

## En Bloc Amendments to H.R. 4909

April 27, 2016

### Subcommittee on Strategic Forces En Bloc #2

Log #	Sponsor	Description
061r2	Lamborn	Limits funds to extend New Start treaty prior to Jan 1, 2021 unless CJCS submits a report and DNI submits the NIE to appropriate congressional committees.
287r2	Lamborn	Directs an OSD-ODNI report on Commercial Space-Based Capabilities.
327	Gabbard	Directs MDA to brief the congressional committees on Armed Services no later than Nov 31, 2016 on the Agency's plan to ensure missile defense in Hawaii keeps pace with the threat.
156r2	Franks	Directs the MDA to develop a program of record in the ballistic missile defense system to defeat hypersonic boost-glide and maneuvering ballistic missiles. The MDA director shall consider opportunities for co-development including financial support.
330	Gabbard	Requires the MDA to issue a request for proposal for a medium range discrimination radar or equivalent sensor for a location the Director determines will improve homeland missile defense for the defense of Hawaii, and plan for such radar to be fielded no later than Dec 31, 2021

**AMENDMENT TO H.R. 4909  
OFFERED BY MR. LAMBORN OF COLORADO**

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

1 **SEC. 16 \_\_\_\_ . LIMITATION ON AVAILABILITY OF FUNDS FOR**  
2 **EXTENSION OF NEW START TREATY.**

3 (a) **LIMITATION.**—None of the funds authorized to  
4 be appropriated by this Act or otherwise made available  
5 for fiscal year 2017 or any other fiscal year for the De-  
6 partment of Defense may be obligated or expended to ex-  
7 tend the New START Treaty unless—

8 (1) the Chairman of the Joint Chiefs of Staff  
9 submits the report under subsection (b);

10 (2) the Director of National Intelligence sub-  
11 mits the National Intelligence Estimate under sub-  
12 section (c)(2); and

13 (3) a period of 180 days elapses following the  
14 submission of both the report and the National In-  
15 telligence Estimate.

16 (b) **REPORT.**—The Chairman of the Joint Chiefs of  
17 Staff shall submit to the appropriate congressional com-  
18 mittees a report detailing the following:

1           (1) The impacts on the nuclear forces and force  
2           planning of the United States with respect to a  
3           State Party to the New START Treaty developing  
4           a capability to conduct a rapid reload of its ballistic  
5           missiles.

6           (2) Whether any State Party to the New  
7           START Treaty has significantly increased its upload  
8           capability with non-deployed nuclear warheads and  
9           the degree to which such developments impact crisis  
10          stability and the nuclear forces, force planning, use  
11          concepts, and deterrent strategy of the United  
12          States.

13          (3) The extent to which non-treaty-limited nu-  
14          clear or strategic conventional systems pose a threat  
15          to the United States or the allies of the United  
16          States.

17          (4) The extent to which violations of arms con-  
18          trol treaty and agreement obligations pose a risk to  
19          the national security of the United States and the  
20          allies of the United States, including the perpetua-  
21          tion of violations ongoing as of the date of the enact-  
22          ment of this Act, as well as potential further viola-  
23          tions.

24          (5) The extent to which—

1 (A) the “escalate-to-deescalate” nuclear  
2 use doctrine of the Russian Federation is de-  
3 terred under the current nuclear force struc-  
4 ture, weapons capabilities, and declaratory pol-  
5 icy of the United States; and

6 (B) deterring the implementation of such a  
7 doctrine has been integrated into the warplans  
8 of the United States.

9 (6) The status of the nuclear weapons, nuclear  
10 weapons infrastructure, and nuclear command and  
11 control modernization activities of the United States,  
12 and the impact such status has on plans to—

13 (A) implement the reduction of the nuclear  
14 weapons of the United States; or

15 (B) further reduce the numbers and types  
16 of such weapons.

17 (7) Whether, and if so, the reasons that, the  
18 New START Treaty, and the extension of the treaty  
19 as of the date of the report, is in the national secu-  
20 rity interests of the United States.

21 (c) NATIONAL INTELLIGENCE ESTIMATE.—

22 (1) PRODUCTION.—The Director of National  
23 Intelligence shall produce a National Intelligence Es-  
24 timate on the following:

1 (A) The nuclear forces and doctrine of the  
2 Russian Federation.

3 (B) The nuclear weapons research and  
4 production capability of Russia.

5 (C) The compliance of Russia with respect  
6 to arms control obligations (including treaties,  
7 agreements, and other obligations).

8 (D) The doctrine of Russia with respect to  
9 targeting adversary critical infrastructure and  
10 the relationship between such doctrine and  
11 other Russian war planning, including, at a  
12 minimum, “escalate-to-deescalate” concepts.

13 (2) SUBMISSION.—The Director of National In-  
14 telligence shall submit, consistent with the protection  
15 of sources and methods, to the appropriate congress-  
16 sional committees the National Intelligence Estimate  
17 produced under paragraph (1).

18 (d) DEFINITIONS.—In this section:

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

21 (A) the Committees on Armed Services of  
22 the House of Representatives and the Senate;

23 (B) the Committee on Foreign Affairs of  
24 the House of Representatives and the Com-  
25 mittee on Foreign Relations of the Senate; and

1 (C) the Permanent Select Committee on  
2 Intelligence of the House of Representatives  
3 and the Select Committee on Intelligence of the  
4 Senate.

5 (2) The term "New START Treaty" means the  
6 Treaty between the United States of America and  
7 the Russian Federation on Measures for the Further  
8 Reduction and Limitation of Strategic Offensive  
9 Arms, signed on April 8, 2010, and entered into  
10 force on February 5, 2011.



LOG 287 AR2

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

**Offered by Congressman Lamborn**

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

**Commercial Space-Based Capabilities**

The Committee supports the emerging commercial space market and the leadership of U.S. space industry. The committee recognizes that these emerging space-based technologies could enable the government to leverage additional services not previously available from private entities. Therefore, the committee directs the Secretary of Defense, in coordination with the Director of National Intelligence and other relevant Federal agencies as appropriate, to provide a briefing on national security-related commercial space-based capabilities to the congressional defense and intelligence committees by November 1, 2016. The briefing shall include:

- (1) An evaluation of how emerging commercial space-based capabilities can meet mission requirements and augment government systems for the Department of Defense and Intelligence Community;
- (2) Identification of existing regulations, and suggested modifications needed to leverage commercial space-based capabilities and protect national security;  
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- (3) A strategy for leveraging, as appropriate, commercial space-based capabilities, products, and services in a timely manner.
- (4) Any other considerations regarding the use of commercial systems for national security missions.

## Amendment Offered by Rep. Tulsi Gabbard of Hawaii

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

In the appropriate place in the report, insert the following:

### **Ensuring Robust Missile Defense for Hawaii**

The committee notes with concern the rapid expansion of missile development and testing by the Democratic People's Republic of Korea. The committee notes the DPRK's multiple tests in the past six months of long-range missiles and engines, all of which violate international sanctions and continue to threaten the United States.

The committee recognizes the Missile Defense Agency's focus on ensuring the state of Hawaii is fully protected from missile threats in the Asia Pacific. It notes the plan the Agency submitted to this committee on fielding a medium-range discrimination radar to enhance discrimination capability in Hawaii. The committee continues to remain concerned, however, about the pace of deploying those systems, in light of the increasing threat. Therefore, the committee therefore directs the Missile Defense Agency to brief the Committee on Armed Services no later than 120 days after the enactment of this bill on the Agency's plan to enhance missile defense in Hawaii, such that the defense continues keeps pace with the threat.



**AMENDMENT TO H.R. 4909**  
**OFFERED BY MR. FRANKS OF ARIZONA**

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

1 **SEC. 16** \_\_\_\_ . **HYPERSONIC BOOST GLIDE VEHICLE DEFENSE.**

2 (a) **ESTABLISHMENT.**—

3 (1) **IN GENERAL.**—Not later than 180 days  
4 after the date of the enactment of this Act, the Di-  
5 rector of the Missile Defense Agency shall establish  
6 a program of record in the ballistic missile defense  
7 system to develop and field a defensive system to de-  
8 feat hypersonic boost-glide and maneuvering ballistic  
9 missiles. Such defense system may be a new system,  
10 a modification of an existing system, or developed by  
11 integrating existing systems.

12 (2) **CODEVELOPMENT.**— In developing the pro-  
13 gram of record for the defensive system under para-  
14 graph (1), the Director shall consider opportunities  
15 for codevelopment, including through financial sup-  
16 port, with allies and partners of the United States.

17 (b) **LIMITATION.**—Of the funds authorized to be ap-  
18 propriated by this Act or otherwise made available for fis-  
19 cal year 2017 for the headquarters operations of the

1 Under Secretary of Defense for Policy and the head-  
2 quarters operations of the Under Secretary of Defense for  
3 Acquisition, Technology, and Logistics, \$25,000,000 may  
4 not be obligated or expended for each such headquarters  
5 operations until—

6 (1) the Director certifies to the congressional  
7 defense committees that the Director has established  
8 the program of record under paragraph (1) of sub-  
9 section (a), including a discussion of—

10 (A) the options for codevelopment consid-  
11 ered by the Director under paragraph (2) of  
12 such subsection;

13 (B) such options the Director has assessed;  
14 and

15 (C) such options the Director recommends  
16 be pursued in the program of record; and

17 (2) the Chairman of the Joint Chiefs of Staff  
18 submits to the congressional defense committees a  
19 report on the military capability or capabilities and  
20 capability gaps relating to the threat posed by  
21 hypersonic boost-glide and maneuvering ballistic  
22 missiles to the United States, the forces of the  
23 United States, and the allies of the United States;  
24 and

1           (3) a period of 30 days has elapsed following  
2           the date on which the congressional defense commit-  
3           tees has received both the certification and the re-  
4           port.

5           (c) REPORT ON MTCR.—Not later than 120 days  
6           after the date of the enactment of this Act, the Secretary  
7           of Defense, with the concurrence of the Secretary of State,  
8           shall submit to the congressional defense committees and  
9           the Committee on Foreign Relations of the Senate and  
10          the Committee on Foreign Affairs of the House of Rep-  
11          resentatives a report on the implications for the Missile  
12          Technology Control Regime regarding the development of  
13          a defensive system, including with respect to partnering  
14          with allies and partners of the United States, to counter  
15          hypersonic boost-glide and maneuvering ballistic missiles.

16          (d) PLAN.—Not later than 30 days after the date on  
17          which the budget of the President for fiscal year 2018 is  
18          submitted to Congress under section 1105 of title 31,  
19          Unites States Code, the Director shall submit to the con-  
20          gressional defense committees a plan to field the defensive  
21          system under paragraph (1) of subsection (a) by 2021,  
22          including—

23                 (1) a schedule of required ground, flight, and  
24                 intercept tests; and

1           (2) the estimated budget for such plan, includ-  
2           ing a budget with codevelopment described in para-  
3           graph (2) of such subsection and a budget without  
4           such codevelopment, required for each year begin-  
5           ning with fiscal year 2018.



**AMENDMENT TO H.R. 490  
OFFERED BY MS. GABBARD OF HAWAII**

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

**SEC. 16\_\_\_\_. PROCUREMENT OF MEDIUM-RANGE DISCRIMINATION RADAR TO  
IMPROVE HOMELAND MISSILE DEFENSE.**

- (a) The Director of the Missile Defense Agency shall issue a request for proposals for such radar by not later than October 1, 2017.
- (b) The Director shall plan to procure a medium-range discrimination radar or equivalent sensor for a location the Director determines will improve homeland missile defense for the defense of Hawaii from the limited ballistic missile threat (including accidental or unauthorized launch) and plan for such radar to be fielded by not later than December 31, 2021.