity of Arlington National Cemetery.

Additionally, the committee notes that Arlington County and the Army signed a Memorandum of Understanding (MOU) in January 2013 intended to serve as a guiding document for the land exchange. The committee encourages the Army and the Commonwealth of Virginia to enter into a similar MOU, if it would help facilitate the land exchange.

Transfers of administrative jurisdiction, Camp Frank D. Merrill and Lake Lanier, Georgia (sec. 2833)

The committee recommends a provision that would authorize the Secretary of the Army to transfer approximately 10 acres adjacent to Lake Lanier, Georgia, in exchange for the transfer of approximately 282 acres at Camp Frank D. Merrill, Dahlonoga, Georgia, by the Secretary of Agriculture.

Transfer of administrative jurisdiction, Camp Gruber, Oklahoma (sec. 2834)

The committee recommends a provision that would provide for the transfer of administrative jurisdiction of property at Camp Gruber, Oklahoma, to the Department of the Army for the purpose of military training.