

En Bloc Amendments to H.R. 1735
National Defense Authorization Act for Fiscal Year 2016
Subcommittee on Strategic Forces
Wednesday, April 29, 2015

Subcommittee on Strategic Forces En Bloc #1
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Log #	Sponsor	Description
001r1	Mr. Brooks	Directive Report Language on a Roadmap for the Ground-based Missile Defense System
002	Mr. Lamborn	Prohibition on Reliance on China and Russia for Space-Based Weather Data
003r1	Mr. Rogers	Improvement to Accountability of Department of Energy Employees and contractors
004r1	Mr. Rogers	Full-time Equivalent Contractor Personnel Levels of the National Nuclear Security Administration
006	Mr. Rogers	Sense of Congress on Organization of Navy for Nuclear Deterrence
007	Mr. Rogers	Technical Corrections to two provisions concerning the interoperability of certain air and missile defense systems
010	Mr. Cooper	Adding not later than 60 days after the date of the enactment concerning a CAPE review

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Amendment Offered by Mr. Brooks

H.R. 1735—National Defense Authorization Act for Fiscal Year 2016

SUBCOMMITTEE ON STRATEGIC FORCES

To be inserted in the appropriate place in the report:

Roadmap for the Ground-based Missile Defense System

The committee believes that as adversaries of the United States develop or acquire ballistic missiles, the United States must maintain, improve, and expand our capability to protect the homeland from ballistic missile attack through the Ground-based Missile Defense (GMD) System. The committee also believes that by 2020, the GMD system requires a significant block upgrade of an ALL-Up-Round (AUR) Ground Based Interceptor that incorporates a redesigned Exo-atmospheric Kill Vehicle; incorporating increased capability and reliability at much lower production and maintenance costs, an upgrade of the booster to eliminate obsolescence, and incorporate nuclear hardening and lightning protection. The committee further believes that the ground system supporting the GMD system must be improved to incorporate system modernization and upgrades to mitigate obsolescence, improve operations and reliability through re-architecting, and upgrade the associated software to currently supported language. The committee also notes that the GMD system of 2020 needs to incorporate improved discrimination to address advanced complex threats that the system is most likely to encounter as the threat grows in numbers and complexity. The committee also notes the need to use robust acquisition practices as appropriate to avoid delays and cost increases.

Therefore, the committee directs the Director of the Missile Defense Agency, in coordination with the Under Secretary of Defense for Acquisition, Technology, and Logistics, to provide to the congressional defense committees by February 15, 2016, a roadmap of recommended time-phased improvements that should be incorporated into the GMD program from 2016 to 2025 to ensure the viability of the GMD system paced ahead of the threat to the U.S. homeland from the growing threat of ballistic missiles.

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AMENDMENT TO H.R. 1735

**OFFERED BY MR. LAMBORN OF COLORADO
AND MR. BRIDENSTINE
(Strategic Forces subcommittee mark)**

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

**1 SEC. 16 __. PROHIBITION ON RELIANCE ON CHINA AND
2 RUSSIA FOR SPACE-BASED WEATHER DATA.**

3 (a) PROHIBITION.—The Secretary of Defense shall
4 ensure that the Department of Defense does not rely on,
5 or in the future plan to rely on, space-based weather data
6 provided by the Government of China, the Government of
7 Russia, or an entity owned or controlled by the Govern-
8 ment of China or the Government of Russia for national
9 security purposes.

10 (b) CERTIFICATION.—Not later than 90 days after
11 the date of the enactment of this Act, the Secretary shall
12 submit to the congressional defense committees a certifi-
13 cation that the Secretary is in compliance with the prohibi-
14 tion under subsection (a).



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AMENDMENT TO H.R. 1735
OFFERED BY Mr. Rogers and Mr. Cooper
(Strategic Forces subcommittee mark)

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

1 **SEC. 31__.** [Log 60285] **IMPROVEMENT TO ACCOUNT-**
2 **ABILITY OF DEPARTMENT OF ENERGY EM-**
3 **PLOYEES AND PROJECTS.**

4 (a) **NOTIFICATIONS.—**

5 (1) **IN GENERAL.—**Subtitle C of the National
6 Nuclear Security Administration Act (50 U.S.C.
7 2441 et seq.) is amended by adding at the end the
8 following new section:

9 **“SEC. 3245. NOTIFICATION OF EMPLOYEE PRACTICES AF-**
10 **FFECTING NATIONAL SECURITY.**

11 **“(a) ANNUAL NOTIFICATION.—**At or about the time
12 that the President’s budget is submitted to Congress
13 under section 1105(a) of title 31, United States Code, the
14 Secretary and the Administrator shall jointly notify the
15 appropriate congressional committees of—

16 **“(1) the number of covered employees whose se-**
17 **curity clearance was revoked during the year prior**
18 **to the year in which the notification is made; and**

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1 “(2) for each employee counted under para-
2 graph (1), the length of time such employee has
3 been employed at the Department or the Adminis-
4 tration, respectively, since such revocation.

5 “(b) NOTIFICATION TO CONGRESSIONAL COMMIT-
6 TEES.—Whenever the Secretary or the Administrator ter-
7 minates the employment of a covered employee or removes
8 and reassigns a covered employee for cause, the Secretary
9 or the Administrator, as the case may be, shall notify the
10 appropriate congressional committees of such termination
11 or reassignment by not later than 30 days after the date
12 of such termination or reassignment.

13 “(c) DEFINITIONS.—In this section:

14 “(1) The term ‘appropriate congressional com-
15 mittees’ means—

16 “(A) the congressional defense committees;
17 and

18 “(B) the Committee on Energy and Com-
19 merce of the House of Representatives and the
20 Committee on Energy and Natural Resources of
21 the Senate.

22 “(2) The term ‘covered employee’ means—

23 “(A) an employee of the Administration; or

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1 “(B) an employee of an element of the De-
2 partment of Energy (other than the Adminis-
3 tration) involved in nuclear security.”.

4 (2) CLERICAL AMENDMENT.—The table of con-
5 tents at the beginning of such Act is amended by in-
6 serting after the item relating to section 3244 the
7 following new items:

“Sec. 3245. Notification of employee practices affecting national security.”.

8 (3) ONE-TIME CERTIFICATION.—Not later than
9 30 days after the date of the enactment of this Act,
10 the Secretary of Energy and the Administrator for
11 Nuclear Security shall jointly submit to the congres-
12 sional defense committees, the Committee on Energy
13 and Commerce of the House of Representatives, and
14 the Committee on Energy and Natural Resources of
15 the Senate written certification that the Secretary
16 and the Administrator possess the authorities need-
17 ed to terminate the employment of an employee for
18 cause relating to improper program management (as
19 defined in section 3246(e) of the National Nuclear
20 Security Administration Act, as added by subsection
21 (b)(1)).

22 (b) LIMITATION ON BONUSES.—

23 (1) IN GENERAL.—Such subtitle, as amended
24 by subsection (a)(1), is further amended by adding
25 at the end the following:

1 **“SEC. 3246. LIMITATION ON BONUSES.**

2 “(a) **LIMITATION.**—The Secretary or the Adminis-
3 trator may not pay to a covered employee a bonus during
4 the one-year period beginning on the date on which the
5 Secretary or the Administrator determines that the cov-
6 ered employee committed improper program management.

7 “(b) **WAIVER.**—The Secretary or the Administrator
8 may waive the limitation in subsection (a) on a case-by-
9 case basis if—

10 “(1) the Secretary or the Administrator notifies
11 the appropriate congressional committees of such
12 waiver; and

13 “(2) a period of 60 days elapses following such
14 notification.

15 “(c) **DEFINITIONS.**—In this section:

16 “(1) The term ‘appropriate congressional com-
17 mittees’ means—

18 “(A) the congressional defense committees;
19 and

20 “(B) the Committee on Energy and Com-
21 merce of the House of Representatives and the
22 Committee on Energy and Natural Resources of
23 the Senate.

24 “(2) The term ‘bonus’ means a bonus or award
25 paid under title 5, United States Code, including

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1 under chapters 45 or 53 of such title, or any other
2 provision of law.

3 “(3) The term ‘covered employee’ has the
4 meaning given that term in section 3245.

5 “(4) The term ‘covered project’ means—

6 “(A) a construction project of the Adminis-
7 tration that is not covered under section
8 4703(d) of the Atomic Energy Defense Act (50
9 U.S.C. 2743(d));

10 “(D) a life extension program;

11 “(E) a defense nuclear nonproliferation
12 project or program; or

13 “(F) an activity of the Office of the Ad-
14 ministrator.

15 “(5) The term ‘improper program management’
16 means actions relating to the management of a cov-
17 ered project that significantly—

18 “(A) delays the project;

19 “(B) reduce the scope of the project;

20 “(C) increase the cost of the project; or

21 “(D) undermines health, safety, or secu-
22 rity.”.

23 (2) CLERICAL AMENDMENT.—The table of con-
24 tents at the beginning of such Act, as amended by
25 subsection (a), is amended by inserting after the

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1 item relating to section 3245 the following new
2 items:

“Sec. 3246. Limitation on bonuses.”.

3 (c) IMPROVEMENT TO PROGRAM MANAGEMENT.—

4 (1) IN GENERAL.—Subtitle A of title XLVII of
5 the Atomic Energy Defense Act (50 U.S.C. 2741 et
6 seq.) is amended by adding at the end the following
7 new section:

8 **“SEC. 4715. COMPLETION OF PROJECTS ON TIME, ON BUDG-
9 ET, WITHIN PLANNED SCOPE, AND WHILE
10 PROTECTING HEALTH, SAFETY, AND SECU-
11 RITY.**

12 “(a) SENSE OF CONGRESS.—It is the sense of Con-
13 gress that the Administrator should use all contractual
14 remedies available to the Administrator, including through
15 the withholding of all award fees, in cases in which the
16 Administrator determines that a contractor of a covered
17 project is responsible for significantly—

- 18 “(1) delaying the project;
- 19 “(2) reducing the scope of the project;
- 20 “(3) increasing the cost of the project; or
- 21 “(4) undermines health, safety, or security.

22 “(b) ANNUAL CERTIFICATIONS.—In addition to the
23 requirements under section 4713, at or about the time
24 that the President’s budget is submitted to Congress
25 under section 1105(a) of title 31, United States Code, the

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1 Administrator shall certify to the appropriate congres-
2 sional committees that each covered project is being car-
3 ried out on time, on budget, within the planned scope of
4 the project, and while protecting health, safety, and secu-
5 rity.

6 “(c) NOTIFICATIONS OF DEFICIENCIES.—Not later
7 than 30 days after the date on which the Administrator
8 makes each certification under subsection (b), the Admin-
9 istrator shall notify the appropriate congressional commit-
10 tees of the following:

11 “(1) Any covered project for which the Admin-
12 istrator could not make such a certification.

13 “(2) Except as provided by paragraph (3), with
14 respect to a covered project for which the Adminis-
15 trator could not make such a certification by reason
16 of the actions of a contractor that the Administrator
17 determines significantly delayed the project, reduced
18 the scope of the project, increased the cost of the
19 project, or undermined health, safety, or security—

20 “(A) an explanation as to whether termi-
21 nation of contract for the project is an appro-
22 priate remedy;

23 “(B) a description of the terms of the con-
24 tract regarding award fees and performance;
25 and

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1 “(C) a description of how the Adminis-
2 trator plans to exercise contractual options.

3 “(3) In the case of a covered project described
4 in paragraph (2) for which the Administrator is not
5 able to submit the information described in subpara-
6 graphs (A) through (C) of such paragraph by reason
7 of a contract enforcement action, a notification of
8 such contract enforcement action and the date on
9 which the Administrator plans to submit the infor-
10 mation described in such subparagraphs.

11 “(d) DEFINITIONS.—In this section:

12 “(1) The term ‘appropriate congressional com-
13 mittees’ means—

14 “(A) the congressional defense committees;
15 and

16 “(B) the Committee on Energy and Com-
17 merce of the House of Representatives and the
18 Committee on Energy and Natural Resources of
19 the Senate.

20 “(2) The term ‘covered project’ means—

21 “(A) a construction project of the Adminis-
22 tration that is not covered under section
23 4703(d);

24 “(B) a life extension program;

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1 “(C) a defense nuclear nonproliferation
2 project or program; or

3 “(D) an activity of the Office of the Ad-
4 ministrators.”.

5 (3) CLERICAL AMENDMENT.—The table of con-
6 tents for such Act is amended by inserting after the
7 item relating to section 4714 the following new item:

“Sec. 4715. Completion of projects on time, on budget, within planned scope,
and while protecting health, safety, and security.”.



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AMENDMENT TO H.R. 1735
OFFERED BY MR. ROGERS OF ALABAMA
(Strategic Forces subcommittee mark)

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

1 **SEC. 31___ . FULL-TIME EQUIVALENT CONTRACTOR PER-**
2 **SONNEL LEVELS.**

3 Section 3241A of the National Nuclear Security Ad-
4 ministration Act (50 U.S.C. 2441a) is amended by adding
5 at the end the following new subsections:

6 “(f) FULL-TIME EQUIVALENT CONTRACTOR PER-
7 SONNEL LEVELS.—

8 “(1) TOTAL NUMBER.—The total number of
9 full-time equivalent contractor employees working
10 under a service support contract of the Administra-
11 tion may not exceed the number that is 30 percent
12 of the number of employees of the Office of the Ad-
13 ministrator authorized under subsection (a)(1).

14 “(2) EXCESS.—The Administrator may not ex-
15 ceed the total number of full-time equivalent con-
16 tractor employees authorized under paragraph (1)
17 unless, during each fiscal year in which such total
18 number of contractor employees exceeds such au-

1 thorized number, the Administrator submits to the
2 congressional defense committees a report justifying
3 such excess.

4 “(g) ANNUAL REPORT.—Together with each budget
5 submitted by the President to Congress under section
6 1105 of title 31, United States Code, the Administrator
7 shall submit to the congressional defense committees a re-
8 port containing the following information as of the date
9 of the report:

10 “(1) The number of full-time equivalent em-
11 ployees of the Office of the Administrator, as count-
12 ed under subsection (a).

13 “(2) The number of service support contracts of
14 the Administration.

15 “(3) The number of full-time equivalent con-
16 tractor employees working under each contract iden-
17 tified under paragraph (2).

18 “(4) The number of full-time equivalent con-
19 tractor employees described in paragraph (2) that
20 have been employed under such a contract for a pe-
21 riod greater than two years.”.



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AMENDMENT TO H.R. 1735
OFFERED BY MR. ROGERS OF ALABAMA
(Strategic Forces subcommittee mark)

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

1 **SEC. 16___ . SENSE OF CONGRESS ON ORGANIZATION OF**
2 **NAVY FOR NUCLEAR DETERRENCE MISSION.**

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

4 (1) The safety, security, reliability, and credi-
5 bility of the nuclear deterrent of the United States
6 is a vital national security priority.

7 (2) Nuclear weapons require special consider-
8 ation because of the political and military impor-
9 tance of the weapons, the destructive power of the
10 weapons, and the potential consequences of an acci-
11 dent or unauthorized act involving the weapons.

12 (3) The assured safety, security, and control of
13 nuclear weapons and related systems are of para-
14 mount importance.

15 (b) **SENSE OF CONGRESS.**—It is the sense of Con-
16 gress that—

1 (1) the Navy has repeatedly demonstrated the
2 commitment and prioritization of the Navy to the
3 nuclear deterrence mission of the Navy;

4 (2) the emphasis of the Navy on ensuring a
5 safe, secure, reliable, and credible sea-based nuclear
6 deterrent force has been matched by an equal em-
7 phasis on ensuring the assured safety, security, and
8 control of nuclear weapons and related systems
9 ashore; and

10 (3) the Navy is commended for the actions the
11 Navy has taken subsequent to the 2014 Nuclear En-
12 terprise Review to ensure continued focus on the nu-
13 clear deterrent mission by all ranks within the Navy,
14 including the clarification and assignment of specific
15 responsibilities and authorities within the Navy con-
16 tained in OPNAV Instruction 8120.1 and SECNAV
17 Instruction 8120.1B.



STR Log 007

AMENDMENT TO H.R. 1735
OFFERED BY Mr. Rogers
(Strategic Forces subcommittee mark)

In section 16 ____ [Log 60292]—

(1) in subsection (a)(1), strike “air and missile defense capabilities of the United States” and all that follows through “missile defense ships,” and insert “covered air and missile defense capabilities of the United States”; and

(2) amend subsection (d) to read as follows:

1 (d) DEFINITIONS.—In this section:

2 (1) The term “covered air and missile defense
3 capabilities” means Patriot air and missile defense
4 batteries and associated interceptors and systems,
5 Aegis ships and associated ballistic missile intercept-
6 tors (including Aegis Ashore capability), AN/TPY-2
7 radars, and terminal high altitude area defense bat-
8 teries and interceptors.

9 (2) The term “covered commander” means the
10 following:

11 (A) The Commander of the United States
12 European Command.

1 (B) The Commander of the United States
2 Central Command.

3 (C) The Commander of the United States
4 Pacific Command.

In section 16 ____ **【Log 59738】**—

(1) in subsection (a), strike “air and missile de-
fense capabilities of the United States” and all that
follows through “missile defense ships,” and insert
“covered air and missile defense capabilities of the
United States”;

(2) in subsection (b)(1), insert “covered” before
“air and missile defense capability”;

(3) in subsection (b)(2)(B), insert “covered” be-
fore “air and missile defense capability”; and

(4) by adding at the end the following:

5 (c) DEFINITIONS.—In this section, the term “covered
6 air and missile defense capabilities” means Patriot air and
7 missile defense batteries and associated interceptors and
8 systems, Aegis ships and associated ballistic missile inter-
9 ceptors (including Aegis Ashore capability), AN/TPY-2
10 radars, and terminal high altitude area defense batteries
11 and interceptors.



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AMENDMENT TO H.R. 1735
OFFERED BY MR. COOPER OF TENNESSEE
(Strategic Forces subcommittee mark)

Subsection (c)(2) of section 16____ (Log 60182) is amended by striking “The Director of Cost Assessment” and inserting “Not later than 60 days after the date of the enactment of this Act, the Director of Cost Assessment”.

