

**H.R. 2810—FY18 NATIONAL DEFENSE
AUTHORIZATION BILL**

**SUBCOMMITTEE ON STRATEGIC
FORCES**

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DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

LEGISLATIVE PROVISIONS

SUBTITLE D—MATTERS RELATING TO THE RUSSIAN FEDERATION

Section 12XX—Sense of Congress on Importance of Nuclear Capabilities of NATO

This section would make a series of findings and express the sense of Congress regarding the North Atlantic Treaty Organization's nuclear deterrence capability.

Section 12XX—Limitation on Availability of Funds Relating to Implementation of the Open Skies Treaty

This section would prohibit the use of funds authorized to be appropriated by this Act, or otherwise made available for fiscal year 2018, or any subsequent fiscal year, for Department of Defense operations and maintenance, Defense-wide, or operations and maintenance, Air Force, to conduct any flight for the purposes of implementing the Open Skies Treaty until the President submits a plan with respect to such fiscal year to the appropriate congressional committees and 7 days have elapsed. Such a plan would be required to be developed by the Secretary of Defense, in coordination with the Secretary of State, the Chairman of the Joint Chiefs of Staff, and the Director of National Intelligence, and would contain a description of the objectives for each Open Skies Treaty flight in the upcoming fiscal

year. These requirements would terminate 5 years after the date enactment of this Act.

This section would also prohibit the use of funds authorized to be appropriated by this Act, or otherwise made available for fiscal year 2018, for the digital visual imaging system to carry out any activities to modify any U.S. aircraft for purposes of implementing the Open Skies Treaty.

SUBTITLE __—INTERMEDIATE-RANGE NUCLEAR FORCES (INF) TREATY PRESERVATION
ACT OF 2017

Section 12XX—Short Title

This section would cite this subtitle as the "Intermediate-Range Nuclear Forces (INF) Treaty Preservation Act of 2017."

Section 12XX—Definitions

This section would define the terms "appropriate congressional committees", "INF Treaty", "intelligence community", "New START Treaty", and "Open Skies Treaty", among other terms in this subtitle.

Section 12XX—Findings

This section would make a series of findings by Congress related to the Intermediate-Range Nuclear Forces Treaty and the Russian Federation's violations of that treaty.

Section 12XX—Development of INF Range Ground-Launched Missile System

This section would require the Secretary of Defense to establish a program of record to develop a dual-capable road-mobile ground-launched cruise missile system with a range of between 500 to 5,500 kilometers. This section would further require the Secretary of Defense to submit a report to the congressional defense committees within 120 days after the date of the enactment of this Act on the cost, schedule, and feasibility to modify existing and planned systems for ground launch with a range of between 500 and 5,500 kilometers in order to meet the capabilities specified.

Section 12XX—Notification Requirement Related to Russian Federation
Development of Noncompliant Systems and United States Actions Regarding
Material Breach of INF Treaty by the Russian Federation

This section would state that Congress declares the Russian Federation to be in material breach of the Intermediate-Range Nuclear Forces (INF) Treaty. This section would also require the Director of National Intelligence to notify the

appropriate congressional committees of any development, deployment, or test of a system by Russia that the Director determines is inconsistent with the INF Treaty within 15 days of the Director making such determination. This section would further direct the President to submit a report within 15 months after the date of the enactment of this Act to the appropriate congressional committees that contains a determination by the President whether Russia engaged in activity that would be considered noncompliant with the INF Treaty during each of the 3 consecutive 120-day periods following the date of the enactment of this Act.

If the determination is made by the President that Russia has engaged in activities considered noncompliant with the INF Treaty, this section would provide that the United States, as a matter of law, would no longer be bound by the prohibitions set forth in Article VI of the INF Treaty.

Section 12XX—Limitation on Availability of Funds to Extend the Implementation of the New START Treaty

This section would prohibit any funds authorized to be appropriated or otherwise made available for fiscal year 2018 for the Department of Defense to be obligated or expended to extend the implementation of the New Strategic Arms Reduction Treaty, unless the President certifies to the appropriate congressional committees that the Russian Federation has verifiably eliminated all missiles that are in violation of or may be inconsistent with the Intermediate-Range Nuclear Forces Treaty.

Section 12XX—Review of RS-26 Ballistic Missile

This section would direct the President, in consultation with the Secretary of State, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the Director of National Intelligence to conduct a review of the RS-26 ballistic missile of the Russian Federation and submit a report to the appropriate congressional committees not later than 90 days after the date of the enactment of this Act.

Such a report would include a determination of whether the RS-26 ballistic missile is covered under the New Strategic Arms Reduction Treaty (NST) or would be a violation of the Intermediate-Range Nuclear Forces (INF) Treaty because Russia has conducted flight tests to ranges prohibited by the INF Treaty in more than one warhead configuration. If the President determines that the RS-26 ballistic missile is covered under the NST, the report would further include a determination whether the Russian Federation has agreed that such a system is limited under the NST central limits and has agreed to an exhibition of such a system.

If the determination is made that the RS-26 ballistic missile is covered under the NST and that Russia has not agreed that such a system is limited under the NST or to an exhibition under the treaty of the system, the U.S. Government would consider such a system to be a violation of the INF Treaty for purposes of all policies and decisions.

TITLE XVI—STRATEGIC PROGRAMS, CYBER, AND INTELLIGENCE MATTERS

LEGISLATIVE PROVISIONS

SUBTITLE A—SPACE ACTIVITIES

Section 16XX—Clarification of Annual Briefing on the Intelligence, Surveillance, and Reconnaissance Requirements of the Combatant Commands

This section would modify section 1626 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291) by including space-based intelligence, surveillance, and reconnaissance in the briefing.

Section 16XX—Commercial Satellite Communications Pathfinder Program

This section would state the sense of Congress regarding the Air Force's commercial satellite communications pathfinder program.

This section would also require the Secretary of the Air Force to submit a report, by March 1, 2018, to the Committees on Armed Services of the House of Representatives and the Senate regarding the views and plans of the Secretary related to carrying out a portion of the activities of such pathfinder program under the transaction authority provided by section 2371 of title 10, United States Code.

The committee has been concerned for several years that the Department of Defense is not using sound business practices to procure commercial satellite communications, which has resulted in millions of dollars in inefficient procurement of this key resource. The committee believes that leveraging Other Transaction Authority would further the activities of the Department to more effectively and efficiently procure commercial satellite communications.

Section 16XX—Conditional Transfer of Acquisition and Funding Authority of Certain Weather Missions to National Reconnaissance Office

This section would amend section 1614 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328), by requiring the Secretary of the Air Force and the Director of the National Reconnaissance Office to execute the transfer of certain weather missions from the Air Force to the National Reconnaissance Office unless the Secretary and Director both issued the waivers described in section 1614(c) of Public Law 114–328.

Section 16XX—Establishment of Space Flag Training Event

This section would require the Secretary of Defense to establish, not later than December 31, 2020, an annual capstone training event titled "Space Flag" for space professionals to develop and test doctrine, concepts of operation, and tactics, techniques, and procedures. The event would also serve to inform and develop the appropriate design of the operational training infrastructure of the space domain. This section would further require the Secretary to model the event on the Red Flag and Cyber Flag exercises and ensure that Space Flag includes live, virtual, and constructive training and on-orbit threat replication, as appropriate.

Lastly, this section would require the Secretary, in coordination with the Commander of Air Force Space Command, Commander, Army Space and Missile Defense Command, and Commander, Navy Space and Naval Warfare Systems Command to submit a plan to the congressional defense committees, not later than 1 year after the date of the enactment of this Act, on the establishment of Space Flag, including a description of each of the objectives of the event.

The committee recognizes that the Air Force has started initial activities for Space Flag training, but the committee expects a more comprehensive, Department of Defense-wide approach for exercise participation and infrastructure, consistent with this provision. Additionally, the committee notes the related ongoing testing and development activities in the Air Force, such as the Big Top program, and fully supports these activities.

Section 16XX—Extension of Pilot Program on Commercial Weather Data

This section would amend section 1613 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328) by extending the pilot program on commercial weather data by 1 year. This section would also add the congressional intelligence committees to the existing reporting requirements.

Section 16XX—Foreign Commercial Satellite Services: Cybersecurity Threats and Launches

This section would amend section 2279 of title 10, United States Code, by adding a new subsection concerning cybersecurity risk for the Department of Defense. This section would further amend section 2279 of title 10, United States Code, by adding a subsection that would prohibit the Secretary of Defense from entering into a contract for satellite services with any entity if such services will be provided using satellites launched from a covered foreign country or using a launch vehicle that is designed or manufactured in a covered foreign country, or that is provided by the government of a covered foreign country or by an entity controlled in whole or in part by, or acting on behalf of, the government of a covered foreign country, regardless of the location of the launch. Such prohibition would not apply to launches that occurred prior to 6 months after the date of the enactment of this Act or to a contract or other agreement relating to launch services that, prior to the date that is 6 months after the date of the enactment of this Act, was either fully

paid for by the contractor or covered by a legally binding commitment of the contractor to pay for such services.

This section would also add the Russian Federation to the list of covered foreign countries, and would make a number of conforming and clerical amendments to section 2279 of title 10, United States Code.

Nothing in this section should impact other laws regarding the Department's use of Russian rocket engines within a United States launch vehicle.

Section 16XX—Codification, Extension, and Modification of Limitation on Construction on United States Territory of Satellite Positioning Ground Monitoring Stations of Foreign Governments

This section would amend chapter 135 of title 10, United States Code, by adding a new section, 2279c. Subsection (b) of section 1602 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66), which is a limitation on construction on United States territory of satellite positioning ground monitoring stations of certain foreign governments, would be transferred to section 2279c of title 10, United States Code. This section would exclude foreign governments that are allies of the United States from the underlying limitation and would extend the underlying limitation's sunset date to December 31, 2023.

SUBTITLE D—NUCLEAR FORCES

Section 16XX—Procurement Authority for Certain Parts of Intercontinental Ballistic Missile Fuzes

This section would authorize \$6.3 million of the funds made available by this Act for Missile Procurement, Air Force, for the procurement of certain commercially available parts of intercontinental ballistic missile fuzes, notwithstanding section 1502(a) of title 31, United States Code, under contracts entered into under section 1645(a) of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291).

Section 16XX—Sense of Congress on Importance of Independent Nuclear Deterrent of United Kingdom

This section would express the sense of Congress regarding the independent nuclear deterrent of the United Kingdom of Great Britain and Northern Ireland.

Section 16XX—Notifications Regarding Dual-Capable F-35A Aircraft

This section would amend section 179(f) of title 10, United States Code, to require the Nuclear Weapons Council to notify the congressional defense committees if either the United States Senate or the United States House of

Representatives adopts a bill authorizing or appropriating funds for the Department of Defense that, as determined by the Council, provides funds in an amount that will result in a delay in the nuclear certification or delivery of F-35A dual-capable aircraft.

Section 16XX—Oversight of Aerial-Layer Programs by Council on Oversight of the National Leadership Command, Control, and Communications System

This section would establish that any analysis of alternatives (AOA) for the Senior Leader Airborne Operations Center, the executive airlift program of the Air Force, and the E-6B modernization program may not receive final approval by the Joint Requirements Oversight Council and the Director of Cost Assessment and Program Evaluation may not complete the AOA sufficiency review unless:

- (1) the Council on Oversight of the National Leadership Command, Control, and Communications System determines that the alternatives are capable of meeting the requirements for senior leadership communications in support of the nuclear command, control, and communications missions of the Department of Defense and the continuity of government mission of the Department;
- (2) the Council submits to the congressional defense committees such a determination; and
- (3) a period of 30 days elapses following the date of such submission.

Section 16XX—Oversight of Delayed Acquisition Programs by Council on Oversight of the National Leadership Command, Control, and Communications System

This section would amend section 171a of title 10, United States Code, to require each program manager of a covered acquisition program to transmit quarterly reports to the co-chairs of the Council on Oversight of the National Leadership Command, Control, and Communications System that identify (1) the covered acquisition program; (2) the requirements of the program; (3) the development timeline of the program; and (4) the status of the program, including whether the program is delayed and whether such delay will result in a program schedule delay.

This section would further require that, in the event an acquisition program is delayed by more than 180 days or in the event a program manager did not properly notify the Council, the co-chairs of the Council shall notify the congressional defense committees by not later than 7 days after the end of a quarter.

Lastly, this section would require the Secretary of Defense to issue or revise a Department of Defense Instruction to ensure that program managers carry out subsection (k)(1) of section 171a of title 10, United States Code, as amended by this Act.

Section 16XX—Security Classification Guide for Programs Relating to Nuclear Command, Control, and Communications and Nuclear Deterrence

This section would require that, not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall require the issuance of a security classification guide for nuclear weapons, and nuclear command and control programs and continuity of Government programs of the Department of Defense to ensure the protection of sensitive information of such programs. Such classification guides would be jointly approved by the Nuclear Weapons Council and the Council on Oversight of the National Leadership Command, Control, and Communications System and should be in place not later than March 19, 2019.

Section 16xx—Security of Nuclear Command, Control, and Communications System from Commercial Dependencies

This section would make a series of findings related to Department of Defense use of systems produced by Huawei Technologies Company or ZTE Corporation. This section would also require the Secretary of Defense to certify whether the Secretary uses telecommunications equipment or services from Huawei Technologies Company or ZTE Corporation to carry out the Department's nuclear deterrence mission, including with respect to the nuclear command, control, and communications, integrated tactical warning and attack assessment, and continuity of government, or the homeland defense mission, including with respect to ballistic missile defense.

Beginning 1 year after the date of the enactment of this Act, this section would prohibit the Secretary from procuring, obtaining, or renewing a contract to do so, any equipment, system, or service that uses telecommunications equipment from Huawei Technologies Company or ZTE Corporation to carry out the Department's nuclear deterrence or homeland defense missions. Lastly, this section would provide for a waiver for such prohibition, on a case-by-case basis, for a single 1-year period, if the Secretary determines it to be in the national security interests of the United States and certifies to the congressional defense committees that certain criteria are met.

Section 16XX—Evaluation and Enhanced Security of Supply Chain for Nuclear Command, Control, and Communications and Continuity of Government Programs

This section would direct the Secretary of Defense to evaluate by December 31, 2019, the supply chain vulnerabilities of programs related to nuclear weapons; nuclear command, control, and communications (NC3); continuity of Government; and ballistic missile defense. As part of the evaluation, the Secretary would be required to develop a plan to carry out such evaluation and submit the plan to the congressional defense committees not later than 180 days after the date of the enactment of this Act. This section would also provide a waiver, on a case-by-case basis, for any program, weapon system, or system of systems, that the Secretary certifies to the congressional defense committees within 180 days after the date of the enactment of this Act that all known supply chain vulnerabilities have minimal consequences for the capability of such systems.

This section would further require the Secretary to develop strategies for mitigating the risks of supply chain vulnerabilities identified in the course of the evaluation. The Secretary would also be required to issue a Department of Defense Instruction, or update such an Instruction, not later than 180 days after the date of the enactment of this Act, establishing the prioritization of supply chain risk management programs, including supply chain risk management threat assessment reporting, to ensure that programs related to nuclear weapons, NC3, continuity of Government, and ballistic missile defense receive the highest priority of such supply chain risk management programs and reporting.

Lastly, this section would direct the Secretary to establish a requirement to carry out supply chain risk management threat assessment collections and analyses under acquisition and sustainment programs related to nuclear weapons, NC3, continuity of government, and ballistic missile defense programs and submit such requirement not later than 120 days after the date of the enactment of this Act.

Section 16XX—Limitation on Pursuit of Certain Command and Control Concept

This section would provide that the Secretary of the Air Force may not award a contract for engineering and manufacturing development for the Ground Based Strategic Deterrent (GBSD) program that would result in a command and control concept for such program that consists of less than 15 fixed launch control centers per missile wing unless the Commander of U.S. Strategic Command determines that:

(1) the plans of the Secretary for a command and control concept consisting of less than 15 fixed launch control centers per missile wing are appropriate, meet requirements, and do not contain excessive risk;

(2) the risks to schedules and costs from such concepts are minimized and manageable;

(3) the strategy and plan of the Secretary for addressing cyber threats for such concept are robust; and

(4) with respect to such concept, the Secretary has established an appropriate process for considering and managing trade-offs among requirements relating to survivability, long-term operations and sustainment costs, procurement costs, and military personnel needs.

This section would require the Commander to submit to the Secretary and the congressional defense committees the Commander's determination. If the Commander is unable to make the determination under subsection (a), the Commander would be required to submit the reasons for not making such determination.

Finally, this section would state that the requirements of this section shall not be construed to affect or prohibit the ability of the Secretary to use fair and open competition procedures in soliciting, evaluating, and awarding contracts for this program.

The committee is concerned about cost, schedule, and technology maturity risks in the GBSB program, particularly as the program considers significant deviations from proven, reliable, and survivable command and control concepts. The committee believes this provision will enable the Commander of U.S. Strategic Command to more closely track and assess how the Air Force is implementing the Commander's requirements and minimizing risk in this important nuclear modernization program.

SUBTITLE E—MISSILE DEFENSE PROGRAMS

Section 16XX—Review of Proposed Ground-Based Midcourse Defense System Contract

This section would prohibit the Director of the Missile Defense Agency from changing the contracting strategy for the systems integration, operations, and test of the Ground-based Midcourse Defense (GMD) system until 30 days after the report specified at the end of this section is submitted to the congressional defense committees.

This section would require the Director of Cost Assessment and Program Evaluation (CAPE) to conduct a review of the contract for the systems integration, operations, and test of the GMD system, and submit such review to the Under Secretary of Defense for Research and Engineering and the Missile Defense Executive Board.

Lastly, this section would direct the Under Secretary of Defense for Research and Engineering and the Missile Defense Executive Board to submit a report to the congressional defense committees within 30 days after the review is received that includes the review itself, without change, and any views and recommendations of the Under Secretary and the Board on the review.

The committee has previously imposed limits on the use of lead system integrator (LSI) contracts. For example, section 807 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364) prohibited the use of new LSI contracts under most circumstances. The committee believes that, generally, such contract arrangements have been of limited utility. In the case of the contract for the Ground-based Midcourse Defense System, which was in place at the time section 807 of Public Law 109-364 was enacted, the committee is concerned that while threats to the homeland are increasing, not enough information is known about the potential risks of disaggregating this contract. Moreover, the GMD system is in the midst of robust and diverse modernization and test efforts.

Section 16XX—Preservation of the Ballistic Missile Defense Capacity of the Army

This section would prohibit the Army from obligating or expending any funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 or any fiscal year thereafter to demilitarize any Guidance Enhanced Missile TBM (GEM-T) interceptor or remove any such interceptor from

the operational inventory of the Army until the date on which the Secretary of the Army submits an evaluation to the congressional defense committees of the ability of the Army to meet warfighter requirements and operational needs if GEM-T interceptors are removed from the operational inventory of the Army. Such an evaluation shall consider whether the Army can maintain such an inventory by either (1) recertifying GEM-T interceptors either with or without modification; or (2) developing, testing, and fielding a new low-cost interceptor that can be added to the Army's inventory prior to the retirement of GEM-T interceptors.

Section 16XX—Aegis Ashore Anti-Air Warfare Capability

This section would authorize the Secretary of Defense to use funds authorized by sections 101 and 201 of this Act or otherwise made available for fiscal year 2018 for procurement, research, development, test, and evaluation, to continue development, procurement, and deployment of anti-air warfare capabilities at each Aegis Ashore site in Romania and the Republic of Poland.

This section would further require the Secretary to ensure that such capabilities are deployed at the site in Romania by not later than 1 year after the date of the enactment of this Act, and at the site in Poland by not later than 1 year after the declaration of operational status of that site.

Any reprogramming or transfer made to carry out this section would be carried out in accordance with established procedures for reprogramming or transfers.

Section 16XX—Modernization of Army Lower Tier Air and Missile Defense Sensor

This section would direct the Secretary of the Army to issue an acquisition strategy not later than April 15, 2018, for a 360-degree lower tier air and missile defense sensor that achieves initial operating capability by January 1, 2022. This section would also establish the requirements, including the use of competitive procedures, that must be satisfied by such an acquisition strategy.

If the Secretary of the Army does not issue such an acquisition strategy by April 15, 2018, the Secretary would no longer be authorized to obligate or expend funding for the lower tier air and missile defense sensor. Additionally, the Secretary of Defense would be required to transfer the acquisition responsibility for such a sensor to the Missile Defense Agency, and its Director would be required to issue such acquisition strategy by not later than December 15, 2018.

If the Secretary of Defense carries out such transfer, this section would further require that after the 360-degree sensor achieves milestone-B approval (or equivalent), but before such sensor achieves milestone C approval (or equivalent), the Secretary of Defense would transfer the responsibility to procure such sensor and the funding authorized to carry out such procurement from the Director of the Missile Defense Agency to the Secretary of the Army.

Section 16XX—Administration of Missile Defense and Defeat Programs

This section would amend chapter 9 of title 10, United States Code, by creating a new section that would establish a unified major force program for missile defense and missile defeat programs. This section would require the Secretary of Defense to submit a report on such programs for fiscal years 2019-2023, included with the budget materials submitted as part of the President's budget request for such years.

This section would further require the Secretary to transfer acquisition authority and total obligation authority for each program covered by this section from the Missile Defense Agency to a military department not later than the date on which the President's budget is submitted for fiscal year 2020. The Secretary would also be required to submit a report, not later than 1 year after the date of the enactment of this Act, to the congressional defense committees on the plans for such a transition.

Lastly, this section would change the term of the Director of the Missile Defense Agency to 6 years and require that the Director report to and be under the authority of the Under Secretary of Defense for Research and Engineering.

Section 16xx—Enhancement of Operational Test and Evaluation of Ballistic Missile Defense System

This section would require that, not later than 90 days after the date of the enactment of this Act, the Director of the Missile Defense Agency, the Director of Operational Test and Evaluation, the Secretary of the Army, and the Secretary of the Navy shall jointly ensure that the test plans of the Integrated Master Test Plan of the ballistic missile defense system prioritize the integration of missile defense capabilities including Patriot, Aegis ballistic missile defense, and Terminal High Altitude Area Defense (THAAD).

The committee notes the recent emergency deployment of a THAAD battery to the Republic of Korea to protect U.S. and allied forces against the rapidly escalating ballistic missile threat from the Democratic People's Republic of Korea. While the committee supports this deployment, it remains concerned about substantial delays to the integration of and coordination between THAAD and other critical forward-deployed integrated air and missile defense systems, such as Patriot. The committee believes it is imperative that the Department of Defense be able to fully leverage forward-deployed missile defense assets as part of one integrated system capable of discriminating, tracking, and defeating advanced threats. Further, the committee believes that field commanders should have access to the full range of effectors and sensors to address any incoming missile threat.

The committee will continue to monitor efforts by the Department to fully integrate the various missile defense capabilities that have been developed.

Additionally, the committee looks forward to receiving the report on "Integration and Interoperability of Allied Missile Defense Capabilities" required to be submitted not later than December 31, 2017, by section 1676 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92).

Section 16XX—Sense of Congress and Plan for Development of Space-Based Sensor Layer for Ballistic Missile Defense

This section would express the sense of Congress on the importance of a space-based missile defense sensor layer.

This section would require the Director of the Missile Defense Agency, in coordination with the Secretary of the Air Force and the heads of the appropriate Defense Agencies and combat support agencies, to develop a space-based sensor layer for ballistic missile defense that provides precision tracking data of missiles beginning in the boost phase and continuing throughout subsequent flight regimes; serves other intelligence, surveillance, and reconnaissance requirements; and achieves an operational prototype payload at the earliest practicable opportunity.

This section would require the Director to submit a plan within 1 year after the date of the enactment of this Act to the appropriate congressional committees that explains how the Director will carry out the development of a space-based sensor layer; the estimated costs of such a layer, including development, acquisition, deployment, and operations and sustainment; his assessment of the maturity of critical technologies necessary to make such a sensor layer operational and recommendations for any research and development activities; his assessment of the capabilities that can be provided by a space sensor layer that other ballistic missile sensor layers cannot provide; how the Director will leverage certain capabilities, including national technical means, hosted payloads, small satellites, among others; and any other matters the Director determines appropriate.

SUBTITLE _—MANAGEMENT AND ORGANIZATION OF SPACE PROGRAMS

Section 16xx—Establishment of Space Corps in the Department of the Air Force

This section would authorize the creation of a Space Corps within the Department of the Air Force and require the Secretary of the Air Force to certify its establishment by January 1, 2019. The Space Corps would be led by the Chief of Staff of the Space Corps and would be composed of such offices and officials determined appropriate by the Secretary of the Air Force, in consultation with the Chief of Staff of the Space Corps. This section would further provide that the Chief of Staff of the Space Corps would be appointed for a term of 6 years, be a member of the Joint Chiefs of Staff, and would report directly to the Secretary of the Air Force, as a co-equal of the Chief of Staff of the Air Force.

The Secretary of the Air Force would be given Milestone Decision Authority for space acquisition programs, including with respect to research, development, test, and evaluation and procurement. This section would not affect the authority of the other Services to pursue Service-specific user terminals for space programs. This section would also not affect the authorities of the Director of the National Reconnaissance Office and the Director of the National Geospatial-intelligence Agency. This section would terminate the Principal Department of Defense Space Advisor and Defense Space Council.

Nothing in this section would authorize or require the relocation of any facilities, infrastructure, or military installations of the Air Force.

Lastly, this section would require the Secretary of Defense to provide to the congressional defense committees an interim report by March 1, 2018, and a final report by August 1, 2018, on the plan for the establishment of the Space Corps, recommendations by the Secretary of Defense, and other specified matters related to such.

Section 16xx—Establishment of Subordinate Unified Command of the United States Strategic Command

This section would direct the Secretary of Defense to establish United States Space Command as a subordinate unified command under United States Strategic Command not later than January 1, 2019. This section would also require the commander of such command to hold a four-star rank and be appointed by the President and confirmed by the Senate. The commander would exercise command of joint space activities or missions, and the United States Space Command would be jointly staffed.

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 31XX—Evaluation of Defense Nuclear Waste Authorities and Processes

This section would require the Secretary of Energy to conduct an evaluation of all statutes, processes, rules, regulations, orders, and directives related to defense nuclear waste to identify any changes that could provide significant cost avoidance or cost savings within the long-term defense environmental cleanup program without decreasing environmental, health, or public safety requirements. Such evaluation would include consideration of the classification of defense nuclear waste, the basis by which the Department of Energy makes waste disposal decisions, and such other matters related to defense nuclear waste that the Secretary determines appropriate. The Secretary would be required to submit a report to the pertinent congressional committees by February 1, 2018, regarding this evaluation, including any actions the Secretary has taken or will take to make changes, any statutory changes the Secretary recommends for Congress to consider,

and the assessment of the Secretary regarding the benefits and risks such actions or recommendations.

Section 31XX—Prohibition on Availability of Funds for Programs in Russian Federation

This section would provide that none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 for atomic energy defense activities may be obligated or expended to enter into a contract with, or otherwise provide assistance to, the Russian Federation. The Secretary of Energy, without delegation, would be provided the authority to waive this prohibition if the Secretary determines, in writing, that a nuclear-related threat arising in the Russian Federation must be addressed urgently and that it is necessary to waive the prohibition to address that threat. The waiver could only be used if the Secretary of State and the Secretary of Defense concur in that determination, and the Secretary of Energy submits a report to the appropriate congressional committees containing notification that such waiver is in the national security interest of the United States, a justification for such waiver, a description of the activities to be carried out pursuant to the waiver, and a period of 7 days elapses. The prohibition and waiver contained in this section would not apply to up to \$3.0 million that the Secretary of Energy may make available for the Department of Energy's Russian Health Studies Program.

Section 31XX—Incorporation of Integrated Surety Architecture in Transportation

This section would create a new section, section 4222, in the Atomic Energy Defense Act (50 U.S.C. 2521) that would require the Administrator for Nuclear Security, in coordination with the Chairman of the Nuclear Weapons Council, to jointly ensure that all nuclear warhead development programs, life extension programs, and major alteration programs incorporate integrated designs compatible with the Integrated Surety Architecture (ISA) Program of the National Nuclear Security Administration (NNSA). The Administrator would further be required to ensure that over-the-road shipments of the NNSA involving any nuclear weapon planned to be in the active stockpile after 2025 incorporates surety technologies relating to transportation and shipping developed by the ISA Program. If, on a case-by-case basis, the Administrator determines that a shipment (or class of shipments) or program will not incorporate some or all of the technologies, the Administrator would be required to submit that determination and a documented risk analysis to the congressional defense committees. The requirements of this section would terminate on December 31, 2029, and the Administrator would be required to implement direction relating to this section contained in the classified annex accompanying this Act.

Section 31XX—Report on Critical Decision-1 on Material Staging Facility Project

This section would require that the Administrator for Nuclear Security submit a report to the congressional defense committees, not later than October 31, 2017, containing the Administrator's decision memorandum for Critical Decision-1 (CD-1) on the Material Staging Facility project at the Pantex Plant. The report would be required to contain the preferred alternative approved by the Administrator for CD-1 and several other key pieces of information regarding the project.

Section 31XX—Budget Requests and Certification regarding Nuclear Weapons Dismantlement

This section would amend section 3125 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328) to require that the Administrator for Nuclear Security ensure that the President's request submitted to Congress under section 1105(a) of title 31, United States Code, for each of the fiscal years 2019 through 2021 includes amounts for the nuclear weapons dismantlement and disposition activities of the National Nuclear Security Administration (NNSA) in accordance with the limitation in section 3125(a) of Public Law 114-328, which prescribes a maximum amount of \$56.0 million. This section would also require the Administrator to certify to the congressional defense committees by February 1, 2018, that the Administrator is carrying out NNSA's nuclear weapons dismantlement and disposition activities in accordance with the limitations in subsections (a) and (b) of section 3125 of Public Law 114-328.

Section 31XX—Assessment of Management and Operating Contracts of National Security Laboratories

This section would require, within 30 days after the date of the enactment of this Act, the Administrator for Nuclear Security to seek to enter into a contract with a federally funded research and development center (FFRDC) to conduct an assessment of the benefits, costs, challenges, risks, efficiency, and effectiveness of the Administrator's strategy with respect to management and operating contracts for national security laboratories. This section would prohibit the Administrator from awarding such contract to an FFRDC for which the Department of Energy or the National Nuclear Security Administration (NNSA) is the primary sponsor.

This section would further require the Administrator and the director of each national security laboratory to provide the FFRDC conducting the assessment full cooperation and access to all information required to conduct the assessment. The FFRDC would be required to submit a report to the Administrator containing their assessment within 90 days of contract award. Such report would be required to include the FFRDC's assessment of matters related to the NNSA's acquisition strategy and contract oversight process, particularly with respect to the use of for-profit contracts as opposed to nonprofit approaches, and whether the NNSA is appropriately using, managing, and overseeing the laboratories with respect to

their nature as FFRDCs. The Administrator would be required to provide the FFRDC report, unchanged, to the congressional defense committees.

Finally, this section would prohibit any funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 for the NNSA to be obligated or expended to award, or extend, a management and operating contract for a national security laboratory until the Administrator submits the FFRDC report to the Committees on Armed Services of the Senate and the House of Representatives. The Secretary of Energy would be authorized to waive this prohibition and extend such a contract only if the Secretary determines it is required in the interest of national security and notifies the Committees on Armed Services of the Senate and the House of Representatives.

Section 31XX—Improved Information Relating to Defense Nuclear Nonproliferation Research and Development Program

This section would create a new section 4310 in the Atomic Energy Defense Act (50 U.S.C. 2563) to require the Administrator for Nuclear Security to track and document, for efforts that are not focused on basic research, the technologies and capabilities developed by the Defense Nuclear Nonproliferation Research and Development (DNN R&D) program to better understand whether such technologies are transitioned to end users or deployed.

Furthermore, this section would require the Administrator, in assessing projects within the DNN R&D program and the Nonproliferation and Arms Control program, to compare the status of each project, including the final results of such projects, to baseline targets and goals established in the initial project plan.

Lastly, this section would require the Administrator to include, within the annual plan required by section 4309(b) of the Atomic Energy Defense Act (50 U.S.C. 2575(b)), information related to these requirements.

SUBTITLE C—PLANS AND REPORTS

Section 31XX—Modification of Certain Reporting Requirements

This section would eliminate, consolidate, or modify several existing reporting requirements.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

LEGISLATIVE PROVISIONS

Section 3201—Authorization

The budget request contained \$30.6 million for the Defense Nuclear Facilities Safety Board for fiscal year 2018. The committee recommends \$30.6 million, the amount of the budget request.

BILL LANGUAGE

1 **SEC. 12 ____.**[Log 64922] **SENSE OF CONGRESS ON IMPOR-**
2 **TANCE OF NUCLEAR CAPABILITIES OF NATO.**

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

4 (1) The Warsaw Summit Communique, issued
5 on July 9, 2016, by the North Atlantic Treaty Orga-
6 nization (in this section referred to as “NATO”)
7 clearly defines the need for, and the importance of,
8 the nuclear mission of NATO.

9 (2) The Warsaw Summit Communique states—

10 (A) with respect to the nuclear deterrence
11 capability of NATO, “As a means to prevent
12 conflict and war, credible deterrence and
13 defence is essential. Therefore, deterrence and
14 defence, based on an appropriate mix of nu-
15 clear, conventional, and missile defence capabili-
16 ties, remains a core element of our overall strat-
17 egy. . . The fundamental purpose of NATO’s
18 nuclear capability is to preserve peace, prevent
19 coercion, and deter aggression. Nuclear weap-
20 ons are unique. Any employment of nuclear
21 weapons against NATO would fundamentally
22 alter the nature of a conflict. The cir-
23 cumstances in which NATO might have to use
24 nuclear weapons are extremely remote”;

1 (B) with respect to the nature of the nu-
2 clear deterrence posture of NATO, “NATO
3 must continue to adapt its strategy in line with
4 trends in the security environment—including
5 with respect to capabilities and other measures
6 required—to ensure that NATO’s overall deter-
7 rence and defence posture is capable of address-
8 ing potential adversaries’ doctrine and capabili-
9 ties, and that it remains credible, flexible, resil-
10 ient, and adaptable.”; and

11 (C) with respect to the importance of con-
12 tributions to the nuclear deterrence mission
13 from across the NATO alliance, “The strategic
14 forces of the Alliance, particularly those of the
15 United States, are the supreme guarantee of
16 the security of the Allies. The independent stra-
17 tegic nuclear forces of the United Kingdom and
18 France have a deterrent role of their own and
19 contribute to the overall security of the Alli-
20 ance. These Allies’ separate centres of decision-
21 making contribute to deterrence by compli-
22 cating the calculations of potential adversaries.
23 NATO’s nuclear deterrence posture also relies,
24 in part, on United States’ nuclear weapons for-
25 ward-deployed in Europe and on capabilities

1 and infrastructure provided by Allies concerned.
2 These Allies will ensure that all components of
3 NATO's nuclear deterrent remain safe, secure,
4 and effective. That requires sustained leader-
5 ship focus and institutional excellence for the
6 nuclear deterrence mission and planning guid-
7 ance aligned with 21st century requirements.
8 The Alliance will ensure the broadest possible
9 participation of Allies concerned in their agreed
10 nuclear burden-sharing arrangements.”.

11 (3) Secretary of Defense James Mattis, in re-
12 sponse to the advance policy questions for his Senate
13 confirmation hearing on January 12, 2017, stated
14 that—

15 (A) “NATO's nuclear deterrence posture
16 relies in part on U.S. nuclear weapons forward-
17 deployed in Europe and on capabilities and in-
18 frastructure provided by NATO allies. These
19 capabilities include dual-capable aircraft that
20 contribute to current burden-sharing arrange-
21 ments within NATO. In general, we must take
22 care to maintain this particular capability, and
23 to modernize it appropriately and in a timely
24 fashion.”; and

1 (B) the role of the nuclear weapons of the
2 United States is “to deter nuclear war and to
3 serve as last resort weapons of self-defense. In
4 this sense, U.S. nuclear weapons are funda-
5 mental to our nation’s security and have his-
6 torically provided a deterrent against aggression
7 and security assurance to U.S. allies. A robust,
8 flexible, and survivable U.S. nuclear arsenal un-
9 derpins the U.S. ability to deploy conventional
10 forces worldwide.”.

11 (4) On March 28, 2017, General Curtis
12 Scaparrotti, Commander of the United States Euro-
13 pean Command and the Supreme Allied Com-
14 mander, Europe, testified to the Committee on
15 Armed Services of the House of Representatives that
16 “NATO and U.S. nuclear forces continue to be a
17 vital component of our deterrence. Our moderniza-
18 tion efforts are crucial; we must preserve a ready,
19 credible, and safe nuclear capability.”.

20 (5) The Russian Federation is currently under-
21 going significant modernization and recapitalization
22 of all three legs of its nuclear triad, continues to
23 field and modernize a large variety of non-strategic
24 nuclear weapons, and is developing and deploying
25 new and unique nuclear capabilities.

1 (6) Russia remains in violation of the INF
2 Treaty due to the development, testing, and, most
3 recently, the operational deployment of ground-
4 launched cruise missiles in violation of the INF
5 Treaty.

6 (7) On March 28, 2017, General Paul Selva,
7 Vice Chairman of the Joint Chiefs of Staff, de-
8 scribed the security consequences of the deployment
9 of such INF Treaty-violating missiles, testifying to
10 the Committee on Armed Services of the House of
11 Representatives that “our assessment of the impact
12 is that it more threatens NATO and infrastructure
13 within the European continent than any other...area
14 of the world that we have national interests in or al-
15 liance interests in.”

16 (8) On March 28, 2017, General Curtis
17 Scaparrotti, in testimony before the Committee on
18 Armed Services of the House of Representatives, re-
19 sponded to a question asking if Russia intends to re-
20 turn to compliance with the INF Treaty by stating,
21 “I don’t have any indication that they will at this
22 time.”

23 (9) Rhetoric from Russian officials has dem-
24 onstrated that Moscow has sought to leverage its nu-
25 clear arsenal to threaten and intimidate neighboring

1 countries, including members of NATO, as was the
2 case when the Russian Ambassador to Denmark
3 stated, “Danish warships will be targets for Russian
4 nuclear missiles” in response to Denmark’s potential
5 cooperation in the NATO missile defense system.

6 (b) SENSE OF CONGRESS.—It is the sense of Con-
7 gress that—

8 (1) the nuclear and conventional deterrence ca-
9 pabilities of NATO are of critical importance to the
10 security of the United States and of the NATO alli-
11 ance, and must continue to adapt to the changed se-
12 curity environment in Europe;

13 (2) the ability of the United States to forward-
14 deploy dual-capable aircraft and nuclear weapons,
15 and of select members of NATO to participate in the
16 nuclear deterrence mission of NATO by hosting for-
17 ward-deployed nuclear weapons of the United States
18 or operating dual-capable aircraft, is central to the
19 credibility of the nuclear deterrence and defense pos-
20 ture of NATO;

21 (3) the strategic forces of the United States,
22 the independent nuclear forces of the United King-
23 dom and the French Republic, and the dual-capable
24 aircraft operated by the United States and other
25 members of NATO constitute foundational elements

1 of the nuclear deterrence and defense posture of
2 NATO;

3 (4) NATO should modernize its nuclear-related
4 infrastructure to ensure the highest-level of safety
5 and security;

6 (5) effective deterrence requires NATO to con-
7 duct nuclear planning and exercises aligned with
8 21st century requirements and modernize nuclear-re-
9 lated capabilities and infrastructure, including dual-
10 capable aircraft, command and control networks,
11 and facilities; and

12 (6) to ensure the continued credibility of the de-
13 terrence and defense posture of NATO, the planned
14 completion of F-35A aircraft development and test-
15 ing, as well as the delivery of such aircraft to mem-
16 bers of NATO, must not be delayed.

17 (c) INF TREATY DEFINED.—In this section, the
18 term “INF Treaty” means the Treaty Between the United
19 States of America and the Union of Soviet Socialist Re-
20 publics on the Elimination of Their Intermediate-Range
21 and Shorter-Range Missiles, commonly referred to as the
22 “Intermediate- Range Nuclear Forces (INF) Treaty”,
23 signed at Washington December 8, 1987, and entered into
24 force June 1, 1988.

1 **SEC. __. [LOG 65407] LIMITATION ON AVAILABILITY OF**
2 **FUNDS RELATING TO IMPLEMENTATION OF**
3 **THE OPEN SKIES TREATY.**

4 (a) **LIMITATION ON CONDUCT OF FLIGHTS.—**

5 (1) **IN GENERAL.—**None of the funds author-
6 ized to be appropriated by this Act or otherwise
7 made available for any fiscal year after fiscal year
8 2017 for the Department of Defense for operation
9 and maintenance, Defense-wide, or operation and
10 maintenance, Air Force, may be obligated or ex-
11 pended to conduct any flight during such fiscal year
12 for purposes of implementing the Open Skies Treaty
13 until the date that is seven days after the date on
14 which the President submits to the appropriate con-
15 gressional committees a plan described in paragraph
16 (2) with respect to such fiscal year.

17 (2) **PLAN DESCRIBED.—**The plan described in
18 this paragraph is a plan developed by the Secretary
19 of Defense, in coordination with the Secretary of
20 State, the Chairman of the Joint Chiefs of Staff,
21 and the Director of National Intelligence, that con-
22 tains a description of the objectives for all planned
23 flights described in paragraph (1) during such fiscal
24 year.

1 (3) UPDATE.—To the extent necessary and ap-
2 propriate, the Secretary of Defense, in coordination
3 with the Secretary of State, the Chairman of the
4 Joint Chiefs of Staff, and the Director of National
5 Intelligence, may update the plan described in para-
6 graph (2) with respect to a fiscal year and submit
7 the updated plan to the appropriate congressional
8 committees.

9 (4) SUNSET.—The requirements of this sub-
10 section shall terminate on the date that is five years
11 after the date of the enactment of this Act.

12 (b) PROHIBITION ON ACTIVITIES TO MODIFY
13 UNITED STATES AIRCRAFT.—None of the funds author-
14 ized to be appropriated by this Act or otherwise made
15 available for fiscal year 2018 for research, development,
16 test, and evaluation, Air Force, for arms control imple-
17 mentation (PE 0305145F) or procurement, Air Force, for
18 digital visual imaging system (BA-05, Line Item #1900)
19 may be obligated or expended to carry out any activities
20 to modify any United States aircraft for purposes of im-
21 plementing the Open Skies Treaty.

1 **SEC. __. [LOG 65603] SHORT TITLE.**

2 This subtitle may be cited as the “Intermediate-
3 Range Nuclear Forces (INF) Treaty Preservation Act of
4 2017”.

1 **SEC. __. [LOG 65604] DEFINITIONS.**

2 In this subtitle:

3 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
4 **TEES.**—The term “appropriate congressional com-
5 mittees” means—

6 (A) the Select Committee on Intelligence,
7 the Committee on Foreign Relations, the Com-
8 mittee on Armed Services, and the Committee
9 on Appropriations of the Senate; and

10 (B) the Permanent Select Committee on
11 Intelligence, the Committee on Foreign Affairs,
12 the Committee on Armed Services, and the
13 Committee on Appropriations of the House of
14 Representatives.

15 (2) **INF TREATY.**—The term “INF Treaty”
16 means the Treaty between the United States of
17 America and the Union of Soviet Socialist Republics
18 on the Elimination of Their Intermediate-Range and
19 Shorter-Range Missiles, signed at Washington De-
20 cember 8, 1987, and entered into force June 1,
21 1988.

22 (3) **INTELLIGENCE COMMUNITY.**—The term
23 “intelligence community” has the meaning given the

1 term in section 3(4) of the National Security Act of
2 1947 (50 U.S.C. 3003(4)).

3 (4) NEW START TREATY.—The term “New
4 START Treaty” means the Treaty between the
5 United States of America and the Russian Federa-
6 tion on Measures for the Further Reduction and
7 Limitation of Strategic Offensive Arms, signed at
8 Prague April 8, 2010, and entered into force Feb-
9 ruary 5, 2011.

10 (5) OPEN SKIES TREATY.—The term “Open
11 Skies Treaty” means the Treaty on Open Skies,
12 done at Helsinki March 24, 1992, and entered into
13 force January 1, 2002.

1 **SEC. __. [LOG 65605] FINDINGS.**

2 Congress makes the following findings:

3 (1) The 2014, 2015, and 2016 Department of
4 State reports entitled, “Adherence to and Compli-
5 ance with Arms Control, Nonproliferation, and Dis-
6 armament Agreements and Commitments”, all stat-
7 ed that the United States has determined that “the
8 Russian Federation is in violation of its obligations
9 under the INF Treaty not to possess, produce, or
10 flight-test a ground-launched cruise missile (GLCM)
11 with a range capability of 500 km to 5,500 km, or
12 to possess or produce launchers of such missiles”.

13 (2) The 2016 report also noted that “the cruise
14 missile developed by Russia meets the INF Treaty
15 definition of a ground-launched cruise missile with a
16 range capability of 500 km to 5,500 km, and as
17 such, all missiles of that type, and all launchers of
18 the type used or tested to launch such a missile, are
19 prohibited under the provisions of the INF Treaty”.

20 (3) Potential consistency and compliance con-
21 cerns regarding the INF Treaty noncompliant
22 GLCM have existed since 2008, were not officially
23 raised with the Russian Federation until 2013, and

1 were not briefed to the North Atlantic Treaty Orga-
2 nization (NATO) until January 2014.

3 (4) The United States Government is aware of
4 other consistency and compliance concerns regarding
5 Russia actions vis-à-vis its INF Treaty obligations.

6 (5) Since 2013, senior United States officials,
7 including the President, the Secretary of State, and
8 the Chairman of the Joint Chiefs of Staff have
9 raised Russian noncompliance with the INF Treaty
10 to their counterparts, but no progress has been
11 made in bringing the Russian Federation back into
12 compliance with the INF Treaty.

13 (6) In April 2014, General Breedlove, the Su-
14 preme Allied Commander Europe, correctly stated,
15 “A weapon capability that violates the INF, that is
16 introduced into the greater European land mass, is
17 absolutely a tool that will have to be dealt with . . .
18 It can’t go unanswered.”.

19 (7) The Department of Defense in its Sep-
20 tember 2013 report, Report on Conventional Prompt
21 Global Strike Options if Exempt from the Restric-
22 tions of the Intermediate-Range Nuclear Forces
23 Treaty Between the United States of America and
24 the Union of Soviet Socialist Republics, stated that
25 it has multiple validated military requirement gaps

1 due to the prohibitions imposed on the United States
2 as a result of its compliance with the INF Treaty.

3 (8) It is not in the national security interests
4 of the United States to be unilaterally legally prohib-
5 ited from developing dual-capable ground-launched
6 cruise missiles with ranges between 500 and 5,500
7 kilometers, while Russia makes advances in devel-
8 oping and fielding this class of weapon systems, and
9 such unilateral limitation cannot be allowed to con-
10 tinue indefinitely.

11 (9) Admiral Harry Harris, Jr., Commander of
12 the United States Pacific Command, testified before
13 the Senate Armed Services Committee on April 27,
14 2017, that “[W]e’re in a multi-polar world where we
15 have a lot of countries who are developing these
16 weapons, including China, that I worry about. And
17 I worry about their DF-21 and DF-26 missile pro-
18 grams, their anti-carrier ballistic missile programs,
19 if you will. INF doesn’t address missiles launched
20 from ships or airplanes, but it focuses on those land-
21 based systems. I think there’s goodness in the INF
22 treaty, anything you can do to limit nuclear weapons
23 writ-large is generally good. But the aspects of the
24 INF Treaty that limit our ability to counter Chinese

1 and other countries' land-based missiles, I think, is
2 problematic.”.

3 (10) A material breach of the INF Treaty by
4 the Russian Federation affords the United States
5 the right to invoke legal countermeasures which in-
6 clude suspension of the treaty in whole or in part.

7 (11) Article XV of the INF Treaty provides
8 that “Each Party shall, in exercising its national
9 sovereignty, have the right to withdraw from this
10 Treaty if it decides that extraordinary events related
11 to the subject matter of this Treaty have jeopardized
12 its supreme interests.”.

1 **SEC. __. [LOG 65608] DEVELOPMENT OF INF RANGE**
2 **GROUND-LAUNCHED MISSILE SYSTEM.**

3 (a) ESTABLISHMENT OF A PROGRAM OF RECORD.—

4 The Secretary of Defense shall establish a program of
5 record to develop a dual-capable road-mobile ground-
6 launched cruise missile system with a range of between
7 500 to 5,500 kilometers. The Secretary shall ensure that
8 such system is capable of achieving a flight test by not
9 later than one year after the date of the enactment of this
10 Act.

11 (b) REPORT.—Not later than 120 days after the date
12 of the enactment of this Act, the Secretary of Defense
13 shall submit to the congressional defense committees a re-
14 port on the cost, schedule, and feasibility to modify exist-
15 ing and planned missile systems, including the tomahawk
16 land attack cruise missile, the standard missile-3, the
17 standard missile-6, and Army tactical missile system mis-
18 siles for ground launch with a range of between 500 and
19 5,500 kilometers in order to provide any of the capabilities
20 identified in section 1243(d) of the National Defense Au-
21 thorization Act for Fiscal Year 2016 (Public Law 114-
22 92; 129 Stat. 1062).

1 **SEC. __. [LOG 65609] NOTIFICATION REQUIREMENT RE-**
2 **LATED TO RUSSIAN FEDERATION DEVELOP-**
3 **MENT OF NONCOMPLIANT SYSTEMS AND**
4 **UNITED STATES ACTIONS REGARDING MATE-**
5 **RIAL BREACH OF INF TREATY BY THE RUS-**
6 **SIAN FEDERATION.**

7 (a) **DECLARATION OF POLICY.**—Congress declares
8 that because of the Russian Federation’s violations of the
9 INF Treaty, including the flight-test, production, and pos-
10 session of prohibited systems, its actions have defeated the
11 object and purpose of the INF Treaty, and thus constitute
12 a material breach of the INF Treaty.

13 (b) **NOTIFICATION BY DIRECTOR OF NATIONAL IN-**
14 **TELLIGENCE.**—

15 (1) **IN GENERAL.**—The Director of National In-
16 telligence shall notify the appropriate congressional
17 committees of any development, deployment, or test
18 of a system by the Russian Federation that the Di-
19 rector determines is inconsistent with the INF Trea-
20 ty.

21 (2) **DEADLINE.**—A notification under this sub-
22 section shall be made not later than 15 days after
23 the date on which the Director makes the determina-

1 tion under this subsection with respect to which the
2 notification is required.

3 (c) REPORT BY PRESIDENT.—Not later than 15
4 months after the date of the enactment of this Act, the
5 President shall submit to the appropriate congressional
6 committees a report that contains a determination of the
7 President of whether the Russian Federation has flight-
8 tested, produced, or is in possession of a ground-launched
9 cruise missile or ground-launched ballistic missile with a
10 range of between 500 and 5,500 kilometers during each
11 of the three consecutive 120-day periods beginning on the
12 date of the enactment of this Act.

13 (d) UNITED STATES ACTIONS.—If the determination
14 of the President contained in the report required to be
15 submitted under subsection (c) is that the Russian Fed-
16 eration has flight-tested, produced, or is in possession of
17 any missile described in subsection (c) during each of the
18 periods described in subsection (c), the prohibitions set
19 forth in Article VI the INF Treaty shall no longer be bind-
20 ing on the United States as a matter of United States
21 law.

1 **SEC. __. [LOG 65611] LIMITATION ON AVAILABILITY OF**
2 **FUNDS TO EXTEND THE IMPLEMENTATION**
3 **OF THE NEW START TREATY.**

4 None of the funds authorized to be appropriated or
5 otherwise made available for fiscal year 2018 for the De-
6 partment of Defense may be obligated or expended to ex-
7 tend the implementation of the New START Treaty un-
8 less the President certifies to the appropriate congres-
9 sional committees that the Russian Federation has
10 verifiably eliminated all missiles that are in violation of
11 or may be inconsistent with the INF Treaty.

1 **SEC. __. [LOG 65614] REVIEW OF RS-26 BALLISTIC MISSILE.**

2 (a) IN GENERAL.—The President, in consultation
3 with the Secretary of State, the Secretary of Defense, the
4 Chairman of the Joint Chiefs of Staff, and the Director
5 of National Intelligence, shall conduct a review of the RS-
6 26 ballistic missile of the Russian Federation.

7 (b) REPORT REQUIRED.—Not later than 90 days
8 after the date of the enactment of this Act, the President,
9 in consultation with the Secretary of State, the Secretary
10 of Defense, the Chairman of the Joint Chiefs of Staff, and
11 the Director of National Intelligence, shall submit to the
12 appropriate congressional committees a report on the re-
13 view conducted under subsection (a). The report shall in-
14 clude—

15 (1) a determination whether the RS-26 ballistic
16 missile is covered under the New START Treaty or
17 would be a violation of the INF Treaty because Rus-
18 sia has flight-tested such missile to ranges covered
19 by the INF Treaty in more than one warhead con-
20 figuration; and

21 (2) if the President determines that the RS-26
22 ballistic missile is covered under the New START
23 Treaty, a determination whether the Russian Fed-
24 eration—

1 (A) has agreed through the Bilateral Con-
2 sultative Commission that such a system is lim-
3 ited under the New START Treaty central lim-
4 its; and

5 (B) has agreed to an exhibition of such a
6 system.

7 (c) EFFECT OF DETERMINATION.—If the President,
8 with the concurrence of the Secretary of State, the Sec-
9 retary of Defense, the Chairman of the Joint Chiefs of
10 Staff, and the Director of National Intelligence, deter-
11 mines that the RS–26 ballistic missile is covered under
12 the New START Treaty and that the Russian Federation
13 has not taken the steps described under subsection (b)(2),
14 the United States Government shall consider for purposes
15 of all policies and decisions that the RS–26 ballistic mis-
16 sile of the Russian Federation is a violation of the INF
17 Treaty.

1 **SEC. 16** ____ .**[Log 65201] CLARIFICATION OF ANNUAL BRIEF-**
2 **ING ON THE INTELLIGENCE, SURVEILLANCE,**
3 **AND RECONNAISSANCE REQUIREMENTS OF**
4 **THE COMBATANT COMMANDS.**

5 Section 1626 of the Carl Levin and Howard P.
6 “Buck” McKeon National Defense Authorization Act for
7 Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3635)
8 is amended—

9 (1) by inserting “(including with respect to
10 space-based intelligence, surveillance, and reconnais-
11 sance)” after “intelligence, surveillance, and recon-
12 naissance requirements” both places it appears; and

13 (2) in paragraph (2), by striking “critical intel-
14 ligence, surveillance and reconnaissance require-
15 ments” and inserting “critical intelligence, surveil-
16 lance, and reconnaissance requirements (including
17 with respect to space-based intelligence, surveillance,
18 and reconnaissance)”.

1 **SEC. 16 ____.**[Log 65202] **COMMERCIAL SATELLITE COMMU-**
2 **NICATIONS PATHFINDER PROGRAM.**

3 (a) SENSE OF CONGRESS.—It is the Sense of Con-
4 gress that the Secretary of the Air Force should—

5 (1) use the acquisition authority under the
6 pathfinder program to acquire, from commercial
7 providers, satellite bandwidth, ground services, and
8 advanced services; and

9 (2) use the transaction authority provided by
10 section 2371 of title 10, United States Code, to
11 make a portion of such acquisitions.

12 (b) REPORT.—Not later than March 1, 2018, the
13 Secretary of the Air Force shall submit to the Committees
14 on Armed Services of the Senate and the House of Rep-
15 resentatives a report that includes the views and plans of
16 the Secretary with respect to making a portion of the ac-
17 quisitions described in subsection (a)(1) using the trans-
18 action authority provided by section 2371 of title 10,
19 United States Code.

20 (c) DEFINITION.—In this section, the term “path-
21 finder program” means the commercial satellite commu-
22 nications programs of the Air Force designed to dem-
23 onstrate the feasibility of new, alternative acquisition and

1 procurement models for commercial satellite communica-
2 tions.

1 **SEC. 16** ____ **.[Log 65203] CONDITIONAL TRANSFER OF ACQUI-**
2 **SITION AND FUNDING AUTHORITY OF CER-**
3 **TAIN WEATHER MISSIONS TO NATIONAL RE-**
4 **CONNAISSANCE OFFICE.**

5 Section 1614 of the National Defense Authorization
6 Act for Fiscal Year 2017 (Public Law 114–328) is amend-
7 ed—

8 (1) by redesignating subsection (d) as sub-
9 section (e); and

10 (2) by inserting after subsection (c) the fol-
11 lowing new subsection (d):

12 “(d) IMPLEMENTATION OF PLANS.—The Secretary
13 of the Air Force shall implement the plan developed under
14 paragraph (1) of subsection (b), and the Director of the
15 National Reconnaissance Office shall implement the plan
16 developed under paragraph (2) of such subsection, unless
17 the Secretary and the Director each make a waiver under
18 subsection (e).”.

1 **SEC. 16 ____.**[Log 65328] **ESTABLISHMENT OF SPACE FLAG**
2 **TRAINING EVENT.**

3 (a) ESTABLISHMENT.—Not later than December 31,
4 2020, the Secretary of Defense shall establish an annual
5 capstone training event titled “Space Flag” for space pro-
6 fessionals to—

7 (1) develop and test doctrine, concepts of oper-
8 ation, and tactics, techniques, and procedures, for—

9 (A) protecting and defending assets and
10 interests of the United States through the spec-
11 trum of space control activities;

12 (B) operating in the event of degradation
13 or loss of space capabilities;

14 (C) conducting space operations in a con-
15 flict that extends to space;

16 (D) deterring conflict in space; and

17 (E) other areas the Secretary determines
18 necessary; and

19 (2) inform and develop the appropriate design
20 of the operational training infrastructure of the
21 space domain, including with respect to appropriate
22 and dedicated ranges, threat replication, test com-
23 munity support, advanced space training require-

1 ments, training simulators, and multi-domain force
2 packaging.

3 (b) TRAINING.—In establishing the Space Flag train-
4 ing event under subsection (a), the Secretary shall—

5 (1) model the training event on the Red Flag
6 and Cyber Flag exercises; and

7 (2) ensure that Space Flag includes live, vir-
8 tual, and constructive training and on-orbit threat
9 replication, as appropriate.

10 (c) PLAN.—Not later than one year after the date
11 of the enactment of this Act, the Secretary, in coordina-
12 tion with the Commander of the Air Force Space Com-
13 mand, the Commander of the Army Space and Missile De-
14 fense Command, and the Commander of the Navy Space
15 and Naval Warfare Systems Command, shall submit to
16 the congressional defense committees a plan to establish
17 the Space Flag training under subsection (a), including
18 a description of each objective of the training.

1 **SEC. 16**____.**[Log 65437] EXTENSION OF PILOT PROGRAM ON**
2 **COMMERCIAL WEATHER DATA.**

3 Section 1613 of the National Defense Authorization
4 Act for Fiscal Year 2017 (Public Law 114–328) is amend-
5 ed—

6 (1) in subsection (b), by striking “one year”
7 and inserting “two years”;

8 (2) in subsection (c)—

9 (A) by striking “Committees on Armed
10 Services of the House of Representatives and
11 the Senate” each place it appears and inserting
12 “appropriate congressional committees”; and

13 (B) by adding at the end the following new
14 paragraph:

15 “(3) APPROPRIATE CONGRESSIONAL COMMIT-
16 TEES DEFINED.—In this subsection, the term ‘ap-
17 propriate congressional committees’ means—

18 “(A) the Committees on Armed Services of
19 the Senate and the House of Representatives;
20 and

21 “(B) the Select Committee on Intelligence
22 of the Senate and the Permanent Select Com-
23 mittee on Intelligence of the House of Rep-
24 resentatives.”.

1 **SEC. 16** ____ .**[Log 65585] FOREIGN COMMERCIAL SATELLITE**
2 **SERVICES: CYBERSECURITY THREATS AND**
3 **LAUNCHES.**

4 (a) **CYBERSECURITY RISKS.**—Subsection (a) of sec-
5 tion 2279 of title 10, United States Code, is amended—

6 (1) in paragraph (1), by striking “; or” and in-
7 serting a semicolon;

8 (2) in paragraph (2), by striking the period at
9 the end and inserting: “; or”; and

10 (3) by adding at the end the following new
11 paragraph:

12 “(3) entering into such contract would create a
13 cybersecurity risk for the Department of Defense.”.

14 (b) **LAUNCHES.**—

15 (1) **IN GENERAL.**—Such section is amended—

16 (A) by redesignating subsections (b)
17 through (e) as subsections (c) through (f), re-
18 spectively; and

19 (B) by inserting after subsection (a) the
20 following new subsection (b):

21 “(b) **LAUNCHES.**—In addition to the prohibition in
22 subsection (a), and except as provided in subsection (c),
23 the Secretary may not enter into a contract for satellite
24 services with any entity if the Secretary reasonably be-

1 believes that such satellite services will be provided using
2 satellites that will be launched—

3 “(1) from a covered foreign country; or

4 “(2) using a launch vehicle that is designed or
5 manufactured in a covered foreign country, or that
6 is provided by the government of a covered foreign
7 country or by an entity controlled in whole or in part
8 by, or acting on behalf of, the government of a cov-
9 ered foreign country, regardless of the location of
10 the launch.”.

11 (2) EXCEPTION.—The prohibition in subsection
12 (b) of section 2279 of title 10, United States Code,
13 as added by paragraph (1), shall not apply with re-
14 spect to—

15 (A) a launch that occurred prior to the
16 date that is 6 months after the date of the en-
17 actment of this Act; or

18 (B) a contract or other agreement relating
19 to launch services that, prior to the date that
20 is 6 months after the date of the enactment of
21 this Act, was either fully paid for by the con-
22 tractor or covered by a legally binding commit-
23 ment of the contractor to pay for such services.

1 (c) DEFINITIONS.—Subsection (f) of section 2279 of
2 title 10, United States Code, as redesignated by subsection
3 (b)(1)(A), is amended to read as follows:

4 “(f) DEFINITIONS.—In this section:

5 “(1) The term ‘covered foreign country’ means
6 any of the following:

7 “(A) A country described in section
8 1261(c)(2) of the National Defense Authoriza-
9 tion Act for Fiscal Year 2013 (Public Law
10 112–239; 126 Stat. 2019).

11 “(B) The Russian Federation.

12 “(2) The term ‘cybersecurity risk’ means
13 threats to and vulnerabilities of information or infor-
14 mation systems and any related consequences caused
15 by or resulting from unauthorized access, use, diselo-
16 sure, degradation, disruption, modification, or de-
17 struction of such information or information sys-
18 tems, including such related consequences caused by
19 an act of terrorism.”.

20 (d) CONFORMING AND CLERICAL AMENDMENTS.—

21 (1) CONFORMING AMENDMENTS.—Such section
22 2279 is further amended—

23 (A) in the section heading, by striking
24 “services” and inserting “**services and for-**
25 **eign launches**”;

1 (B) by striking “subsection (b)” each place
2 it appears and inserting “subsection (c)”;

3 (C) in subsection (a)(2), by striking
4 “launch or other”;

5 (D) in subsection (c), as redesignated by
6 subsection (b)(1), by striking “prohibition in
7 subsection (a)” and inserting “prohibitions in
8 subsection (a) and (b)”;

9 (E) in subsection (d), as so redesignated,
10 by striking “prohibition under subsection (a)”
11 and inserting “prohibition under subsection (a)
12 or (b)”.

13 (2) CLERICAL AMENDMENT.—The table of sec-
14 tions at the beginning of chapter 135 of title 10,
15 United States Code, is amended by striking the item
16 relating to section 2279 and inserting the following:

“2279. Foreign commercial satellite services and foreign launches.”.

17 (e) APPLICATION.—Except as provided by subsection
18 (b)(2), the amendments made by this section shall apply
19 with respect to contracts for satellite services awarded by
20 the Secretary of Defense on or after the date of the enact-
21 ment of this Act.

1 **SEC. 16** ____ .[Log 65637] **CODIFICATION, EXTENSION, AND**
2 **MODIFICATION OF LIMITATION ON CON-**
3 **STRUCTION ON UNITED STATES TERRITORY**
4 **OF SATELLITE POSITIONING GROUND MONI-**
5 **TORING STATIONS OF FOREIGN GOVERN-**
6 **MENTS.**

7 (a) **CODIFICATION, EXTENSION, AND MODIFICA-**
8 **TION.**—Chapter 135 of title 10, United States Code, is
9 amended by adding at the end the following new section:

10 **“§ 2279c. Limitation on construction on United States**
11 **territory of satellite positioning ground**
12 **monitoring stations of certain foreign**
13 **governments.**

14 “(b) **EXCEPTION.**—The limitation in subsection (a)
15 shall not apply to foreign governments that are allies of
16 the United States.

17 “(c) **SUNSET.**—The limitation in subsection (a) shall
18 terminate on December 31, 2023.”.

19 (b) **TRANSFER OF PROVISION.**—Subsection (b) of
20 section 1602 of the National Defense Authorization Act
21 for Fiscal Year 2014 (Public Law 113–66; 10 U.S.C.
22 2281 note) is—

23 (1) transferred to section 2279c of title 10,
24 United States Code, as added by subsection (a);

- 1 (2) inserted as the first subsection of such sec-
- 2 tion;
- 3 (3) redesignated as subsection (a); and
- 4 (4) amended—
- 5 (A) by amending the subsection heading to
- 6 read as follows: “LIMITATION”; and
- 7 (B) by striking paragraph (6).

1 **SEC. 16** ____ .[Log 64906] **PROCUREMENT AUTHORITY FOR**
2 **CERTAIN PARTS OF INTERCONTINENTAL**
3 **BALLISTIC MISSILE FUZES.**

4 (a) **AVAILABILITY OF FUNDS.**—Notwithstanding sec-
5 tion 1502(a) of title 31, United States Code, of the
6 amount authorized to be appropriated for fiscal year 2018
7 by section 101 and available for Missile Procurement, Air
8 Force, as specified in the funding table in division D,
9 \$6,334,000 shall be available for the procurement of cov-
10 ered parts pursuant to contracts entered into under sec-
11 tion 1645(a) of the Carl Levin and Howard P. “Buck”
12 McKeon National Defense Authorization Act for Fiscal
13 Year 2015 (Public Law 113–291; 128 Stat. 3651).

14 (b) **COVERED PARTS DEFINED.**—In this section, the
15 term “covered parts” means commercially available off-
16 the-shelf items as defined in section 104 of title 41, United
17 States Code.

1 **SEC. 16 ____.**[Log 64921] **SENSE OF CONGRESS ON IMPOR-**
2 **TANCE OF INDEPENDENT NUCLEAR DETER-**
3 **MENT OF UNITED KINGDOM.**

4 It is the sense of Congress that—

5 (1) nuclear deterrence is foundational to the de-
6 fense and security of the United States and the se-
7 curity of the United States is enhanced by a nuclear-
8 armed ally with common values and security prior-
9 ities;

10 (2) the United States sees the nuclear deterrent
11 of the United Kingdom as central to transatlantic
12 security and welcomes the commitment of the
13 United Kingdom to the North Atlantic Treaty Orga-
14 nization (NATO) to continue to spend two percent
15 of gross domestic product on defense;

16 (3) in the face of increasing threats, the pres-
17 ence of credible nuclear deterrent forces of the
18 United Kingdom is essential to international sta-
19 bility and for NATO;

20 (4) the commitment of the United Kingdom to
21 sustaining an independent nuclear deterrent, de-
22 ployed continuously at sea, provides a vital second
23 decision-making point within the deterrent capability

1 of NATO, creating essential uncertainty in the mind
2 of any potential adversary;

3 (5) the United States Navy must continue to
4 execute the Columbia-class submarine program on
5 time and within budget to ensure that the sea-based
6 leg of the nuclear triad of the United States is sus-
7 tained and the program delivers a Common Missile
8 Compartment, the Trident II (D5) Strategic Weap-
9 on System, and associated equipment and produc-
10 tion capabilities, to support the successful develop-
11 ment and deployment of the Dreadnought sub-
12 marines of the United Kingdom;

13 (6) the support that the United Kingdom pro-
14 vides to deployments of strategic ships and aircraft
15 of the United States at specialized facilities enables
16 a vital part of the deterrence posture of the United
17 States as well as mutual deterrence of adversaries
18 and assurance to the allies and partners of the
19 United States; and

20 (7) the collaboration of the United Kingdom
21 with the United States on the military use of atomic
22 energy ensures a peer in the technology and science
23 of nuclear weapons and provides independent expert
24 peer review of the nuclear programs of the United

- 1 States, ensuring resilience, and cost effectiveness to
- 2 the nuclear defense programs of both nations.

1 **SEC. 16** ____ .**[Log 65301] NOTIFICATIONS REGARDING DUAL-**
2 **CAPABLE F-35A AIRCRAFT.**

3 Section 179(f) of title 10, United States Code, is
4 amended—

5 (1) by redesignating paragraph (6) as para-
6 graph (7); and

7 (2) by inserting after paragraph (5) the fol-
8 lowing new paragraph (6):

9 “(6) If a House of Congress adopts a bill authorizing
10 or appropriating funds for the Department of Defense
11 that, as determined by the Council, provides funds in an
12 amount that will result in a delay in the nuclear certifi-
13 cation or delivery of F-35A dual-capable aircraft, the
14 Council shall notify the congressional defense committees
15 of the determination.”.

1 **SECTION 16 ____.**[Log 65396] **OVERSIGHT OF AERIAL-LAYER**
2 **PROGRAMS BY COUNCIL ON OVERSIGHT OF**
3 **THE NATIONAL LEADERSHIP COMMAND,**
4 **CONTROL, AND COMMUNICATIONS SYSTEM.**

5 Any analysis of alternatives for the Senior Leader
6 Airborne Operations Center, the executive airlift program
7 of the Air Force, and the E-6B modernization program
8 may not receive final approval by the Joint Requirements
9 Oversight Council, and the Director of Cost Assessment
10 and Program Evaluation may not conduct any sufficiency
11 review of such an analysis of alternatives, unless—

12 (1) the Council on Oversight of the National
13 Leadership Command, Control, and Communications
14 System established by section 171a of title 10,
15 United States Code, determines that the alternatives
16 for such programs are capable of meeting the re-
17 quirements for senior leadership communications in
18 support of the nuclear command, control, and com-
19 munications mission of the Department of Defense
20 and the continuity of government mission of the De-
21 partment;

22 (2) the Council submits to the congressional de-
23 fense committees such determination; and

- 1 (3) a period of 30 days elapses following the
- 2 date of such submission.

1 **SEC. 16** ____ .**[Log 65397] OVERSIGHT OF DELAYED ACQUISITION PROGRAMS BY COUNCIL ON OVER-**
2 **SIGHT OF THE NATIONAL LEADERSHIP COM-**
3 **MAND, CONTROL, AND COMMUNICATIONS**
4 **SYSTEM.**
5

6 (a) STATUS UPDATES.—Section 171a of title 10,
7 United States Code, is amended—

8 (1) by redesignating subsection (k) as sub-
9 section (l); and

10 (2) by inserting after subsection (j) the fol-
11 lowing new subsection (k):

12 “(k) STATUS OF ACQUISITION PROGRAMS.—(1) On
13 a quarterly basis, each program manager of a covered ac-
14 quisition program shall transmit to the co-chairs of the
15 Council, acting through the senior steering group of the
16 Council, a report that identifies—

17 “(A) the covered acquisition program;

18 “(B) the requirements of the program;

19 “(C) the development timeline of the program;

20 and

21 “(D) the status of the program, including
22 whether the program is delayed and, if so, whether
23 such delay will result in a program schedule delay.

1 “(2) Not later than seven days after the end of each
2 quarter, the co-chairs of the Council shall submit to the
3 congressional defense committees a report that identifies,
4 with respect to the reports transmitted to the Council
5 under paragraph (1) for that quarter—

6 “(A) each covered acquisition program that is
7 delayed more than 180 days; and

8 “(B) any covered acquisition program that
9 should have been included in such reports but was
10 excluded, and the reasons for such exclusion.

11 “(3) In this subsection, the term ‘covered acquisition
12 program’ means each acquisition program of the Depart-
13 ment of Defense that materially contributes to—

14 “(A) the nuclear command, control, and com-
15 munications systems of the United States; or

16 “(B) the continuity of government systems of
17 the United States.”.

18 (b) INSTRUCTIONS.—The Secretary of Defense shall
19 issue a Department of Defense Instruction, or revise such
20 an Instruction, to ensure that program managers carry
21 out subsection (k)(1) of section 171a of title 10, United
22 States Code, as added by subsection (a).

1 **SEC. 16** ____ .**[Log 65410] SECURITY CLASSIFICATION GUIDE**
2 **FOR PROGRAMS RELATING TO NUCLEAR**
3 **COMMAND, CONTROL, AND COMMUNICA-**
4 **TIONS AND NUCLEAR DETERRENCE.**

5 (a) REQUIREMENT FOR SECURITY CLASSIFICATION
6 GUIDE.—Not later than 90 days after the date of the en-
7 actment of this Act, the Secretary of Defense shall require
8 the issuance of a security classification guide for each cov-
9 ered program to ensure the protection of sensitive infor-
10 mation from public disclosure.

11 (b) REQUIREMENTS.—Each security classification
12 guide issued pursuant to subsection (a) shall be—

13 (1) approved by—

14 (A) the Council on Oversight of the Na-
15 tional Leadership Command, Control, and Com-
16 munications System with respect to covered
17 programs under paragraph (1) or (2) of sub-
18 section (c); or

19 (B) the Nuclear Weapons Council with re-
20 spect to covered programs under paragraph (3)
21 of such subsection; and

22 (2) issued not later than March 19, 2019, with
23 respect to a covered program in existence as of such
24 date.

1 (c) COVERED PROGRAM DEFINED.—In this section,
2 the term “covered program” means programs of the De-
3 partment of Defense in existence on or after the date of
4 the enactment of this Act relating to any of the following:

5 (1) Continuity of government.

6 (2) Nuclear command, control, and communica-
7 tions.

8 (3) Nuclear deterrence.

1 **SEC. 16** ____ .**[Log 65411] SECURITY OF NUCLEAR COMMAND,**
2 **CONTROL, AND COMMUNICATIONS SYSTEM**
3 **FROM COMMERCIAL DEPENDENCIES.**

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

5 (1) At a hearing before the Committee on
6 Armed Services of the House of Representatives on
7 September 30, 2015, Deputy Secretary of Defense
8 Robert Work, responding to a question about the
9 use of Huawei telecommunications equipment, stat-
10 ed, “In the Office of the Secretary of Defense, abso-
11 lutely not. And I know of no other—I don’t believe
12 we operate in the Pentagon, any [Huawei] systems
13 in the Pentagon.”.

14 (2) At such hearing, the Commander of the
15 United States Cyber Command, Admiral Mike Rog-
16 ers, responding to a question about why such
17 Huawei telecommunications equipment is not used,
18 stated, “as we look at supply chain and we look at
19 potential vulnerabilities within the system, that it is
20 a risk we felt was unacceptable.”.

21 (3) At a hearing before the Committee on
22 Armed Services of the House of Representatives on
23 June 22, 2016, Acting Assistant Secretary of De-
24 fense for Homeland Defense and Global Security

1 Thomas Atkin, stated, “There are currently no
2 Huawei or ZTE products on the DoD Unified Capa-
3 bilities Approved Products List (APL).”.

4 (b) CERTIFICATION.—Not later than 180 days after
5 the date of the enactment of this Act, the Secretary of
6 Defense shall certify to the congressional defense commit-
7 tees whether the Secretary uses covered telecommuni-
8 cations equipment or services as a substantial or essential
9 component of any system, or as critical technology as part
10 of any system, to carry out—

11 (1) the nuclear deterrence mission of the De-
12 partment of Defense, including with respect to nu-
13 clear command, control, and communications, inte-
14 grated tactical warning and attack assessment, and
15 continuity of government; or

16 (2) the homeland defense mission of the De-
17 partment, including with respect to ballistic missile
18 defense.

19 (c) PROHIBITION AND MITIGATION.—

20 (1) PROHIBITION.—Except as provided by
21 paragraph (2), beginning on the date that is one
22 year after the date of the enactment of this Act, the
23 Secretary of Defense may not procure or obtain, or
24 extend or renew a contract to procure or obtain, any
25 equipment, system, or service to carry out the mis-

1 sions described in paragraphs (1) and (2) of sub-
2 section (b) that uses covered telecommunications
3 equipment or services as a substantial or essential
4 component of any system, or as critical technology
5 as part of any system.

6 (2) WAIVER.—The Secretary may waive the
7 prohibition in paragraph (1) on a case-by-case basis
8 for a single one-year period if the Secretary—

9 (A) determines such waiver to be in the
10 national security interests of the United States;
11 and

12 (B) certifies to the congressional commit-
13 tees that—

14 (i) there are sufficient mitigations in
15 place to guarantee the ability of the Sec-
16 retary to carry out the missions described
17 in paragraphs (1) and (2) of subsection
18 (b); and

19 (ii) the Secretary is removing the use
20 of covered telecommunications equipment
21 or services in carrying out such missions.

22 (3) DELEGATION.—The Secretary may not del-
23 egate the authority to make a waiver under para-
24 graph (2) to any official other than the Deputy Sec-
25 retary of Defense or the co-chairs of the Council on

1 Oversight of the National Leadership Command,
2 Control, and Communications System established by
3 section 171a of title 10, United States Code.

4 (d) DEFINITIONS.—In this section:

5 (1) The term “congressional defense commit-
6 tees” has the meaning given that term in section
7 101(a)(16) of title 10, United States Code.

8 (2) The term “covered foreign country” means
9 any of the following:

10 (A) The People’s Republic of China.

11 (B) The Russian Federation.

12 (3) The term “covered telecommunications
13 equipment or services” means any of the following:

14 (A) Telecommunications equipment pro-
15 duced by Huawei Technologies Company or
16 ZTE Corporation (or any subsidiary or affiliate
17 of such entities).

18 (B) Telecommunications services provided
19 by such entities or using such equipment.

20 (C) Telecommunications equipment or
21 services produced or provided by an entity that
22 the Secretary of Defense reasonably believes to
23 be an entity owned or controlled by, or other-
24 wise connected to, the government of a covered
25 foreign country.

1 **SEC. 16** ____ **.[Log 65413] EVALUATION AND ENHANCED SECUR-**
2 **ITY OF SUPPLY CHAIN FOR NUCLEAR COM-**
3 **MAND, CONTROL, AND COMMUNICATIONS**
4 **AND CONTINUITY OF GOVERNMENT PRO-**
5 **GRAMS.**

6 (a) EVALUATIONS OF SUPPLY CHAIN
7 VULNERABILITIES.—

8 (1) IN GENERAL.—Not later than December 31,
9 2019, and in accordance with the plan under para-
10 graph (2)(A), the Secretary of Defense shall conduct
11 evaluations of the supply chain vulnerabilities of
12 each covered program.

13 (2) PLAN.—

14 (A) DEVELOPMENT.—The Secretary shall
15 develop a plan to carry out the evaluations
16 under paragraph (1).

17 (B) SUBMISSION.—Not later than 180
18 days after the date of the enactment of this
19 Act, the Secretary shall submit to the congres-
20 sional defense committees the plan under sub-
21 paragraph (A).

22 (3) WAIVER.—The Secretary may waive, on a
23 case-by-case basis with respect to a weapons system,
24 a program, or a system of systems, of a covered pro-

1 gram, either the requirement to conduct an evalua-
2 tion under paragraph (1) or the deadline specified in
3 such paragraph if the Secretary certifies to the con-
4 gressional defense committees before such date that
5 all known supply chain vulnerabilities of such weap-
6 ons system, program, or system of systems have
7 minimal consequences for the capability of such
8 weapons system, program, or system of systems to
9 meet operational requirements or otherwise satisfy
10 mission requirements.

11 (4) RISK MITIGATION STRATEGIES.—In car-
12 rying out an evaluation under paragraph (1) with re-
13 spect to a covered program specified in subpara-
14 graph (B) or (C) of subsection (c)(2), the Secretary
15 shall develop strategies for mitigating the risks of
16 supply chain vulnerabilities identified in the course
17 of such evaluation.

18 (b) PRIORITIZATION OF CERTAIN SUPPLY CHAIN
19 RISK MANAGEMENT EFFORTS.—

20 (1) INSTRUCTIONS.—Not later than 180 days
21 after the date of the enactment of this Act, the Sec-
22 retary shall issue a Department of Defense Instruc-
23 tion, or update such an Instruction, establishing the
24 prioritization of supply chain risk management pro-
25 grams, including supply chain risk management

1 threat assessment reporting, to ensure that acquisi-
2 tion and sustainment programs relating to covered
3 programs receive the highest priority of such supply
4 chain risk management programs and reporting.

5 (2) REQUIREMENTS.—

6 (A) ESTABLISHMENT.—The Secretary
7 shall establish requirements to carry out supply
8 chain risk management threat assessment col-
9 lections and analyses under acquisition and
10 sustainment programs relating to covered pro-
11 grams.

12 (B) SUBMISSION.—Not later than 120
13 days after the date of the enactment of this
14 Act, the Secretary shall submit to the appro-
15 priate congressional committees the require-
16 ments established under subparagraph (A).

17 (c) DEFINITIONS.—In this section:

18 (1) The term “appropriate congressional com-
19 mittees” means—

20 (A) the congressional defense committees;
21 and

22 (B) the Permanent Select Committee on
23 Intelligence of the House of Representatives
24 and the Select Committee on Intelligence of the
25 Senate.

1 (2) The term “covered programs” means pro-
2 grams relating to any of the following:

3 (A) Nuclear weapons.

4 (B) Nuclear command, control, and com-
5 munications.

6 (C) Continuity of government.

7 (D) Ballistic missile defense.

1 **SEC. 16** ____ **.[Log 65479] LIMITATION ON PURSUIT OF CER-**
2 **TAIN COMMAND AND CONTROL CONCEPT.**

3 (a) LIMITATION ON COMMAND AND CONTROL CON-
4 CEPT.—The Secretary of the Air Force may not award
5 a contract for engineering and manufacturing development
6 for the ground-based strategic deterrent program that
7 would result in a command and control concept for such
8 program that consists of less than 15 fixed launch control
9 centers per missile wing unless the Commander of the
10 United States Strategic Command—

11 (1) determines that—

12 (A) the plans of the Secretary for a com-
13 mand and control concept consisting of less
14 than 15 fixed launch control centers per missile
15 wing are appropriate, meet requirements, and
16 do not contain excessive risk;

17 (B) the risks to schedules and costs from
18 such concept are minimized and manageable;

19 (C) the strategy and plan of the Secretary
20 for addressing cyber threats for such concept
21 are robust; and

22 (D) with respect to such concept, the Sec-
23 retary has established an appropriate process
24 for considering and managing trade-offs among

1 requirements relating to survivability, long-term
2 operations and sustainment costs, procurement
3 costs, and military personnel needs; and

4 (2) submits, in writing, to the Secretary and
5 the congressional defense committees such deter-
6 mination.

7 (b) INABILITY TO MAKE DETERMINATION.—If the
8 Secretary proposes to award a contract specified in sub-
9 section (a) and the Commander is unable to make the de-
10 termination under such subsection, the Commander shall
11 submit, in writing, to the Secretary and the congressional
12 defense committees the reasons for not making such deter-
13 mination.

14 (c) NO EFFECT ON COMPETITION.—Nothing in sub-
15 section (a) or (b) shall be construed to affect or prohibit
16 the ability of the Secretary to use fair and open competi-
17 tion procedures in soliciting, evaluating, and awarding
18 contracts for the ground-based strategic deterrent pro-
19 gram.

1 **SEC. 16** ____ **.[Log 65401] REVIEW OF PROPOSED GROUND-**
2 **BASED MIDCOURSE DEFENSE SYSTEM CON-**
3 **TRACT.**

4 (a) **LIMITATION ON CHANGES TO CONTRACTING**
5 **STRATEGY.**—The Director of the Missile Defense Agency
6 may not change the contracting strategy for the systems
7 integration, operations, and test of the ground-based mid-
8 course defense system until the date on which—

9 (1) the report under subsection (b)(3) is sub-
10 mitted to the congressional defense committees; and

11 (2) a period of 30 days has elapsed following
12 the date of such submission.

13 (b) **REVIEW.**—

14 (1) **IN GENERAL.**—The Director of Cost Assess-
15 ment and Program Evaluation shall conduct a re-
16 view of the contract for the systems integration, op-
17 erations, and test of the ground-based midcourse de-
18 fense system. Such review shall include the fol-
19 lowing:

20 (A) Contract performance of current in-
21 dustry-led prime contract approach, including
22 with respect to—

23 (i) system readiness performance and
24 reliability growth;

1 (ii) development, integration, and
2 fielding of new homeland defense capabili-
3 ties; and

4 (iii) cost performance against baseline
5 contract.

6 (B) With respect to alternate contracting
7 approaches—

8 (i) an enumeration and detailing of
9 any specific benefits for each such alter-
10 nate approach;

11 (ii) an identification of specific costs
12 to switching to each such alternate ap-
13 proach; and

14 (iii) detailing of the specific risks of
15 each such alternate approach to homeland
16 defense, including regarding schedule,
17 costs, and the sustainment, maintenance,
18 development, and fielding, of integrated ca-
19 pabilities.

20 (C) With respect to contracting approaches
21 that transition to Federal Government-led sys-
22 tems engineering integration and test—

23 (i) an enumeration of the processes,
24 procedures, and command media that have
25 been established by the Missile Defense

1 Agency and proven to be effective for the
2 execution of programs that are of the scale
3 of the ground-based midcourse defense sys-
4 tem; and

5 (ii) the manner in which a new con-
6 tract will control for growth in the per-
7 sonnel and support contracts of the Fed-
8 eral Government to support cost growth
9 and minimize the risk of schedule delay.

10 (D) A baseline for historical and current
11 staffing of the ground-based midcourse defense
12 system program, specifically with respect to
13 personnel of the Federal Government, personnel
14 of federally funded research and development
15 centers, personnel of departments and agencies
16 of the Federal Government, and support con-
17 tractors.

18 (E) Projections of the staffing categories
19 specified in subparagraph (D) under a new con-
20 tracting strategy and how such staffing cat-
21 egories will be limited to prevent significant
22 cost growth and to minimize the risk of sched-
23 ule delays.

24 (F) The views and recommendations of the
25 Director for any changes the current ground-

1 based midcourse defense system contract or a
2 new contract, including the proposed con-
3 tracting strategy of the Missile Defense Agency.

4 (G) Any other such matters the Director
5 determines appropriate.

6 (2) TRANSMISSION.—The Director of Cost As-
7 sessment and Program Evaluation shall transmit to
8 the Under Secretary of Defense for Research and
9 Engineering and the Missile Defense Executive
10 Board the review under paragraph (1).

11 (3) REPORT.—Not later than 30 days after the
12 date on which the Under Secretary and the Missile
13 Defense Executive Board receive the review under
14 paragraph (1), the Under Secretary and Board shall
15 jointly submit to the congressional defense commit-
16 tees a report containing—

17 (A) the review, without change; and

18 (B) any views and recommendations of the
19 Under Secretary and the Board on such review.

1 **SEC. 16** ____ .**[Log 65402] PRESERVATION OF THE BALLISTIC**
2 **MISSILE DEFENSE CAPACITY OF THE ARMY.**

3 (a) **LIMITATION.**—None of the funds authorized to
4 be appropriated by this Act or otherwise made available
5 for fiscal year 2018 or any fiscal year thereafter for the
6 Army may be obligated or expended to demilitarize any
7 GEM–T interceptor or remove any such interceptor from
8 the operational inventory of the Army until the date on
9 which the Secretary of the Army submits to the congres-
10 sional defense committees the evaluation conducted under
11 subsection (b).

12 (b) **EVALUATION.**—The Secretary and the Chief of
13 Staff of the Army shall jointly conduct an evaluation of
14 the ability of the Army to meet warfighter requirements
15 and operational needs if GEM–T interceptors are removed
16 from the operational inventory of the Army. In conducting
17 such evaluation, the Secretary and the Chief of Staff shall
18 evaluate whether the Army can maintain an inventory of
19 interceptors necessary to retain the capability provided by
20 GEM–T interceptors and to meet such operational needs
21 by either—

22 (1) recertifying GEM–T interceptors (either
23 with or without modification); or

1 (2) developing, testing, and fielding a new low-
2 cost interceptor that can be placed on the oper-
3 ational inventory of the Army prior to the retirement
4 of GEM-T interceptors.

5 (c) EXCEPTION.—The limitation in subsection (a)
6 shall not apply to activities that the Secretary determines
7 are critical to the safety of GEM–T interceptors.

8 (d) GEM–T INTERCEPTOR DEFINED.—In this sec-
9 tion, the term “GEM–T interceptor” means the Patriot
10 guidance enhanced missile TBM.

1 **SEC. 16** ____ .**[Log 65403] AEGIS ASHORE ANTI-AIR WARFARE**
2 **CAPABILITY.**

3 (a) **AUTHORIZATION.**—Using funds authorized to be
4 appropriated by sections 101 and 201 of this Act or other-
5 wise made available for fiscal year 2018 for procurement
6 and research, development, test, and evaluation, as speci-
7 fied in the funding tables in division D, the Secretary of
8 Defense shall continue the development, procurement, and
9 deployment of anti-air warfare capabilities at each Aegis
10 Ashore site in Romania and Poland. The Secretary shall
11 ensure the deployment of such capabilities—

12 (1) at such sites in Romania by not later than
13 one year after the date of the enactment of this Act;
14 and

15 (2) at such sites in Poland by not later than
16 one year after the declaration of operational status
17 for such sites.

18 (b) **REPROGRAMMING AND TRANSFERS.**—Any re-
19 programming or transfer made to carry out subsection (a)
20 shall be carried out in accordance with established proce-
21 dures for reprogramming or transfers.

1 **SEC. 16** ____ .**[Log 65405] MODERNIZATION OF ARMY LOWER**
2 **TIER AIR AND MISSILE DEFENSE SENSOR.**

3 (a) **APPROVAL OF ACQUISITION STRATEGY.**—

4 (1) **IN GENERAL.**—Not later than April 15,
5 2018, the Secretary of the Army shall issue an ac-
6 quisition strategy for a 360-degree lower tier air and
7 missile defense sensor that achieves initial operating
8 capability by not later than January 1, 2022.

9 (2) **REQUIREMENTS.**—The acquisition strategy
10 under paragraph (1) shall—

11 (A) ensure the use of competitive proce-
12 dures;

13 (B) clearly describe the open-architecture
14 design to be used;

15 (C) provide a comprehensive fielding plan
16 that provides 360-degree lower tier air and mis-
17 sile defense sensor capability to all units of the
18 Army by not later than January 1, 2026;

19 (D) define the operation and sustainment
20 cost savings of the acquisition strategy and
21 other acquisition options of the Army;

22 (E) identify any programmatic cost avoid-
23 ance that could be achieved through co-produc-
24 tion, co-development, or foreign military sales;

1 (F) ensure the fielding of an interim gap-
2 filler capability to the highest priority forces
3 (consisting of not less than three battalions) for
4 imminent threats; and

5 (G) identify the estimated cost to field
6 both the 360-degree lower tier air and missile
7 defense sensor capability and the interim capa-
8 bility pursuant to subparagraph (E).

9 (3) LIMITATION.—If the Secretary of the Army
10 does not issue the acquisition strategy under sub-
11 section (a) by April 15, 2018, none of the funds au-
12 thorized to be appropriated by this Act or otherwise
13 made available for fiscal year 2018 for the lower tier
14 air and missile defense sensor of the Army that are
15 unobligated as of such date may be obligated or ex-
16 pended.

17 (b) CONDITIONAL TRANSFER.—

18 (1) MDA.—If the Secretary of the Army does
19 not issue the acquisition strategy under subsection
20 (a) by April 15, 2018, the Secretary of Defense shall
21 transfer from the Secretary of the Army to the Di-
22 rector of the Missile Defense Agency—

23 (A) the responsibility to issue the acquisi-
24 tion strategy described in subsection (a) by not
25 later than December 15, 2018; and

1 (B) beginning on the date of such ap-
2 proval, the responsibility to implement such ac-
3 quisition strategy to procure a 360-degree lower
4 tier air and missile defense sensor.

5 (2) ARMY.—If the Secretary of Defense carries
6 out the transfer under paragraph (1), after the 360-
7 degree lower tier air and missile defense sensor
8 achieves Milestone B approval (or equivalent), but
9 before such sensor achieves Milestone C approval (or
10 equivalent), the Secretary of Defense shall transfer
11 from the Director of the Missile Defense Agency to
12 the Secretary of the Army the responsibility to pro-
13 cure such sensor.

14 (c) DEFINITIONS.—The terms “Milestone B ap-
15 proval” and “Milestone C approval” have the meanings
16 given those terms in section 2366 of title 10, United
17 States Code.

1 **SEC. 16 ____.**[Log 65406] **ADMINISTRATION OF MISSILE DE-**
2 **FENSE AND DEFEAT PROGRAMS.**

3 (a) MAJOR FORCE PROGRAM.—

4 (1) IN GENERAL.—Chapter 9 of title 10, United
5 States Code, is amended by adding at the end the
6 following new section:

7 **“§ 239a. Missile defense and defeat programs: major**
8 **force program and budget assessment**

9 “(a) ESTABLISHMENT OF MAJOR FORCE PRO-
10 GRAM.—The Secretary of Defense shall establish a unified
11 major force program for missile defense and defeat pro-
12 grams pursuant to section 222(b) of this title to prioritize
13 missile defense and defeat programs in accordance with
14 the requirements of the Department of Defense and na-
15 tional security.

16 “(b) BUDGET ASSESSMENT.—(1) The Secretary shall
17 include with the defense budget materials for each of fiscal
18 years 2019 through 2023 a report on the budget for mis-
19 sile defense and defeat programs of the Department of De-
20 fense.

21 “(2) Each report on the budget for missile defense
22 and defeat programs of the Department under paragraph
23 (1) shall include the following:

24 “(A) An overview of the budget, including—

1 “(i) a comparison between that budget, the
2 previous budget, the most recent and prior fu-
3 ture-years defense program submitted to Con-
4 gress under section 221 of this title (such com-
5 parison shall exclude the responsibility for re-
6 search and development of the continuing im-
7 provement of such missile defense and defeat
8 program), and the amounts appropriated for
9 such missile defense and defeat programs dur-
10 ing the previous fiscal year; and

11 “(ii) the specific identification, as a budg-
12 etary line item, for the funding under such pro-
13 grams.

14 “(B) An assessment of the budget, including
15 significant changes, priorities, challenges, and risks.

16 “(C) Any additional matters the Secretary de-
17 termines appropriate.

18 “(3) Each report under paragraph (1) shall be sub-
19 mitted in unclassified form, but may include a classified
20 annex.

21 “(c) DEFINITIONS.—In this section:

22 “(1) The term ‘budget’, with respect to a fiscal
23 year, means the budget for that fiscal year that is
24 submitted to Congress by the President under sec-
25 tion 1105(a) of title 31.

1 graph is a missile defense program of the Missile
2 Defense Agency that, as of the date specified in
3 paragraph (1), has received Milestone C approval (as
4 defined in section 2366 of title 10, United States
5 Code).

6 (3) REPORT.—

7 (A) IN GENERAL.—Not later than one year
8 after the date of the enactment of this Act, the
9 Secretary of Defense shall submit to the con-
10 gressional defense committees a report on the
11 plans of the Department of Defense for the
12 transition of missile defense programs from the
13 Missile Defense Agency to the military depart-
14 ments pursuant to paragraph (1).

15 (B) SCOPE.—The report under subpara-
16 graph (A) shall cover the period covered by the
17 future-years defense program that is submitted
18 under section 221 of title 10, United States
19 Code, in the year in which such report is sub-
20 mitted.

21 (C) MATTERS INCLUDED.—The report
22 under subparagraph (A) shall include the fol-
23 lowing:

24 (i) An identification of—

1 (I) the missile defense programs
2 planned to be transitioned from the
3 Missile Defense Agency to the military
4 departments; and

5 (II) the missile defense pro-
6 grams, if any, not planned for transi-
7 tion to the military departments.

8 (ii) The schedule for transition of
9 each missile defense program planned to be
10 transitioned to a military department, and
11 an explanation of such schedule.

12 (iii) A description of—

13 (I) the status of the plans of the
14 Missile Defense Agency and the mili-
15 tary departments for the transition of
16 missile defense programs from that
17 agency to the military departments;
18 and

19 (II) the status of any agreement
20 between the Missile Defense Agency
21 and one or more of the military de-
22 partments on the transition of any
23 such program from that agency to the
24 military departments, including any
25 agreement on the operational test cri-

1 teria that must be achieved before
2 such transition.

3 (iv) An identification of the element of
4 the Department of Defense (whether the
5 Missile Defense Agency, a military depart-
6 ment, or both) that will be responsible for
7 funding each missile defense program to be
8 transitioned to a military department, and
9 at what date.

10 (v) A description of the type of funds
11 that will be used (whether funds for re-
12 search, development, test, and evaluation,
13 procurement, military construction, or op-
14 eration and maintenance) for each missile
15 defense program to be transitioned to a
16 military department.

17 (vi) An explanation of the number of
18 systems planned for procurement for each
19 missile defense program to be transitioned
20 to a military department, and the schedule
21 for procurement of each such system.

22 (vii) A description of how the Missile
23 Defense Agency will continue the responsi-
24 bility for the research and development of
25 improvements to missile defense programs.

1 (c) ROLE OF MISSILE DEFENSE AGENCY.—

2 (1) IN GENERAL.—Chapter 8 of title 10, United
3 States Code, is amended by adding at the end the
4 following new section:

5 **“§ 205. Missile Defense Agency**

6 “(a) TERM OF DIRECTOR.—The Director of the Mis-
7 sile Defense Agency shall be appointed for a six-year term.

8 “(b) REPORTING.—The Missile Defense Agency shall
9 be under the authority, direction, and control of the Under
10 Secretary of Defense for Research and Engineering.”.

11 (2) CLERICAL AMENDMENT.—The table of sec-
12 tions at the beginning of subchapter II of such chap-
13 ter is amended by adding at the end the following
14 new item:

“205. Missile Defense Agency.”.

15 (3) APPLICATION.—

16 (A) TERMS.—Subsection (a) of section 205
17 of title 10, United States Code, as added by
18 paragraph (1), shall apply the day following the
19 date on which the present incumbent in the of-
20 fice of the Director of the Missile Defense
21 Agency, as of the date of the enactment of this
22 Act, ceases to serve as such.

23 (B) REPORTING.—Subsection (b) of such
24 section 205 shall apply beginning on February
25 1, 2018. In carrying out such subsection, the

1 Missile Defense Agency shall be under the au-
2 thority, direction, and control of the Under Sec-
3 retary of Defense for Research and Engineering
4 in the same manner as the Missile Defense
5 Agency was under the authority, direction, and
6 control of the Under Secretary of Defense for
7 Acquisition, Technology, and Logistics pursuant
8 to Department of Defense Directive 5134.09.
9 Any reference in such Instruction to the Under
10 Secretary of Defense for Acquisition, Tech-
11 nology, and Logistics shall be deemed to be a
12 reference to the Under Secretary of Defense for
13 Research and Engineering, including with re-
14 spect to the Under Secretary serving as the
15 chairman of the Missile Defense Executive
16 Board.

1 **SEC. 16 ____.**[Log 65409] **ENHANCEMENT OF OPERATIONAL**
2 **TEST AND EVALUATION OF BALLISTIC MIS-**
3 **SILE DEFENSE SYSTEM.**

4 Not later than 90 days after the date of the enact-
5 ment of this Act, the Director of the Missile Defense
6 Agency, the Director of Operational Test and Evaluation,
7 the Secretary of the Army, and the Secretary of the Navy
8 shall jointly ensure that—

9 (1) the test plans of the Integrated Master Test
10 Plan of the ballistic missile defense system include
11 planned tests activity of the lower tier ballistic mis-
12 sile defenses of the Army;

13 (2) such plans prioritize the integration of such
14 defenses with elements of the ballistic missile de-
15 fense system; and

16 (3) such plans are clearly described in such In-
17 tegrated Master Test Plan.

1 **SEC. 16** ____ .[Log 65627] **SENSE OF CONGRESS AND PLAN**
2 **FOR DEVELOPMENT OF SPACE-BASED SEN-**
3 **SOR LAYER FOR BALLISTIC MISSILE DE-**
4 **FENSE.**

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

7 (1) the defense of the homeland, the deployed
8 members of the Armed Forces, and the allies of the
9 United States against the threat of attack by bal-
10 listic and hypersonic missiles is the highest priority
11 of the Missile Defense Agency;

12 (2) the Missile Defense Agency, and the De-
13 fense Agencies and combat support agencies, must
14 prioritize the design, development, and deployment
15 of the space-based missile defense sensor layer;

16 (3) a space-based missile defense sensor layer is
17 essential for the future of the missile defense of the
18 homeland, the deployed members of the Armed
19 Forces, and the allies of the United States; and

20 (4) such a space-based layer can, and should,
21 benefit a multitude of other important defense and
22 intelligence requirements, including targeting and
23 space situational awareness.

1 (b) DEVELOPMENT.—After the date on which the Di-
2 rector of the Missile Defense Agency submits the plan
3 under subsection (c), the Director, in coordination with
4 the Secretary of the Air Force and the heads of the De-
5 fense Agencies and combat support agencies that the Di-
6 rector determines appropriate, shall develop a space-based
7 ballistic missile defense sensor layer that—

8 (1) provides missile defense engagement quality
9 precision tracking data of the United States begin-
10 ning in the boost phase and continuing throughout
11 subsequent flight regimes; and

12 (2) serves other defense and intelligence re-
13 quirements for intelligence, surveillance, and recon-
14 naissance, including targeting and space situational
15 awareness; and

16 (3) achieves an operational prototype payload at
17 the earliest practicable date.

18 (c) SPACE-BASED MISSILE DEFENSE SENSOR LAYER
19 PLAN.—Not later than one year after the date of the en-
20 actment of this Act, the Director shall submit to the ap-
21 propriate congressional committees a plan that includes—

22 (1) how the Director will carry out subsection
23 (b), including with respect to the estimated costs—

1 (A) for the operational prototype payload
2 specified in paragraph (3) of such subsection;
3 and

4 (B) to develop, acquire, and deploy, and
5 the lifecycle costs to operate and sustain, a
6 space-based sensor layer and support systems
7 to provide global missile defense coverage;

8 (2) an assessment of the maturity of critical
9 technologies necessary to make operational such a
10 space-based sensor layer, and recommendations for
11 any research and development activities to rapidly
12 mature such technologies;

13 (3) an assessment of what capabilities such a
14 space-based sensor layer can contribute that other
15 sensor layers do not contribute;

16 (4) how the Director will leverage the use of na-
17 tional technical means, commercially available space
18 and terrestrial capabilities, hosted payloads, small
19 satellites, and other capabilities to carry out sub-
20 section (b); and

21 (5) any other matters the Director determines
22 appropriate.

23 (d) DEFINITIONS.—In this section:

24 (1) The term “appropriate congressional com-
25 mittees” means—

1 (A) the congressional defense committees;

2 and

3 (B) the Select Committee on Intelligence

4 of the Senate and the Permanent Select Com-

5 mittee on Intelligence of the House of Rep-

6 resentatives.

7 (2) The term “combat support agency” has the

8 meaning given that term in section 193(f) of title

9 10, United States Code.

10 (3) The term “Defense Agency” has the mean-

11 ing given that term in section 101(a)(11) of title 10,

12 United States Code.

1 **SEC. 16** ____ .[Log 65708] **ESTABLISHMENT OF SPACE CORPS**
2 **IN THE DEPARTMENT OF THE AIR FORCE.**

3 (a) **CERTIFICATION.**—Not later than January 1,
4 2019, the Secretary of the Air Force shall certify to the
5 congressional defense committees that the Space Corps
6 under chapter 809 of title 10, United States Code, as
7 added by subsection (b), is established.

8 (b) **ESTABLISHMENT.**—

9 (1) **IN GENERAL.**—Part I of subtitle D of title
10 10, United States Code, is amended by adding at
11 the end the following new chapter:

12 **“CHAPTER 809—SPACE CORPS**

“Subchapter	Sec.
“I. General Matters	8091
“II. Organization	8096

13 **“SUBCHAPTER I—GENERAL MATTERS**

- “Sec.
- “8091. Establishment.
- “8092. Authorities and Responsibilities.
- “8093. Research and development and procurement of satellites and terminals.
- “8094. Space functions of other elements of Department of Defense.

14 **“§ 8091. Establishment**

15 “(a) **ESTABLISHMENT.**—Not later than January 1,
16 2019, the Secretary of Defense shall establish in the execu-
17 tive part of the Department of the Air Force a Space
18 Corps. The function of the Space Corps shall be to assist

1 the Secretary of the Air Force in carrying out the duties
2 described in subsection (e).

3 “(b) COMPOSITION.—The Space Corps shall be com-
4 posed of the following:

5 “(1) The Chief of Staff of the Space Corps.

6 “(2) Such other offices and officials as may be
7 established by law or as the Secretary of the Air
8 Force, in consultation with the Chief of Staff of the
9 Space Corps, may establish or designate.

10 “(c) DUTIES.—Except as otherwise specifically pre-
11 scribed by law, the Space Corps shall be organized in such
12 manner, and the members of the Space Corps shall per-
13 form, such duties and have such titles, as the Secretary
14 may prescribe. Such duties shall include—

15 “(1) protecting the interests of the United
16 States in space;

17 “(2) deterring aggression in, from, and through
18 space;

19 “(3) providing combat-ready space forces that
20 enable the commanders of the combatant commands
21 to fight and win wars;

22 “(4) organizing, training, and equipping space
23 forces; and

1 “(5) conducting space operations of the Space
2 Corps under the command of the Commander of the
3 United States Space Command.

4 **“§ 8092. Authorities and responsibilities**

5 “(a) PROFESSIONAL ASSISTANCE.—The Chief of
6 Staff of the Space Corps shall furnish professional assist-
7 ance to the Secretary, the Under Secretary, and the As-
8 sistant Secretaries of the Air Force.

9 “(b) AUTHORITIES.—Under the authority, direction,
10 and control of the Secretary of the Air Force, the Chief
11 of Staff of the Space Corps, shall—

12 “(1) subject to subsections (c) and (d) of sec-
13 tion 8014 of this title, prepare for such employment
14 of the Space Corps, and for such recruiting, orga-
15 nizing, supplying, equipping (including research and
16 development), training, servicing, mobilizing, de-
17 mobilizing, administering, and maintaining of the
18 Space Corps, as will assist in the execution of any
19 power, duty, or function of the Secretary or the
20 Chief of Staff;

21 “(2) investigate and report upon the efficiency
22 of the Space Corps and its preparation to support
23 military operations by commanders of the combatant
24 commands;

1 spect to the procurement of satellites and user satellite
2 terminals used by the military departments and the De-
3 fense Agencies (except as otherwise provided by section
4 8094 of this title).

5 “(c) MILESTONE DECISION AUTHORITY.—(1) Not-
6 withstanding any other provision of law, and except as
7 provided in paragraph (2), the Secretary shall serve as the
8 milestone decision authority (as defined in section 2366a
9 of this title) for major defense acquisition programs or
10 major subprograms relating to space.

11 “(2) The Secretary may not serve as the milestone
12 decision authority for the user satellite terminal programs
13 of—

14 “(A) the military departments other than the
15 Air Force and the Space Corps; and

16 “(B) the Defense Agencies specified in section
17 8094(c)(1) of this title.

18 “(d) REQUIREMENTS.—The Chief of Staff of the
19 Space Corps shall develop the requirements for the sat-
20 ellites and user satellite terminals for which the Secretary
21 has the authority for research, development, test, and eval-
22 uation, procurement, and milestone decisions pursuant to
23 this section.

1 **“§ 8094. Space functions of other elements of Depart-**
2 **ment of Defense**

3 “(a) MILITARY DEPARTMENTS.—Nothing in this
4 chapter shall affect the authority of each Secretary con-
5 cerned to—

6 “(1) carry out the research, development, test,
7 and evaluation of satellites and user satellite termi-
8 nals of the military department of the Secretary con-
9 cerned;

10 “(2) operate such terminals; and

11 “(3) develop requirements to ensure that the
12 space programs of the Department of Defense sup-
13 port the mission of the Secretary concerned.

14 “(b) CERTAIN DEFENSE AGENCIES.—Nothing in this
15 chapter shall affect the authority of each Director con-
16 cerned to—

17 “(1) carry out the research, development, test,
18 and evaluation and procurement of satellites and
19 user satellite terminals of the Defense Agency of the
20 Director concerned;

21 “(2) operate such terminals; and

22 “(3) develop requirements to ensure that the
23 space programs of the Department of Defense sup-
24 port the mission of the Director concerned.

25 “(c) DEFINITIONS.—In this section:

26 “(1) The term ‘Director concerned’ means—

1 “(A) the Director of the National Recon-
2 naissance Office, with respect to matters con-
3 cerning the National Reconnaissance Office;
4 and

5 “(B) the Director of the National
6 Geospatial-Intelligence Agency, with respect to
7 matters concerning the National Geospatial-In-
8 telligence Agency.

9 “(2) The term ‘Secretary concerned’ means—

10 “(A) the Secretary of the Army, with re-
11 spect to matters concerning the Army; and

12 “(B) the Secretary of the Navy, with re-
13 spect to matters concerning the Navy, the Ma-
14 rine Corps, and the Coast Guard when it is op-
15 erating as a service in the Department of the
16 Navy.

17 “SUBCHAPTER II—ORGANIZATION

“Sec.

“8096. Chief of Staff of the Space Corps.

18 **“§ 8096. Chief of Staff of the Space Corps**

19 “(a) APPOINTMENT.—(1) There shall be a Chief of
20 Staff of the Space Corps, appointed by the President, by
21 and with the advice and consent of the Senate. The Chief
22 of Staff shall serve at the pleasure of the President.

23 “(2) The Chief of Staff shall be appointed for a term
24 of six years. In time of war or during a national emergency

1 declared by Congress, the Chief of Staff may be re-
2 appointed for a term of not more than six years.

3 “(3)(A) The first Chief of Staff appointed after the
4 date of the enactment of this section shall be appointed
5 from the general officers of the Air Force. The President
6 may appoint the incumbent Commander of the Air Force
7 Space Command as the first such Chief of Staff without
8 regard to the requirement in paragraph (1) for the advice
9 and consent of the Senate.

10 “(B) Each subsequent Chief of Staff shall be ap-
11 pointed from the general officers of the Space Corps.

12 “(4) The President may appoint an officer as Chief
13 of Staff only if—

14 “(A) the officer has had significant experience
15 in joint duty assignments; and

16 “(B) such experience includes at least one full
17 tour of duty in a joint duty assignment (as defined
18 in section 664(d) of this title) as a general officer.

19 “(5) The President may waive paragraph (4) in the
20 case of an officer if the President determines such action
21 is necessary in the national interest.

22 “(b) GRADE.—The Chief of Staff of the Space Corps,
23 while so serving, has the grade of general without vacating
24 the permanent grade of the officer.

1 “(c) REPORTING.—Except as otherwise prescribed by
2 law and subject to section 8013(f) of this title, the Chief
3 of Staff of the Space Corps performs the duties of such
4 position under the authority, direction, and control of the
5 Secretary of the Air Force and is directly responsible to
6 the Secretary.

7 “(d) DUTIES.—Subject to the authority, direction,
8 and control of the Secretary of the Air Force, the Chief
9 of Staff of the Space Corps shall—

10 “(1) preside over the Space Corps;

11 “(2) transmit the plans and recommendations
12 of the Space Corps to the Secretary and advise the
13 Secretary with regard to such plans and rec-
14 ommendations;

15 “(3) after approval of the plans or rec-
16 ommendations of the Space Corps by the Secretary,
17 act as the agent of the Secretary in carrying them
18 into effect;

19 “(4) exercise supervision, consistent with the
20 authority assigned to commanders of unified or spec-
21 ified combatant commands under chapter 6 of this
22 title, over such of the members and organizations of
23 the Space Corps and the Air Force as the Secretary
24 determines;

1 “(5) perform the duties prescribed for the Chief
2 of Staff by sections 171 and 2547 of this title and
3 other provisions of law; and

4 “(6) perform such other military duties, not
5 otherwise assigned by law, as are assigned to the
6 Chief of Staff by the President, the Secretary of De-
7 fense, or the Secretary of the Air Force.

8 “(e) JOINT CHIEFS OF STAFF.—(1) The Chief of
9 Staff of the Space Corps shall also perform the duties pre-
10 scribed for the Chief of Staff as a member of the Joint
11 Chiefs of Staff under section 151 of this title.

12 “(2) To the extent that such action does not impair
13 the independence of the Chief of Staff in the performance
14 of the duties of the Chief of Staff as a member of the
15 Joint Chiefs of Staff, the Chief of Staff shall inform the
16 Secretary regarding military advice rendered by members
17 of the Joint Chiefs of Staff on matters affecting the De-
18 partment of the Air Force.

19 “(3) Subject to the authority, direction, and control
20 of the Secretary of Defense, the Chief of Staff shall keep
21 the Secretary of the Air Force fully informed of significant
22 military operations affecting the duties and responsibilities
23 of the Secretary.”.

24 (2) CLERICAL AMENDMENTS.—The table of
25 chapters at the beginning of subtitle D of title 10,

1 United States Code, and at the beginning of part I
2 of such subtitle, are each amended by inserting after
3 the item relating to chapter 807 the following new
4 item:

“809. Space Corps 8091.”.

5 (c) JOINT CHIEFS OF STAFF.—Chapter 5 of title 10,
6 United States Code, is amended as follows:

7 (1) In section 151(a), by adding at the end the
8 following new paragraph:

9 “(8) The Chief of Staff of the Space Corps.”.

10 (2) In section 152(b)(1)(B), by striking “or the
11 Commandant of the Marine Corps” and inserting
12 “the Commandant of the Marine Corps, or the Chief
13 of Staff of the Space Corps”.

14 (d) ARMED FORCES POLICY COUNCIL.—Section 171
15 of title 10, United States Code, is amended—

16 (1) in paragraph (12), by striking “; and”;

17 (2) in paragraph (13), by striking the period at
18 the end and inserting “; and”; and

19 (3) by adding at the end the following new
20 paragraph:

21 “(14) the Chief of Staff of the Space Corps.”.

22 (e) CHIEF OF SERVICE.—Section 1406(i)(3)(A) of
23 title 10, United States Code, is amended by adding at the
24 end the following new clause:

1 “(vi) Chief of Staff of the Space
2 Corps.”.

3 (f) ACQUISITION-RELATED FUNCTIONS OF CHIEFS
4 OF THE ARMED FORCES.—Section 2547(a) of title 10,
5 United States Code, is amended by striking “and the
6 Commandant of the Marine Corps” and inserting “the
7 Commandant of the Marine Corps, and the Chief of Staff
8 of the Space Corps”.

9 (g) SUCCESSORS TO DUTIES.—Section 8017 of title
10 10, United States Code, is amended by striking paragraph
11 (4) and inserting the following:

12 “(4) The Chief of Staff of the Air Force.

13 “(5) The Chief of Staff of the Space Corps.”.

14 (h) TERMINATION OF PRINCIPAL DEPARTMENT OF
15 DEFENSE SPACE ADVISOR AND DEFENSE SPACE COUN-
16 CIL.—Effective on the date on which the Space Corps is
17 established under section 8091 of title 10, United States
18 Code, as added by subsection (a)(1)—

19 (1) the position, and the office of, the Principal
20 Department of Defense Space Advisor (previously
21 known as the Department of Defense Executive
22 Agent for Space) shall be terminated;

23 (2) the personnel of such office shall be trans-
24 ferred to the Air Force and to the Space Corps, as
25 determined appropriate by the Secretary of Defense;

1 (3) any reference in Federal law, regulations,
2 guidance, instructions, or other documents of the
3 Federal Government to the Principal Department of
4 Defense Space Advisor or the Department of De-
5 fense Executive Agent for Space shall be deemed to
6 be a reference to the Secretary of the Air Force or
7 the Chief of Staff of the Space Corps, as appro-
8 priate; and

9 (4) the Defense Space Council shall be termi-
10 nated.

11 (i) MILITARY INSTALLATIONS.—Nothing in this sec-
12 tion, or the amendments made by this section, shall be
13 construed to authorize or require the relocation of any fa-
14 cility, infrastructure, or military installation of the Air
15 Force.

16 (j) REPORTS.—

17 (1) INTERIM REPORT.—Not later than March
18 1, 2018, the Secretary of Defense shall submit to
19 the congressional defense committees an interim re-
20 port on the Space Corps established under chapter
21 809 of title 10, United States Code, as added by
22 subsection (a)(1), that includes—

23 (A) a review of the organizational and
24 management structure of the Space Corps; and

1 (B) recommendations for the modification
2 and improvement of such organizational and
3 management structure.

4 (2) FINAL REPORT.—Not later than August 1,
5 2018, the Secretary of Defense shall submit to the
6 congressional defense committees a final report on
7 the Space Corps that includes—

8 (A) an update of the review and rec-
9 ommendations described in paragraph (1), in-
10 cluding recommendations for any necessary re-
11 visions to appointments and qualifications, du-
12 ties and powers, and precedent in the Depart-
13 ment of Defense;

14 (B) recommendations for the appropriate
15 sharing of functions between the Air Force and
16 the Space Corps, including functions with re-
17 spect to personnel matters and uniforms;

18 (C) a plan for implementing the rec-
19 ommendations described in subparagraphs (A)
20 and (B), which shall include proposed legislative
21 and administrative actions, including con-
22 forming and other amendments to law, that the
23 Secretary determines to be appropriate for car-
24 rying out such plan;

1 (D) the estimated number of general offi-
2 cers of the Space Corps, including an identifica-
3 tion of the current positions of such general of-
4 ficers that will be transferred to the Space
5 Corps and whether the Secretary determines it
6 necessary for the number of general officers au-
7 thorized in chapter 32 of title 10, United States
8 Code, to be increased; and
9 (E) any other matters that the Secretary
10 determines to be appropriate.

1 **SEC. 16 ____.** **[Log 65710] ESTABLISHMENT OF SUBORDINATE**
2 **UNIFIED COMMAND OF THE UNITED STATES**
3 **STRATEGIC COMMAND.**

4 (a) **SUBORDINATE UNIFIED COMMAND.**—Not later
5 than January 1, 2019, the Secretary of Defense shall es-
6 tablish a subordinate unified command to be known as the
7 United States Space Command under the United States
8 Strategic Command.

9 (b) **COMMANDER.**—The Commander of the United
10 States Space Command shall hold the grade of general
11 or, in the case of an officer of the Navy, admiral while
12 serving in that position, without vacating the permanent
13 grade of the officer. The Commander shall be appointed
14 to that grade by the President, by and with the advice
15 and consent of the Senate, for service in that position.

16 (c) **COMMAND OF JOINT SPACE ACTIVITY OR MIS-**
17 **SIONS.**—Unless otherwise directed by the President or the
18 Secretary of Defense, the Commander of the United
19 States Space Command shall exercise command of joint
20 space activities or missions.

21 (d) **JOINTLY STAFFED.**—The United States Space
22 Command shall be jointly staffed.

1 **SEC. 31**____. **[Log 64913] EVALUATION OF DEFENSE NU-**
2 **CLEAR WASTE AUTHORITIES AND PROC-**
3 **ESSES.**

4 (a) **EVALUATION.**—The Secretary of Energy shall
5 conduct an evaluation of all provisions of Federal law,
6 processes, rules, regulations, orders, and directives, relat-
7 ing to defense nuclear waste to identify any changes that
8 the Secretary determines would provide significant cost
9 avoidance or cost savings within the long-term defense en-
10 vironmental cleanup program without decreasing environ-
11 mental, health, or public safety, requirements.

12 (b) **MATTERS INCLUDED.**—In conducting the evalua-
13 tion under subsection (a), the Secretary shall consider—

14 (1) the classification of defense nuclear waste;

15 (2) the basis by which the Secretary makes
16 waste disposal decisions; and

17 (3) and such other matters relating to defense
18 nuclear waste that the Secretary determines appro-
19 priate.

20 (c) **REPORT.**—Not later than February 1, 2018, the
21 Secretary shall submit to the appropriate congressional
22 committees a report on the evaluation under subsection
23 (a), including a description of—

1 (1) any actions the Secretary has taken or will
2 take to change the processes, rules, regulations, or-
3 ders, or directives, relating to defense nuclear waste;

4 (2) any recommendations for legislative action
5 the Secretary determines appropriate; and

6 (3) the assessment of the Secretary regarding
7 the benefits and risks of the actions and rec-
8 ommendations of the Secretary under paragraphs
9 (1) and (2).

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

13 (1) The Committees on Armed Services of the
14 House of Representatives and the Senate.

15 (2) The Committee on Energy and Commerce
16 of the House of Representatives.

17 (3) The Committee on Energy and Natural Re-
18 sources of the Senate.

1 **SEC. 31____.**[Log 64923] **PROHIBITION ON AVAILABILITY OF**
2 **FUNDS FOR PROGRAMS IN RUSSIAN FEDERA-**
3 **TION.**

4 (a) **PROHIBITION.**—None of the funds authorized to
5 be appropriated by this Act or otherwise made available
6 for fiscal year 2018 for atomic energy defense activities
7 may be obligated or expended to enter into a contract
8 with, or otherwise provide assistance to, the Russian Fed-
9 eration.

10 (b) **WAIVER.**—The Secretary of Energy, without dele-
11 gation, may waive the prohibition in subsection (a) only
12 if—

13 (1) the Secretary determines, in writing, that a
14 nuclear-related threat arising in the Russian Federa-
15 tion must be addressed urgently and it is necessary
16 to waive the prohibition to address that threat;

17 (2) the Secretary of State and the Secretary of
18 Defense concur in the determination under para-
19 graph (1);

20 (3) the Secretary of Energy submits to the ap-
21 propriate congressional committees a report con-
22 taining—

23 (A) a notification that the waiver is in the
24 national security interest of the United States;

1 (B) justification for the waiver, including
2 the determination under paragraph (1); and

3 (C) a description of the activities to be car-
4 ried out pursuant to the waiver, including the
5 expected cost and timeframe for such activities;
6 and

7 (4) a period of seven days elapses following the
8 date on which the Secretary submits the report
9 under paragraph (3).

10 (c) EXCEPTION.—The prohibition under subsection
11 (a) and the requirements under subsection (b) to waive
12 that prohibition shall not apply to an amount, not to ex-
13 ceed \$3,000,000, that the Secretary may make available
14 for the Department of Energy Russian Health Studies
15 Program.

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

19 (1) The congressional defense committees.

20 (2) The Committee on Foreign Relations of the
21 Senate and the Committee on Foreign Affairs of the
22 House of Representatives.

1 **SEC. 31**____.**[Log 64925] INCORPORATION OF INTEGRATED**
2 **SURETY ARCHITECTURE IN TRANSPOR-**
3 **TATION.**

4 (a) INCORPORATION.—Subtitle A of title XLII of the
5 Atomic Energy Defense Act (50 U.S.C. 2521 et seq.) is
6 amended by adding at the end the following new section:

7 **“SEC. 4222. INCORPORATION OF INTEGRATED SURETY AR-**
8 **CHITECTURE.**

9 “(a) SHIPMENTS.—(1) The Administrator shall en-
10 sure that shipments described in paragraph (2) incor-
11 porate surety technologies relating to transportation and
12 shipping developed by the Integrated Surety Architecture
13 program of the Administration.

14 “(2) A shipment described in this paragraph is an
15 over-the-road shipment of the Administration that involves
16 any nuclear weapon planned to be in the active stockpile
17 after 2025.

18 “(b) CERTAIN PROGRAMS.—(1) The Administrator,
19 in coordination with the Chairman of the Nuclear Weap-
20 ons Council, shall ensure that each program described in
21 paragraph (2) incorporate integrated designs compatible
22 with the Integrated Surety Architecture program.

23 “(2) A program described in this subsection is a pro-
24 gram of the Administration that is a warhead development

1 program, a life extension program, or a warhead major
2 alteration program.

3 “(c) DETERMINATION.—(1) If, on a case-by-case
4 basis, the Administrator determines that a shipment
5 under subsection (a) will not incorporate some or all of
6 the surety technologies described in such subsection, or
7 that a program under subsection (b) will not incorporate
8 some or all of the integrated designs described in such
9 subsection, the Administrator shall submit such deter-
10 mination to the congressional defense committees, includ-
11 ing the results of an analysis conducted pursuant to para-
12 graph (2).

13 “(2) Each determination made under paragraph (1)
14 shall be based on a documented, system risk analysis that
15 considers security risk reduction, operational impacts, and
16 technical risk.

17 “(e) TERMINATION.—The requirements of sub-
18 sections (a) and (b) shall terminate on December 31,
19 2029.”.

20 (b) CLERICAL AMENDMENT.—The table of contents
21 for such Act is amended by inserting after the item relat-
22 ing to section 4221 the following new item:

“Sec. 4222. Incorporation of integrated surety architecture.”.

23 (c) IMPLEMENTATION OF CERTAIN DIRECTION.—
24 The Administrator shall implement the direction relating

1 to this section contained in the classified annex accom-
2 panying this Act.

1 **SEC. 31____.[Log 64927] REPORT ON CRITICAL DECISION-1**
2 **ON MATERIAL STAGING FACILITY PROJECT.**

3 Not later than October 31, 2017, the Administrator
4 for Nuclear Security shall submit to the congressional de-
5 fense committees a report containing the following:

6 (1) The decision memorandum of the Adminis-
7 trator with respect to Critical Decision-1 on the Ma-
8 terial Staging Facility project at the Pantex Plant.

9 (2) The preferred alternative approved by the
10 Administrator for such Critical Decision-1.

11 (3) The cost-range estimates, including a de-
12 scription of the costs saved or avoided from not car-
13 rying out recapitalization and sustainment of Area 4
14 at the Pantex Plant.

15 (4) The schedule-range estimates that include
16 completion of the Material Staging Facility by 2024.

17 (5) The risk factors and risk mitigation and
18 management options relating to the Material Stag-
19 ing Facility.

20 (6) The expected improvements to operations
21 and security provided by the Material Staging Facil-
22 ity, once operational, including the potential annual
23 cost savings.

- 1 (7) Such other matters as the Administrator
- 2 considers appropriate.

1 **SEC. 31** ____ .**[Log 64945] BUDGET REQUESTS AND CERTIFI-**
2 **CATION REGARDING NUCLEAR WEAPONS DIS-**
3 **MANTLEMENT.**

4 Section 3125 of the National Defense Authorization
5 Act for Fiscal Year 2017 (Public Law 114–328) is amend-
6 ed—

7 (1) by redesignating subsection (d) as sub-
8 section (f); and

9 (2) by inserting after subsection (c) the fol-
10 lowing new subsections:

11 “(d) **BUDGET REQUESTS.**—The Administrator for
12 Nuclear Security shall ensure that the budget of the Presi-
13 dent submitted to Congress under section 1105(a) of title
14 31, United States Code, for each of fiscal years 2019
15 through 2021 includes amounts for the nuclear weapons
16 dismantlement and disposition activities of the National
17 Nuclear Security Administration in accordance with the
18 limitation in subsection (a).

19 “(e) **CERTIFICATION.**—Not later than February 1,
20 2018, the Administrator shall certify to the congressional
21 defense committees that the Administrator is carrying out
22 the nuclear weapons dismantlement and disposition activi-
23 ties of the Administration in accordance with the limita-
24 tions in subsections (a) and (b).”.

1 **SEC. 31**____. **[Log 65478] ASSESSMENT OF MANAGEMENT AND**
2 **OPERATING CONTRACTS OF NATIONAL SECU-**
3 **RITY LABORATORIES.**

4 (a) **ASSESSMENT.**—Not later than 30 days after the
5 date of the enactment of this Act, the Administrator for
6 Nuclear Security shall seek to enter into a contract with
7 a federally funded research and development center to con-
8 duct an assessment of the benefits, costs, challenges, risks,
9 efficiency, and effectiveness of the strategy of the Admin-
10 istrator with respect to management and operating con-
11 tracts for national security laboratories. The Adminis-
12 trator may not award such contract to a federally funded
13 research and development center for which the Depart-
14 ment of Energy or the National Nuclear Security Adminis-
15 tration is the primary sponsor.

16 (b) **COOPERATION.**—The Administrator, and the di-
17 rector of each national security laboratory, shall provide
18 to the federally funded research and development center
19 conducting the assessment under subsection (a) the infor-
20 mation the center requires to conduct such assessment.

21 (c) **SUBMISSION.**—

22 (1) **NNSA.**—Not later than 90 days after the
23 date on which the Administrator and a federally
24 funded research and development center enter into

1 the contract under subsection (a), the center shall
2 submit to the Administrator a report on the assess-
3 ment conducted under such subsection. Such report
4 shall include the following:

5 (A) An assessment of the acquisition strat-
6 egy and the contract oversight process of the
7 Administrator, and of the use of for-profit man-
8 agement and operating contractors at national
9 security laboratories, and whether such strat-
10 egy, process, and contractors provide the best
11 outcomes to the Federal Government with re-
12 spect to performance, cost, efficiency, and effec-
13 tiveness.

14 (B) An assessment of the total costs, for
15 each national security laboratory, that are in-
16 curred because of using a for-profit model for
17 the management and operating contract that
18 would not be incurred under a nonprofit model,
19 and whether performance, costs, efficiency, and
20 effectiveness would be expected to increase or
21 decrease under a nonprofit model.

22 (C) An assessment of whether the Admin-
23 istrator is appropriately using, managing, and
24 overseeing the national security laboratories
25 with respect to the nature of the laboratories as

1 federally funded research and development cen-
2 ters.

3 (2) CONGRESS.—Not later than 30 days after
4 the date on which the Administrator receives the re-
5 port under paragraph (1), the Administrator shall
6 submit to the Committees on Armed Services of the
7 House of Representatives and the Senate such re-
8 port, without change, together with any comments
9 the Administrator determines appropriate.

10 (3) LIMITATION.—

11 (A) AWARD OR EXTENSION OF CON-
12 TRACT.—None of the funds authorized to be
13 appropriated by this Act or otherwise made
14 available for fiscal year 2018 for the National
15 Nuclear Security Administration may be obli-
16 gated or expended to award, or to extend, a
17 management and operating contract for a na-
18 tional security laboratory until the date on
19 which the Administrator submits to the con-
20 gressional defense committees the report under
21 paragraph (2).

22 (B) WAIVER FOR EXTENSION.—The Sec-
23 retary of Energy may waive the limitation in
24 subparagraph (A) with respect to the extension

1 of a management and operating contract for a
2 national security laboratory if the Secretary—

3 (i) determines such waiver is required
4 in the interest of national security; and

5 (ii) notifies the Committees on Armed
6 Services of the House of Representatives
7 and the Senate of such determination.

8 (d) NATIONAL SECURITY LABORATORY DEFINED.—

9 In this section, the term “national security laboratory”
10 has the meaning given that term in section 4002(7) of
11 the Atomic Energy Defense Act (50 U.S.C. 2501(7)).

1 **SEC. 31**____.**[Log 65639] IMPROVED INFORMATION RELAT-**
2 **ING TO DEFENSE NUCLEAR NONPROLIFERA-**
3 **TION RESEARCH AND DEVELOPMENT PRO-**
4 **GRAM.**

5 (a) IMPROVED INFORMATION.—Title XLIII of the
6 Atomic Energy Defense Act (50 U.S.C. 2563 et seq.) is
7 amended by adding at the end the following new section:

8 **“SEC. 4310. INFORMATION RELATING TO DEFENSE NU-**
9 **CLEAR NONPROLIFERATION RESEARCH AND**
10 **DEVELOPMENT PROGRAM AND ARMS CON-**
11 **TROL PROGRAM.**

12 “(a) TECHNOLOGIES AND CAPABILITIES.—The Ad-
13 ministrator shall document, for efforts that are not fo-
14 cused on basic research, the technologies and capabilities
15 of the defense nuclear nonproliferation research and devel-
16 opment program—

17 “(1) that are transitioned to end users for fur-
18 ther development or deployment; and

19 “(2) that are deployed.

20 “(b) ASSESSMENTS OF STATUS.—(1) In assessing
21 projects under the defense nuclear nonproliferation re-
22 search and development program or the defense nuclear
23 nonproliferation and arms control program, the Adminis-
24 trator shall compare the status of each such project, in-

1 cluding with respect to the final results of such project,
2 to the baseline targets and goals established in the initial
3 project plan of such project.

4 “(2) The Administrator may carry out paragraph (1)
5 using a common template or such other means as the Ad-
6 ministrator determines appropriate.”.

7 (b) INCLUSION IN PLAN.—Section 4309(b) of such
8 Act (50 U.S.C. 2575(b)) is amended—

9 (1) by redesignating paragraph (16) as para-
10 graph (18); and

11 (2) by inserting after paragraph (15) the fol-
12 lowing new paragraphs:

13 “(16) A summary of the technologies and capa-
14 bilities documented under section 4310(a).

15 “(17) A summary of the assessments conducted
16 under section 4310(b)(1).”.

1 **SEC. 31____.[Log 64908] MODIFICATION OF CERTAIN RE-**
2 **PORTING REQUIREMENTS.**

3 (a) STATUS OF NUCLEAR MATERIALS PROTECTION,
4 CONTROL, AND ACCOUNTING PROGRAM.—

5 (1) REPEAL.—Section 4303 of the Atomic En-
6 ergy Defense Act (50 U.S.C. 2563) is repealed.

7 (2) CLERICAL AMENDMENT.—The table of con-
8 tents for the Atomic Energy Defense Act is amended
9 by striking the item relating to section 4303.

10 (b) STATUS OF SECURITY OF ATOMIC ENERGY DE-
11 FENSE FACILITIES.—Section 4506 of the Atomic Energy
12 Defense Act (50 U.S.C. 2657) is amended by striking “of
13 each year” each place it appears and inserting “of each
14 even-numbered year”.

15 (c) SECURITY RISKS POSED TO NUCLEAR WEAPONS
16 COMPLEX.—

17 (1) INCLUDED IN SSMP .—Section 4203 of the
18 Atomic Energy Defense Act (50 U.S.C. 2523) is
19 amended—

20 (A) in subsection (c)—

21 (i) by redesignating paragraph (7) as
22 paragraph (8); and

23 (ii) by inserting after paragraph (6)
24 the following new paragraph (7):

1 “(7) A summary of the status of the plan re-
2 garding the research and development, deployment,
3 and lifecycle sustainment of technologies described
4 in subsection (d)(7).”; and

5 (B) in subsection (d)—

6 (i) by redesignating paragraph (7) as
7 paragraph (8); and

8 (ii) by inserting after paragraph (6)
9 the following new paragraph (7):

10 “(7) A plan for the research and development,
11 deployment, and lifecycle sustainment of the tech-
12 nologies employed within the nuclear security enter-
13 prise to address physical and cybersecurity threats
14 during the five-fiscal-year period following the date
15 of the plan, together with—

16 “(A) for each site in the nuclear security
17 enterprise, a description of the technologies de-
18 ployed to address the physical and cybersecurity
19 threats posed to that site;

20 “(B) for each site and for the nuclear se-
21 curity enterprise, the methods used by the Ad-
22 ministration to establish priorities among in-
23 vestments in physical and cybersecurity tech-
24 nologies; and

1 “(C) a detailed description of how the
2 funds identified for each program element spec-
3 ified pursuant to paragraph (1) in the budget
4 for the Administration for each fiscal year dur-
5 ing that five-fiscal-year period will help carry
6 out that plan.”.

7 (2) CONFORMING AMENDMENT.—Section
8 3253(b) of the National Nuclear Security Adminis-
9 tration Act (50 U.S.C. 2453) is amended by striking
10 paragraph (5).

11 (d) SELECTED ACQUISITION REPORTS.—Section
12 4217(a) of the Atomic Energy Defense Act (50 U.S.C.
13 2537(a)) is amended by striking “fiscal-year quarter”
14 each place it appears and inserting “fiscal year”.

15 (e) LONG-TERM PLAN FOR MEETING NATIONAL SE-
16 CURITY REQUIREMENTS FOR UNENCUMBERED URA-
17 NIUM.—Section 4221(a) of the Atomic Energy Defense
18 Act (50 U.S.C. 2538c(a)) is amended by striking “Concur-
19 rent with the submission to Congress of the budget of the
20 President under section 1105(a) of title 31, United States
21 Code, in” and inserting “Not later than December 31 of”.

22 (f) DEFENSE NUCLEAR NONPROLIFERATION MAN-
23 AGEMENT PLAN.—Section 4309 of the Atomic Energy De-
24 fense Act (50 U.S.C. 2575) is amended—

1 (1) in subsection (a), by striking “IN GEN-
2 ERAL.—Concurrent with the submission to Congress
3 of the budget of the President under section 1105(a)
4 of title 31, United States Code, in each fiscal year”
5 and inserting “PLAN.—Not later than March 31 of
6 each odd-numbered year”;

7 (2) by redesignating subsection (c) as sub-
8 section (d);

9 (3) by inserting after subsection (b) the fol-
10 lowing new subsection (c):

11 “(c) UPDATED SUMMARY.—Not later than March 31
12 of each even-numbered year, the Administrator shall sub-
13 mit to the congressional defense committees an updated
14 summary of the plan submitted under subsection (a) dur-
15 ing the previous year.”; and

16 (4) in subsection (d), as so redesignated, by in-
17 serting “and the updated summary required by sub-
18 section (c)” before “shall be submitted”.

1 **SEC. 3201.[Log 64905] AUTHORIZATION.**

2 There are authorized to be appropriated for fiscal
3 year 2018, \$30,600,000 for the operation of the Defense
4 Nuclear Facilities Safety Board under chapter 21 of the
5 Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

DIRECTIVE REPORT LANGUAGE

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DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE XVI—STRATEGIC PROGRAMS, CYBER, AND INTELLIGENCE MATTERS

ITEMS OF SPECIAL INTEREST

SPACE ACTIVITIES

Comptroller General Review of Hosted Payloads

The committee is aware that the Air Force is working to strengthen processes to ensure greater consideration of hosted payloads in space-related analysis of alternatives and architecture studies. Of note, the Air Force has undertaken some efforts to study, contract for, and use hosted payloads for technology development, but it appears the Air Force has done little to operationally use hosted payloads. The committee is concerned that the acquisition process may not fully consider the use of hosted payloads. Therefore, the committee directs the Comptroller General of the United States to provide a briefing to the House Committee on Armed Services by February 1, 2018, on the following:

- (1) the Department of Defense's use of hosted payload arrangements to date;
- (2) the extent to which the Department has the knowledge it needs, from the perspectives of cost, capability, and resilience, to determine whether to expand its use of hosted payloads;
- (3) the extent that hosted payloads are appropriately considered throughout the acquisition process, including how acquisition requirements are written and how they impact the option to use hosted payloads; and
- (4) barriers or challenges the Department faces for increasing its use of hosted payloads.

Multi-Band Satellite Communications Terminals

The committee is aware that satellite communications provide significant capabilities to deployed forces to communicate around the globe. The Department of Defense uses various satellite communication frequency ranges, each with advantages and drawbacks, to meet its mission. The committee also recognizes that potential adversaries are developing counter-space capabilities, to include but not limited to, systems which are designed to interfere with satellite communications. The committee therefore believes that warfighters may benefit from flexible user terminals which can communicate with a variety of government and commercial satellite systems. Therefore, the committee directs the Secretary of Defense to provide a briefing to the congressional defense committees by December 1, 2017, on an assessment, including benefits, costs, technology insertion opportunities, and timelines to expand the use of dual or multi-band satellite communication terminals. The briefing shall address:

- (1) a review of fielded and projected Department of Defense platforms and mission sets using satellite communications terminals;
- (2) a review of commercial and government satellite communications capabilities;
- (3) an assessment of the viability, benefits, and drawbacks if applicable, of using dual or multi-band satellite communications terminals for all or some of the identified platforms and mission sets; and
- (4) any other matter the Secretary deems appropriate.

Outer Space Cooperation with Japan

The committee encourages further outer space cooperation between the United States and Japan. The committee notes that the guidelines for defense cooperation between the United States and Japan issued in April 2015 include openness to cooperation in several areas, including areas relating to outer space. The committee further notes the Japanese QZSS regional navigation satellite system could potentially complement and augment the coverage provided by the Global Positioning System of the United States and improve availability of space-based position, navigation, and timing signals in the Asia-Pacific region.

Therefore, the committee directs the Secretary of Defense, jointly with the Chairman of the Joint Chiefs of Staff, and in coordination with the Secretary of State, to submit a report to the Committees on Armed Services of the Senate and the House of Representatives, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate by December 1, 2017, on the status of cooperation between the United States and the Government of Japan regarding outer space activities, including with respect to space-based position, navigation, and timing.

Reliance on Global Positioning System for Defense of the Homeland

The committee is aware that the Department of Defense is coordinating with the Department of Transportation and the Department of Homeland Security on efforts to strengthen positioning, navigation, and timing (PNT) capabilities, including considering redundant systems. The committee notes that section 1618 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328) required a report on requirements and technology options to address PNT resilience. In addition to this assessment, the committee directs the Secretary of Defense, in coordination with the Commander of U.S. Northern Command, to provide a briefing to the Committee on Armed Services of the House of Representatives by December 15, 2017, on the risks associated with disruptions to the Global Positioning System (GPS) that could affect defense of the homeland and other defense activities in the United States. The briefing shall include the requirements for PNT reliability and redundancy for Department of Defense operations in the United States, an analysis of the extent to which defense of the homeland operations rely on accurate PNT signals from GPS, and an assessment of

alternative sources of PNT that could be used as a backup to ensure continuity of operations in the event of a major disruption to GPS.

Responsive Launch

According to the Department of Defense budget request documentation, U.S. Strategic Command (USSTRATCOM) has identified needs to:

- (1) rapidly augment existing space capabilities when needed to expand operational capability;
- (2) rapidly reconstitute/replenish critical space capabilities to preserve "continuity of operations" capability; and
- (3) rapidly exploit and infuse space technological or operational innovations to increase U.S. advantage.

There have been a variety of previous and ongoing activities within the Air Force, Army, and the Defense Advanced Projects Research Agency to develop responsive launch capabilities. To date, none of these programs have matured to the point of a military operational capability that meets USSTRATCOM needs.

Therefore, the committee encourages the Secretary of Defense to increase the priority and resources of this mission area. This could include low-cost responsive launch for small satellites and modifications of existing launch infrastructure, including use of commercial capabilities. Additionally, the committee believes that state-owned spaceports may provide an opportunity to support this mission. The committee encourages the Department to evaluate the contribution and necessary investments in spaceports to support responsive launch.

The committee also directs the Secretary of Defense to provide a briefing to the Committee on Armed Services of the House of Representatives by December 1, 2017, on the warfighter requirements and documented needs for reconstitution and responsive launch; the current and projected activities to meet those requirements, to include investments in launch systems, infrastructure, and payloads; and the opportunities, risks, and challenges in this mission area.

Small Satellite Technology Development

The committee supports the efforts of the Department of Defense to include the Air Force, Army, and Navy in the research and development of militarily relevant small satellites. Industry has made significant advances in recent years regarding the miniaturization of electronics and satellite-related components. The military services have begun to leverage this innovative technology. For instance, the Air Force is planning to invest in key mission areas, such as position, navigation, and timing, to develop a combination of small satellites and rapidly procured payloads. In addition, the Air Force's Space and Missile Systems Center has begun planning for utilization of small satellites in fulfilling its mission requirements. The Army Space and Missile Defense Command is building and testing multiple small satellites for warfighters' tactical use in contested, remote, and anti-access/area denial regions. The U.S. Naval Research Laboratory has

worked on unique satellite capabilities, such as thruster technologies, to support efforts for smaller, less expensive satellites.

The committee supports these activities and encourages continued emphasis on the research and development of small satellites, including the maturation of small satellite technologies which support warfighter systems, as these systems can provide lower-cost solutions and increase agility and resiliency to address developing threats. The committee also encourages the Department to initiate and use commercial partnerships and demonstration efforts to procure small satellites for demonstrations relevant to military missions.

Therefore, the committee directs the Secretary of Defense, in coordination with the Secretaries of the Air Force, Army, and Navy, and the directors of defense agencies and offices as appropriate, to provide a briefing to the Committee on Armed Services of the House of Representatives by December 1, 2017, on the military applications of small satellites and a coordinated Department-wide strategy for technology development activities and investments in small satellites.

Space Security

The committee is aware of the significant and increasing foreign threats to our national security space systems. Officials in the Department of Defense recognize this counter-space threat, and are taking steps to address it. However, as stated by General John Hyten, former Commander of Air Force Space Command and current Commander of U.S. Strategic Command, “the space enterprise which evolved in an uncontested environment is not resilient enough to fight through and deliver warfighting effects in, from, and through today’s contested space domain.”

This lack of military preparedness for this new battle space domain is of serious concern to the committee. The committee recognizes that the response to such threats will require a range of activity to include, but not limited to, investments, plans, training, allied partnerships, clear messaging, and diplomatic engagement. The committee requires close oversight of the progress being made in this area.

Therefore, the committee directs the Secretary of Defense to provide two briefings to the congressional defense committees in fiscal year 2018, the first by December 1, 2017, and the second by July 1, 2018, on the plans and progress in addressing counter-space threats. The briefings should address the following areas:

- (1) intelligence analysis regarding current and projected foreign counter-space threats;
- (2) status of the Department of Defense activities, plans, policies, and programs to address the threat, including effectively managing deterrence in space;
- (3) areas of significant risk; and
- (4) other areas the Secretary deems appropriate.

Space Situational Awareness and Battle Management Command and Control

The committee recognizes the importance of rapidly developing robust space situational awareness (SSA) and space battle management command and control (BMC2) capabilities in order to successfully operate in the space warfighting domain. The committee is aware that there are multiple acquisition and development efforts underway in response to warfighter requirements, including the Joint Space Operations Center Mission System (JMS) and Enterprise BMC2 program, managed by the Space and Missile Systems Center (SMC); a Joint Emergent Operational Need (JEON) spiral development program, managed by the Air Force Research Laboratory (AFRL); and a common standards and open mission system development program, managed by the Air Force Rapid Capabilities Office (AFRCO). SMC is serving as the enterprise manager for these BMC2 activities, which, when developed and acquired, will be delivered to the warfighter to operate at the Joint Space Operations Center (JSpOC) and the National Space Defense Center (formerly called the Joint Interagency Combined Space Operations Center).

The committee believes that, in addition to the aforementioned activities, the use of commercial capabilities can and should be increased to rapidly meet the warfighter requirement. The committee understands that SMC, AFRL, and AFRCO plan to, in the near term, competitively seek commercial solutions and to form a consortia to include additional commercial and defense industry partners in BMC2 efforts.

The committee supports these activities and plans, and expects the Air Force to appropriately leverage commercial capabilities, which may be able to address certain warfighter requirements in the near term.

Therefore, the committee directs the Commander of Air Force Space Command, in coordination with the Commander of U.S. Strategic Command, to provide a briefing to the Committee on Armed Services of the House of Representatives by October 1, 2017, on an assessment of relevant commercial capabilities and the near-term plan to leverage existing and mature commercial space situational awareness capabilities to rapidly address validated warfighter capability gaps concerning foundational SSA and BMC2.

Additionally, considering the complexity and scope of this activity, the committee directs the Comptroller General of the United States to review the Air Force Enterprise Space BMC2 activities, to include JMS, and provide a briefing to the congressional defense committees by November 1, 2017, with an update briefing not more than 6 months later, on the status of the program, the extent to which the Air Force is following acquisition best practices for information technology, and whether it is appropriately leveraging commercial capabilities.

MISSILE DEFENSE PROGRAMS

Improving Ground Testing of the Ground-Based Midcourse Defense System

The committee notes the congressional requirement included in section 1664 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291) for an independent

report to improve the effectiveness of the Ground-Based Midcourse Missile Defense system testing. The committee received this classified report from the Institute for Defense Analyses in 2016 which made recommendations related to improving testing, and recommended that the Director of the Missile Defense Agency develop a strategy for making these improvements. The committee commends the Director of the Missile Defense Agency for considering and accepting these recommendations. The committee remains interested in the implementation of these recommendations, and whether and how they might improve cost-effectiveness, reduce unnecessary risks, and increase the value of missile defense flight intercept tests. Therefore, the committee directs the Director of the Missile Defense Agency to provide a briefing to the Committee on Armed Services of the House of Representatives not later than November 1, 2017, on the implementation of the recommendations, any related funding requirements, and, any associated risk-reduction that is expected to occur as a result of implementing the recommendations.

NUCLEAR FORCES

Comptroller General Review of Nuclear Forces Readiness During Recapitalization and Transition

The Department of Defense is embarked on a large, complex, and interdependent effort to sustain and modernize U.S. nuclear forces. Current delivery systems, infrastructure, and nuclear command, control, and communications (NC3) systems are all aging, with many systems now deployed well beyond their intended service lives. For example, the Minuteman III missile system was first deployed in 1970 and, following multiple life extension efforts, is intended to stay in service through 2030. Ohio-class ballistic missile submarines will, by 2020, have been in service longer than any other submarines and will still have more than a decade until retirement. Meanwhile, the youngest airplane in the B-52 bomber fleet was delivered to the Air Force in 1962 and the B-2 bomber entered service 25 years ago.

The Department's plans to recapitalize these major systems concurrently are tightly scheduled and closely coupled to plans to sustain and maintain the readiness of the current systems until the new systems are fully operational. The committee believes the success of maintaining the readiness of nuclear forces at all times, but particularly during this transition period, is vital to national security. Therefore, the committee directs the Comptroller General of the United States to assess the readiness of U.S. nuclear forces and provide a report to the Committees on Armed Services of the Senate and the House of Representatives by March 1, 2018. Such report should include an assessment of:

- (1) the historical and current status of nuclear forces readiness, including how well such forces and NC3 systems are meeting combatant commander requirements;

(2) the Department's strategy and plans, for maintaining the readiness of legacy delivery systems and NC3 systems until modern replacement systems are operational;

(3) the Department's risk mitigation plans for maintaining nuclear forces readiness and meeting combatant commander requirements during the transition from legacy systems, including risk reduction plans if legacy systems expire sooner than planned or new systems are delayed.

Continuation of Nuclear Command, Control and Communications Acquisition Assessments by the Government Accountability Office

The committee values the ongoing work of the Government Accountability Office (GAO) in reviewing the progress and challenges facing the Department of Defense's nuclear command, control, and communications (NC3) acquisition programs. Similar to space acquisition programs, NC3 acquisition is a system of systems process, which takes years to oversee on a continuous basis to determine if the programs are achieving their cost, schedule, and performance goals. The committee supports the Department's continuing efforts to establish new and rigorous NC3 acquisition oversight structures to address NC3 capability gaps and weaknesses. However, much work remains to be done to establish these oversight structures at both the departmental and military services levels.

Therefore, the committee directs the Comptroller General of the United States to assess the Department's NC3 acquisition oversight and NC3 acquisition programs, as well as its progress in developing and implementing an overall NC3 architecture. The committee further directs the Comptroller General to provide a briefing to the congressional defense committees by March 1, 2018, on the results of GAO's assessment for fiscal year 2018. In conducting the assessment, the Comptroller General should include, as the Comptroller General deems appropriate, the insights of both Department of Defense and non-Department entities that have relevant NC3 knowledge. The Department organizations include, but are not limited to, the Office of the Secretary of Defense (Nuclear Matters, Cost Assessment and Program Evaluation, Chief Information Office), the military services, the Joint Staff, U.S. Strategic Command, Defense Information Systems Agency, and Department of Defense independent test offices. The non-Department entities include federally funded research and development centers, university affiliated research centers such as the Johns Hopkins University Applied Physics Laboratory, contractors, the White House Military Office, and industry groups. Finally, the committee encourages the Comptroller General to conduct periodic updates of such an assessment in consultation with the congressional defense committees.

Nuclear Security Collaboration and Harmonization

The committee continues to encourage the Department of Defense and the National Nuclear Security Administration to collaborate and share expertise, resources, standards, processes, and lessons learned to more effectively and

efficiently safeguard the nation's nuclear weapons and special nuclear materials. This collaboration began pursuant to a December 2011 memorandum of agreement between the Deputy Secretary of Defense and the Deputy Secretary of Energy, but it took several years for implementation to truly begin. Recent efforts to collaborate on development and validation of security technologies, develop and implement tools like the Joint Integrated Lifecycle Surety (JILS) system, and understand threats, are positive.

The committee encourages the Department of Defense and Department of Energy to recommit to the principles contained in the 2011 memorandum and establish milestones and a roadmap to carry out the activities called for within it. The committee believes more can be done to take common approaches to technology development and validation, share inspection and force-on-force capabilities and approaches, and take more consistent approaches to threat policies and security risk analyses. The committee believes these steps will reduce costs, improve consistency, and lead to improved nuclear security.

The committee directs the Administrator for Nuclear Security, in coordination with the Chairman of the Nuclear Weapons Council and appropriate representatives from the Navy and Air Force, to provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives by November 30, 2017, on progress in nuclear security collaboration and their plan or roadmap for future activities.

Office of the Secretary of Defense Oversight and Organization for the Nuclear Deterrence Mission

The committee recognizes and appreciates the importance and priority placed by the Department of Defense on its nuclear deterrence mission. The Department's Nuclear Enterprise Review (NER) in 2014 brought renewed senior leadership attention to the mission and made a variety of recommendations to make improvements through increased focus, investment, and policy adjustments.

To track and ensure meaningful implementation of the recommendations of the NER, the Department created the Nuclear Deterrence Enterprise Review Group (NDERG), headed by the Deputy Secretary of Defense and supported by the Office of Cost Assessment and Program Evaluation (CAPE). The committee believes the NDERG was instrumental in correcting many of the longstanding problems and deficiencies identified by the NER. But the committee also believes that key cultural problems identified by the NER will take many years of continuous, high-level engagement and follow-through to successfully address. The committee is concerned that senior leader attention and engagement on the nuclear mission could wane with the transition of senior personnel between administrations.

The committee therefore directs the Deputy Secretary of Defense to provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives by October 31, 2017, on the Department's approach to oversight and organization for the nuclear deterrence mission. Such briefing should include:

(1) a description of how the Department is following through on the recommendations of the NER and the NDERG process, and how the Department will ensure meaningful and successful remedies are being applied now and in the future;

(2) the Department's approach to ensuring senior leader engagement and focus continues for the nuclear deterrence mission;

(3) remaining gaps and challenges that will require ongoing attention, and metrics for measuring progress on those issues; and

(4) how the Office of the Secretary of Defense will be organized, taking into account recent legislation and executive actions, to oversee and steward the nuclear deterrence mission.

Status of Infrastructure Supporting NATO Nuclear Deterrence Mission

The committee appreciates the importance of the North Atlantic Treaty Organization's (NATO's) deterrence and defense mission, and the role that U.S. forward-deployed nuclear weapons play in the Alliance. The committee understands that NATO, the U.S., and individual host nations all bear responsibilities for ensuring that the infrastructure supporting NATO's nuclear deterrence mission and the U.S. military personnel stationed in Europe enabling that mission, are safe, secure, and modern. As NATO continues to strengthen and update its deterrence posture following the Warsaw Summit in July 2016, and based on the findings of the Department of Defense's Nuclear Enterprise Review in 2014, the committee believes it is imperative upon all stakeholders to ensure NATO's nuclear-related infrastructure receives sufficient funding and senior leadership attention.

The committee appreciates the ongoing dialogue with the Department of Defense on this issue. To provide continuing and close oversight of this issue, the committee directs the Secretary of Defense, acting through the Secretary of Defense Advisor, Europe, and in consultation with the Secretary of State and the Secretary of the Air Force, to provide two briefings to the Committees on Armed Services of the Senate and the House of Representatives, with the first such briefing to be provided by October 1, 2017, on the status of U.S. and NATO nuclear-related infrastructure in Europe, including efforts to upgrade, modernize, and improve such infrastructure. The briefings should also address plans to encourage NATO to adopt and implement a common standard for perimeter security at relevant sites. The final briefing should be provided by April 1, 2018. Specifically, the briefings should include:

(1) the status of nuclear-related infrastructure across NATO, including descriptions of facilities' state of repair and progress on efforts to recapitalize or replace outdated facilities or equipment, and including a description of any variances in perimeter security and infrastructure at relevant sites;

(2) current or potential plans, programs, or activities that would improve NATO's nuclear-related infrastructure, including for safety, security,

communications, or operations for U.S. nuclear weapons in Europe or quality of life for U.S. military personnel supporting this mission;

(3) actions taken by the U.S. Government to standardize or improve NATO's nuclear-related infrastructure and adopt common standards, such as for perimeter security, including engagements bilaterally with host nations and multilaterally through NATO; and

(4) such other matters as the Secretary of Defense determines appropriate.

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

Defense Nuclear Nonproliferation

Nuclear detection and verification efforts

The committee is aware that nuclear detection and verification efforts, and improving related cooperation and engagement, were a focus of discussion at the May 2017 Preparatory Committee for the 2020 Nuclear Non-Proliferation Treaty Review Conference. To support the coming Review Conference and increase international support for a successful conference, the committee believes a comprehensive understanding of U.S. Government efforts related to research, development, policies, and plans is warranted.

In this context, the committee notes that section 3132 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328) required an updated national roadmap for nuclear detection and verification. The committee remains concerned that, for a second year in a row, the report delivered pursuant to this statutory requirement failed to provide an adequate or comprehensive response. Instead, the report only described initial steps and lacked a clear explanation of the plan, current and planned capabilities, near-term or long-term objectives, funding needs, actions, or recommendations.

Therefore, as a step toward increasing understanding of current and planned efforts, the committee directs the Administrator for Nuclear Security, in coordination with the relevant national security laboratories, to provide a briefing to the Committee on Armed Services of the House of Representatives not later than December 1, 2017, on nuclear verification and detection programs. In particular, such briefing should include a description of relevant current or potential research

and development programs that could enhance international cooperation with foreign partners, and the opportunities, benefits, risks, and challenges associated with such programs.

Federal Salaries and Expenses

Comptroller General Review of Support Service Contracts

In 2015, the Department of Energy's Inspector General conducted a review of the National Nuclear Security Administration's (NNSA) use and management of support service contracts (SSC) and concluded that certain NNSA SSCs exhibited characteristics that could create the appearance, depending on how they are managed, of violating Federal acquisition regulations. NNSA agreed to implement corrective actions in response to the Inspector General's findings.

The committee remains concerned about NNSA's use and management of SSCs, both from the perspective of compliance with pertinent acquisition regulations and laws, as well as a potential means to circumvent the intent of the statutory cap on the number of Federal NNSA employees contained in section 3241A of the National Nuclear Security Administration Act (50 U.S.C. 2441a). The committee therefore directs the Comptroller General of the United States to conduct a review of NNSA's use and management of SSCs and to provide a briefing on such review to the Committee on Armed Services of the Senate and the House of Representatives by March 1, 2018. This review should include:

- (1) the number and cost of NNSA's SSCs over the past 8 years, including the value of the contracts, the number of personnel working under SSCs, and the cost of such personnel as compared to costs of comparable Federal employees;
- (2) the functions performed by SSC personnel and the type of funding used to support SSCs, and the extent to which such functions and funding sources were consistent with applicable rules, guidance, directives, and laws;
- (3) an assessment of NNSA's potential use of SSC personnel to compensate for a perceived shortage in Federal employee billets;
- (4) actions taken by NNSA to address the findings and recommendations made by the Inspector General in its 2015 review; and
- (5) such other matters or additional opportunities for improvement in the use and management of SSCs by NNSA as the Comptroller General determines appropriate.