

**H.R. 1960—FY14 NATIONAL DEFENSE
AUTHORIZATION BILL**

**SUBCOMMITTEE ON STRATEGIC
FORCES**

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DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

LEGISLATIVE PROVISIONS

SUBTITLE C—AIR FORCE PROGRAMS

Section 124—Competition for Evolved Expendable Launch Vehicle Program Providers

This section would require the Secretary of the Air Force to develop and implement a plan to ensure the fair evaluation of competing contractors in awarding a contract to a certified evolved expendable launch vehicle provider. This plan would include descriptions of how the following areas would be addressed in the evaluation: the proposed cost, schedule, and performance; mission assurance activities; the manner in which the contractor will operate under the Federal Acquisition Regulation; the effect of other contracts in which the contractor is entered into with the Federal Government, such as the evolved expendable launch vehicle launch capability and the space station commercial resupply services contracts; and any other areas determined appropriate by the Secretary.

This section would also require that the Secretary submit a report to Congress not later than 90 days after the date of the enactment of this Act that includes the aforementioned plan or provide a briefing to the appropriate congressional committees on the plan. After the Secretary provides the report or briefing to Congress, the Comptroller General of the United States shall conduct a review of the plan.

SUBTITLE D—DEFENSE-WIDE AND JOINT AND MULTISERVICE MATTERS

Section 131—Multiyear Procurement Authority for Ground-based Interceptors

The section would provide the Director, Missile Defense Agency with authority to enter into 1 or more multiyear contracts, beginning in fiscal year 2014, for the procurement of 14 ground-based interceptors. This section would also provide authority for advanced procurement associated with these ground-based interceptors. This section would also require that such contracts include a requirement that they be subject to the availability of appropriation for these purposes.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

LEGISLATIVE PROVISIONS

SUBTITLE B—PROGRAM REQUIREMENTS, RESTRICTIONS, AND LIMITATIONS

Section 221—Sense of Congress on Importance of Aligning Common Missile Compartment of Ohio-Class Replacement Program with the United Kingdom's Vanguard Successor Program

This section would make a series of findings and express the sense of Congress regarding the importance of aligning the common missile compartment of the Ohio-class ballistic missile submarine program with the Vanguard-class successor program of the United Kingdom of Great Britain and Northern Ireland.

The Polaris Sales Agreement of 1963 has been a cornerstone of the U.S. alliance with the United Kingdom for 50 years and has brought significant benefits to both parties. Under a 1982 extension of the agreement, the United Kingdom purchases the Trident missile system from the United States for use in its submarines. Both Nations will field the Trident II/D5 strategic weapon system in their respective next generation of submarines. These new submarines will share a common missile compartment that is currently being developing through a cost-shared program conducted by the Navy. In fiscal year 2013, the Navy delayed the Ohio-class replacement program by 2 years due to fiscal constraints, but decided to keep the common missile program on the original schedule to meet its obligation to provide the compartment to the United Kingdom in time for insertion into the Vanguard-class successor. The committee applauds this decision and encourages the Secretary of Defense and the Secretary of the Navy to continue to prioritize the common missile compartment such that it stays aligned with the Vanguard-successor program. The committee believes that keeping this common missile compartment program aligned with the Vanguard-successor program is critical to ensuring the United States fulfills its longstanding obligation to a crucial ally.

SUBTITLE C—MISSILE DEFENSE PROGRAMS

Section 231—Limitation on Removal of Missile Defense Equipment from East Asia

This section would state that it is the policy of the United States that the missile defenses of the United States defend the United States, its allies, and deployed forces against a multitude of threats, including multiple regional actors. This section would also limit the use of funds to remove U.S. missile defense capabilities from East Asia until 180 days after the date that the President has certified that nuclear weapons and ballistic missile threats to U.S. allies have been verifiably eliminated, and, the President has consulted such allies, they agree that such threats have been eliminated, and they agree with the removal of U.S. missile defense assets. This section would provide that the President may waive such certification if he determines that it is in the national security interest of the United States, and he provides an unclassified explanation, in writing, detailing the basis for his determination. This section would exclude Aegis ballistic missile defense equipped cruisers and destroyers from this requirement.

Section 232—Analysis of Alternatives for Successor to Precision Tracking Space System

The section would strike section 224 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239) and replace it with an updated

analysis of alternatives requirement to reflect the termination of the Precision Tracking Space System in the President's request for fiscal year 2014.

The committee notes that this section would require the Director of the Missile Defense Agency to consider the opinions of private industry in carrying out the analysis of alternatives. The committee considers this requirement to necessitate only listening to the input of industry members that have long-standing and proven experience in the often difficult world of space acquisitions.

Section 233—Plan To Improve Organic Kill Assessment Capability of the Ground-Based Midcourse Defense System

This section would require the Director, Missile Defense Agency and the Commander, U.S. Northern Command, in consultation with the Commander, U.S. Strategic Command, to jointly develop options to achieve an organic kill assessment capability for the Ground-based Midcourse Defense (GMD) system by December 31, 2019, and a plan to deploy such capability in at least some of the upcoming acquisition of new Ground-based Interceptor missiles.

This section would also require the Director and the Commander, U.S. Northern Command, in consultation with the Commander, U.S. Strategic Command, to jointly develop a plan for an interim capability for improved hit assessment for the GMD system that can be integrated into near-term Enhanced Kill Vehicle upgrades and refurbishments.

This section would require these plans be submitted to the congressional defense committees by March 15, 2014.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

LEGISLATIVE PROVISIONS

SUBTITLE B—SPACE ACTIVITIES

Section 911—National Security Space Satellite Reporting Policy

This section would amend chapter 135 of title 10, United States Code, to add a notification, required of the Secretary of Defense, of each attempt by a foreign actor to disrupt, degrade, or destroy a U.S. national security space capability.

The notification shall be submitted to the appropriate congressional committees not later than 48 hours after the Secretary determines that there is reason to believe such attempt occurred. Not later than 10 days after the date on which the Secretary determines that there is reason to believe such attempt occurred, further information should be provided including the name and a brief description of the national security space capability that was impacted by such attempt; a description of the attempt, including the foreign actor, the date and time

of the attempt, and any related capability outage and the mission impact of such outage; and any other information considered relevant by the Secretary.

The appropriate committees are defined as the congressional defense committees, and with respect to a U.S. national security space capability that is intelligence-related, the congressional intelligence committees.

The committee notes the Director of National Intelligence's 2013 Statement for the Record Worldwide Threat Assessment that threats to vital United States space services will increase during the next decade as disruptive and destructive counter-space capabilities are developed.

Section 912—National Security Space Defense and Protection

This section would require the Secretary of the Air Force to enter into an arrangement with the National Research Council to conduct a review in response to the near-term and long-term threats to the national security space systems of the United States. The review should include:

- (1) The range of strategic options available to address such threats, in terms of deterring hostile actions, defeating hostile actions, or surviving hostile actions until such actions conclude;
- (2) Strategies and plans to counter such threats, including resilience, reconstitution, disaggregation, and other appropriate concepts; and
- (3) Existing and planned architectures, warfighter requirements, technology development, systems, workforce, or other factors related to addressing such threats.

The National Research Council should also identify recommend courses of action to address the threats, including potential barriers or limiting factors in implementing such courses of action.

This section would also modify section 911(f)(1) of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 2271), to include a description of how the Department of Defense and the intelligence community plan to provide the necessary national security capabilities, through alternative space, airborne, or ground systems, if a foreign actor degrades, denies access to, or destroys U.S. national security space capabilities.

Section 913—Space Acquisition Strategy

This section would require the Under Secretary of Defense for Acquisition, Technology and Logistics, in consultation with the Chief Information Officer of the Department of Defense, to establish a strategy for the multi-year procurement of commercial satellite services to include:

- (1) An analysis of financial or other benefits to multi-year acquisition approaches;
- (2) An analysis of the risks associated with such an approach;
- (3) An identification of methods to address planning, programming, budgeting, and execution challenges to such an approach, to include consideration of

methods to address potential termination liability or cancellation costs associated with these types of contracts;

(4) An identification of any changes needed in the requirements development and approval processes of the Department of Defense to facilitate effective and efficient implementation of such strategy; and,

(5) An identification of any necessary changes to policy, procedures, regulation, or legislation in order for such strategy to be successful.

This section would also require the strategy and the elements supporting it to be provided to the congressional defense committees by the Under Secretary not later than 180 days after the date of the enactment of this Act.

Section 914—Space Control Mission Report

This section would require the Secretary of Defense to submit a report to the congressional defense committees on the space control mission of the Department of Defense.

Section 915—Responsive Launch

This section would require a study by the Department of Defense Executive Agent for Space on responsive, low-cost launch efforts to include a review of existing and past operationally responsive, low-cost launch capabilities; a technology assessment of various methods to develop an operationally responsive, low-cost launch capability; and an assessment of the viability of any other innovative methods, such as secondary payload adapters on existing launch vehicles. In addition, this section would require a report from the Executive Agent for Space regarding the results of the above mentioned study, as well as a consolidated plan for development within the Department of an operationally responsive, low-cost launch capability.

The committee notes that there are multiple ongoing efforts in the Department, including Air Force, Army, and the Defense Advanced Research Projects Agency programs. The committee is concerned that these efforts may be duplicative and are not fully coordinated across the Department.

TITLE X—GENERAL PROVISIONS

LEGISLATIVE PROVISIONS

SUBTITLE F—NUCLEAR FORCES

Section 1051—Retention of Capability to Redeploy Multiple Independently Targetable Reentry Vehicles

This section would require the Secretary of the Air Force to ensure that the Air Force is capable of deploying multiple independently targetable reentry vehicles

(MIRV) to Minuteman III intercontinental ballistic missiles (ICBM) and any ground-based strategic deterrent follow-on to such missiles. This section would require the Secretary to ensure that the Air Force is capable of commencing such deployment not later than 270 days after the date on which the President determines such deployment is necessary.

This section would also require the Nuclear Weapons Council to ensure that the U.S. nuclear weapons stockpile contains a sufficient number of warheads that are capable of being deployed as MIRVs on Minuteman III and any ground-based strategic deterrent follow on to such missiles and that such deployment is capable of being commenced not later than 270 days after the date on which the President determines such deployment is necessary.

The April 2010 Nuclear Posture Review concluded that, "the United States will 'deMIRV' all deployed ICBMs, so that each Minuteman III ICBM has only one nuclear warhead." The committee believes that the capability to "reMIRV" the Nation's ICBMs must be retained to mitigate the risk of a widespread technical failure in another leg of the nuclear triad or changes in the geopolitical environment that requires a more robust U.S. nuclear force posture.

The committee's intent is to mandate retention of the capability to reMIRV ICBMs, but does not intend to impose undue costs by an unreasonable time frame for initiating "reMIRVing." The committee is also aware that the commander, U.S. Strategic Command is assessing the requirements related to reMIRVing capabilities. The committee expects the Secretary of the Air Force, in coordination with the Commander, U.S. Strategic Command, to provide a briefing to the congressional defense committees by October 1, 2013, on the current and expected future requirements, costs, and timelines for beginning to reMIRV the Nation's ICBMs.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

LEGISLATIVE PROVISIONS

SUBTITLE E—REPORTS AND OTHER MATTERS

Section 1247—Amendments to Annual Report Under Arms Control and Disarmament Act

This section would amend the Arms Control and Disarmament Act (22 U.S.C. 2593a) to add as recipients of the annual report on Adherence to and Compliance with Arms Control, Nonproliferation, and Disarmament Agreements and Commitments, also known as the "Compliance Report", the following congressional committees: the Committees on Armed Services of the Senate and the House of Representatives, the congressional intelligence committees, and the Committee on Foreign Affairs of the House of Representatives.

This section would also add a requirement that if the annual report is not provided by the statutory deadline of April 15, the Administration shall provide a briefing on the draft report to the appropriate committees not later than May 15 of each year.

Section 1248—Limitation On Funds to Provide the Russian Federation with Access to Certain Missile Defense Technology

This section would prohibit the use of funds authorized for fiscal years 2014 through 2018 for the Department of Defense to provide the Russian Federation with access to hit-to-kill missile defense technology of the United States or its telemetry data.

The committee is aware that in a December 13, 2011 letter, Assistant to the President Rob Nabors wrote that, "hit-to-kill technology and interceptor telemetry will under no circumstances be provided to Russia." Further Deputy Assistant Secretary of Defense Brad Roberts testified before the Subcommittee on Strategic Forces during its March 6, 2012, hearing on the Fiscal Year 2013 National Defense Authorization Budget Request for Missile Defense that, "hit-to-kill is our technology, and it serves our interests well to keep it in our hands."

Section 1249—Reports On Actions to Reduce Support of Ballistic Missile Programs of China, Syria, Iran, and North Korea

This section would require the President to encourage the Russian Federation to disclose past support by it or Russian entities for the ballistic missile programs of certain states. This section would also require the President to submit a semi-annual report to the congressional defense committees on any disclosure by the Government of the Russian Federation. This section would require an initial report to cover disclosures made for the period preceding the date of enactment by 10 years.

This section would also require the development of a plan by the Secretary of State, in coordination with the Secretary of Defense, to seek and secure the cooperation of the Russian Federation and the People's Republic of China to verifiably reduce the spread of technology and expertise that supports the ballistic missile programs of the Syrian Arab Republic, the Islamic Republic of Iran, and the Democratic People's Republic of Korea.

TITLE XVI—INDUSTRIAL BASE MATTERS

LEGISLATIVE PROVISIONS

Section 1604—Foreign Commercial Satellite Services

This section would prevent the Secretary of Defense from entering into contracts for satellite services with a foreign entity that a covered foreign country has ownership interest or the foreign entity plans to or is expected to provide launch or other satellite services, including satellite operation, under the contract from a covered foreign country. A covered foreign country is defined as a country described in section 1261(c)(2) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239).

This section would allow the Secretary of Defense to waive the prohibition for a particular contract if the Secretary, in consultation with the Director of National Intelligence, submits a national security assessment for such contract to the congressional defense committees in an unclassified form, including a classified annex if necessary.

The assessment shall include:

(1) The projected period of performance (including any period covered by options to extend the contract), the financial terms, and a description of the services to be provided under the contract;

(2) To the extent practicable, a description of the ownership interest that a covered foreign country has in the foreign entity providing satellite services to the Department of Defense under the contract and the launch or other satellite services (including satellite operation) that will be provided in a covered foreign country under the contract;

(3) A justification for entering into a contract with such covered foreign entity and a description of the actions necessary to eliminate the need to enter into such a contract with such covered foreign entity in the future; and

(4) A risk assessment of entering into a contract with such covered foreign entity, including an assessment of mission assurance and security of information and a description of any measures necessary to mitigate risks found by such risk assessment.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

LEGISLATIVE PROVISIONS

SUBTITLE B—PROGRAM AUTHORIZATIONS, RESTRICTIONS, AND LIMITATIONS

Section 3111—Clarification of Principles of National Nuclear Security Administration

This section would amend section 3211 of the National Nuclear Security Administration Act (50 U.S.C. 2401) to clarify the set of principles with which the National Nuclear Security Administration must carry out its operations and activities. Specifically, this section would add the requirement that all operations and activities of the Administration be conducted consistent with the principle of "ensuring the security of the nuclear weapons, nuclear material, and classified information in the custody of the Administration."

Section 3115—Limitation on Availability of Funds for National Nuclear Security Administration

This section would limit the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2014 for the National Nuclear Security Administration (NNSA) such that \$139.5 million may not be obligated or expended until the Administrator for Nuclear Security submits to the congressional defense committees a detailed plan to achieve certain planned efficiencies and written certification that the planned efficiencies will be achieved. If the Administrator does not submit the plan or is unable to certify within 60 days of the date of the enactment of this Act that the efficiencies will be achieved, the Administrator would be required to submit a report to the congressional defense committees on the amount of planned efficiencies that will not be realized and any effects caused by planned but unrealized efficiencies in the Directed Stockpile Work and Nuclear Programs accounts. The limitation of funds for NNSA would not apply to funds authorized to be appropriated for Directed Stockpile Work, Nuclear Programs, or Naval Reactors. Finally, the limitation on obligation of funds would not affect the authority of the Secretary of Energy to reprogram or transfer funding under sections 4702, 4705, and 4711 of the Atomic Energy Defense Act (50 U.S.C. 2742, 2745, and 2751).

The committee notes that the fiscal year 2014 budget request justification materials for NNSA assume \$106.8 million in Directed Stockpile Work and \$32.7 million in Nuclear Programs will be saved through, "management efficiency and workforce restructuring reductions." The NNSA anticipates utilizing the savings from these efficiencies to support nuclear modernization work in these programs. However, the committee is concerned that NNSA does not have a clear plan for achieving these efficiencies. Furthermore, if these efficiencies are not achieved, critical nuclear modernization programs will be forced to reduce scope or slip schedules. Therefore, the committee recommends this section to ensure a detailed plan is submitted to Congress and that nuclear modernization programs remain on track should the expected efficiencies not be realized. If the efficiencies are not realized, the committee encourages the Secretary to propose a transfer of funds from lower priority programs to support the nuclear modernization efforts at the core of Directed Stockpile Work and Nuclear Programs.

Section 3116—Limitation on Availability of Funds for Office of the Administrator

This section would limit the availability of funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2014 for the National Nuclear Security Administration's Office of the Administrator to not more than 75 percent until several statutorily required reports are submitted to Congress in 2013 and 2014. These include:

(1) The report on stockpile assessments required under section 4205(f)(2) of the Atomic Energy Defense Act (50 U.S.C. 2525(f)(2));

(2) The Secretary of Energy's portion of the report required by section 1043 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81);

(3) The annual assessment required under section 3122 of Public Law 112-81; and,

(4) The detailed report (in 2013) and summary (in 2014) on the stockpile stewardship, management, and infrastructure plan required by section 4203(b) of the Atomic Energy Defense Act (50 U.S.C. 2523(b)).

The committee notes that in the past year, it did not receive many statutorily required reports that are key to conducting effective oversight of the nuclear weapons stockpile and nuclear security enterprise. In particular, the four reports identified in this section are a critical means by which the committee is informed of the safety and reliability of the nuclear weapons stockpile as well as the Administration's plans for the stockpile and enterprise. In 2012, the committee received the report on stockpile assessments from the President 3-months late and never received the "Section 1043 Report" or Stockpile Stewardship and Management Plan (SSMP). Regarding the Section 1043 Report and SSMP, it was not until December 7, 2012, that the committee was officially informed that the Administration would not be submitting the reports as required by law. The committee finds this to be unacceptable and has a direct and negative impact on the committee's oversight activities. Therefore, the committee recommends this section to ensure the reports are submitted, as required, in 2013 and 2014.

Section 3117—Establishment of Center for Security Technology, Analysis, Testing, and Response

This section would require the Administrator for Nuclear Security to establish a Center for Security Technology, Analysis, Testing, and Response within the nuclear security enterprise. The Center would be responsible for a range of activities, but would primarily serve to provide the Administrator, the Chief of Defense Nuclear Security, and the management and operating contractors of the nuclear security enterprise a wide-range of objective expertise on security technologies, systems, analysis, testing, and response forces. The Center would also:

(1) Assist the Administrator in developing standards, requirements, analysis methods, and testing criteria;

(2) Collect, analyze, and distribute lessons learned;

(3) Support inspections and oversight activities;

(4) Promote professional development and training for security professionals;

(5) Provide for advance and bulk procurement for security-related acquisitions that impact multiple facilities of the nuclear security enterprise; and

(6) Advocate continual improvement and security excellence across the nuclear security enterprise.

The committee notes that the Center established by this section would serve an advisory, support, and coordination function across the nuclear security enterprise, and would not replace the role of the Administrator or the Secretary of Energy in deciding final security requirements and policies or conducting oversight. The committee believes the Center would serve to advance a strong security culture and enable consistency, effectiveness, and coordination in security matters across the nuclear security enterprise.

Section 3118—Cost-Benefit Analyses for Competition of Management and Operating Contracts

This section would amend section 3121 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239) to clarify that, if a management and operating contract awarded by the Administrator for Nuclear Security is protested, the report required by such section to be submitted to Congress shall be submitted not later than 30 days after such protest is resolved. This section would also require any report under section 3121 to include a description of the assumptions used and analysis conducted to determine cost savings expected from the competition of the contract and exempt contracts for managing and operating facilities of the Naval Reactors Program from the requirements of section 3121.

The committee notes that the National Nuclear Security Administration's (NNSA) recent award of the contract for consolidated management and operations of the Y-12 National Security Complex and the Pantex Plant was protested by several bidders. On April 29, 2013, the Government Accountability Office (GAO) sustained this protest. GAO stated that it, "sustained these protests on the basis that NNSA failed to follow the publicly-stated solicitation criteria, which provided that the agency would evaluate the feasibility and size of each offeror's proposed cost savings resulting from the consolidation of the management and operation of these sites. Specifically, GAO concluded that NNSA failed to meaningfully assess the majority of each offeror's proposed cost savings, and based its source selection decision on the unsupported assumption that all cost savings proposed by every offeror would be achieved."

The committee believes NNSA's failure to meaningfully assess each offeror's proposed cost savings is unacceptable for a contract whose total value will likely exceed \$22.8 billion. To ensure robust oversight of this issue, the committee recommends this section to ensure NNSA reports to Congress about the assumptions and analysis utilized to estimate anticipated cost savings. Finally, to

protect proprietary information and the integrity of contract competitions, the committee believes submission of the report required by section 3121 of Public Law 112-239 is appropriate after any protest is resolved.

Section 3119—W88-1 Warhead and W78-1 Warhead Life Extension Options

This section would require the Secretary of Defense and the Secretary of Energy, acting through the Nuclear Weapons Council, to include several warhead life extension options through all of Phase 6.2 and all of Phase 6.2A of the Joint W78/88-1 Warhead Life Extension Program. The options would include:

- (1) A separate life extension option to produce a W78-1 warhead;
- (2) A separate life extension option to produce a W88-1 warhead;
- (3) An W78/88-1 life extension option that would produce an interoperable warhead for both intercontinental ballistic missiles and submarine-launched ballistic missiles; and
- (4) Any other option that the Nuclear Weapons Council considers appropriate.

During Phase 6.2 and Phase 6.2A, each such option would be required to receive a full analysis of feasibility, design definition, and cost estimation.

The committee understands that the Nuclear Weapons Council has endorsed a long-term plan for U.S. nuclear weapons that would, through life extension programs, produce several interoperable nuclear warheads that contain components that may be deployed on either submarine-launched ballistic missiles or land-based intercontinental ballistic missiles. The committee believes that while this conceptual approach has merit, caution is required. In particular, the committee is concerned about the National Nuclear Security Administration's (NNSA) ability to execute a W78/88-1 program that contains significant technical and programmatic risk. Close coordination between the Air Force, the Navy, and NNSA will be required throughout the program. In addition, the Nuclear Weapons Council must have full information on the various options for the life extension before entering Phase 6.3 (Development Engineering) of the program. Therefore, the committee believes this section is a prudent means of ensuring that full feasibility, design definition, and cost estimates are developed to enable a fully informed decision by the Nuclear Weapons Council on a final option. The committee discusses its views on commonality elsewhere in this report.

SUBTITLE C—REPORTS

Section 3121—Annual Report and Certification on Status of the Security of the Nuclear Security Enterprise

This section would amend section 4506 of the Atomic Energy Defense Act to require that, not later than September 30 of each year, the Administrator for Nuclear Security shall submit to the Secretary of Energy and to the congressional defense committees a report detailing the status of the security of the nuclear

security enterprise, including the status of the security of special nuclear material, nuclear weapons, and classified information at each nuclear weapons production facility and national security laboratory. This section would also require that, as part of this annual report to the Secretary and to Congress, the Administrator certify that the special nuclear material, nuclear weapons, and classified information in the custody of the National Nuclear Security Administration are secure.

Section 3122—Modifications to Annual Reports Regarding the Condition of the Nuclear Weapons Stockpile

This section would amend section 4205 of the Atomic Energy Defense Act (50 U.S.C. 2525) to clarify requirements related to the statutorily required annual assessments regarding the condition of the nuclear weapons stockpile. Specifically, the assessments submitted by the head of each national security laboratory would be required to include a concise summary of any significant finding investigations initiated or active during the previous year. Furthermore, the assessment submitted by the commander, U.S. Strategic Command would be required to include a summary of major assembly releases in place as of the date of the assessment. This section would also require that, if the President does not forward the annual assessments to Congress by March 15 as required by statute, the appropriate officials submit their assessments directly to the congressional defense committees.

The committee believes these annual stockpile assessments to be a critical means by which Congress stays apprised of the safety, reliability, performance, and military effectiveness of our nuclear weapons. In recent years, the committee has received these assessments after the statutory deadline of March 15. For instance, in 2012 the assessments were not submitted by the President until June 25. These delays have a direct and detrimental impact on the committee's ability to conduct oversight and carry out its responsibility to provide for the common defense. Review of past assessment letters indicate that the nuclear security laboratory directors and the commander, U.S. Strategic Command have been diligent in submitting their reports to the Secretary of Defense and the Secretary of Energy on time. Therefore, the committee recommends this section that would require the laboratory directors and commander to submit their assessments directly to Congress should the President fail to submit the annual assessment report to Congress by March 15.

SUBTITLE D—OTHER MATTERS

Section 3131—Congressional Advisory Panel on the Governance of the Nuclear Security Enterprise

This section would amend section 3166 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239) to modify statutory

deadlines regarding the Congressional Advisory Panel on the Governance of the Nuclear Security Enterprise. The advisory panel's interim report would be due by October 1, 2013, instead of 180 days after enactment of Public Law 112-239. Also, the advisory panel's full report would be due March 1, 2014, instead of February 1, 2014. Finally, the advisory panel would terminate not later than September 30, 2014, instead of June 1, 2014. This section would also enable the advisory panel to submit a final report on its activities and recommendations prior to termination. Given the late start of the panel's work resulting from the Consolidated and Further Continuing Appropriations Act, 2013 (Public Law 113-6), the committee believes these adjustments are prudent to enable the advisory panel to carry out its mandate.

The committee reaffirms its belief, based on the findings of dozens of reports and the committee's own oversight activities, that the current system for governance, management, and oversight of the nuclear security enterprise is broken. The committee encourages the advisory panel to conduct a comprehensive assessment of the system and its problems, meet with all stakeholders, and consider a wide range of potential solutions. Ultimately, however, the committee expects the advisory panel to deliver a concrete, actionable, and bipartisan recommendation for how to fix the system.

Section 3132—Clarification of Role of Secretary of Energy

This section would clarify that the amendment made by section 3113 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239) to section 4102 of the Atomic Energy Defense Act (50 U.S.C. 2512) may not be construed as affecting the authority of the Secretary of Energy, in carrying out national security programs, with respect to the management, planning, and oversight of the National Nuclear Security Administration or as affecting the delegation by the Secretary of Energy of authority to carry out such activities, as set forth under subsection (a) of section 4102 as it existed before the amendment made by section 3113.

Section 3133—Technical Amendment to Atomic Energy Act of 1954

This section would make a technical amendment to chapter 10 of the Atomic Energy Act of 1954 (42 U.S.C. 2131 et seq.).

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

LEGISLATIVE PROVISIONS

Section 3201—Authorization

This section would authorize funds for the Defense Nuclear Facilities Safety Board for fiscal year 2014.

BILL LANGUAGE

1 **SEC. 124. [Log 50491] COMPETITION FOR EVOLVED EX-**
2 **PENDABLE LAUNCH VEHICLE PROVIDERS.**

3 (a) FINDINGS.—Congress finds the following:

4 (1) The new acquisition strategy for the evolved
5 expendable launch vehicle program of the Air Force
6 will maintain mission assurance, reduce costs, and
7 provide opportunities for competition for certified
8 launch providers.

9 (2) The method in which the current and poten-
10 tial future certified launch providers will be evalu-
11 ated in a competition is still under development.

12 (b) PLAN.—

13 (1) IN GENERAL.—The Secretary of the Air
14 Force shall develop and implement a plan to ensure
15 the fair evaluation of competing contractors in
16 awarding a contract to a certified evolved expendable
17 launch vehicle provider.

18 (2) COMPARISON.—The plan under paragraph
19 (1) shall include a description of how the following
20 areas will be addressed in the evaluation:

21 (A) The proposed cost, schedule, and per-
22 formance.

23 (B) Mission assurance activities.

24 (C) The manner in which the contractor
25 will operate under the Federal Acquisition Reg-
26 ulation.

1 (D) The effect of other contracts in which
2 the contractor is entered into with the Federal
3 Government, such as the evolved expendable
4 launch vehicle launch capability contract and
5 the space station commercial resupply services
6 contracts.

7 (E) Any other areas the Secretary deter-
8 mines appropriate.

9 (c) SUBMISSION TO CONGRESS.—

10 (1) IN GENERAL.—Not later than 90 days after
11 the date of the enactment of this Act, the Secretary
12 shall—

13 (A) submit to the appropriate congres-
14 sional committees a report that includes the
15 plan under subsection (b)(1); or

16 (B) provide to such committees a briefing
17 on such plan.

18 (2) GAO REVIEW.—The Comptroller General of
19 the United States shall—

20 (A) submit to the appropriate congres-
21 sional committees a review of the plan under
22 subsection (b)(1); or

23 (B) provide to such committees a briefing
24 on such plan.

1 (3) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES DEFINED.—In this subsection, the term “ap-
3 propriate congressional committees” means the fol-
4 lowing:

5 (A) The congressional defense committees.

6 (B) The Committee on Science, Space, and
7 Technology of the House of Representatives
8 and the Committee on Commerce, Science, and
9 Transportation of the Senate.

10 (C) The Permanent Select Committee on
11 Intelligence of the House of Representatives
12 and the Select Committee on Intelligence of the
13 Senate.

1 **Subtitle D—Defense-wide and Joint**
2 **and Multiservice Matters**

3 **SEC. 131. [Log 50754] MULTIYEAR PROCUREMENT AUTHOR-**
4 **ITY FOR GROUND-BASED INTERCEPTORS.**

5 (a) **AUTHORITY FOR MULTIYEAR PROCUREMENT.**—
6 Subject to section 2306b of title 10, United States Code,
7 the Director of the Missile Defense Agency may enter into
8 one or more multiyear contracts, beginning with the fiscal
9 year 2014 program year, for the procurement of 14
10 ground-based interceptors.

11 (b) **AUTHORITY FOR ADVANCE PROCUREMENT.**—The
12 Director may enter into one or more contracts for advance
13 procurement associated with the ground-based intercep-
14 tors for which authorization to enter into a multiyear pro-
15 curement contract is provided under subsection (a).

16 (c) **CONDITION FOR OUT-YEAR CONTRACT PAY-**
17 **MENTS.**—A contract entered into under subsection (a)
18 shall provide that any obligation of the United States to
19 make a payment under the contract for a fiscal year after
20 fiscal year 2014 is subject to the availability of appropria-
21 tions for that purpose for such later fiscal year.

1 **SEC. 221. [Log 50382] SENSE OF CONGRESS ON IMPOR-**
2 **TANCE OF ALIGNING COMMON MISSILE COM-**
3 **PARTMENT OF OHIO-CLASS REPLACEMENT**
4 **PROGRAM WITH THE UNITED KINGDOM'S**
5 **VANGUARD SUCCESSOR PROGRAM.**

6 (a) FINDINGS.—Congress finds the following:

7 (1) The Polaris Sales Agreement of 1963 for-
8 mally arranged for the Polaris missile system to be
9 purchased by the United Kingdom for its sub-
10 marines. It was extended in 1982 to include the Tri-
11 dent missile system and this agreement continues to
12 underpin the independent nuclear deterrent of the
13 United Kingdom.

14 (2) April 2013 marked the 50-year anniversary
15 of the agreement.

16 (3) Since the inception of the agreement, the
17 agreement has been a tremendous success and pro-
18 vided great benefits to both nations by creating
19 major cost savings, stronger nuclear deterrence, and
20 a stronger alliance.

21 (4) The Ohio-class ballistic missile submarine
22 replacement of the United States and the Vanguard-
23 class ballistic missile successor of the United King-
24 dom will share a common missile compartment and
25 the Trident II/D5 strategic weapon system.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that the Secretary of Defense and the Secretary of
3 the Navy should make every effort to ensure that the com-
4 mon missile compartment associated with the Ohio-class
5 ballistic missile submarine replacement program stays on
6 schedule and is aligned with the Vanguard-successor pro-
7 gram of the United Kingdom in order for the United
8 States to fulfill its longstanding commitment to our ally
9 and partner in sea-based strategic deterrence.

1 **Subtitle C—Missile Defense**
2 **Programs**

3 **SEC. 231. [Log 50649] LIMITATION ON REMOVAL OF MISSILE**
4 **DEFENSE EQUIPMENT FROM EAST ASIA.**

5 (a) **POLICY.**—It is the policy of the United States
6 that—

7 (1) the missile defenses of the United States
8 provide defense against multiple threats, including
9 threats to the United States, allies of the United
10 States, and the deployed forces of the United States;
11 and

12 (2) the elimination of one threat, for example
13 the illegal nuclear weapons program of a rogue
14 state, does not eliminate the reason the United
15 States deploys missile defenses to a particular re-
16 gion, including to defend allies of the United States
17 and deployed forces of the United States from other
18 regional threats.

19 (b) **LIMITATION.**—Except as provided by subsection
20 (c) or (d), none of the funds authorized to be appropriated
21 by this Act or otherwise made available for fiscal year
22 2014 or any fiscal year thereafter may be obligated or ex-
23 pended to remove missile defense equipment of the United
24 States from East Asia until a period of 180 days has

1 elapsed following the date on which the President certifies
2 to the congressional defense committees the following:

3 (1) Each foreign country in East Asia that
4 poses a threat to allies of the United States has
5 verifiably dismantled the nuclear weapons and bal-
6 listic missile programs of such country.

7 (2) The President has consulted with such allies
8 with respect to the dismantlement described in para-
9 graph (1) and the allies agree that—

10 (A) such dismantlement has occurred; and

11 (B) the missile defense platforms of the
12 United States located in East Asia are no
13 longer needed.

14 (c) WAIVER.—The President may waive the limita-
15 tion in subsection (b) with respect to removing missile de-
16 fense equipment of the United States from East Asia if—

17 (1) the President submits to the congressional
18 defense committees—

19 (A) a certification that such waiver is in
20 the national security interest of the United
21 States; and

22 (B) a report, in unclassified form, explain-
23 ing—

1 (i) why the President cannot make a
2 certification for such removal under sub-
3 section (b);

4 (ii) the national security interest cov-
5 ered by the certification made under sub-
6 paragraph (A); and

7 (iii) how the President will provide a
8 commensurate level of defense for the
9 United States, allies of the United States,
10 and deployed forces of the United States,
11 as provided by such missile defense equip-
12 ment being removed; and

13 (2) a period of 30 days has elapsed following
14 the date on which the President submits the infor-
15 mation under paragraph (1).

16 (d) EXCEPTION.—The limitation in subsection (b)
17 shall not apply to destroyers and cruisers of the Navy
18 equipped with the Aegis ballistic missile defense system.

1 **SEC. 232. [Log 50768] ANALYSIS OF ALTERNATIVES FOR**
2 **SUCCESSOR TO PRECISION TRACKING SPACE**
3 **SYSTEM.**

4 (a) ANALYSIS OF ALTERNATIVES REQUIRED.—

5 (1) IN GENERAL.—The Director of the Missile
6 Defense Agency, in cooperation with the Director of
7 Cost Assessment and Program Evaluation and the
8 Defense Space Council, shall perform an analysis of
9 alternatives for a successor to the precision tracking
10 space system.

11 (2) CONSIDERATION.—The Director shall en-
12 sure that the analysis of alternatives under para-
13 graph (1) considers the following:

14 (A) Current and future terrestrial, air-
15 borne, and space capabilities and capability
16 gaps for missile defense sensing requirements.

17 (B) Current and planned overhead per-
18 sistent infrared architecture and the potential
19 for the future exploitability of such architec-
20 ture.

21 (C) Lessons learned from the space track-
22 ing and surveillance system and precision track-
23 ing space system technology development pro-
24 grams.

1 (D) Opinions of private industry based on
2 the experience of such industry with delivering
3 space capabilities.

4 (E) Opportunities for such successor sys-
5 tem to contribute to nonmissile defense mis-
6 sions with unmet requirements, including space
7 situational awareness.

8 (3) ROLE OF OTHER DEPARTMENTS.—In con-
9 ducting the analysis of alternatives under paragraph
10 (1), the Director shall compare the advantages and
11 disadvantages, including in terms of costs, with re-
12 spect to the Director—

13 (A) developing a successor to the precision
14 tracking space system solely for the Missile De-
15 fense Agency; and

16 (B) cooperating with other heads of de-
17 partments and agencies of the United States to
18 develop space systems that are multi-mission,
19 including by hosting payloads.

20 (b) SUBMISSION REQUIRED.—

21 (1) TERMS OF REFERENCE.—Not later than 60
22 days after the date of the enactment of this Act, the
23 Director shall submit to the congressional defense
24 committees the terms of reference of the analysis of
25 alternatives performed under subsection (a)(1).

1 (2) IN GENERAL.—Not later than 180 days
2 after the date of the enactment of this Act, the Di-
3 rector shall submit to the congressional defense com-
4 mittees a report including—

5 (A) the analysis of alternatives for a suc-
6 cessor to the precision tracking space system
7 performed under subsection (a)(1); and

8 (B) a description of the potential platforms
9 on which a hosted payload could be hosted.

10 (3) FORM.—The report required by paragraph
11 (2) shall be submitted in unclassified form, but may
12 include a classified annex.

13 (c) CONFORMING REPEAL.—Section 224 of the Na-
14 tional Defense Authorization Act for Fiscal Year 2013
15 (Public Law 112–239; 126 Stat. 1675) is repealed.

1 **SEC. 233. [Log 50755] PLAN TO IMPROVE ORGANIC KILL AS-**
2 **SESSMENT CAPABILITY OF THE GROUND-**
3 **BASED MIDCOURSE DEFENSE SYSTEM.**

4 (a) ORGANIC KILL ASSESSMENT CAPABILITY.—The
5 Director of the Missile Defense Agency and the Com-
6 mander of the United States Northern Command, in con-
7 sultation with the Commander of the United States Stra-
8 tegic Command, shall jointly develop—

9 (1) options to achieve an organic kill assess-
10 ment capability for the ground-based midcourse de-
11 fense system that can be developed by not later than
12 December 31, 2019, including by improving the
13 command, control, battle management, and commu-
14 nications program and the sensor and communica-
15 tions architecture of the Agency; and

16 (2) a plan to carry out such options that gives
17 priority to including such capabilities in at least
18 some of the 14 ground-based interceptors that will
19 be procured by the Director, as announced by the
20 Secretary of Defense on March 15, 2013.

21 (b) IMPROVED HIT ASSESSMENT.—The Director and
22 the Commander of the United States Northern Command,
23 in consultation with the Commander of the United States
24 Strategic Command, shall jointly develop an interim capa-
25 bility for improved hit assessment for the ground-based
26 midcourse defense system that can be integrated into

1 near-term enhanced kill vehicle upgrades and refurbish-
2 ment.

3 (c) SUBMISSION TO CONGRESS.—Not later than
4 March 15, 2014, the Director and the Commander of the
5 United States Northern Command shall jointly submit to
6 the congressional defense committees a report on—

7 (1) the development of an organic kill assess-
8 ment capability under subsection (a), including the
9 plan developed under paragraph (2) of such sub-
10 section; and

11 (2) the development of an interim capability for
12 improved hit assessment under subsection (b).

1 **Subtitle B—Space Activities**

2 **SEC. 911 [Log 50523]. NATIONAL SECURITY SPACE SAT-**
3 **ELLITE REPORTING POLICY.**

4 (a) SENSE OF CONGRESS.—It is the sense of Con-
5 gress that—

6 (1) the Department of Defense depends on na-
7 tional security space programs to support, among
8 other critical capabilities—

9 (A) communications;

10 (B) missile warning;

11 (C) position, navigation, and timing;

12 (D) intelligence, surveillance, and recon-
13 naissance; and

14 (E) environmental monitoring; and

15 (2) foreign threats to national security space
16 systems are increasing.

17 (b) NOTIFICATION OF FOREIGN INTERFERENCE OF
18 NATIONAL SECURITY SPACE.—Chapter 135 of title 10,
19 United States Code, is amended by adding at the end the
20 following new section:

21 **“§ 2278. Notification of foreign interference of na-**
22 **tional security space**

23 “(a) NOTICE REQUIRED.—The Secretary of Defense
24 shall, with respect to each attempt by a foreign actor to
25 disrupt, degrade, or destroy a United States national secu-

1 rity space capability, provide to the appropriate congres-
2 sional committees—

3 “(1) not later than 48 hours after the Secretary
4 determines that there is reason to believe such at-
5 tempt occurred, notice of such attempt; and

6 “(2) not later than 10 days after the date on
7 which the Secretary determines that there is reason
8 to believe such attempt occurred, a notification de-
9 scribed in subsection (b) with respect to such at-
10 tempt.

11 “(b) NOTIFICATION DESCRIPTION.—A notification
12 described in this subsection is a notification that in-
13 cludes—

14 “(1) the name and a brief description of the na-
15 tional security space capability that was impacted by
16 an attempt by a foreign actor to disrupt, degrade,
17 or destroy a United States national security space
18 capability;

19 “(2) a description of such attempt, including
20 the foreign actor, the date and time of such attempt,
21 and any related capability outage and the mission
22 impact of such outage; and

23 “(3) any other information the Secretary con-
24 siders relevant.

1 “(c) APPROPRIATE CONGRESSIONAL COMMITTEES
2 DEFINED.—The term ‘appropriate congressional commit-
3 tees’ means—

4 “(1) the congressional defense committees; and

5 “(2) with respect to a notice or notification re-
6 lated to an attempt by a foreign entity to disrupt,
7 degrade, or destroy a United States national security
8 space capability that is intelligence-related, the Per-
9 manent Select Committee on Intelligence of the
10 House of Representatives and the Select Committee
11 on Intelligence of the Senate.”.

12 (c) TABLE OF SECTIONS AMENDMENT.—The table of
13 sections at the beginning of such chapter is amended by
14 adding at the end the following item:

“2278. Notification of foreign interference of national security space.”.

1 **SEC. 912 [Log 50549]. NATIONAL SECURITY SPACE DEFENSE**
2 **AND PROTECTION.**

3 (a) REVIEW.—The Secretary of the Air Force shall
4 enter into an arrangement with the National Research
5 Council to—

6 (1) in response to the near-term and long-term
7 threats to the national security space systems of the
8 United States, conduct a review of—

9 (A) the range of strategic options available
10 to address such threats, in terms of deterring
11 hostile actions, defeating hostile actions, or sur-
12 viving hostile actions until such actions con-
13 clude;

14 (B) strategies and plans to counter such
15 threats, including resilience, reconstitution,
16 disaggregation, and other appropriate concepts;
17 and

18 (C) existing and planned architectures,
19 warfighter requirements, technology develop-
20 ment, systems, workforce, or other factors re-
21 lated to addressing such threats; and

22 (2) identify recommend courses of action to ad-
23 dress such threats, including potential barriers or
24 limiting factors in implementing such courses of ac-
25 tion.

26 (b) REPORT.—

1 (1) IN GENERAL.—Not later than one year
2 after the date of the enactment of this Act, the Na-
3 tional Research Council shall submit to the congress-
4 sional defense committees, the Permanent Select
5 Committee on Intelligence of the House of Rep-
6 resentatives, and the Select Committee on Intel-
7 ligence of the Senate a report containing the results
8 of the review conducted pursuant to the arrange-
9 ment under subsection (a) and the recommended
10 courses of action identified pursuant to such ar-
11 rangement.

12 (2) FORM.—The report required under para-
13 graph (1) shall be submitted in unclassified form,
14 but may include a classified annex.

15 (c) SPACE PROTECTION STRATEGY.—Section
16 911(f)(1) of the National Defense Authorization Act for
17 Fiscal Year 2008 (10 U.S.C. 2271 note) is amended by
18 striking “including each of the matters required by sub-
19 section (c).” and inserting the following: “including—

20 “(A) each of the matters required by sub-
21 section (c); and

22 “(B) a description of how the Department
23 of Defense and the intelligence community plan
24 to provide necessary national security capabili-
25 ties, through alternative space, airborne, or

1 ground systems, if a foreign actor degrades, de-
2 nies access to, or destroys United States na-
3 tional security space capabilities.”.

1 **SEC. 913 [Log 50369]. SPACE ACQUISITION STRATEGY.**

2 (a) STRATEGY REQUIRED.—The Under Secretary of
3 Defense for Acquisition, Technology, and Logistics, in
4 consultation with the Chief Information Officer of the De-
5 partment of Defense, shall establish a strategy to enable
6 the multi-year procurement of commercial satellite serv-
7 ices.

8 (b) BASIS.—The strategy required under subsection
9 (a) shall include and be based on—

10 (1) an analysis of financial or other benefits to
11 acquiring satellite services through multi-year acqui-
12 sition approaches;

13 (2) an analysis of the risks associated with such
14 acquisition approaches;

15 (3) an identification of methods to address
16 planning, programming, budgeting, and execution
17 challenges to such approaches, including methods to
18 address potential termination liability or cancellation
19 costs generally associated with multi-year contracts;

20 (4) an identification of any changes needed in
21 the requirements development and approval proc-
22 esses of the Department of Defense to facilitate ef-
23 fective and efficient implementation of such strategy,
24 including an identification of any consolidation of re-
25 quirements for such services across the Department

1 that may achieve increased buying power and effi-
2 ciency; and

3 (5) an identification of any necessary changes
4 to policies, procedures, regulations, or statutes.

5 (c) SUBMISSION.—Not later than 180 days after the
6 date of the enactment of this Act, the Under Secretary
7 of Defense for Acquisition, Technology, and Logistics, in
8 consultation with the Chief Information Officer of the De-
9 partment of Defense, shall submit to the congressional de-
10 fense committees the strategy required under subsection
11 (a), including the elements required under subsection (b).

1 **SEC. 914 [Log 50525]. SPACE CONTROL MISSION REPORT.**

2 Not later than 180 days after the date of the enact-
3 ment of this Act, the Secretary of Defense shall submit
4 to the congressional defense committees a report on the
5 space control mission of the Department of Defense. Such
6 report shall include—

7 (1) an identification of existing offensive and
8 defensive space control systems, policies, and tech-
9 nical possibilities of future systems;

10 (2) an identification of any gaps or risks in ex-
11 isting space control system architecture and possi-
12 bilities for improvement or mitigation of such gaps
13 or risks;

14 (3) a description of existing and future sensor
15 coverage and ground processing capabilities for
16 space situational awareness;

17 (4) an explanation of the extent to which all rel-
18 evant and available information is being utilized for
19 space situational awareness to detect, track, and
20 identify objects in space;

21 (5) a description of existing space situational
22 awareness data sharing practices, including what in-
23 formation is being shared and what the benefits and
24 risks of such sharing are to the national security of
25 the United States; and

26 (6) plans for the future space control mission.

1 **SEC. 915 [Log 50524]. RESPONSIVE LAUNCH.**

2 (a) FINDINGS.—Congress finds the following:

3 (1) United States Strategic Command has iden-
4 tified three needs as a result of dramatically in-
5 creased demand and dependence on space capabili-
6 ties as follows:

7 (A) To rapidly augment existing space ca-
8 pabilities when needed to expand operational
9 capability.

10 (B) To rapidly reconstitute or replenish
11 critical space capabilities to preserve continuity
12 of operations capability.

13 (C) To rapidly exploit and infuse space
14 technological or operational innovations to in-
15 crease the advantage of the United States.

16 (2) Operationally responsive low cost launch
17 could assist in addressing such needs of the combat-
18 ant commands.

19 (b) STUDY.—The Department of Defense Executive
20 Agent for Space shall conduct a study on responsive, low-
21 cost launch efforts. Such study shall include—

22 (1) a review of existing and past operationally
23 responsive, low-cost launch efforts by domestic or
24 foreign governments or industry;

1 (2) a technology assessment of various methods
2 to develop an operationally responsive, low-cost
3 launch capability; and

4 (3) an assessment of the viability of greater uti-
5 lization of innovative methods, including the use of
6 secondary payload adapters on existing launch vehi-
7 cles.

8 (c) REPORT.—Not later than one year after the date
9 of the enactment of this Act, the Department of Defense
10 Executive Agent for Space shall submit to the congres-
11 sional defense committees a report containing—

12 (1) the results of the study conducted under
13 subsection (b); and

14 (2) a consolidated plan for development within
15 the Department of Defense of an operationally re-
16 sponsive, low-cost launch capability.

1 **Subtitle F—Nuclear Forces**

2 **SEC. 1051. [Log 50594] RETENTION OF CAPABILITY TO RE-**
3 **DEPLOY MULTIPLE INDEPENDENTLY TAR-**
4 **GETABLE REENTRY VEHICLES.**

5 (a) **DEPLOYMENT CAPABILITY.**—The Secretary of
6 the Air Force shall ensure that the Air Force is capable
7 of—

8 (1) deploying multiple independently targetable
9 reentry vehicles to Minuteman III intercontinental
10 ballistic missiles, and any ground-based strategic de-
11 terrent follow-on to such missiles; and

12 (2) commencing such deployment not later than
13 270 days after the date on which the President de-
14 termines such deployment necessary.

15 (b) **WARHEAD CAPABILITY.**—The Nuclear Weapons
16 Council established by section 179 of title 10, United
17 States Code, shall ensure that—

18 (1) the nuclear weapons stockpile contains a
19 sufficient number of nuclear warheads that are capa-
20 ble of being deployed as multiple independently tar-
21 getable reentry vehicles with respect to Minuteman
22 III intercontinental ballistic missiles, and any
23 ground-based strategic deterrent follow-on to such
24 missiles; and

1 (2) such deployment is capable of being com-
2 menced not later than 270 days after the date on
3 which the President determines such deployment
4 necessary.

1 **SEC. 1247. [LOG 50431] AMENDMENTS TO ANNUAL REPORT**
2 **UNDER ARMS CONTROL AND DISARMAMENT**
3 **ACT.**

4 (a) APPROPRIATE CONGRESSIONAL COMMITTEES.—
5 Section 403 of the Arms Control and Disarmament Act
6 (22 U.S.C. 2593a) is amended—

7 (1) in subsection (a), by striking “the Speaker
8 of the House of Representatives and to the chairman
9 of the Committee on Foreign Relations of the Sen-
10 ate” and inserting “the appropriate congressional
11 committees”; and

12 (2) by adding at the end the following new sub-
13 section:

14 “(e) APPROPRIATE CONGRESSIONAL COMMITTEES
15 DEFINED.—In this section, the term ‘appropriate congres-
16 sional committees’ means—

17 “(1) the Committee on Foreign Relations, the
18 Committee on Armed Services, and the Select Com-
19 mittee on Intelligence of the Senate; and

20 “(2) the Committee on Foreign Affairs, the
21 Committee on Armed Services, and the Permanent
22 Select Committee on Intelligence of the House of
23 Representatives.”.

24 (b) CONGRESSIONAL BRIEFING.—Section 403 of the
25 Arms Control and Disarmament Act (22 U.S.C. 2593a),

1 as amended by subsection (a) of this section, is further
2 amended—

3 (1) by redesignating subsection (e) as sub-
4 section (f); and

5 (2) by inserting after subsection (d) the fol-
6 lowing new subsection:

7 “(e) CONGRESSIONAL BRIEFING.—Not later than
8 May 15 of each year, the President shall provide to such
9 committees a briefing on such report.”.

1 **SEC. 1248. [LOG 50434] LIMITATION ON FUNDS TO PROVIDE**
2 **THE RUSSIAN FEDERATION WITH ACCESS TO**
3 **CERTAIN MISSILE DEFENSE TECHNOLOGY.**

4 None of the funds authorized to be appropriated or
5 otherwise made available for each of the fiscal years 2014
6 through 2018 for the Department of Defense may be used
7 to provide the Russian Federation with access to informa-
8 tion regarding—

9 (1) missile defense technology of the United
10 States relating to hit-to-kill technology; or

11 (2) telemetry data with respect to missile de-
12 fense interceptors or target vehicles.

1 **SEC. 1249. [LOG 50435] REPORTS ON ACTIONS TO REDUCE**
2 **SUPPORT OF BALLISTIC MISSILE PROGRAMS**
3 **OF CHINA, SYRIA, IRAN, AND NORTH KOREA.**

4 (a) DISCLOSURE OF AND REPORT ON RUSSIAN SUP-
5 PORT OF BALLISTIC MISSILE PROGRAMS OF CHINA,
6 SYRIA, IRAN, AND NORTH KOREA.—

7 (1) IN GENERAL.—The President shall seek to
8 encourage the Government of the Russian Federa-
9 tion to disclose any support by the Russian Federa-
10 tion or Russian entities for the ballistic missile pro-
11 grams of the People’s Republic of China, Syria,
12 Iran, or North Korea.

13 (2) REPORT REQUIRED.—The President shall
14 submit to the congressional defense committees a
15 semi-annual report on any disclosure by the Govern-
16 ment of the Russian Federation of any such support
17 during the preceding six-month period.

18 (3) INITIAL REPORT.—The initial report re-
19 quired by paragraph (2) shall be submitted not later
20 than 180 days after the date of the enactment of
21 this Act and in addition to addressing any such sup-
22 port during the preceding six-month period shall also
23 address any such support during the 10-year period
24 ending on the date of the enactment of this Act.

25 (b) COOPERATION OF RUSSIA AND CHINA TO RE-
26 DUCE TECHNOLOGY AND EXPERTISE THAT SUPPORTS

1 THE BALLISTIC MISSILE PROGRAMS OF SYRIA, IRAN,
2 NORTH KOREA, AND OTHER COUNTRIES.—

3 (1) IN GENERAL.—The Secretary of State, in
4 coordination with the Secretary of Defense, shall de-
5 velop a plan to seek and secure the cooperation of
6 the Russian Federation and the People’s Republic of
7 China to verifiably reduce the spread of technology
8 and expertise that supports the ballistic missile pro-
9 grams of the Syria, Iran, North Korea, or any other
10 country that the Secretary of State determines has
11 a ballistic missile program.

12 (2) REPORT AND BRIEFINGS REQUIRED.—The
13 Secretary of State, in coordination with the Sec-
14 retary of Defense and the Director of National Intel-
15 ligence, shall submit to the appropriate congressional
16 committees not later than 180 days after the date
17 of the enactment of this Act a report describing the
18 plan required in paragraph (1) and provide briefings
19 to such committees annually thereafter until 2018
20 on the progress and results of these efforts.

21 (3) DEFINITION.—In this subsection, the term
22 “appropriate congressional committees” means—

23 (A) the congressional defense committees;

24 (B) the Permanent Select Committee on
25 Intelligence of the House of Representatives

1 and the Select Committee on Intelligence of the
2 Senate; and

3 (C) the Committee on Foreign Affairs of
4 the House of Representatives and the Com-
5 mittee on Foreign Relations of the Senate.

6 (c) FORM.—Each report required by this section shall
7 be submitted in unclassified form, but may contain a clas-
8 sified annex, if necessary.

1 **SEC. 1604 [Log 50526]. FOREIGN COMMERCIAL SATELLITE**
2 **SERVICES.**

3 (a) IN GENERAL.—Chapter 135 of title 10, United
4 States Code, as amended by section [____] of this Act,
5 is further amended by adding at the end the following new
6 section:

7 **“§ 2279. Foreign commercial satellite services**

8 “(a) PROHIBITION.—The Secretary of Defense may
9 not enter into a contract for satellite services with a for-
10 eign entity if—

11 “(1) the foreign entity is an entity in which the
12 government of a covered foreign country has an
13 ownership interest; or

14 “(2) the foreign entity plans to or is expected
15 to provide launch or other satellite services under
16 the contract from a covered foreign country.

17 “(b) WAIVER.—The Secretary of Defense may waive
18 subsection (a) for a particular contract if the Secretary,
19 in consultation with the Director of National Intelligence,
20 submits to the congressional defense committees a na-
21 tional security assessment for such contract that includes
22 the following:

23 “(1) The projected period of performance (in-
24 cluding any period covered by options to extend the
25 contract), the financial terms, and a description of
26 the services to be provided under the contract.

1 “(2) To the extent practicable, a description of
2 the ownership interest that a covered foreign country
3 has in the foreign entity providing satellite services
4 to the Department of Defense under the contract
5 and the launch or other satellite services that will be
6 provided in a covered foreign country under the con-
7 tract.

8 “(3) A justification for entering into a contract
9 with such foreign entity and a description of the ac-
10 tions necessary to eliminate the need to enter into
11 such a contract with such foreign entity in the fu-
12 ture.

13 “(4) A risk assessment of entering into a con-
14 tract with such foreign entity, including an assess-
15 ment of mission assurance and security of informa-
16 tion and a description of any measures necessary to
17 mitigate risks found by such risk assessment.

18 “(c) FORM OF WAIVER ASSESSMENTS.—Each assess-
19 ment under subsection (b) shall be submitted in unclassi-
20 fied form, but may include a classified annex.

21 “(d) COVERED FOREIGN COUNTRY DEFINED.—In
22 this section, the term ‘covered foreign country’ means a
23 country described in section 1261(c)(2) of the National
24 Defense Authorization Act for Fiscal Year 2013 (Public
25 Law 112–239; 126 Stat. 2019).”.

1 (b) TABLE OF SECTIONS AMENDMENT.—The table of
2 sections at the beginning of such chapter, as amended by
3 section [____] of this Act, is further amended by adding
4 at the end the following item:

“2279. Foreign commercial satellite services.”.

1 **Subtitle B—Program Authoriza-**
2 **tions, Restrictions, and Limita-**
3 **tions**

4 **SEC. 3111. [Log 50331] CLARIFICATION OF PRINCIPLES OF**
5 **NATIONAL NUCLEAR SECURITY ADMINISTRA-**
6 **TION.**

7 Subsection (c) of section 3211 of the National Nu-
8 clear Security Administration Act (50 U.S.C. 2401) is
9 amended to read as follows:

10 “(c) OPERATIONS AND ACTIVITIES TO BE CARRIED
11 OUT CONSISTENT WITH CERTAIN PRINCIPLES.—In car-
12 rying out the mission of the Administration, the Adminis-
13 trator shall ensure that all operations and activities of the
14 Administration are consistent with the principles of—

15 “(1) protecting the environment;

16 “(2) safeguarding the safety and health of the
17 public and of the workforce of the Administration;
18 and

19 “(3) ensuring the security of the nuclear weap-
20 ons, nuclear material, and classified information in
21 the custody of the Administration.”.

1 **SEC. 3115. [Log 51037] LIMITATION ON AVAILABILITY OF**
2 **FUNDS FOR NATIONAL NUCLEAR SECURITY**
3 **ADMINISTRATION.**

4 (a) **LIMITATION.**—Except as provided by subsection
5 (c), of the funds authorized to be appropriated by this Act
6 or otherwise made available for fiscal year 2014 for the
7 National Nuclear Security Administration, \$139,500,000
8 may not be obligated or expended until the date on which
9 the Administrator for Nuclear Security submits to the
10 congressional defense committees—

11 (1) a detailed plan to realize the planned effi-
12 ciencies; and

13 (2) written certification that the planned effi-
14 ciencies will be achieved during fiscal year 2014.

15 (b) **UNREALIZED EFFICIENCIES.**—If the Adminis-
16 trator does not submit to the congressional defense com-
17 mittees the matters described in paragraphs (1) and (2)
18 of subsection (a) by the date that is 60 days after the
19 date of the enactment of this Act, the Administrator shall
20 submit to the congressional defense committees a report
21 on—

22 (1) the amount of planned efficiencies that will
23 not be realized during fiscal year 2014; and

24 (2) any effects caused by such unrealized
25 planned efficiencies to the programs funded under

1 the directed stockpile work and nuclear programs ac-
2 counts.

3 (c) EXCEPTION.—The limitation in subsection (a)
4 shall not—

5 (1) apply to funds authorized to be appro-
6 priated for directed stockpile work, nuclear pro-
7 grams, or Naval Reactors; or

8 (2) affect the authority of the Secretary under
9 sections 4702, 4705, and 4711 of the Atomic En-
10 ergy Defense Act (50 U.S.C. 2742, 2745, and
11 2751).

12 (d) PLANNED EFFICIENCIES DEFINED.—In this sec-
13 tion, the term “planned efficiencies” means the
14 \$106,800,000, with respect to directed stockpile work, and
15 \$32,700,000, with respect to nuclear programs, that the
16 Administrator plans to save during fiscal year 2014
17 through management efficiency and workforce restruc-
18 turing reductions, as described in the budget request for
19 fiscal year 2014 that the President submitted to Congress
20 under section 1105(a) of title 31, United States Code.

1 **SEC. 3116. [Log 50385] LIMITATION ON AVAILABILITY OF**
2 **FUNDS FOR OFFICE OF THE ADMINISTRATOR.**

3 Of the funds authorized to be appropriated by this
4 Act or otherwise made available for fiscal year 2014 for
5 the Office of the Administrator, not more than 75 percent
6 may be obligated or expended until—

7 (1) the President transmits to Congress the
8 matters required to be transmitted during 2013 and
9 2014 under section 4205(f)(2) of the Atomic Energy
10 Defense Act (50 U.S.C. 2525(f)(2));

11 (2) the President transmits to the congressional
12 defense committees, the Committee on Foreign Rela-
13 tions of the Senate, and the Committee on Foreign
14 Affairs of the House of Representatives the matters
15 required to be transmitted during 2013 and 2014
16 under section 1043 of the National Defense Author-
17 ization Act for Fiscal Year 2012 (Public Law 112–
18 81; 125 Stat. 1576) with respect to such matters for
19 which the Secretary of Energy is responsible;

20 (3) the Administrator for Nuclear Security sub-
21 mits to the congressional defense committees, the
22 Committee on Foreign Relations of the Senate, and
23 the Committee on Foreign Affairs of the House of
24 Representatives the reports required to be submitted
25 during 2013 and 2014 under section 3122(b)(1) of
26 the National Defense Authorization Act for Fiscal

1 Year 2012 (Public Law 112–81; 125 Stat. 1710);
2 and

3 (4) the Administrator submits to the congress-
4 sional defense committees—

5 (A) the detailed report on the stockpile
6 stewardship, management, and infrastructure
7 plan required to be submitted during 2013
8 under paragraph (2) of section 4203(b) of the
9 Atomic Energy Defense Act (50 U.S.C.
10 2523(b)(2)); and

11 (B) the summary of the plan required to
12 be submitted during 2014 under paragraph (1)
13 of such section.

1 **SEC. 3117. [Log 50615] ESTABLISHMENT OF CENTER FOR**
2 **SECURITY TECHNOLOGY, ANALYSIS, TEST-**
3 **ING, AND RESPONSE.**

4 (a) ESTABLISHMENT.—The Administrator for Nu-
5 clear Security shall establish within the nuclear security
6 enterprise (as defined in section 4002(5) of the Atomic
7 Energy Act (50 U.S.C. 2501(5)) a Center for Security
8 Technology, Analysis, Testing, and Response.

9 (b) DUTIES.—The center established under sub-
10 section (a) shall carry out the following:

11 (1) Provide to the Administrator, the Chief of
12 Defense Nuclear Security, and the management and
13 operating contractors of the nuclear security enter-
14 prise a wide range of objective expertise on security
15 technologies, systems, analysis, testing, and response
16 forces.

17 (2) Assist the Administrator in developing
18 standards, requirements, analysis methods, and test-
19 ing criteria with respect to security.

20 (3) Collect, analyze, and distribute lessons
21 learned with respect to security.

22 (4) Support inspections and oversight activities
23 with respect to security.

24 (5) Promote professional development and
25 training for security professionals.

1 (6) Provide for advance and bulk procurement
2 for security-related acquisitions that affect multiple
3 facilities of the nuclear security enterprise.

4 (7) Advocate for continual improvement and se-
5 curity excellence throughout the nuclear security en-
6 terprise.

1 **SEC. 3118. [Log 50812] COST-BENEFIT ANALYSES FOR COM-**
2 **PETITION OF MANAGEMENT AND OPERATING**
3 **CONTRACTS.**

4 (a) **BID PROTEST.**—Subsection (a) of section 3121
5 of the National Authorization Act for Fiscal Year 2013
6 (Public Law 112–239; 126 Stat. 2175) is amended by in-
7 serting “or the date on which a protest with respect to
8 such a contract is resolved” before the period at the end.

9 (b) **EXPECTED COST SAVINGS.**—Subsection (b)(1) of
10 such section is amended by inserting “, including a de-
11 scription of the assumptions used and analysis conducted
12 to determine such expected cost savings” before the semi-
13 colon.

14 (c) **NAVAL REACTORS.**—Subsection (d) of such sec-
15 tion is amended by adding at the end the following new
16 paragraph:

17 “(3) **NAVAL REACTORS.**—The requirement for
18 reports under subsection (a) shall not apply with re-
19 spect to a management and operations contract for
20 a Naval Reactor facility.”.

1 **SEC. 3119. [Log 50625] W88-1 WARHEAD AND W78-1 WAR-**
2 **HEAD LIFE EXTENSION OPTIONS.**

3 In carrying out Phase 6.2 and Phase 6.2A of the
4 Joint W78/88-1 Warhead Life Extension Program, the
5 Secretary of Defense and the Secretary of Energy, acting
6 through the Nuclear Weapons Council established by sec-
7 tion 179 of title 10, United States Code, shall include dur-
8 ing such phases a full analysis of feasibility, design defini-
9 tion, and cost estimation for each of the following life ex-
10 tension options:

11 (1) A separate life extension option to produce
12 a W78-1 warhead.

13 (2) A separate life extension option to produce
14 a W88-1 warhead.

15 (3) An interoperable W78/88-1 life extension
16 option.

17 (4) Any other option that the Nuclear Weapons
18 Council considers appropriate.

1 **Subtitle C—Reports**

2 **SEC. 3121. [Log 50386] ANNUAL REPORT AND CERTIFI-**
3 **CATION ON STATUS OF THE SECURITY OF**
4 **THE NUCLEAR SECURITY ENTERPRISE.**

5 (a) IN GENERAL.—Section 4506 of the Atomic En-
6 ergy Defense Act (50 U.S.C. 2657) is amended to read
7 as follows:

8 **“SEC. 4506. ANNUAL REPORT AND CERTIFICATION ON STA-**
9 **TUS OF THE SECURITY OF THE NUCLEAR SE-**
10 **CURITY ENTERPRISE.**

11 “Not later than September 30 of each year, the Ad-
12 ministrators shall submit to the Secretary of Energy and
13 to the congressional defense committees—

14 “(1) a report detailing the status of the security
15 of the nuclear security enterprise, including the sta-
16 tus of the security of special nuclear material, nu-
17 clear weapons, and classified information at each nu-
18 clear weapons production facility and national secu-
19 rity laboratory; and

20 “(2) written certification that the special nu-
21 clear material, nuclear weapons, and classified infor-
22 mation in the custody of the Administration are se-
23 cure.”.

24 (b) CLERICAL AMENDMENT.—The table of contents
25 at the beginning of such Act is amended by striking the

1 item relating to section 4506 and inserting the following

2 new item:

“Sec. 4506. Annual report and certification on status of the security of the nuclear security enterprise.”.

1 **SEC. 3122. [Log 50351] MODIFICATIONS TO ANNUAL RE-**
2 **PORTS REGARDING THE CONDITION OF THE**
3 **NUCLEAR WEAPONS STOCKPILE.**

4 (a) REPORT ON ASSESSMENTS.—Subsection (e) of
5 section 4205 of the Atomic Energy Defense Act (50
6 U.S.C. 2525) is amended—

7 (1) in paragraph (3)—

8 (A) in subparagraph (C), by striking “;
9 and” and inserting a semicolon;

10 (B) in subparagraph (D), by striking the
11 period at the end and inserting “; and”; and

12 (C) by adding at the end the following new
13 subparagraph:

14 “(E) a concise summary of any significant
15 finding investigations initiated or active during
16 the previous year for which the head of the na-
17 tional security laboratory has full or partial re-
18 sponsibility.”; and

19 (2) by amending paragraph (4) to read as fol-
20 lows:

21 “(4) In the case of a report submitted by the
22 Commander of the United States Strategic Com-
23 mand—

24 “(A) a discussion of the relative merits of
25 other nuclear weapon types (if any), or compen-
26 satory measures (if any) that could be taken,

1 that could enable accomplishment of the mis-
2 sions of the nuclear weapon types to which the
3 assessments relate, should such assessments
4 identify any deficiency with respect to such nu-
5 clear weapon types; and

6 “(B) a summary of all major assembly re-
7 leases in place as of the date of the report for
8 the active and inactive nuclear weapon stock-
9 piles.”.

10 (b) REPORTS SUBMITTED TO THE PRESIDENT AND
11 CONGRESS.—Subsection (f) of such section is amended by
12 adding at the end the following new paragraph:

13 “(3) If the President does not forward to Congress
14 the matters required under paragraph (2) by the date re-
15 quired under such paragraph, each official specified in
16 subsection (b) shall submit to the congressional defense
17 committees the report, without change, that the official
18 submitted to the Secretary concerned under subsection
19 (e).”.

1 **Subtitle D—Other Matters**

2 **SEC. 3131. [Log 50384] CONGRESSIONAL ADVISORY PANEL**
3 **ON THE GOVERNANCE OF THE NUCLEAR SE-**
4 **CURITY ENTERPRISE.**

5 Section 3166 of the National Defense Authorization
6 Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat.
7 2208) is amended—

8 (1) in subsection (d)—

9 (A) in paragraph (1), by striking “180
10 days after the date of the enactment of this
11 Act” and inserting “October 1, 2013”; and

12 (B) in paragraph (2), by striking “Feb-
13 ruary 1, 2014” and inserting “March 1, 2014”;
14 and

15 (2) by amending subsection (f) to read as fol-
16 lows:

17 “(f) **TERMINATION.**—

18 “(1) **IN GENERAL.**—The advisory panel shall
19 terminate not later than September 30, 2014.

20 “(2) **FINAL REPORT.**—Before terminating, the
21 advisory panel may submit to the officials and com-
22 mittees specified in subsection (d)(1) a final report
23 that includes a summary of the activities and rec-
24 ommendations of the advisory panel and such other

1 matters as the advisory panel considers appro-
2 priate.”.

1 **SEC. 3132. [Log 50915] CLARIFICATION OF ROLE OF SEC-**
2 **RETARY OF ENERGY.**

3 The amendment made by section 3113 of the Na-
4 tional Defense Authorization Act for Fiscal Year 2013
5 (Public Law 112–239; 126 Stat. 2169) to section 4102
6 of the Atomic Energy Defense Act (50 U.S.C. 2512) may
7 not be construed as affecting the authority of the Sec-
8 retary of Energy, in carrying out national security pro-
9 grams, with respect to the management, planning, and
10 oversight of the National Nuclear Security Administration
11 or as affecting the delegation by the Secretary of Energy
12 of authority to carry out such activities, as set forth under
13 subsection (a) of such section 4102 as it existed before
14 the amendment made by such section 3113.

1 **SEC. 3133. [Log 50398] TECHNICAL AMENDMENT TO ATOMIC**
2 **ENERGY ACT OF 1954.**

3 Chapter 10 of the Atomic Energy Act of 1954 (42
4 U.S.C. 2131 et seq.), as amended by section 3176 of the
5 National Defense Authorization Act for Fiscal Year 2013
6 (Public Law 112–239; 126 Stat. 2215), is amended in the
7 matter following section 111 by inserting before “a. The
8 Commission” the following: “**Sec. 112. DOMESTIC**
9 **MEDICAL ISOTOPE PRODUCTION.—**”.

1 **SEC. 3201. [Log 50436] AUTHORIZATION.**

2 There is authorized to be appropriated for fiscal year
3 2014 \$29,915,000 for the operation of the Defense Nu-
4 clear Facilities Safety Board under chapter 21 of the
5 Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

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DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE

Items of Special Interest

In-Space Solar Electric Propulsion

The committee believes that there may be enhanced utility for In-Space Solar Electric Propulsion (SEP) technology for national security space applications, especially as launch costs increase and weight requirements for satellites become more stringent. The committee believes that this technology may lead to reduced launch costs, enhanced payload capability, longer mission duration, and also provide risk mitigation redundancy. In particular, this technology proved valuable in mitigating some of the difficulties in getting the first Advanced Extremely High-Frequency payload to safely and successfully reach its intended orbit without reducing mission life for the payload, after unexpected launch problems caused technical challenges and nearly a year's delay.

Therefore, the committee directs the Secretary of the Air Force, in consultation with the Director of the National Reconnaissance Office and the Administrator of the National Aeronautics and Space Administration, to brief the congressional defense committees, the congressional intelligence committees, the Senate Committee on Commerce, Science, and Transportation, and the House Committee on Science, Space and Technology, by December 15, 2013, on current and planned efforts to use SEP technology for national security space missions. In addition, the briefing should address the investments across the U.S. Government in further development of SEP technology as a possible means to save costs and extend satellite mission duration.

Joint Space Operations Center Mission System

The committee notes the importance of the Joint Space Operations Center Mission System (JMS) program in providing integrated, net-centric space situational awareness and command and control capabilities. The committee commends the Air Force on the significant advances it has made in fully deploying Increment 1 of JMS. Increment 1 provides: a service-oriented architecture with enhanced integration and display of space order of battle; improved high interest event tracking; dynamically configurable user-defined operating picture; and several web-based, space situational awareness tools to aid space operators in performing mission analysis.

The committee recognizes the efforts of the Air Force to leverage existing or easily-modified Government and commercial applications as noted in the committee report (H. Rept. 112-479) accompanying the National Defense Authorization Act for Fiscal Year 2013. However, the committee is concerned that the current schedule does not fully take advantage of the potential for incremental upgrades to on-ramp the appropriate existing capabilities in the most expeditious manner. Therefore, the committee directs the Secretary of the Air Force to certify that the acquisition strategy for the Joint Space Operations Center Mission System program fully incorporates existing, mature technology products, based on warfighter requirements, in order to replace the legacy system in the most expeditious manner, utilizing efficient testing and validation methods. The Secretary should submit the certification to the congressional defense committees within 90 days after the date of the enactment of this Act.

The committee supports the Air Force's efforts to provide increased and advanced space situational awareness capabilities to the Joint Space Operations Center to address current and future threats to our national space assets.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE

Items of Special Interest

Ballistic missile threat analysis

The committee understands the global threat environment involving ballistic missiles is increasing, and the recent actions of the Democratic Republic of Korea, the Syrian Arab Republic, and the Islamic Republic of Iran demonstrate the continued need to fund ballistic missile intelligence. The National Air and Space Intelligence Center is the primary Department of Defense producer of foreign aerospace intelligence and is the Department's best resource on foreign long-range ballistic missiles. Likewise, the Missile and Space Intelligence Center is the primary intelligence component for the Department on the threat of short-range ballistic missiles to U.S. forces its allies, including the North Atlantic Treaty Organization.

The committee directs the Director, Defense Intelligence Agency, in coordination with the Director of National Intelligence, to submit a report to the congressional defense committees and the congressional intelligence committees

within 180 days after the date of the enactment of this Act, that identifies the ballistic missile threats to the United States, its allies, and its deployed forces, as well as the gaps in our understanding of those threats. The committee further directs the Director to include an explanation for how the Defense Intelligence Agency intends to close the gaps identified in the report.

Next generation Aegis missile—Standard Missile 3 block IIB

The committee is aware that on March 15, 2013, the Secretary of Defense announced that the Administration would propose to restructure the Standard Missile (SM) 3 block IIB program in the budget request for fiscal year 2014. The Missile Defense Agency has made it clear that this decision was driven by congressional reductions in technology development in fiscal years 2012-13, as well as technical challenges related to the projected capability of the missile and related to of sea-basing the prospective missile interceptor.

The committee is also aware that the Government and its industry partners both made significant investments in the development of the SM-3 IIB missile. The committee believes that it would be imprudent and short-sighted to walk away from these investments and to leave no program of record for the continued improvement of the SM-3 system. The committee encourages the Missile Defense Agency to use these investments as much as possible to improve and inform the development of the Aegis ballistic missile defense system SM-3 IIA interceptor, planned to be fielded in fiscal year 2018, as well as a follow-on system. Therefore, the committee directs the Director, Missile Defense Agency to provide a briefing to the congressional defense committees by November 15, 2013, on the potential for a concept development program for leveraging the investments made in the SM-3 IIB program by the United States and industry to continue to improve the SM-3 IIA missile through an evolved or iterative variant, for example an SM-3 IIA+.

Report on boost phase missile defense options

Elsewhere in this report, the committee notes that it is aware that there is presently no boost phase missile defense program of record in the Ballistic Missile Defense System architecture planned by the Missile Defense Agency (MDA). The committee is aware that the Kinetic Energy Interceptor and the Airborne Laser were terminated in fiscal year 2009, though there were notable successes, as well as challenges, by both developmental programs. The committee notes that such an absence means the United States is currently not pursuing one of the three central layers of missile defense architecture.

The committee is also aware of the findings of the National Academy of Sciences in its report, "Making Sense of Ballistic Missile Defense: An Assessment of Concepts and Systems for U.S. Boost-Phase Missile Defense in Comparison to Other Alternatives," which concludes, by relying on its own "notional data," that boost-phase defense "could be technically possible in some instances but operationally and economically impractical for almost all missions." The committee is aware of the

significant advantages, and the difficulties of intercepting a threat ballistic missile in the boost phase, including those articulated by the National Academy of Sciences report.

Therefore, the committee directs the Director, Missile Defense Agency to provide a report to the the congressional defense committees by October 15, 2013, that assess the findings of the National Academy of Sciences study and the options that the Director believes the Missile Defense Agency should consider in an analysis of alternatives or other study that could inform a boost phase missile defense program as part of the budget request for fiscal year 2015.

Technology harvesting of the Medium Extended Air Defense System

The committee is aware that one of the frequent justifications for completion of the Medium Extended Air Defense System (MEADS) Proof of Concept (PoC) was the harvesting of specific technologies for the modernization of the Patriot air and missile defense system. For example, in a letter to the congressional defense committees from then-Secretary of Defense, Leon Panetta, on November 30, 2012, the Secretary stated, "[t]he U.S. Army is already considering ways to link the knowledge gained from the tri-national MEADS PoC program to its future air and missile development plans." With the final funding of the MEADS PoC, the committee is anxious to learn what technologies will be harvested for Patriot modernization, at what date in the modernization program, and at what cost to take advantage of the significant U.S. taxpayer investment in PoC.

The committee was disappointed to learn that the Army would not include this information in the report required by section 226 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239). The committee understands the Army is interested in evaluating potential technology harvesting as part of the assessment of the results of the upcoming FT-2 test, but it believes such evaluation is central to the intent of the requirement under section 226. Therefore, the committee directs the Secretary of the Army to provide an evaluation to the congressional defense committees within 90 days after the completion of FT-2, or February 15, 2014, whichever comes later, of MEADS technology harvesting opportunities based on the report directed by section 226 of Public Law 112-239.

TITLE X—GENERAL PROVISIONS

ITEMS OF SPECIAL INTEREST

OTHER MATTERS

Nuclear Weapons Council and Commonality in Nuclear Forces and Nuclear Warheads

The committee understands that the Nuclear Weapons Council has approved a long-term plan to increase the use of common components and systems across U.S. nuclear delivery systems and the nuclear stockpile. In the long-term, this approach is expected to yield significant cost savings, may enable novel approaches to mitigating risks through deployment of interoperable warheads that can be utilized on multiple delivery systems, and may facilitate reductions in the number of nuclear weapons held in reserve. However, the committee urges the Department of Defense and the National Nuclear Security Administration to use caution in implementing this approach to ensure that commonality does not lead to unacceptable risk of widespread impacts to the deterrent force, should a technical risk cause a common component or subsystem to fail.

To better understand the Nuclear Weapons Council's long-term plan for interoperability and commonality, the committee directs the Chairman of the Nuclear Weapons Council, in coordination with appropriate Members of the Council, to provide a briefing to the congressional defense committees by October 31, 2013, on the feasibility, cost savings, benefits, risks, timelines, impacts on the size of the nuclear weapons stockpile, and impacts to stockpile stewardship and any potential need for underground testing associated with the long-term plan for interoperability and commonality. Specifically, the briefing should describe:

- (1) The Nuclear Weapons Council's approach for understanding and managing risks associated with commonality in nuclear delivery systems, nuclear warheads, and their components;
- (2) The Council's methods for evaluating trade-offs between the risk versus the cost savings of commonality;
- (3) The potential for streamlining the maintenance of nuclear weapons through interoperability and commonality; and
- (4) The long-term plan for interoperability and commonality across delivery systems and warheads, including impacts to workload and capacity in the nuclear security enterprise.

Replacement Plan for E-4B

The Air Force's fleet of E-4B aircraft serve as the National Airborne Operations Center (NAOC) for the President, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and other senior leaders. According to a 2012 Air Force fact-sheet, "in case of national emergency or destruction of ground command control centers, the aircraft provides a highly survivable command, control, and communications center to direct U.S. forces, execute emergency war orders, and coordinate actions by civil authorities."

The E-4 fleet first entered service in 1974, and as the aircraft continues to age, sustainment efforts grow increasingly difficult and costly. Sustaining the fleet into the 2020's may become progressively difficult or unmanageable as commercial airlines continue to retire their fleet of 747-200 aircraft and spare parts and maintenance providers become unavailable. The committee is also aware of the

significant potential cost of replacing the E-4B aircraft. The Air Force has not yet developed a plan to replace these critical command and control aircraft or a sustainable life-extension option. Therefore, the committee directs the Secretary of the Air Force, in consultation with the commander, U.S. Strategic Command, to submit a report to the congressional defense committees by January 30, 2014, on the Air Force's plan to replace or sustainably extend the E-4B fleet and its associated capabilities. The report should contain an assessment of various potential options, costs, and a schedule for a replacement program.

Report on Security Exemptions and Waivers for U.S. Nuclear Forces

The committee commends the Department of Defense for its sustained commitment to ensuring the security of U.S. nuclear weapons. In particular, the committee recognizes the efforts undertaken by the Air Force and the Department of Defense to bring renewed focus, leadership, and resources to nuclear weapons security following the grave security incidents seen in the Air Force in 2006 and 2007. The committee encourages the Department to sustain continual efforts to improve nuclear weapons security (operational excellence and a culture of continual improvement are required). To better understand the Department's efforts to improve nuclear weapons security, the committee directs the Secretary of Defense to submit a report to the congressional defense committees by November 15, 2013, on efforts to improve nuclear weapons security in the Department of Defense. In particular, the report should list any current exemptions or waivers to nuclear weapons security requirements or guidance, as well as the Department's plans and timelines for mitigating the risk from, and eventually eliminating the need for, such exemptions or waivers.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

ITEMS OF SPECIAL INTEREST

Missile Defense Programs of the Russian Federation and the People's Republic of China

In testimony before the Senate Committee on Armed Services on April 18, 2013, the Director, Defense Intelligence Agency stated that, "China is also developing a tiered ballistic missile defense system and has successfully tested the upper-tier capability on two occasions." The committee is also aware that the Russian Federation announced late last year that it was reactivating a missile defense system around Moscow as part of its defense modernization program and that this defense system could include nuclear armed anti-missile defense warhead. Press reports indicate that Russia plans to test this system in 2013, and that Russia is pursuing the development of other missile defense systems, including the S-500 system.

Therefore, the committee directs the Chairman, Joint Chiefs of Staff, in coordination with the Commander, U.S. Strategic Command and the Director of National Intelligence, to assess the capability, intent, and drivers of the missile defense development and deployment activity by Russia and China. The assessment should address the following:

(1) Whether these missile defense deployments are intended to be used against U.S. nuclear and conventional capabilities and, if so, the attrition capable against U.S. nuclear and non-nuclear capabilities and the implications for U.S. deterrence and extended deterrence;

(2) A statement of the deterrence objectives of the United States against Russia and China; and

(3) The impact of U.S. missile defense plans on Russian and Chinese nuclear weapons acquisition plans, force posture, and policy; this information should be based on specific intelligence.

The committee further directs the Chairman, Joint Chiefs of Staff to submit a report to the congressional defense committees and the congressional intelligence committees on the findings of the assessment by November 30, 2013. The report should be in unclassified form, with a classified annex if necessary.

Report and Briefings on Declassification of Certain Missile Defense Information

The committee directs the Secretary of Defense, in consultation with the Secretary of State, to make available to the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate, a summary of the deliberations of the National Disclosure Policy Committee related to the release of classified, Official Use Only, or For Official Use Only information on U.S. missile defenses to the Russian Federation since at least January 1, 2007, by not later than November 30, 2013. Such summary should include, at a minimum, the reason for the proposed release, the outcome of the deliberation of the National Disclosure Policy Committee, and a risk assessment of the potential use or misuse of the information, including whether the information could be transferred to another party, if the National Disclosure Policy Committee determined to release information to Russia on U.S. missile defenses.

The committee also directs the Secretary of Defense, in consultation with the Secretary of State, or a designee, to provide the aforementioned congressional committees with regular briefings, beginning November 30, 2013, and every 6 months thereafter until November 20, 2018, if there are additional disclosures, on additional releases and associated deliberations of the National Disclosure Policy Committee.

Use of Missile Defense Declassification Authority by Director, Missile Defense Agency

The committee is aware that, pursuant to the Ballistic Missile Defense System Security Classification Guide, the Director, Missile Defense Agency (MDA) is given the authority by the Secretary of Defense to exercise Original Classification Authority and Foreign Disclosure Authority to establish security classification policy and guidance over MDA funded technology, development, and acquisition programs. This authority is delegated to the Director because of their expertise of MDA technology and the risks of its disclosure.

The committee continues to be concerned about the potential risks of disclosure of sensitive missile defense technologies to foreign parties. Therefore, the committee directs the Director, Missile Defense Agency to provide a report to the congressional defense committees and the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives by August 16, 2013, that lists each example of a request for an exception made by the Director, or submitted to the Director, for use of the Foreign Disclosure Authority related to the Russian Federation covering the period between January 1, 2007 through April 1, 2013. The report should include a brief summary of each example, including the Russian entity receiving the information and the specific information or MDA technology involved.

The committee directs the Director to provide an interim briefing to the Committees on Armed Services of the Senate and the House of Representatives by July 15, 2013, regarding the expected scale of this report.

TITLE XVI—INDUSTRIAL BASE MATTERS

ITEMS OF SPECIAL INTEREST

Transfer of International Traffic in Arms Regulations Controlled Missile Defense Technology to the National Aeronautics and Space Administration

The committee is aware that the Department of Defense has been notified that the Department of State received a notice of voluntary disclosure from the National Aeronautics and Space Administration regarding the alleged transfer of controlled U.S. defense technology to the People's Republic of China. The committee understands that certain Missile Defense Agency technology was involved in the alleged transfer. Discussion of a related matter is contained in the classified annex accompanying this report.

The committee directs the Secretary of Defense, in coordination with the Secretary of State and the Director of National Intelligence, to provide a briefing on this matter to the congressional defense committees, the congressional intelligence committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives, by August 15, 2013. The briefing should include an update on the current status of the investigation into the alleged transfer of technology by the National Aeronautics and Space Administration, as well as an assessment of what harm, if any, was done to U.S.

national security. Additionally, prior to the briefing, the Secretary of Defense should make available to the aforementioned congressional committees a copy of the voluntary disclosure notice submitted by the National Aeronautics and Space Administration to the Department of State and the Department of Defense (through the Defense Technology Security Administration).

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

ITEMS OF SPECIAL INTEREST

Study on Treating Defense Nuclear Facilities as Military Construction

Section 2804 of the National Defense Authorization Act for Fiscal Year 2013, as passed by the House of Representatives, would have mandated that certain defense nuclear facility construction projects of the National Nuclear Security Administration (NNSA) be deemed military construction projects and be carried out as such. The committee continues to be concerned about NNSA's inability to successfully execute large defense nuclear facility construction projects. Last year, NNSA informed the committee that its largest defense nuclear facility construction project, the Uranium Capabilities Replacement Project (UCRP) at the Y-12 National Security Complex, Tennessee, had encountered major problems because the process equipment would not fit within the structure of the planned building. NNSA also now intends to reduce the scope of UCRP such that only capabilities currently contained in Building 9212 at Y-12 National Security Complex will be replaced in the first phase of the project; however, the project cost is likely to increase despite the reduced scope. NNSA has indicated that the redesign required by this problem will result in a schedule delay of at least 9 months and require a new baseline cost estimate.

As only the most recent example of NNSA's history of problems in designing and constructing large defense nuclear facilities on-time and on-budget, the committee continues to believe that facilities, like UCRP, can be constructed in a more cost effective and timely manner. To better understand the option and implications of designating these facilities as military construction, the committee directs the Secretary of the Navy, in coordination with the Secretary of Defense and the Secretary of Energy, to submit a report to the congressional defense committees by January 30, 2014, containing an analysis of the feasibility, costs, benefits, and risks regarding moving design and construction of defense nuclear facilities to military construction. In addition an assessment of costs, benefits, and risks, the report should also include:

(1) A comparative analysis of the similarities and differences between the military construction process and NNSA's defense nuclear facility construction process, including for one-of-a-kind facilities;

(2) A description of the Navy's history and experience in designing and constructing nuclear facilities, including one-of-a-kind facilities and facilities that process and store nuclear materials; and

(3) One or more case studies describing the costs, benefits, and risks of carrying out a specific defense nuclear facility construction project through military construction.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

ITEMS OF SPECIAL INTEREST

NATIONAL NUCLEAR SECURITY ADMINISTRATION

Weapons Activities

Advanced manufacturing within the nuclear security enterprise

The committee notes the recent progress in advanced manufacturing technologies in the commercial sector and the potential to adapt these methods for use by the National Nuclear Security Administration (NNSA). These technologies have the potential to reduce the cost, schedule, and risk for NNSA's warhead life extension programs and other national security programs. Technologies such as additive manufacturing may improve the manufacturability of components, reduce time required between design and production of components, and reduce waste and production footprint. However, the committee is aware that new manufacturing technologies may face significant hurdles before their products can be certified for use in the nuclear weapons stockpile. The committee also is concerned that advanced manufacturing technologies could create proliferation challenges.

The committee directs the Administrator for Nuclear Security to develop a roadmap for developing the opportunities and addressing the challenges of advanced manufacturing technologies, and to provide a briefing on the roadmap to the congressional defense committees by February 1, 2014. The plan should include identification of the following:

(1) Near-term and long-term advanced manufacturing processes that could be further developed and adapted for NNSA's mission;

- (2) Steps that must be taken to scale-up advanced manufacturing technologies to support NNSA production requirements;
 - (3) Potential cost savings and reductions in waste, including toxic waste, floor space requirements, and production time that may be possible from the use of advanced manufacturing technologies;
 - (4) Timelines associated with developing and scaling up advanced manufacturing technologies;
 - (5) Challenges related to certification for use in the stockpile of products made through advanced manufacturing technologies, including timelines for when such certification may be possible; and
 - (6) Collaboration opportunities related to advanced manufacturing among the production plants and laboratories of the nuclear security enterprise, as well as private industry and other Government agencies.
- Finally, the briefing should also provide an assessment of the security and proliferation implications of these new technologies, including implications for detection of illicit uses and steps that should be taken to protect or limit access to sensitive technologies.

Naval Reactors

Fissile material stockpiles

The committee is mindful that the Director, Naval Reactors has an enduring requirement for highly enriched uranium for their mission to provide nuclear reactors to the U.S. Navy. The committee also notes that a key argument for maintaining a domestic enrichment capability is to ensure a sustainable stockpile of highly enriched uranium for the nuclear Navy mission. The Department of Energy is undertaking a program to provide such a domestic enrichment capability at the present time.

Therefore, the committee directs the Director, Naval Reactors to provide a briefing to the congressional defense committees by August 31, 2013, on the projected availability of highly enriched uranium and very highly enriched uranium for naval nuclear reactors and the date at which new production or enrichment of highly and very highly enriched uranium is required to support naval nuclear reactors for the long-term future.

Office of the Administrator

Plan and roadmap to address security problems

In response to the security incident that occurred at the Y-12 National Security Complex on July 28, 2012, the committee conducted several briefings and hearings to examine the management, governance, oversight, and cultural failures within the National Nuclear Security Administration (NNSA) and the Department of Energy (DOE) that enabled the incident to take place.

Over the past several decades, many independent and objective studies have been conducted that have highlighted the longstanding problems at NNSA and the Department of Energy that led directly to the Y-12 incident and other security failures before it. Many of these studies have found the same problems and recommended strikingly similar solutions. The Independent NNSA Security Review (known as the "Mies Panel") highlighted this fact in 2005, stating that, "...past studies and reviews of DOE/NNSA security have reached similar findings regarding the cultural, personnel, organizational, policy and procedural challenges that exist within DOE and NNSA. Many of these issues are not new; many continue to exist because of a lack of clear accountability, excessive bureaucracy, organizational stovepipes, lack of collaboration, and unwieldy, cumbersome processes. Robust, formal mechanisms to evaluate findings, assess underlying root causes, analyze alternative courses of action, formulate appropriate corrective action, gain approval, and effectively implement change are weak to non-existent within DOE/NNSA."

The committee continues to be concerned with the failure to implement meaningful and effective changes when the problems and possible solutions have been so thoroughly studied. Therefore, the committee directs the Secretary of Energy to prepare and submit a report to the congressional defense committees by September 30, 2013, on the Department's plan to address the longstanding, well-documented problems that contributed to the Y-12 security failure. The report should contain at least three major components:

(1) An explicit examination of studies conducted in the past 15 years, including the reviews performed following the Y-12 intrusion, that have assessed security problems within the nuclear enterprise and a summary of their findings and recommendations as well as the actions the Department has taken or will take to resolve them. This should take the form of a security roadmap, as recommended in the Task Force Report on the Assessment of NNSA Federal Organization and Oversight of Security Operations, that, "consolidates recommendations, articulates a clear vision of where the security program is going,... charts a path forward," and provides evidence that, "the solutions [are] enduring so that they are not again written up in the next report."

(2) A clear statement of the authorities, roles, responsibilities, budget authority, and chain of command regarding security within all NNSA organizations with security responsibilities and any DOE organizations that affect NNSA security.

(3) Measures to improve oversight and increase accountability of both contractors and Federal officials.