SEC. 905. MODIFICATION OF REQUIREMENTS TO MAINTAIN NAVY AIRBORNE SIGNALS INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE CAPABILITIES.

(a) REQUIREMENT TO MAINTAIN CAPABILITIES.—Subsection (b) of section 112 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 112 Stat. 4152) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraph (2) as paragraph (1) and in that paragraph—

(A) by striking "in order to provide capabilities "and inserting "in sufficient quantities to provide capabilities and capacity"; and

(B) by inserting before the period at the end the following: "while fielding a mix of new platforms and sensors"; and

(3) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(b) REPEAL OF RESTRICTION ON TRANSFER OF SABER FOCUS PROGRAM ISR CAPABILITIES.—Such section is further amended by striking subsection (c).

Section-by-Section Analysis

Status of the EP-3E and Special Project Aircraft fleets and Navy's transition plan have been certified by the Under Secretary for Defense for Intelligence (USD(I)) and the Vice Chairman of the Joint Chiefs of Staff (VCJCS) in accordance with section 112 of the Ike Skelton National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2011 each of the past three years (FY 2012, FY 2013, and FY 2014). In the President's Budget for 2016 (PB-16) however, Navy's plan will not be in compliance as a result of decreased deployed intelligence, surveillance, and reconnaissance (ISR) capacity for the combatant commanders. This proposal would modify the statutory restriction on Navy's ability to retire EP-3E and Special Projects Aircraft as part of its Maritime intelligence, surveillance, reconnaissance, and targeting (ISR&T) Transition Plan.

The Navy is in the process of acquiring and fielding a mix of manned and unmanned, land and sea-based ISR&T platforms to recapitalize the highest priority capabilities of the legacy EP–3E Airborne Reconnaissance Integrated Electronic System II and Special Projects Aircraft platforms to address current and future requirements of the combatant commanders.

The Secretary of the Navy is documenting requirements across the Navy's mix of manned and unmanned, land and sea-based intelligence, surveillance, reconnaissance, and targeting platforms that recapitalize legacy EP–3E Airborne Reconnaissance Integrated Electronic System II and Special Projects Aircraft multi-intelligence capabilities.

The Navy chose to utilize manpower from EP-3E and Special Projects Aircraft squadrons to field new ISR&T platforms such as MQ-4C Triton. The transition from legacy to future platforms creates a temporary decrease in capacity available to the Joint Staff for allocation to the combatant commanders under the Global Force Management Allocation Plan (GFMAP), meriting continuous evaluation by the USD(I) and the Joint Chiefs of Staff to ensure Navy's transition plan supports the Department's broader ISR architecture.

The Department estimates that an additional $480 million would be needed to fully meet the capability and capacity directed by the unmodified FY 2011 NDAA. Of this figure, $232.5 million would be needed to address the capability risks and $247 million would be needed to restore EP-3E and Special Projects Aircraft manpower to FY 2014 levels

Subsection (c) of section 112, regarding Saber Focus, is no longer applicable. The Senate Armed Services Committee recommended striking this subsection in its version of the FY 2014 NDAA (S. 1197), though the provision to strike the subsection was not adopted.

Budgetary Implications: The table below details the resources currently budgeted for Navy's ISR&T Transition plan. There are no budget changes associated with this legislative proposal since the Navy will begin to implement the ISR&T Transition Plan in FY 2015.

RESOURCE SAVINGS ($MILLIONS)									
	FY 2016	**FY 2017**	**FY 2018**	**FY 2019**	**FY 2020**	**Appropriation From**	**Budget Activity**	**Dash 1 Line Item**	**Program Element**
Air Force	-	-	-	-	-				
Army	-	-	-	-	-				
Marine Corps	-	-	-	-	-				
Navy	$1,391	$1,264	$1,064	$1,033	$1,052	various	various	various	0305220N 0305207N 0305241N
Total	$1,391	$1,264	$1,064	$1,033	$1,052	-	-	-	-

Changes to Existing Law: This proposal would make the following changes to section 112 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4152):

SEC. 112. REQUIREMENT TO MAINTAIN NAVY AIRBORNE SIGNALS INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE CAPABILITIES.

(a) FINDINGS.—Congress finds the following:

(1) The Navy terminated the EP–X program to acquire a new land-based airborne signals intelligence capability because of escalating costs and funds budgeted for the program were re-allocated to other priorities.

(2) The Navy took this action without planning and budgeting for alternative means to meet operational requirements for tactical-level and theater-level signals intelligence capabilities to support the combatant commands and national intelligence consumers.

(3) The principal Navy airborne signals intelligence capability today is the EP–3E Airborne Reconnaissance Integrated Electronic System II (ARIES II)—the aircraft and associated electronic equipment of this system are aging and will require replacement or substantial ongoing upgrades to continue to meet requirements.

(4) The Special Projects Aircraft (SPA) platform of the Navy is the second critical element in the airborne signals intelligence capability of the Navy and provides the Navy its most advanced, comprehensive multi-intelligence and quick-reaction capability available.

(b) REQUIREMENT TO MAINTAIN CAPABILITIES.—

~~(1) PROHIBITION ON RETIREMENT OF PLATFORMS.—The Secretary of the Navy may not retire (or to prepare to retire) the EP–3E Airborne Reconnaissance Integrated Electronic System II or Special Projects Aircraft platform.~~

~~(2)~~(1) MAINTENANCE OF PLATFORMS.—The Secretary of the Navy shall continue to maintain, sustain, and upgrade the EP–3E Airborne Reconnaissance Integrated Electronic System II and Special Projects Aircraft platforms ~~in order to provide capabilities~~ in sufficient quantities to provide capabilities and capacity necessary to operate effectively against rapidly evolving threats and to meet combatant commander operational intelligence, surveillance, and reconnaissance requirements while fielding a mix of new platforms and sensors.

~~(3)~~(2) CERTIFICATION.—Not later than February 1, 2011, and annually thereafter, the Under Secretary of Defense for Intelligence and the Vice Chairman of the Joint Chiefs of Staff shall jointly certify to Congress the following:

(A) The Secretary of the Navy is maintaining and sustaining the EP–3E Airborne Reconnaissance Integrated Electronic System II and Special Projects Aircraft platform in a manner that meets the intelligence, surveillance, and reconnaissance requirements of the commanders of the combatant commands.

(B) Any plan for the retirement or replacement of the EP–3E Airborne Reconnaissance Integrated Electronic System II or Special Projects Aircraft platform will provide, in the aggregate, an equivalent or superior capability and capacity to the platform concerned.

~~(4)~~(3) TERMINATION.—The requirements of this subsection with respect to the EP–3E Airborne Reconnaissance Integrated Electronic System II or the Special Projects Aircraft platform shall expire on the commencement of the fielding by the Navy of a platform or mix of platforms and sensors that are, in the aggregate, equivalent or superior to the EP–3E Airborne Reconnaissance Integrated Electronic System II (spiral 3) or the Special Projects Aircraft (P909) platform.

~~(c) RESTRICTION ON TRANSFER OF SABER FOCUS PROGRAM ISR CAPABILITIES.—~~

~~(1) RESTRICTION.—The Secretary of the Navy may not transfer the Saber Focus unmanned aerial system, associated equipment, or processing, exploitation, and dissemination capabilities of the Saber Focus program to the Secretary of the Air Force until 30 days after the Secretary of the Air Force certifies to the congressional defense committees that after such a transfer, the Secretary of the Air Force will provide intelligence, surveillance, and reconnaissance (hereinafter in this section referred to as ''ISR'') capabilities at the same or greater capability and capacity level as the capability or capacity level at which the Saber Focus program provides such capabilities to the area of operations concerned as of the date of the enactment of this Act.~~

~~(2) CONTINUED NAVY PROVISION OF CAPABILITIES.—The Secretary of the Navy shall continue to provide Saber Focus ISR program capabilities at the same or greater capability and capacity level as the capability or capacity level at which the Saber Focus program provides such capabilities as of the date of the enactment of this Act to the area of operations concerned until—~~

~~(A) the certification referred to in paragraph (1) is provided to the congressional defense committees; or~~

~~(B) 30 days after the Secretary of Defense certifies to the congressional defense committees that the ISR capabilities of the Saber Focus program are no longer required to mitigate the ISR requirements of the combatant commander in the area of operations concerned.~~