

En Bloc Amendments to H.R. 4909

April 27, 2016

Subcommittee on Strategic Forces En Bloc #1

Log #	Sponsor	Description
23	Larsen	Fences \$10M worth of DOD support functions for the Executive Office of the President until the President submits updated plan on nuclear proliferation
113r1	MacArthur	Authorizes Directed Energy research and development, testing, and evaluation between U.S. and Israel
143r1	Bridenstine	Directs the SECDEF provide a briefing regarding hosted payloads
186r1	Rogers	Provides SECDEF the authority to mitigate unmanned aircraft threats to DODs nuclear, missile defense and national security space assets
250r1	Langevin	Requires semiannual notifications in order to improve oversight and tracking of missile defense tests results, changes, and costs.
302	Rogers	The amendment amends DRL in the STR Mark to change the lead cocom to conduct the briefing on Cobra Dane from NORTHCOM to STRATCOM.
034r2	Takai	Would add additional radar improvement requirements for any AN/TPY-2 radar assets in Hawaii
183r1	Bishop	Requires DoD and GAO briefings regarding use of excess ICBM motors for commercial space launch activities

Log 023

AMENDMENT TO H.R. 4909 OFFERED BY MR. LARSEN OF WASHINGTON

At the appropriate place in title XXXI, insert the following new section:

1 **SEC. 31 ____ . UPDATED PLAN FOR VERIFICATION AND MONI-**
2 **TORING OF PROLIFERATION OF NUCLEAR**
3 **WEAPONS AND FISSILE MATERIAL.**

4 (a) UPDATED PLAN.—

5 (1) TRANSMISSION.—Not later than 90 days
6 after the date of the enactment of this Act, the
7 President shall transmit to the appropriate congress-
8 sional committees a comprehensive and detailed up-
9 date to the plan developed under section 3133(a) of
10 the Carl Levin and Howard P. “Buck” McKeon Na-
11 tional Defense Authorization Act for Fiscal Year
12 2015 (Public Law 113–291; 128 Stat. 3896) with
13 respect to verification and monitoring relating to the
14 potential proliferation of nuclear weapons, compo-
15 nents of such weapons, and fissile material.

16 (2) FORM.—The updated plan under paragraph
17 (1) shall be transmitted in unclassified form, but
18 may include a classified annex.

1 (b) LIMITATION.—Of the funds authorized to be ap-
2 propriated by this Act or otherwise made available for fis-
3 cal year 2017 for the Department of Defense for sup-
4 porting the Executive Office of the President,
5 \$10,000,000 may not be obligated or expended until the
6 date on which the President transmits to the appropriate
7 congressional committees the updated plan under sub-
8 section (a)(1).

9 (c) BRIEFING.—Not later than 30 days after the date
10 of the enactment of this Act, the President shall provide
11 to the Committees on Armed Services of the House of
12 Representatives and the Senate (and any other appro-
13 priate congressional committee upon request) an interim
14 briefing on the updated plan under subsection (a)(1).

15 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
16 DEFINED.—In this section, the term “appropriate con-
17 gressional committees” means the following:

18 (1) The congressional defense committees.

19 (2) The Permanent Select Committee on Intel-
20 ligence of the House of Representatives and the Se-
21 lect Committee on Intelligence of the Senate.

22 (3) The Committee on Foreign Affairs of the
23 House of Representatives and the Committee on
24 Foreign Relations of the Senate.

1 (4) The Committee on Homeland Security of
2 the House of Representatives and the Committee on
3 Homeland Security and Governmental Affairs of the
4 Senate.

5 (5) The Committee on Energy and Commerce
6 of the House of Representatives and the Committee
7 on Commerce, Science, and Transportation of the
8 Senate.



AMENDMENT TO H.R. 4909**OFFERED BY MR. MACARTHUR OF NEW JERSEY**

At the appropriate place in title XII of division A of the bill, insert the following:

1 **SEC. 12xx. UNITED STATES-ISRAEL DIRECTED ENERGY CO-**
2 **OPERATION.**

3 (a) **AUTHORITY TO ESTABLISH DIRECTED ENERGY**
4 **CAPABILITIES PROGRAM WITH ISRAEL.—**

5 (1) **IN GENERAL.**—The Secretary of Defense,
6 upon the request of the Ministry of Defense of
7 Israel, and with the concurrence of the Secretary of
8 State, may carry out research, development, test,
9 and evaluation activities, on a joint basis with Israel,
10 to establish directed energy capabilities to detect and
11 defeat ballistic missiles, cruise missiles, unmanned
12 aerial vehicles, mortars, and improvised explosive de-
13 vices that threaten the United States, deployed
14 forces of the United States, or Israel. Any activities
15 carried out pursuant to such authority shall be con-
16 ducted in a manner that appropriately protects sen-
17 sitive information and the national security interests
18 of the United States and Israel.

1 (2) REPORT.—The activities described in para-
2 graph (1) may be carried out after the Secretary of
3 Defense submits to the appropriate committees of
4 Congress a report setting forth the following:

5 (A) A memorandum of agreement between
6 the United States and Israel regarding sharing
7 of research and development costs for the capa-
8 bilities described in paragraph (1), and any
9 supporting documents.

10 (B) A certification that the memorandum
11 of agreement—

12 (i) requires sharing of costs of
13 projects, including in-kind support, be-
14 tween the United States and Israel;

15 (ii) establishes a framework to nego-
16 tiate the rights to any intellectual property
17 developed under the memorandum of
18 agreement; and

19 (iii) requires the United States Gov-
20 ernment to receive semiannual reports on
21 expenditure of funds, if any, by the Gov-
22 ernment of Israel, including a description
23 of what the funds have been used for,
24 when funds were expended, and an identi-

1 fication of entities that expended the
2 funds.

3 (3) ANNUAL LIMITATION ON AMOUNT.—The
4 amount of support provided under this subsection in
5 any year may not exceed \$25,000,000.

6 (b) LEAD AGENCY.—The Secretary of Defense shall
7 designate the Missile Defense Agency as the appropriate
8 research and development entity and as the lead agency
9 of the Department of Defense in carrying out this section.

10 (c) SEMIANNUAL REPORTS.—The Secretary of De-
11 fense shall submit to the appropriate committees of Con-
12 gress on a semiannual basis a report that contains a copy
13 of the most recent semiannual report provided by the Gov-
14 ernment of Israel to the Department of Defense pursuant
15 to subsection (a)(2)(B)(iii).

16 (d) SUNSET.—The authority in this section to carry
17 out activities described in subsection (a) shall expire on
18 December 31, 2018.

19 (e) APPROPRIATE COMMITTEES OF CONGRESS DE-
20 FINED.—In this section, the term “appropriate commit-
21 tees of Congress” means—

22 (1) the Committee on Armed Services, the
23 Committee on Foreign Relations, the Committee on
24 Homeland Security and Governmental Affairs, the

1 Committee on Appropriations, and the Select Com-
2 mittee on Intelligence of the Senate; and

3 (2) the Committee on Armed Services, the
4 Committee on Foreign Affairs, the Committee on
5 Homeland Security, the Committee on Appropria-
6 tions, and the Permanent Select Committee on Intel-
7 ligence of the House of Representatives.

In section 4201 of division D, relating to research,
development, test, and evaluation, Defense-Wide, reduce
the amount for Management HQ-MDA, by \$25,000,000.



**Amendment to H.R. 4909
National Defense Authorization Act for Fiscal Year 2017**

Offered by: Mr. Bridenstine of Oklahoma

In the appropriate place in the report to accompany H.R. 4909, insert the following new Directive Report Language:

Hosted Payloads

The Committee believes that the Department of Defense may not be fully taking advantage of opportunities to reduce the government's cost to launch and operate satellites for defense purposes. Hosted payloads and ride sharing are two options which can reduce government launch costs while providing the Department with the ability to more rapidly procure additional capacity. The Committee supports the Air Force efforts in establishing the Hosted Payloads Solutions (HoPS) standardized and streamlined contract vehicle for qualified commercial space companies to provide hosting services.

The Committee believes that a more deliberate consideration for the use of hosted payloads could better leverage available commercial capabilities, particularly through the HoPS program. The Committee encourages the Secretary of the Air Force to ensure that any future analysis of alternatives for space capabilities includes hosted payloads and commercial services as options to satisfy mission requirements. Therefore, not later than 180 days after the enactment of this Act, the Secretary shall provide to the congressional defense committees a briefing on the plan to include hosted payloads as an option to consider in future analyses of alternatives, and the standards and any other requirements necessary for new entrants to qualify for HoPS program certification.

AMENDMENT TO H.R. 4909
OFFERED BY MR. ROGERS OF ALABAMA

At the appropriate place in title XVI, insert the following new section:

1 **SEC. 16 ____ . PROTECTION OF CERTAIN FACILITIES AND AS-**
2 **SETS FROM UNMANNED AIRCRAFT.**

3 (a) IN GENERAL.—Chapter 3 of title 10, United
4 States Code, is amended by adding at the end the following new section:

6 **“§ 130i. Protection of certain facilities and assets**
7 **from unmanned aircraft**

8 “(a) AUTHORITY.—The Secretary of Defense may
9 take, and may authorize the armed forces to take, such
10 actions described in subsection (b)(1) that are necessary
11 to mitigate the threat of an unmanned aircraft system or
12 unmanned aircraft that poses an imminent threat (as defined by the Secretary of Defense, in coordination with
13 the Secretary of Transportation) to the safety or security
14 of a covered facility or asset.

16 “(b) ACTIONS DESCRIBED.—(1) The actions described in this paragraph are the following:

18 “(A) Disrupt control of the unmanned aircraft
19 system or unmanned aircraft.

1 “(B) Seize and exercise control of the un-
2 manned aircraft system or unmanned aircraft.

3 “(C) Seize or otherwise confiscate the un-
4 manned aircraft system or unmanned aircraft.

5 “(D) Use reasonable force to disable or destroy
6 the unmanned aircraft system or unmanned aircraft.

7 “(2) The Secretary of Defense shall develop the ac-
8 tions described in paragraph (1) in coordination with the
9 Secretary of Transportation, consistent with the protec-
10 tion of information regarding sensitive defense capabili-
11 ties.

12 “(c) FORFEITURE.—(1) Any unmanned aircraft sys-
13 tem or unmanned aircraft described in subsection (a) shall
14 be subject to seizure and forfeiture to the United States.

15 “(2) The Secretary of Defense may prescribe regula-
16 tions to establish reasonable exceptions to paragraph (1),
17 including in cases where—

18 “(A) the operator of the unmanned aircraft sys-
19 tem or unmanned aircraft obtained the control and
20 possession of such system or aircraft illegally; or

21 “(B) the operator of the unmanned aircraft sys-
22 tem or unmanned aircraft is an employee of a com-
23 mon carrier acting in manner described in sub-
24 section (a) without the knowledge of the common
25 carrier.

1 “(d) REGULATIONS.—The Secretary of Defense and
2 the Secretary of Transportation shall prescribe regulations
3 and issue guidance in the respective areas of each Sec-
4 retary to carry out this section.

5 “(e) DEFINITIONS.—In this section:

6 “(1) The term ‘covered facility or asset’ means
7 any facility or asset that is—

8 “(A) identified by the Secretary of Defense
9 for purposes of this section;

10 “(B) located in the United States (includ-
11 ing the territories and possessions of the United
12 States); and

13 “(C) relating to—

14 “(i) the nuclear deterrence mission of
15 the Department of Defense, including with
16 respect to nuclear command and control,
17 integrated tactical warning and attack as-
18 sessment, and continuity of government;

19 “(ii) the missile defense mission of the
20 Department; or

21 “(iii) the national security space mis-
22 sion of the Department.

23 “(2) The terms ‘unmanned aircraft’ and ‘un-
24 manned aircraft system’ have the meaning given
25 those terms in section 331 of the FAA Moderniza-

1 tion and Reform Act of 2012 (Public Law 112–95;
2 49 U.S.C. 40101 note).”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of such chapter is amended by inserting
5 after the item relating to section 130h the following new
6 item:

“130i. Protection of certain facilities and assets from unmanned aircraft.”.



Log 250R1

AMENDMENT TO H.R. 4909
OFFERED BY MR. LANGEVIN OF RHODE ISLAND

At the appropriate place in title XVI, add the following new section:

1 **SEC. 16** ____ . **SEMIANNUAL NOTIFICATIONS ON MISSILE DE-**
2 **FENSE TESTS AND COSTS.**

3 (a) **NOTIFICATIONS.**—Not less than once every 180-
4 day period beginning 90 days after the date of the enact-
5 ment of this Act and ending on January 31, 2021, the
6 Director of the Missile Defense Agency shall submit to the
7 congressional defense committees a notification on—

8 (1) the outcome of each planned flight test, in-
9 cluding intercept tests, occurring during the period
10 covered by the notification; and

11 (2) flight tests, including intercept tests,
12 planned to occur after the date of the notification.

13 (b) **ELEMENTS.**—Each notification shall include the
14 following:

15 (1) With respect to each test described in sub-
16 section (a)(1)—

17 (A) the cost;

1 (B) any changes made to the scope or ob-
2 jectives of the test, or future tests, and an ex-
3 planation for such changes;

4 (C) in the event of a failure of the test or
5 a decision to delay or cancel the test—

6 (i) the reasons such test did not suc-
7 ceed or occur;

8 (ii) the funds expended on such at-
9 tempted test; and

10 (iii) in the case of a test failure or
11 cancelled test that is the result of con-
12 tractor performance, the contractor liabil-
13 ity, if appropriate, as compared to the cost
14 of such test and potential retest; and

15 (D) the plan to conduct a retest, if nec-
16 cessary, and an estimate of the cost of such
17 retest.

18 (2) With respect to each test described in sub-
19 section (a)(2)—

20 (A) any changes made to the scope of the
21 test;

22 (B) whether the test was to occur earlier
23 but was delayed; and

24 (C) an explanation for any such changes or
25 delays.

1 (3) The status of any open failure review
2 boards or any failure review boards completed dur-
3 ing the period covered by the notification.

4 (c) FORM.—Each notification submitted under sub-
5 section (a) shall be submitted in unclassified form, but
6 may include a classified annex.



Amendment to H.R. 4909 National Defense Authorization Act for Fiscal Year 2017

Offered by: Mr. Rogers (AL)

In the portion of the report to accompany H.R. 4909 titled "Sustainment and Modernization of the Cobra Dane Radar", strike the following text: "Therefore, the committee directs the Commander of U.S. Northern Command, jointly with with the Commander of U.S. Air Force Space Command, the Director of the Missile Defense Agency, and the Commander of U.S. Strategic Command, to provide a briefing".

In the portion of the report to accompany H.R. 4909 titled "Sustainment and Modernization of the Cobra Dane Radar", insert the following new text "Therefore, the committee directs the Commander of U.S. Strategic Command, jointly with the Commander of U.S. Air Force Space Command, the Director of the Missile Defense Agency, and the Commander of U.S. Northern Command to provide a briefing".

**Amendment to H.R. 4909
National Defense Authorization Act for Fiscal Year 2017**

Offered by:

Mr. Takai (HI)

In the portion of the report to accompany H.R. 4909 titled "Contribution of AN/TPY-2 Radars", insert at the end of the directive report language the following new text:

"The briefing by the Director should also include his evaluation of the feasibility and operation utility of operationalizing the AN/TPY-2 radar already stationed at the Pacific Missile Range Facility to add ballistic missile sensor capability for the defense of Hawaii until the MDA deploys a permanent sensor with increased capability to address increasing threats. The briefing should include any costs, and enhancements to counter electronic attack and advanced jamming he believes are necessary".

**Amendment to H.R. 4909
National Defense Authorization Act for Fiscal Year 2017**

Offered by: Rob Bishop (UT-01)

In the appropriate place in the report to accompany H.R. 4909, insert the following new Directive Report Language:

**Use of Surplus ICBM Motors for Commercial
Space Launches**

The committee is aware that the Air Force stores and maintains excess intercontinental ballistic missile (ICBM) assets for limited reuse to support certain Department of Defense and other government agency space launch activities. Section 50134 of title 51, United States Code, provides the guidelines for use of these excess ballistic missile assets.

The committee is aware that Russia has used Russian made excess ICBM motors to support commercial launch missions, including the launching of payloads manufactured in the United States.

The committee believes that modification to the law to allow for increased commercial use of decommissioned U.S. ICBM motors could yield benefits for the U.S. domestic launch industry and payload launching capacity while also saving the U.S. Air Force excess motor storage costs. However, the committee also recognizes concerns regarding unintended negative consequences for the U.S. commercial space industrial base resulting from such a change in policy.

Therefore, the committee directs the Secretary of Defense to provide a briefing to the congressional defense committees by September 1, 2016, on the range of options and recommendations, if applicable, for modification of the existing policy that would support the national

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industrial base upon which the Department of Defense relies. In addition, the briefing should include any other implications, savings, and costs of such options. The briefing should also address any requirements for technical data that the Department may require with regard to usage of such excess ballistic missiles.

Additionally, the committee directs the Comptroller General to conduct an assessment, and provide a briefing to the congressional defense committees by 90 days after the receipt of the briefing from the Secretary of Defense, on the study conducted by the Department of the Defense, and the extent that it appropriately considered the costs and benefits on the industrial base and the United States Government, and various options to address this issue.

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