

(d) *FORM.*—The report required by subsection (b) shall be submitted in unclassified form, but may include a classified annex.

TITLE XVII—NATIONAL COMMISSION ON THE FUTURE OF THE ARMY

Subtitle A—Establishment and Duties of Commission

- Sec. 1701. *Short title.*
 Sec. 1702. *National Commission on the Future of the Army.*
 Sec. 1703. *Duties of the Commission.*
 Sec. 1704. *Powers of the Commission.*
 Sec. 1705. *Commission personnel matters.*
 Sec. 1706. *Termination of the Commission.*
 Sec. 1707. *Funding.*

Subtitle B—Related Limitations

- Sec. 1711. *Prohibition on use of fiscal year 2015 funds to reduce strengths of Army personnel.*
 Sec. 1712. *Limitations on the transfer, including preparations for the transfer, of AH-64 Apache helicopters assigned to the Army National Guard.*

Subtitle A—Establishment and Duties of Commission

SEC. 1701. SHORT TITLE.

This subtitle may be cited as the “National Commission on the Future of the Army Act of 2014”.

SEC. 1702. NATIONAL COMMISSION ON THE FUTURE OF THE ARMY.

(a) *ESTABLISHMENT.*—There is established the National Commission on the Future of the Army (in this subtitle referred to as the “Commission”).

(b) *MEMBERSHIP.*—

(1) *COMPOSITION.*—The Commission shall be composed of eight members, of whom—

(A) four shall be appointed by the President;

(B) one shall be appointed by the Chairman of the Committee on Armed Services of the Senate;

(C) one shall be appointed by the Ranking Member of the Committee on Armed Services of the Senate;

(D) one shall be appointed by the Chairman of the Committee on Armed Services of the House of Representatives; and

(E) one shall be appointed by the Ranking Member of the Committee on Armed Services of the House of Representatives.

(2) *APPOINTMENT DATE.*—The appointments of the members of the Commission shall be made not later than 90 days after the date of the enactment of this Act.

(3) *EFFECT OF LACK OF APPOINTMENT BY APPOINTMENT DATE.*—If one or more appointments under subparagraph (A) of paragraph (1) is not made by the appointment date specified in paragraph (2), the authority to make such appointment or appointments shall expire, and the number of members of the Commission shall be reduced by the number equal to the num-

ber of appointments so not made. If an appointment under subparagraph (B), (C), (D), or (E) of paragraph (1) is not made by the appointment date specified in paragraph (2), the authority to make an appointment under such subparagraph shall expire, and the number of members of the Commission shall be reduced by the number equal to the number otherwise appointable under such subparagraph.

(4) *EXPERTISE.*—In making appointments under this subsection, consideration should be given to individuals with expertise in national and international security policy and strategy, military forces capability, force structure design, organization, and employment, and reserve forces policy.

(c) *PERIOD OF APPOINTMENT; VACANCIES.*—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) *CHAIR AND VICE CHAIR.*—The Commission shall select a Chair and Vice Chair from among its members.

(e) *INITIAL MEETING.*—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its initial meeting.

(f) *MEETINGS.*—The Commission shall meet at the call of the Chair.

(g) *QUORUM.*—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

SEC. 1703. DUTIES OF THE COMMISSION.

(a) *STUDY ON STRUCTURE OF THE ARMY.*—

(1) *IN GENERAL.*—The Commission shall undertake a comprehensive study of the structure of the Army, and policy assumptions related to the size and force mixture of the Army, in order—

(A) to make an assessment of the size and force mixture of the active component of the Army and the reserve components of the Army; and

(B) to make recommendations on the modifications, if any, of the structure of the Army related to current and anticipated mission requirements for the Army at acceptable levels of national risk and in a manner consistent with available resources and anticipated future resources.

(2) *CONSIDERATIONS.*—In undertaking the study required by subsection (a), the Commission shall give particular consideration to the following:

(A) An evaluation and identification of a structure for the Army that—

(i) has the depth and scalability to meet current and anticipated requirements of the combatant commands;

(ii) achieves cost-efficiency between the regular and reserve components of the Army, manages military risk, takes advantage of the strengths and capabilities of each, and considers fully burdened lifecycle costs;

(iii) ensures that the regular and reserve components of the Army have the capacity needed to support cur-

rent and anticipated homeland defense and disaster assistance missions in the United States;

(iv) provides for sufficient numbers of regular members of the Army to provide a base of trained personnel from which the personnel of the reserve components of the Army could be recruited;

(v) maintains a peacetime rotation force to avoid exceeding operational tempo goals of 1:2 for active members of the Army and 1:5 for members of the reserve components of the Army; and

(vi) manages strategic and operational risk by making tradeoffs among readiness, efficiency, effectiveness, capability, and affordability.

(B) An evaluation and identification of force generation policies for the Army with respect to size and force mixture in order to fulfill current and anticipated mission requirements for the Army in a manner consistent with available resources and anticipated future resources, including policies in connection with—

(i) readiness;

(ii) training;

(iii) equipment;

(iv) personnel; and

(v) maintenance of the reserve components as an operational reserve in order to maintain as much as possible the level of expertise and experience developed since September 11, 2001.

(C) An identification and evaluation of the distribution of responsibility and authority for the allocation of Army National Guard personnel and force structure to the States and territories.

(D) An identification and evaluation of the strategic basis or rationale, analytical methods, and decision-making processes for the allocation of Army National Guard personnel and force structure to the States and territories.

(b) **STUDY ON TRANSFER OF CERTAIN AIRCRAFT.**—

(1) **IN GENERAL.**—The Commission shall also conduct a study of a transfer of Army National Guard AH-64 Apache aircraft from the Army National Guard to the regular Army.

(2) **CONSIDERATIONS.**—In conducting the study required by paragraph (1), the Commission shall consider the factors specified in subsection (a)(2).

(c) **REPORT.**—Not later than February 1, 2016, the Commission shall submit to the President and the congressional defense committees a report setting forth a detailed statement of the findings and conclusions of the Commission as a result of the studies required by subsections (a) and (b), together with its recommendations for such legislative and administrative actions as the Commission considers appropriate in light of the results of the studies.

SEC. 1704. POWERS OF THE COMMISSION.

(a) **HEARINGS.**—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties under this subtitle.

(b) *INFORMATION FROM FEDERAL AGENCIES.*—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out its duties under this subtitle. Upon request of the Chair of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) *POSTAL SERVICES.*—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

SEC. 1705. COMMISSION PERSONNEL MATTERS.

(a) *COMPENSATION OF MEMBERS.*—Each member of the Commission who is not an officer or employee of the Federal Government may be compensated at a rate not to exceed the daily equivalent of the annual rate of \$155,400 for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) *TRAVEL EXPENSES.*—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) *STAFF.*—

(1) *IN GENERAL.*—The Chair of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) *COMPENSATION.*—The Chair of the Commission may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) *DETAIL OF GOVERNMENT EMPLOYEES.*—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) *PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.*—The Chair of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 1706. TERMINATION OF THE COMMISSION.

The Commission shall terminate 90 days after the date on which the Commission submits its report under this subtitle.

SEC. 1707. FUNDING.

Amounts authorized to be appropriated for fiscal year 2015 by section 301 and available for operation and maintenance for the Army as specified in the funding table in section 4301 may be available for the activities of the Commission under this subtitle.

Subtitle B—Related Limitations

SEC. 1711. PROHIBITION ON USE OF FISCAL YEAR 2015 FUNDS TO REDUCE STRENGTHS OF ARMY PERSONNEL.

None of the funds authorized to be appropriated or otherwise made available for fiscal year 2015 for the Army may be used to reduce Army personnel below the end strength authorizations for personnel of the Army specified in section 401(1) for active duty personnel and section 411 for Selected Reserve personnel of the reserve components of the Army.

SEC. 1712. LIMITATIONS ON THE TRANSFER, INCLUDING PREPARATIONS FOR THE TRANSFER, OF AH-64 APACHE HELICOPTERS ASSIGNED TO THE ARMY NATIONAL GUARD.

(a) **PROHIBITION ON TRANSFERS DURING FISCAL YEAR 2015.**—During fiscal year 2015, the Secretary of Defense and the Secretary of the Army may not transfer any AH-64 Apache helicopters from the Army National Guard to the regular Army.

(b) **ADDITIONAL LIMITATION ON AIRCRAFT OR PERSONNEL TRANSFERS AND RELATED ACTIVITIES.**—In addition to the prohibition on transfers imposed by subsection (a), but subject to the exceptions provided in subsection (e), the Secretary of Defense and the Secretary of the Army may not, before March 31, 2016—

(1) divest, retire, or transfer, or prepare to divest, retire, or transfer, any AH-64 Apache helicopters from the Army National Guard to the regular Army; or

(2) reduce personnel related to any AH-64 Apache helicopters of the Army National Guard below the levels of such personnel as of September 30, 2014.

(c) **CONTINUED READINESS OF AIRCRAFT AND PERSONNEL.**—The Secretary of the Army shall ensure the continuing readiness of AH-64 Apache helicopters during fiscal year 2015 as necessary to meet the requirements of combatant commanders.

(d) **EFFECT ON PERSONNEL ACTIONS AND TRAINING.**—Notwithstanding the prohibition imposed by subsection (a), the limitation imposed by subsection (b), and the duty imposed by subsection (c), the Secretary of the Army may—

(1) carry out any personnel action, as determined to be appropriate by the Secretary, necessary to support Army aviation readiness and operations;

(2) conduct qualification and reclassification training for pilots, crew, and military occupational specialties related to Army Aviation; and

(3) continue flight training and advanced qualification courses for selected National Guard personnel related to AH-64 Apache helicopters in accordance with Army readiness requirements.

(e) **EXCEPTIONS.**—Subject to the Secretary of Defense certification required by subsection (f), the Secretary of the Army may—

(1) during the period beginning on the date of the enactment of this Act and ending on March 31, 2016, make preparations for the transfer of not more than 48 AH-64 Apache helicopters from the Army National Guard to the regular Army; and

(2) during the period beginning on October 1, 2015, and ending on March 31, 2016, transfer not more than 48 AH-64 Apache helicopters from the Army National Guard to the regular Army.

(f) **CERTIFICATION REQUIRED.**—The certification referred to in subsection (e) is a certification by the Secretary of Defense in writing to the congressional defense committees that the commencement of preparations to transfer AH-64 Apache helicopters pursuant to the exception provided by subsection (e)(1) or a transfer of AH-64 Apache helicopters pursuant to the exception provided by subsection (e)(2) would not create unacceptable risk—

(1) to the strategic depth or regeneration capacities of the Army; and

(2) to the Army National Guard in its role as the combat reserve of the Army.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the “Military Construction Authorization Act for Fiscal Year 2015”.

SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) **EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.**—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVII and title XXIX of this division for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2017; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018.

(b) **EXCEPTION.**—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2017; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2018 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment Program.