SEC. 2806. 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.

(a) NOTICE AND WAIT REQUIREMENT.—Subsection (a) of section 18233a of title 10, United States Code, is amended by striking "$750,000" and inserting "the amount specified in section 2805(b)(1) of this title".

(b) REPAIR PROJECTS.—Subsection (b)(3) of such section is amended by striking "$7,500,000" and inserting "the amount specified in section 2811(b) of this title".

[PLEASE NOTE: THE "CHANGES TO EXISTING LAW" SECTION BELOW SETS OUT IN RED-LINE FORMAT HOW THE LEGISLATIVE TEXT ABOVE WOULD AMEND EXISTING LAW.]

Section-by-Section Analysis

This proposed conforming amendment to subsection (a) of section 18233a of title 10, United States Code (U.S.C.), would correct an oversight from the fiscal year (FY) 2015 legislative cycle. Section 2802 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for FY 2015 (NDAA FY15) increased the Unspecified Military Construction (UMC) thresholds. UMC projects are military construction projects authorized by 10 U.S.C. 2805 that the Department of Defense may undertake without specific project authorization from Congress.

Section 2802 of the NDAA FY15 amended section 2805(a) of title 10 by increasing the threshold for minor military construction projects. It also increased the threshold under subsection (b)(1) of section 2805 for projects that require notification ("notice and wait") to Congress from $750,000 to $1,000,000. However, the amendments in section 2802 did not include a corresponding amendment to section 18233a, pertaining to the "notice and wait" provision as it relates to facilities for reserve components. This has created disparate requirements which the Department of Defense believes Congress did not intend. The differing requirements for active and reserve components create additional burdensome reviews for reserve and active components as well as for Congress. The compounding result is longer wait times for reserve component projects.

Subsection (a) of the proposal would replace the dollar amount specified in section 18233a with a reference to section 2805, restoring parity between the two provisions and

eliminating the need to modify both provisions in the event of future revisions to the threshold amounts.

Subsection (b) of the proposal would amend subsection (c) of section 18233a, pertaining to repair projects, by replacing the specific amount ($7,500,000) with a reference to the amount specified for such projects in section 2811 of title 10. Note: this change does not change the dollar amount for the reserve component, but ensures that any future change to section 2811 will not require another amendment to section 18233(c).

Budgetary Implications: The net impact of this proposal would not alter the budget implications of the previous, enacted proposal, but merely level the playing field for the active and reserve components with regards to congressional reporting and wait requirements.

Changes to Existing Law: This proposal would make the following changes to section 18233a of title 10, United States Code:

§18233a. Notice and wait requirements for certain projects

(a) CONGRESSIONAL NOTIFICATION.—Except as provided in subsection (b), an expenditure or contribution in an amount in excess of ~~$750,000~~ the amount specified in section 2805(b)(1) of this title may not be made under section 18233 of this title for any facility until—

(1) the Secretary of Defense has notified the congressional defense committees of the location, nature, and estimated cost of the facility; and

(2) a period of 21 days has elapsed after the notification has been received by those committees or, if over sooner, a period of 14 days has elapsed after the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of this title.

(b) CERTAIN EXPENDITURES OR CONTRIBUTIONS EXEMPTED.—Subsection (a) does not apply to expenditures or contributions for the following:

(1) Facilities acquired by lease.

(2) A project for a facility that has been authorized by Congress, if the location and purpose of the facility are the same as when authorized and if, based upon bids received—

(A) the scope of work of the project, as approved by Congress, is not proposed to be reduced by more than 25 percent; and

(B) the current working estimate of the cost of the project does not exceed the amount approved for the project by more than the lesser of the following:

(i) 25 percent.

(ii) 200 percent of the amount specified by section 2805(a) of this title as the maximum amount for a minor military construction project.

(3) A repair project (as that term is defined in section 2811(e) of this title) that costs less than ~~$7,500,000~~ the amount specified in section 2811(b) of this title.