

# **H.R. 1735—FY16 NATIONAL DEFENSE AUTHORIZATION BILL**

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# **SUMMARY OF BILL LANGUAGE**

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**DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS**

**TITLE X—GENERAL PROVISIONS**

**LEGISLATIVE PROVISIONS**

**SUBTITLE A—FINANCIAL MATTERS**

Section 10xx—Authority to Transfer Funds to the National Nuclear Security Administration to Sustain Nuclear Weapons Modernization and Naval Reactors

This section would provide the Secretary of Defense the authority to transfer up to \$150.0 million to the nuclear weapons and naval reactor programs of the National Nuclear Security Administration (NNSA) if the amount authorized to

be appropriated or otherwise made available for fiscal year 2016 for the weapons activities of the NNSA is less than \$8.9 billion (the amount specified for fiscal year 2016 in the report required by section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84)).

#### SUBTITLE \_\_—REPEAL OR REVISION OF REPORTING REQUIREMENTS

##### Section 10x4—Repeal or Revision of Reporting Requirements Related to Nuclear, Proliferation, and Related Matters

This section would repeal or revise certain reporting requirements that are overly burdensome, duplicative, or outdated to include:

(a) Amending section 179 of title 10, United States Code, and strike subsection (g) related to an annual report by the Chairman of the Nuclear Weapons Council.

(b) Amending section 1821(b) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 2911) by striking paragraphs (2) and (3) related to a biannual reporting requirement on the Proliferation Security Initiative.

(c) Amending section 1282 of the National Defense Authorization Act for Fiscal Year 2013 (22 U.S.C. 5951) by striking subsection (a) related to briefings on dialogue between the United States and the Russian Federation on nuclear arms.

(d) Amending section 1072 of the National Defense Authorization Act for Fiscal Year 2012 (50 U.S.C. 3043) by striking subsection (b) requiring an annual update to an implementation plan for the whole-of-government vision prescribed in the National Security Strategy.

##### Section 10x5—Repeal or Revision of Reporting Requirements Related to Missile Defense

This section would repeal or revise certain reporting requirements that are overly burdensome, duplicative, or outdated. This section would amend section 232 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81) by striking subsection (b) requiring Annual Reports on Missile Defense Executive Board. This section would also amend section 234 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81) by striking subsections (a) and (b) requiring a report on the Ground-based Midcourse Defense system.

##### Section 10xx—Modification of Certain Reports Submitted by Comptroller General of the United States

This section would amend section 3255(a)(2) of the National Nuclear Security Administration Act (50 U.S.C. 2455) to provide the Comptroller General of the United States, in any odd-numbered year, 150 days to submit the report required by such section. The committee believes the Comptroller General's analysis under this section would benefit from information contained in the

Stockpile Stewardship and Management Plan and, therefore, provides the Comptroller General additional time. However, the committee expects the Comptroller General will still provide the committee an interim briefing on these matters in odd-numbered years to support the committee's legislative calendar.

This section would also amend section 3134 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84) to eliminate a requirement for the Comptroller General to conduct a final review of all projects carried out by the Department of Energy's Office of Environmental Management using American Recovery and Reinvestment Act of 2009 (Public Law 111-5) funds. The committee understands that as of last year, only one project within the scope of this review remained incomplete and the Comptroller General believes no significant issues have come to light that merit additional review and reporting. The committee recommends repeal of this final reporting mandate so that the Comptroller General can focus oversight resources on higher-priority committee requirements.

## TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

### LEGISLATIVE PROVISIONS

#### SUBTITLE C—MATTERS RELATING TO THE RUSSIAN FEDERATION

##### Section 12xx—Notifications and Updates Relating to Testing, Production, Deployment, and Sale or Transfer to Other States or Non-State Actors of the Club-K Cruise Missile System by the Russian Federation

This section would require quarterly notifications by the Secretary of Defense to the congressional defense committees on the testing, production, deployment, sale, or transfer to other states or non-state actors of the Club-K cruise missile system by the Russian Federation.

This section would also require the Secretary of Defense to notify the congressional defense committees not later than 7 days after the Secretary determines that there is reasonable belief that Russia has deployed, sold, or transferred the Club-K cruise missile system to other states or non-state actors.

Additionally, this section would require the Secretary to submit quarterly updates to the specified congressional committees on the coordination of allied responses to the deployment, sale, or transfer of the Club-K cruise missile system to other states or non-state actors by Russia.

Lastly, this section would require the Chairman of the Joint Chiefs of Staff to develop a strategy to detect, defend against, and defeat the Club-K cruise missile system, including opportunities for allied contributions to such efforts based on consultations with them. The Chairman of the Joint Chiefs of Staff would be required to submit the strategy to the congressional defense committees not later than September 30, 2016. The committee encourages the Chairman to ensure such



strategy includes an estimation of its costs, if implemented in whole or in part, as well as a military assessment of the risks of such system to the United States, its deployed Armed Forces, and its allies if deployed by Russia or by a non-state actor.

The notification requirements in this section would sunset 5 years after the date of the enactment of this Act.

#### Section 12xx—Notifications of Deployment of Nuclear Weapons by Russian Federation to Territory of Ukrainian Republic

This section would require the Secretary of Defense to submit to the appropriate congressional committees quarterly notifications on the status of the Russian Federation conducting exercises with, planning or preparing to deploy, or deploying certain weapon systems, including its nuclear weapons, onto the territory of the Ukrainian Republic.

This section would also require prompt notification, not more than 7 days, after the Secretary determines that there exists reasonable grounds to believe that Russia has deployed certain weapon systems onto the territory of Ukraine.

This section would further require the Chairman of the Joint Chiefs of Staff to develop a strategy to respond to the military threat posed by Russia deploying certain weapon systems into the territory of Ukraine, including opportunities for allied cooperation in developing such responses based on consultation with such allies. The Chairman would be required to submit the strategy to the congressional defense committees by September 30, 2016, along with the views of the Secretary of Defense.

The notification requirement in this section would sunset 5 years after the date of the enactment of the Act.

#### SUBTITLE E—OTHER MATTERS

#### Section 12xx—Modification of Notification and Assessment of Proposal to Modify or Introduce New Aircraft or Sensors for Flight by the Russian Federation under Open Skies Treaty

This section would amend section 1242 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291) by extending the number of days before notification to the stated congressional committees of the intention to approve a proposal of the Russian Federation with respect to the Open Skies Treaty from 30 days to 90 days. This section would further amend section 1242 to require the views of any relevant combatant commander to also be provided in the assessment required by the section.

#### Section 12xx—Non-Compliance by the Russian Federation with its Obligation under the INF Treaty

This section would express the sense of Congress concerning ongoing violations of arms control agreements and treaties with the United States by the Russian Federation. This section would also require notification to the appropriate congressional committees not later than 30 days after the date of the enactment of this Act regarding Russia's continued violation of the Treaty on Intermediate-range Nuclear Forces (INF) or return to compliance with such treaty, and not later than 30 days after Russia takes any further actions related to the INF, including any steps to return to compliance with that treaty.

This section would also require submission of a report by the Secretary of Defense and the Chairman of the Joint Chiefs of Staff to the appropriate congressional committees not later than 120 days after the date of the enactment of this Act, and every 120 days thereafter, on the status of discussions with allies of the United States on Russia's violation of the INF Treaty, including efforts to develop collective responses to said violation. This reporting requirement would sunset 5 years after the date of the enactment of this Act.

Lastly, this section would require the President, if on the date of the enactment of this Act, Russia has not begun to return to full compliance with the INF treaty, to begin research and development of counter force and countervailing U.S. responses, based on recommendations of the Chairman of the Joint Chiefs of Staff to fill current military requirements and capability gaps, with a priority on capabilities that could be deployed in 2 years. Elsewhere in this Act, the committee recommends funds be authorized to be appropriated for the purpose of research and development of these capabilities in fiscal year 2016.

With respect to the options to be considered using the funds that would be authorized by this provision, the committee notes the testimony of the Principal Deputy Under Secretary of Defense for Policy on December 10, 2014, that "we are looking at a number of possible countermeasures in the military sphere, ranging from reactive defense to counterforce to countervailing defense measures. I don't want to get into the specifics because we are still working through various options, but we have a broad range of options, some of which would be compliant with the INF Treaty, some of which would not be, that we would be able to recommend to our leadership if a decision were taken to go down that path."

#### Section 12xx—Limitation on Availability of Funds for Research, Development, Test, and Evaluation, Air Force, for Arms Control Implementation

This section would require the Secretary of Defense, in coordination with the Secretary of State, to submit to the specified committees of Congress a report on certain information related to the Open Skies Treaty prior to the obligation or expenditure of more than 50 percent of the funds authorized to be appropriated for research, development, test, and evaluation, Air Force (PE 35145F), for arms control implementation.

### TITLE XIII—COOPERATIVE THREAT REDUCTION

## LEGISLATIVE PROVISIONS

### Section 1301—Specification of Cooperative Threat Reduction Funds

This section would define Cooperative Threat Reduction (CTR) programs and funds as those authorized to be appropriated in section 301 of this Act and made available by section 4301 of this Act, and would specify that CTR funds shall remain available for obligation for 3 fiscal years.

## TITLE XVI—STRATEGIC PROGRAMS, CYBER, AND INTELLIGENCE MATTERS

### LEGISLATIVE PROVISIONS

#### SUBTITLE A—SPACE ACTIVITIES

### Section 16xx—Modification to Development of Space Science and Technology Strategy

This section would modify and streamline section 2272 of title 10, United States Code, by removing specific direction on elements of the strategy, coordination, and reporting requirements to Congress.

### Section 16xx—Limitation on Availability of Funds for Weather Satellite Follow-On System

This section would limit any funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for the weather satellite follow-on system until: (1) the Secretary of Defense provides a briefing to the congressional defense committees on a plan to address the requirements of the Department of Defense for cloud characterization and theater weather imagery; and (2) the Chairman of the Joint Chiefs of Staff certifies to the congressional defense committees that such plan will not negatively affect the commanders of the combatant commands and will meet the requirements of the Department for cloud characterization and theater weather imagery.

### Section 16xx—Modification to Prohibition on Contracting with Russian Suppliers of Rocket Engines for the Evolved Expendable Launch Vehicle Program

This section would amend section 1608 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291). As amended, this section would prohibit, with certain exceptions and a waiver, the Secretary of Defense from awarding or renewing a contract for the procurement of property or services for space launch activities under the evolved

expendable launch vehicle program if such contract carries out such space launch activities using rocket engines designed or manufactured in the Russian Federation. This section would also prohibit the Secretary from modifying contract number FA8811-13-C-0003 awarded on December 18, 2013, if such modification increases the number of cores procured under such contract to a total of more than 35.

This section would allow the Secretary of Defense to waive one or both of the prohibitions if the Secretary determines, and certifies to the congressional defense committees not later than 30 days before the waiver takes effect, that the waiver is necessary for the national security interests of the United States. The prohibition on the award or renewal of a contract would not apply to either the placement of orders or the exercise of options under the contract numbered FA8811-13-C-0003 and awarded on December 18, 2013; or, subject to certification from the Secretary, a contract awarded for the procurement of property or services for space launch activities that includes the use of rocket engines designed or manufactured in Russia if, prior to February 1, 2014, the contractor had fully paid for such rocket engines or had entered into a contract to procure such rocket engines.

The Secretary would not be authorized to award or renew a contract for the procurement of property or services for space launch activities described in the prohibition unless the Secretary, upon the advice of the General Counsel of the Department of Defense, certifies to the congressional defense committees that the offeror has provided to the Secretary sufficient documentation to conclusively demonstrate that the offeror meets the requirements of the exception.

#### Section 16xx—Rocket Propulsion System Development Program

This section would amend section 1604 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291) by inserting a section on streamlined acquisition which would require the Secretary of Defense to use a streamlined acquisition approach, including tailored documentation and review processes.

In addition, this section would clarify that, of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for the rocket propulsion system required by section 1604 of Public Law 113-291, the Secretary of Defense would be permitted to obligate or expend such funds only for the development of such rocket propulsion system, and the necessary interfaces to the launch vehicle, to replace non-allied space launch engines by 2019 as required by such section.

This section would also require the Secretary of Defense to provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives, and make a briefing available to any other congressional defense committee, not later than 60 days after the date of the enactment of this Act on the streamlined acquisition approach, requirements, and acquisition strategy.

## Section 16xx—Acquisition Strategy for Evolved Expendable Launch Vehicle Program

This section would express the sense of Congress that the Secretary of the Air Force needs to develop an updated, phased acquisition strategy and contracting plan for the Evolved Expendable Launch Vehicle (EELV) program; that the acquisition strategy and contracting plan should eliminate the currently structured EELV launch capability (ELC) arrangement after the current contractual obligations; that the Secretary should be consistent and fair with EELV providers regarding the requirement for certified cost and pricing data and the appropriate audits to protect the taxpayer; and that the Secretary should consider various contracting approaches, including launch capability arrangements with multiple certified providers which continue to provide the necessary stability in budgeting and contracting, and flexibility to the Government.

This section would require the Secretary to discontinue the ELC arrangement by the latter of either the date on which the Secretary determines that the obligations of the contracts relating to such arrangement have been met, or by December 31, 2020. This section would provide a waiver to the discontinuation of the ELC arrangement if the Secretary determines that such waiver is necessary for the national security interests of the United States and notifies the congressional defense committees of such waiver.

This section would also require the Secretary to apply consistent and appropriate standards to certified EELV providers with respect to certified cost and pricing data, and audits, in accordance with section 2306a of title 10, United States Code.

Additionally, this section would require the Secretary to develop and carry out a 10-year acquisition strategy for the EELV program, in accordance with section 2273 of title 10, United States Code, and other elements of this provision. This acquisition strategy would establish a contracting plan that uses competitive procedures and provides the necessary stability in budgeting and acquisition of capabilities, and flexibility to the Federal Government. The strategy would ensure that a contract awarded for launch services, capabilities, or infrastructure takes into account the effect of all Federal contracts entered into and any assistance provided to certified EELV providers, the requirements of the Department of Defense that are met by such providers including launch capabilities and pricing data, the cost of integrating a satellite onto a launch vehicle, and any other matters the Secretary considers appropriate.

This section would require the Secretary to provide to the congressional defense committees and the congressional intelligence committees, by not later than 180 days after the date of the enactment of this Act, a report on the acquisition strategy detailed within this section.

## Section 16xx—Evaluation of Exploitation of Space-based Infrared System Against Additional Threats

This section would require the Under Secretary of Defense for Acquisition, Technology, and Logistics, in cooperation with the Secretary of the Navy, the Secretary of the Air Force, and the Director of National Intelligence, to conduct an evaluation of the Space-based Infrared System to detect, track, and target, or develop the capability to do the detect, track and target, against the full-range of threats to the United States, deployed members of the Armed Forces, and the allies of the United States, and provide the results of such evaluation to the congressional defense committees not later than December 31, 2016. Further discussion related to this section is contained in the classified annex to this report.

#### Section 16xx—Modification of Pilot Program for Acquisition of Commercial Satellite Communication Services

This section would modify the pilot program for acquisition of commercial satellite communications services that was established pursuant to section 1605 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291). This section would require the Secretary of Defense to conduct the pilot program, while removing the requirement to use the working capital fund.

The committee is aware of the Secretary's commercial satellite communications "pathfinder" efforts, the term currently used by the Department, to more effectively and efficiently acquire commercial satellite communications services. The committee believes these pathfinder efforts meet the intent and direction of the pilot program. Therefore, the committee would authorize multiple methods or pathfinder efforts to be used within the pilot program. Additionally, the Secretary would have to establish metrics to track the progress of meeting the objectives of the program. Lastly, the Secretary would be required to provide annual briefings on the progress of the pilot program, concurrent with the submission of the budget request in each year from fiscal year 2017 through fiscal year 2020.

The committee recognizes that a great deal of work remains to be done, but the committee commends the efforts to date that the Secretary is putting forth in this area.

#### Section 16xx—Procurement of Wideband Satellite Communications

This section would require the Secretary of Defense to designate a senior Department of Defense official to procure wideband satellite communications, both military and commercial, to meet the requirements of the Department.

This section would provide for an exception to the preceding requirement if an appropriate official (Secretary of a military department; Under Secretary of Defense for Acquisition, Technology, and Logistics; the Chief Information Officer of the Department; or a combatant commander) determines that such procurement is required to meet an urgent need. This section would require the Secretary of Defense to provide a report to the congressional defense committees not later than

March 1, 2017, and each year thereafter through 2021, with a brief description of the urgent need, the date, the length of the contract, and the value of such contract.

Finally, this section would also require the Secretary of Defense to submit to the congressional defense committees, not later than 180 days after the date of the enactment of this Act, a plan for the Secretary to meet the requirements of the Department for satellite communications, including identification of roles and responsibilities.

#### Section 16xx—Major Force Program and Budget for National Security Space Programs

This section would amend chapter 9 of title 10, United States Code, to establish a unified major force program for national security space programs to prioritize national security space activities in accordance with the requirements of the Department of Defense and national security. This section would also include an assessment of the budget for national security space programs for fiscal years 2017-20. This assessment, in report form from the Secretary of Defense, would provide an overview of the budget including a comparison between the current budget and the previous year's budget, as well as the current Future Years Defense Program and the previous one with specific budget line identification. This assessment would include any significant changes, priorities, challenges and risks related to the budget. The Secretary would also include any additional matters that the Secretary deems appropriate.

In addition, this section would require the Secretary of Defense, not later than 180 days after the date of the enactment of this Act, to provide to the congressional defense committees a report on the plan to carry out the unified major force program, including any recommendations for legislative action the Secretary considers necessary to fully implement the plan.

#### Section 16xx—Delegation of Authority Regarding Purchase of Global Positioning System User Equipment

This section would modify section 913 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383) by limiting the delegation of waiver authority to a level no lower than the Under Secretary of Defense for Acquisition, Technology, and Logistics.

### SUBTITLE D—NUCLEAR FORCES

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

This section would authorize \$13.7 million of the funds made available by this Act for Missile Procurement, Air Force, for the procurement of certain commercially available parts for 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—Assessment of Threats to National Leadership Command, Control, and Communications System

This section would require the Council on Oversight of the National Leadership Command, Control, and Communications System, established by section 1052 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66), to collect and assess (consistent with the provision of classified information, and intelligence sources and methods) all reports and assessments conducted by the Intelligence Community regarding foreign threats, including cyber threats, to the command, control, and communications system for the national leadership of the United States and the vulnerabilities of such system to the threats.

This section would also require that, in its annual report to the Congress, the Council include its assessment of such intelligence reports and assessments along with any plans to address such threats and vulnerabilities.

#### Section 16xx—Sense of Congress on Importance of Cooperation and Collaboration between United States and United Kingdom on Nuclear Issues

This section would express the sense of Congress that: (1) cooperation and collaboration under the 1958 Mutual Defense Agreement and the 1963 Polaris Sales Agreement are fundamental elements of the security of the United States and the United Kingdom, as well as international stability; (2) the recent renewal of the Mutual Defense Agreement and the continued work under the Polaris Sales Agreement underscore the enduring and long-term value of the agreements to both countries; and (3) the vital efforts performed under the purview of both the Mutual Defense Agreement and the Polaris Sales Agreement are critical to sustaining and enhancing the capabilities and knowledge base of both countries regarding nuclear deterrence, nuclear nonproliferation and counterproliferation, and naval nuclear propulsion.

### SUBTITLE E—MISSILE DEFENSE PROGRAMS

#### Section 16xx—Prohibition on Integration of Missile Defense Systems of China into Missile Defense Systems of United States

This section would prohibit the obligation or expenditure of any funds authorized to be appropriated by this Act for fiscal year 2016 for the integration of a missile defense system of the People's Republic of China into any missile defense system of the United States.



## Section 16xx—Prohibitions on Providing Certain Missile Defense Information to Russian Federation

This section would prohibit the use of funds authorized to be appropriated for the Department of Defense to provide the Russian Federation with "hit-to-kill" technology and telemetry data for missile defense interceptors or target vehicles.

This section would also prohibit the use of funds authorized to be appropriated for the Department of Defense to provide Russia with information relating to the velocity at burnout of missile defense interceptors or targets of the United States, or classified or otherwise controlled missile defense information.

This section would provide the President with a single use waiver to provide Russia with information regarding ballistic missile early warning in the event the Chairman of the Joint Chiefs of Staff, the Commander, U.S. Strategic Command, and the Commander, U.S. European Command, jointly certify to the President and the congressional defense committees that the provision of such information is required because of a failure of the early warning system of Russia.

## Section 16xx—Prohibition on Integration of Missile Defense Systems of Russian Federation into Missile Defense Systems of United States and NATO

This section would prohibit the use of funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for the Department of Defense or for contributions of the United States to the North Atlantic Treaty Organization (NATO) to integrate a missile defense system of the Russian Federation into any missile defense system of the United States or NATO.

This section would authorize the President, without delegation, to waive the prohibition if the Chairman of the Joint Chiefs of Staff certifies to the President and the congressional defense committees that such waiver is vital for the national security of the United States, and that Russia: no longer maintains an active nuclear-armed or nuclear-capable ballistic missile defense capability, is no longer occupying the sovereign territory of Ukraine, is in compliance and not acting inconsistently with any of its arms control treaties or obligations, and is not carrying out state-sponsored espionage in cyberspace against the United States or persons of the United States.

## Section 16xx—Integration and Interoperability of Air and Missile Defense Capabilities of the United States

This section would require the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Vice Chairman of the Joint Chiefs of Staff to ensure the interoperability and integration of U.S. certain air and missile defense systems (Patriot, Terminal High Altitude Area Defense, and Aegis ballistic missile defense ships), including by directing operational testing that they determine is necessary to ensure militarily useful interoperability and integration of such systems.

This section would further require that the Director of the Missile Defense Agency and the Secretary of the Army conduct a minimum of at least one intercept or flight test per year that demonstrates interoperable and integrated air and missile defense capability. The Director and the Secretary of the Army would be authorized to waive this subsection if the Under Secretary of Defense for Acquisition, Technology, and Logistics determines such waiver is necessary and submits to the congressional defense committees an explanation for how such waiver will not negatively affect demonstrating the interoperability and integration of the air and missile defense capability of the United States.

#### Section 16xx—Development and Deployment of Multiple-Object Kill Vehicle for Missile Defense of the United States Homeland

This section would state the sense of the Congress that the ballistic missile defense of the U.S. homeland is the highest priority of the Missile Defense Agency (MDA); that the Missile Defense Agency is appropriately prioritizing the design, development, and deployment of the redesigned kill vehicle; and, the multiple-object kill vehicle (MOKV) is critical to the future of the ballistic missile defense of the U.S. homeland.

This section would require that the Director of the Missile Defense Agency develop a highly reliable multiple-object kill vehicle for the ground-based midcourse defense system using best acquisition practices, with rigorous flight testing to occur by not later than 2020, and deployment of such vehicle as soon as practicable thereafter. This section would also require that the management of the MOKV program be undertaken by the Deputy Director of the Missile Defense Agency. This section would also require the Director of the Missile Defense Agency to provide the funding profile required for the MOKV program to the congressional defense committees not later than 30 days after the date of the enactment of this Act.

While the committee supports the development of the MOKV by MDA, it expects, and will conduct close oversight to ensure that such development does not interfere with the development, flight test and deployment of the Redesigned Kill Vehicle, also known as the CE-III kill vehicle.

#### Section 16xx—East Coast Homeport of Sea-Based X-Band Radar

This section would require that the sea-based X-band radar (SBX) shall be relocated to a new homeport on the East Coast of the United States not later than 2020 and shall have an at-sea capability of not less than 120 days per year. Prior to executing the relocation, the Director of the Missile Defense Agency would be required to certify that the relocation will not impact the missile defense of Hawaii.

This section would also require that not later than 60 days after the date of the enactment of this Act, the Director of the Missile Defense Agency shall begin siting studies, environmental impact studies (as necessary), and any other appropriate studies and evaluations to base SBX at a site on the East Coast.

## Section 16xx—Limitation on Availability of Funds for Long-Range Discriminating Radar

This section would state the sense of the Congress concerning the priority of the Long-Range Discriminating Radar (LRDR) for improving the ballistic missile defense system and achieving operational status of the LRDR in 2020.

This section would limit the obligation or expenditure of funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 or 2017 for military construction of the LRDR, until (1) the Director of Cost Assessment and Program Evaluation (CAPE) submits an assessment to the congressional defense committees concerning the cost of the MDA sensor architecture required if such radar is based at certain potential sites; (2) the Commander, U.S. Strategic Command and the Commander, U.S. Northern Command jointly certify the proposed site for the LRDR best supports missile defense and space situational awareness and is the most cost-effective option, as informed by the CAPE assessment; and (3) such certification has been submitted to the congressional defense committees for at least 60 days.

Finally, this section would require the Director of CAPE to submit the CAPE assessment to the congressional defense committees, the Director of the Missile Defense Agency, the Commander of the United States Strategic Command, and the Commander of the United States Northern Command.

## Section 16xx—Missile Defense Capability in Europe

This section would require the Secretary of Defense to ensure the Aegis Ashore site to be deployed in the Republic of Poland has anti-air warfare (AAW) capability upon the site achieving full operating capability. This section would also require that the Aegis Ashore site in Romania be retrofitted with AAW capability not later than December 31, 2018.

This section would also require that the Secretary of Defense ensure a Terminal High Altitude Area Defense (THAAD) battery is available for rotational deployment to the U.S. European Command (EUCOM) area of responsibility not later than 180 days after the enactment of this Act, as appropriate to respond to military requirements, unless required in another combatant command's area of responsibility. The Secretary would also be required to examine sites to pre-position such THAAD battery if such pre-position is necessary for military requirements.

This section would also require that the Secretary study not fewer than three sites in the EUCOM area of responsibility for the deployment of a THAAD battery, in the event one is determined to be necessary and not fewer than three sites for the deployment of a Patriot air and missile defense battery, in the event one is determined to be necessary.

The Secretary of Defense would be required to work with the Secretary of State to enter into any necessary agreements with prospective host nations and to coordinate with the North Atlantic Treaty Organization.

## Section 16xx—Integration of Allied Missile Defense Capabilities

This section would require that, not later than 180 days after the date of the enactment of this Act, the Commander, U.S. European Command, the Commander, U.S. Central Command, and the Commander, U.S. Pacific Command shall submit to the Secretary of Defense and the Chairman of the Joint Chiefs of Staff an assessment of the opportunities for integration and interoperability of air and missile defenses (Patriot, Terminal High Altitude Area Defense, and Aegis ballistic missile defense ships) of the United States with those capabilities of allies of the United States. This section would require the Secretary and the Chairman to submit such assessments to the congressional defense committees not later than 30 days after receipt from the combatant commander concerned.

This section would further require the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, in cooperation with the Secretary of the Army and the Chief of Staff of the Army, and the Secretary of the Navy and the Chief of Staff of the Navy, to carry out the planning, risk assessments, policy development and concept of operations development necessary to assure the integration and interoperability of U.S. and allied air and missile defenses by December 31, 2016. The Secretary of Defense and the Chairman of the Joint Chiefs of Staff would be required to provide quarterly updates on the progress of such planning and related activities by not later than 270 days after the date of the enactment of this Act, and each 90 period thereafter, until such integration and interoperability has been achieved.

## **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—Governance and Management of Nuclear Security Enterprise**

This section would express the sense of Congress regarding governance and management problems with respect to the nuclear security enterprise, the National Nuclear Security Administration (NNSA), and the Department of Energy.

This section would also require the Secretary of Energy and the Administrator for Nuclear Security to jointly establish a team of senior officials from the Department of Energy and NNSA to develop and carry out an implementation plan to reform governance and management to improve the

effectiveness and efficiency of the nuclear security enterprise. The plan would be required to be developed and implemented in accordance with the National Nuclear Security Administration Act (50 U.S.C. 2401), the Atomic Energy Defense Act (50 U.S.C. 2501), and any other provision of law. This section would require the team to be co-chaired by the Deputy Secretary of Energy and the Administrator for Nuclear Security. The plan developed by the team would be required to address all recommendations contained in certain studies (including the final report of the advisory panel established by section 3166 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239)), except those requiring legislative action to carry out. The Secretary and the Administrator would be required to submit the plan to the appropriate congressional committees by January 30, 2016.

This section would also require the Administrator to seek to enter into a joint agreement with the National Academy of Sciences and the National Academy of Public Administration to establish a panel of external, independent experts to evaluate the plan developed by the Department of Energy and NNSA and to evaluate the implementation of such plan. The panel's duties would include providing advice to the Secretary and the Administrator on the plan, tracking its implementation, and assessing its effectiveness. The panel would also be required to submit several reports to the appropriate congressional committees and the Secretary and the Administrator. In addition, the Secretary and the Administrator would be required to provide full and timely access to all information, personnel, and systems that the panel determines necessary.

Finally, this section includes rules of construction that nothing in this section shall be construed to authorize any action: (1) in contravention of section 3220 of the National Nuclear Security Administration Act (50 U.S.C. 2410); or (2) that would undermine or weaken health, safety, or security.

#### Section 31xx—Nuclear Weapon Design Responsiveness Program

This section would express the sense of Congress that: (1) a modern and responsive nuclear weapons infrastructure is only one component of a nuclear posture that is agile, flexible, and responsive to change; and (2) to ensure the nuclear deterrent of the United States remains safe, secure, reliable, credible, and responsive, the United States must continually exercise all capabilities required to conceptualize, study, design, develop, engineer, certify, produce, and deploy nuclear weapons.

This section would also amend the Atomic Energy Defense Act (50 U.S.C. 2521) to establish that it is the policy of the United States to sustain, enhance, and continually exercise all capabilities required to conceptualize, study, design, develop, engineer, certify, produce, and deploy nuclear weapons to ensure the nuclear deterrent of the United States remains safe, secure, reliable, credible, and responsive. The Secretary of Energy, acting through the Administrator for Nuclear Security and in consultation with the Secretary of Defense, would be required to carry out a program in parallel with the stockpile stewardship program and

stockpile management program to fulfill this policy. This section would also stipulate a series of objectives for this program. Finally, this section would amend certain existing annual reporting requirements to ensure robust attention on the program by senior leaders and enable congressional oversight of the status and effectiveness of the program.

The committee notes that this section does not authorize the development and production of new or modified nuclear weapons, and does not modify the statutory requirement contained in section 4209 of the Atomic Energy Defense Act (50 U.S.C. 2529) for the Secretary of Energy to seek congressional authorization by making specific requests for funding if the Secretary seeks to carry out activities that are intended to lead to production of new or modified nuclear weapons.

#### Section 31xx—Independent Review of Laboratory-Directed Research and Development Programs

This section would require the Administrator for Nuclear Security to seek to enter into a contract with the JASON Defense Advisory Panel to conduct a review of the laboratory-directed research and development (LDRD) program authorized under section 4811 of the Atomic Energy Defense Act (50 U.S.C. 2791). The review would be required to include assessments of whether and how the projects within the LDRD program support the mission of the National Nuclear Security Administration (NNSA), whether the science conducted under LDRD underpin the advancement of scientific understanding necessary for NNSA's core programs, the scientific and programmatic opportunities and challenges in the LDRD program, recent significant accomplishments and failures within the LDRD program, and how LDRD projects are selected for funding. This section would require the Administrator to submit to the congressional defense committees, by November 1, 2016, a report containing the review carried out by the JASON Defense Advisory Panel.

This section would also require a briefing to the congressional defense committees by the Comptroller General of the United States by November 1, 2016. The Comptroller General would be required to assess: how NNSA LDRD funding limits compare to other Department of Energy and Department of Defense laboratories and federally funded research and development centers; how many NNSA personnel are supported by LDRD funding, including how many receive a majority of their compensation from LDRD and many devote the majority of their time to LDRD programs for more than three years.

#### Section 31xx—Prohibition on Availability of Funds for Fixed Site Radiological Portal Monitors in Foreign Countries

This section would prohibit any funds authorized by this Act or otherwise made available for fiscal year 2016 or any fiscal year thereafter for the National Nuclear Security Administration from being obligated or expended for the research and development, installation, or sustainment of fixed site radiological portal

monitors or equipment for use in foreign countries. This section would clarify that this prohibition does not apply to such activities for mobile radiological inspection equipment.

#### Section 31xx—Analysis of Alternatives for Mobile Guardian Transporter Program

This section would require the Administrator for Nuclear Security to submit to the congressional defense committees the analysis of alternatives conducted by the Administrator for the Mobile Guardian Transporter (MGT) program within 60 days after the date of the enactment of this Act. The Administrator would also be required to enter into a contract with a federally funded research and development center to conduct an independent assessment of the analysis of alternatives for the MGT program. The Administrator would be required to submit a report to the congressional defense committees by March 1, 2016, containing the independent assessment, without change, and any views of the Administrator on the assessment or the MGT program. Finally, this section would also require the Secretary of Energy to include in the annual budget request submission, a separate, dedicated program element for the MGT program.

Materials provided to the committee by the National Nuclear Security Administration (NNSA) state that, "Not only must the [MGT] design take into account current technology and production costs, it must also have the engineering flexibility to serve the nuclear security enterprise for up to 20 years." The committee believes that, due to the 20 year service life of the MGT and the importance of its cargo, the NNSA must conduct a rigorous and comprehensive analysis of alternatives to inform acquisition decisions. This analysis must consider all safety and security scenarios the MGT may encounter as well as the costs, benefits, and risks of various engineering and policy changes that could affect the program.

#### Section 31xx—Prohibition on Availability of Funds for Provision of Defense Nuclear Nonproliferation Assistance to 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 2016 for defense nuclear nonproliferation 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 submits a report to the appropriate congressional committees containing notification that such a waiver is in the national security interest of the United States, a justification for such waiver, and a period of 15 days elapses.

#### Section 31xx—Disposition of Weapons-Usable Plutonium

This section would require the Secretary of Energy to carry out construction and program support activities for the Mixed Oxide (MOX) Fuel Fabrication Facility with any funds authorized to be appropriated or otherwise made available for such purposes for fiscal year 2016 and any prior fiscal years.

This section would also require the Secretary to include in the budget justification materials submitted to Congress for fiscal year 2017 an updated performance baseline for construction and project support activities relating to the MOX facility.

#### Section 31xx—Transfer, Decontamination, and Decommissioning of Non-Operational Facilities

This section would require the Secretary of Energy to establish and carry out a plan under which the Administrator for Nuclear Security transfers to the Assistant Secretary of Energy for Environmental Management the responsibility for decontaminating and decommissioning facilities of the National Nuclear Security Administration that the Secretary of Energy determines are not operational as of the date of the enactment of this Act and meet the requirements for such transfer. The plan would be required to include:

- (1) A schedule for transferring the facilities within 2 years;
- (2) A prioritized list and schedule, including how such priorities and schedules integrate with other facility disposition priorities and schedules of the Office of Environmental Management; and,
- (3) A description of the estimate life-cycle costs for the facilities.

The Secretary of Energy would be required to submit the plan to the appropriate congressional committees, along with any additional views of the Secretary, by February 15, 2016.

#### SUBTITLE C—PLANS AND REPORTS

#### Section 31xx—Cost-Benefit Analyses for Competition of Management and Operating Contracts

This section would amend section 3121 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239) to require that the report submitted by the Administrator for Nuclear Security pursuant to section 3121 must include a description of the factors considered and processes used by the Administrator to determine: (1) whether to compete or extend a contract to manage and operate a facility of the nuclear security enterprise; and (2) whether and which activities at the facility should be covered under the management and operating contract rather than under a different contract. The report would also be required to include a detailed description of the analyses conducted by the Administrator to reach the conclusions presented in the report, including any assumptions, limitations, and uncertainties relating to such conclusions.



This section would also extend the requirement for the Administrator to submit a report under section 3121 of Public Law 112-239 by 2 years, through fiscal year 2019. Finally, this section also would express the sense of Congress regarding competition of management and operating contracts of the nuclear security enterprise.

#### Section 31xx—Extension and Modification of Certain Annual Reports on Nuclear Nonproliferation

This section would amend section 3122(c) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81) by striking the date of 2016 and inserting 2020. This section would also amend such subsection to clarify that, in the Secretary of Energy's annual assessment, the Secretary must (1) identify any highly-enriched uranium around the world that is obligated by the United States and (2) provide a list, by country and by site, of the separated plutonium around the world, identify such plutonium that is obligated by the United States, and provide an assessment of the vulnerability of such plutonium to theft or diversion.

#### Section 31xx—Plutonium Pit Production Capacity

This section would express the sense of Congress that: (1) the requirement to create a modern, responsive nuclear infrastructure that includes the capability and capacity to produce, at minimum, 50 to 80 pits per year, is a national security priority; (2) delaying creation of a modern, responsive nuclear infrastructure until the 2030's is an unacceptable risk to the nuclear deterrent and the national security of the United States; and (3) timelines for creating certain capacities for production of plutonium pits and other nuclear weapons components must be driven by the requirement to hedge against technical and geopolitical risk and not solely by the needs of life extension programs.

This section would also require the Chairman of the Nuclear Weapons Council, in consultation with the Administrator for Nuclear Security and the Commander, U.S. Strategic Command, to provide a briefing to congressional defense committees by March 1, 2016, on the annual plutonium pit production capacity requirement of the nuclear security enterprise. The briefing would be required to include a description of the number of pits produced that are needed for life extension programs and the number of pits produced that are required to support a responsive nuclear weapons infrastructure and hedge against technical and geopolitical risk.

#### SUBTITLE D—OTHER MATTERS

#### Section 31xx—Development of Strategy on Risks to Nonproliferation Caused by Additive Manufacturing

This section would require the President to develop and pursue a strategy to address the risks to the goals and policies of the United States regarding nuclear nonproliferation caused by the increased use of additive manufacture technology (including 3D Printing). This section would require the President to brief the appropriate congressional committees on the development and execution of such strategy not later than March 31, 2016, and every 120 days thereafter until January 1, 2019. Finally, this section would highlight the importance of pursuing such strategy at the Nuclear Security Summit in Chicago in 2016.

#### Section 31xx—Root Cause Analyses for Certain Cost Overruns

This section would amend section 4713(c) of the Atomic Energy Defense Act (50 U.S.C. 2753) to require the Secretary of Energy to conduct and submit to the congressional defense committees a root cause assessment when certain programs experience a significant cost overrun. The assessment would be required to include the contribution of any shortcomings in cost, schedule, or performance of the program, including the role, if any, of the following: (1) unrealistic performance expectations; (2) unrealistic baseline estimates for cost or schedule; (3) immature technologies or excessive manufacturing or integration risk; (4) unanticipated design, engineering, manufacturing, or technology integration issues arising during program performance; (5) changes in procurement quantities; (6) inadequate program funding or funding instability; (7) poor performance by personnel of the Federal Government or contractor personnel responsible for program management; or (8) any other matters.

### TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

#### LEGISLATIVE PROVISIONS

##### Section 3201—Authorization

This section would authorize funds for the Defense Nuclear Facilities Safety Board for fiscal year 2016.

##### Section 32xx—Administration of Defense Nuclear Facilities Safety Board

This section would amend section 311(c) of the Atomic Energy Act of 1954 (42 U.S.C. 2886(c)) to clarify that, in carrying out certain duties, the Chairman of the Defense Nuclear Facilities Board may not withhold from any member of the Board any information that is made available to the Chairman regarding the Board's functions, powers, and mission (including with respect to the management and evaluation of employees of the Board). This section would further amend section 311(c) to clarify that the Chairman of the Board, subject to the approval of the Board, may appoint and remove particular senior employees of the Board: (1)

the senior employee responsible for budgetary and general administration matters; (2) the general counsel; and (3) the senior employee responsible for technical matters.

# **BILL LANGUAGE**

1   **SEC. 10\_\_\_\_. [Log 59671] AUTHORITY TO TRANSFER FUNDS**  
2                           **TO THE NATIONAL NUCLEAR SECURITY AD-**  
3                           **MINISTRATION TO SUSTAIN NUCLEAR WEAP-**  
4                           **ONS MODERNIZATION AND NAVAL REAC-**  
5                           **TORS.**

6           (a) TRANSFER AUTHORIZED.—If the amount author-  
7 ized to be appropriated for the weapons activities of the  
8 National Nuclear Security Administration under section  
9 3101 or otherwise made available for fiscal year 2016 is  
10 less than \$8,900,000,000 (the amount projected to be re-  
11 quired for such activities in fiscal year 2016 as specified  
12 in the report under section 1251 of the National Defense  
13 Authorization Act for Fiscal Year 2010 (Public Law 111–  
14 84; 123 Stat. 2549)), the Secretary of Defense may trans-  
15 fer, from amounts authorized to be appropriated for the  
16 Department of Defense for fiscal year 2016 pursuant to  
17 this Act, to the Secretary of Energy an amount, not to  
18 exceed \$150,000,000, to be available only for naval reac-  
19 tors or weapons activities of the National Nuclear Security  
20 Administration.

21           (b) NOTICE TO CONGRESS.—In the event of a trans-  
22 fer under subsection (a), the Secretary of Defense shall  
23 promptly notify Congress of the transfer, and shall include

1 in such notice the Department of Defense account or ac-  
2 counts from which funds are transferred.

3 (c) TRANSFER MECHANISM.—Any funds transferred  
4 under this section shall be transferred in accordance with  
5 established procedures for reprogramming under section  
6 1001 or successor provisions of law.

7 (d) CONSTRUCTION OF AUTHORITY.—The transfer  
8 authority provided under subsection (a) is in addition to  
9 any other transfer authority provided under this Act.

1   **SEC. 10\_\_4 [Log 60665]. REPEAL OR REVISION OF REPORT-**  
2                           **ING REQUIREMENTS RELATED TO NUCLEAR,**  
3                           **PROLIFERATION, AND RELATED MATTERS.**

4       (a) REPORT ON NUCLEAR WEAPONS COUNCIL.—Sec-  
5   tion 179 of title 10, United States Code, is amended by  
6   striking subsection (g).

7       (b) REPORT ON PROLIFERATION SECURITY INITIA-  
8   TIVE.—Section 1821(b) of the Implementing Rec-  
9   ommendations of the 9/11 Commission Act of 2007 (50  
10   U.S.C. 2911) is amended—

11               (1) by striking “(1) IN GENERAL.—”; and

12               (2) by striking paragraphs (2) and (3).

13       (c) BRIEFINGS ON DIALOGUE BETWEEN UNITED  
14   STATES AND RUSSIAN FEDERATION ON NUCLEAR  
15   ARMS.—Section 1282 of the National Defense Authoriza-  
16   tion Act for Fiscal Year 2013 (Public Law 112–239; 22  
17   U.S.C. 5951 note) is amended—

18               (1) by striking subsection (a); and

19               (2) by redesignating subsections (b) and (c) as  
20   subsections (a) and (b), respectively.

21       (d) IMPLEMENTATION PLAN FOR WHOLE-OF- GOV-  
22   ERNMENT VISION PRESCRIBED IN THE NATIONAL SECU-  
23   RITY STRATEGY.—Section 1072 of the National Author-

1 ization Act for Fiscal Year 2012 (Public Law 112–81; 50  
2 U.S.C. 3043 note) is amended—  
3 (1) by striking subsection (b); and  
4 (2) by redesignating subsection (c) as sub-  
5 section (b).



1   **SEC. 10\_\_5 [Log 60666]. REPEAL OR REVISION OF REPORT-**  
2                           **ING REQUIREMENTS RELATED TO MISSILE**  
3                           **DEFENSE.**

4       (a) REPORT ON MISSILE DEFENSE EXECUTIVE  
5 BOARD ACTIVITIES.—Section 232 of the National Defense  
6 Authorization Act for Fiscal Year 2012 (Public Law 112–  
7 81; 125 Stat. 1339) is amended—

8               (1) by striking subsection (b); and

9               (2) by redesignating subsection (c) as sub-  
10      section (b).

11      (b) REPORT ON GROUND-BASED MIDCOURSE DE-  
12 FENSE PROGRAM.—Section 234 of the National Defense  
13 Authorization Act for Fiscal Year 2012 (Public Law 112–  
14 81; 125 Stat. 1340) is amended—

15              (1) by striking “(a) SENSE OF CONGRESS.—”;

16      and

17              (2) by striking subsection (b).

1 **SEC. 10\_\_\_\_. [Log 60097] MODIFICATION OF CERTAIN RE-**  
2 **PORTS SUBMITTED BY COMPTROLLER GEN-**  
3 **ERAL OF THE UNITED STATES.**

4 (a) REPORT ON NNSA BUDGET REQUESTS.—Sec-  
5 tion 3255(a)(2) of the National Nuclear Security Adminis-  
6 tration Act (50 U.S.C. 2455) is amended by inserting be-  
7 fore “, the Comptroller General” the following: “in an  
8 even-numbered year, and not later than 150 days after  
9 the date on which the Administrator submits such mate-  
10 rials in an odd-numbered year”.

11 (b) REPORT ON ENVIRONMENTAL MANAGEMENT.—  
12 Section 3134 of the National Defense Authorization Act  
13 for Fiscal Year 2010 (Public Law 111–84; 123 Stat.  
14 2713), as amended by section 3134 of the National De-  
15 fense Authorization Act for Fiscal Year 2013 (Public Law  
16 112–239; 126 Stat. 2193), is further amended—

17 (1) in subsection (a), by striking “a series of  
18 three reviews, as described in subsections (b), (c),  
19 and (d),” and inserting “reviews as described in sub-  
20 sections (b) and (c)”;

21 (2) by striking subsection (d); and

22 (3) by redesignating subsection (e) as sub-  
23 section (d).

1   **SEC. \_\_. [LOG60288] NOTIFICATIONS AND UPDATES RELAT-**  
2                   **ING TO TESTING, PRODUCTION, DEPLOY-**  
3                   **MENT, AND SALE OR TRANSFER TO OTHER**  
4                   **STATES OR NON-STATE ACTORS OF THE**  
5                   **CLUB-K CRUISE MISSILE SYSTEM BY THE**  
6                   **RUSSIAN FEDERATION.**

7       (a) NOTIFICATIONS.—

8           (1) REGARDING TESTING, PRODUCTION, DE-  
9       PLOYMENT, AND SALE OR TRANSFER.—The Sec-  
10      retary of Defense shall submit to the appropriate  
11      committees of Congress quarterly notifications on  
12      the testing, production, deployment, and sale or  
13      transfer to other states or non-state actors of the  
14      Club-K cruise missile system by the Russian Federa-  
15      tion.

16          (2) UPON DEPLOYMENT OR SALE OR TRANS-  
17      FER.—Not later than seven days after the Secretary  
18      determines that there is reasonable grounds to be-  
19      lieve that the Russian Federation has deployed or  
20      sold or transferred to other states or non-state ac-  
21      tors the Club-K cruise missile system, the Secretary  
22      shall submit to the appropriate committees of Con-  
23      gress a notification of such determination.

1           (3) FORM.—A notification required under para-  
2       graph (1) or (2) shall be submitted in unclassified  
3       form, but may contain a classified annex if nec-  
4       essary.

5       (b) QUARTERLY UPDATES.—

6           (1) IN GENERAL.—The Secretary shall submit  
7       to the appropriate committees of Congress not less  
8       than quarterly updates on the coordination of allied  
9       responses to the deployment or sale or transfer to  
10      other states or non-state actors of the Club-K cruise  
11      missile system by the Russian Federation.

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

15      (c) STRATEGY.—

16          (1) DEVELOPMENT.—The Chairman of the  
17      Joint Chiefs of Staff shall develop a strategy to de-  
18      tect, defend against, and defeat the Club-K cruise  
19      missile system, including opportunities for allied con-  
20      tributions to such efforts based on consultations  
21      with such allies.

22          (2) SUBMISSION.—Not later than September  
23      30, 2016, the Chairman of the Joint Chiefs of Staff  
24      shall submit to the appropriate committees of Con-  
25      gress the strategy developed under paragraph (1).

1       (d) DEFINITION.—In this section, the term “appro-  
2       priate committees of Congress” means—

3               (1) the congressional defense committees; and  
4               (2) the Committee on Foreign Relations of the  
5       Senate and the Committee on Foreign Affairs of the  
6       House of Representatives.

7       (e) SUNSET.—The provisions of this section shall not  
8       be in effect on and after the date that is 5 years after  
9       the date of the enactment of this Act.

1 **SEC. 12** \_\_\_\_ **[Log 60287]. NOTIFICATIONS OF DEPLOYMENT**  
2 **OF NUCLEAR WEAPONS BY RUSSIAN FEDERA-**  
3 **TION TO TERRITORY OF UKRAINIAN REPUB-**  
4 **LIC.**

5 (a) NOTIFICATIONS.—

6 (1) REGARDING POSSIBLE DEPLOYMENT.—The  
7 Secretary of Defense shall submit to the appropriate  
8 congressional committees quarterly notifications on  
9 the status of the Russian Federation conducting ex-  
10 ercises with, planning or preparing to deploy, or de-  
11 ploying covered weapons systems onto the territory  
12 of the Ukrainian Republic.

13 (2) UPON DEPLOYMENT.—Not later than seven  
14 days after the Secretary determines that there is  
15 reasonable grounds to believe that the Russian Fed-  
16 eration has deployed covered weapons systems onto  
17 the territory of the Ukrainian Republic, the Sec-  
18 retary shall submit to the appropriate congressional  
19 committees a notification of such determination.

20 (3) FORM.—A notification required under para-  
21 graph (1) or (2) shall be submitted in unclassified  
22 form, but may contain a classified annex if nec-  
23 essary.

24 (b) STRATEGY.—

1           (1) DEVELOPMENT.—The Chairman of the  
2       Joint Chiefs of Staff shall develop a strategy to re-  
3       spond to the military threat posed by the Russian  
4       Federation deploying covered weapons systems onto  
5       the territory of the Ukrainian Republic, including op-  
6       portunities for allied cooperation in developing such  
7       responses based on consultation with such allies.

8           (2) SUBMISSION.—Not later than June 30,  
9       2016, the Chairman of the Joint Chiefs of Staff  
10      shall submit to the congressional defense committees  
11      the following:

12           (A) The strategy developed under para-  
13      graph (1).

14           (B) The views of the Secretary of Defense  
15      with respect to the strategy developed under  
16      paragraph (1), if any.

17      (c) DEFINITIONS.—In this section:

18           (1) APPROPRIATE CONGRESSIONAL COMMIT-  
19      TEES.—The term “appropriate congressional com-  
20      mittees” means—

21           (A) the congressional defense committees;  
22      and

23           (B) the Committee on Foreign Relations of  
24      the Senate and the Committee on Foreign Af-  
25      fairs of the House of Representatives.

1           (2) COVERED WEAPONS SYSTEMS.—The term  
2           “covered weapons systems” means weapons systems  
3           that can perform both conventional and nuclear mis-  
4           sions, nuclear weapon delivery systems, and nuclear  
5           warheads.

6           (d) SUNSET.—The provisions of this section shall not  
7           be in effect on and after the date that is 5 years after  
8           the date of the enactment of this Act.



1   **SEC. 12xx. [LOG 60074] MODIFICATION OF NOTIFICATION**  
2                   **AND ASSESSMENT OF PROPOSAL TO MODIFY**  
3                   **OR INTRODUCE NEW AIRCRAFT OR SENSORS**  
4                   **FOR FLIGHT BY THE RUSSIAN FEDERATION**  
5                   **UNDER OPEN SKIES TREATY.**

6       Section 1242(b)(1) of the National Defense Author-  
7    ization Act for Fiscal Year 2015 (Public Law 113–291;  
8    128 Stat. 3563) is amended—

9           (1) by striking “30 days” and inserting “90  
10    days”; and

11          (2) by striking “and the Chairman of the Joint  
12    Chiefs of Staff” and inserting “, the Chairman of  
13    the Joint Chiefs of Staff, and the commander of  
14    each relevant combatant command”.



1 **SEC. 12\_\_\_\_\_ [Log 60183]. NON-COMPLIANCE BY THE RUSSIAN**  
2 **FEDERATION WITH ITS OBLIGATIONS UNDER**  
3 **THE INF TREATY.**

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

5 (1) The Department of State, on July 31,  
6 2014, released the Annual Report on the “Adher-  
7 ence to and Compliance With Arms Control, Non-  
8 proliferation, and Disarmament Agreements and  
9 Commitments” which included the finding that,  
10 “The United States has determined that the Russian  
11 Federation is in violation of its obligations under the  
12 INF Treaty not to possess, produce, or flight-test a  
13 ground-launched cruise missile (GLCM) with a  
14 range capability of 500 km to 5,500 km, or to pos-  
15 sess or produce launchers of such missiles.”.

16 (2) According to the testimony of senior offi-  
17 cials of the Department of State, the Russian Fed-  
18 eration is not complying with numerous treaties and  
19 agreements, including the INF Treaty, the Open  
20 Skies Treaty, the Biological Weapons Convention,  
21 the Chemical Weapons Convention, the Vienna Doc-  
22 ument, the Budapest Memorandum, the Istanbul  
23 Commitments, the Presidential Nuclear Initiatives,  
24 the Missile Technology Control Regime, and the

1 Russian Federation has recently withdrawn from the  
2 Treaty on Conventional Armed Forces in Europe  
3 (CFE).

4 (3) The Commander of U.S. European Com-  
5 mand, and Supreme Allied Commander of Europe,  
6 General Philip Breedlove, USAF, stated that “[a]  
7 weapon capability that violates the I.N.F., that is in-  
8 troduced into the greater European land mass is ab-  
9 solutely a tool that will have to be dealt with . . .  
10 I would not judge how the alliance will choose to  
11 react, but I would say they will have to consider  
12 what to do about it, [i]t can’t go unanswered.”.

13 (4) General Breedlove has further stated that “  
14 we need to first and foremost signal that we cannot  
15 accept this change and that, if this change is contin-  
16 ued, that we will have to change the cost calculus for  
17 Russia in order to help them to find their way to a  
18 less bellicose position.”.

19 (5) General Martin Dempsey, Chairman, Joint  
20 Chiefs of Staff testified that, “I think we have to  
21 make it very clear that things like their compliance  
22 with the INF treaty that there will be political, dip-  
23 lomatic and potentially military costs in terms of the  
24 way we posture ourselves and the way we plan and  
25 work with our allies to address those provo-

1 cations. . .It concerns me greatly. I certainly would  
2 counsel them not to roll back the clock.”.

3 (6) The Secretary of Defense, Ashton B. Car-  
4 ter, testified that, “On the military side, we have  
5 begun to consider . . . what our options are, because  
6 the INF treaty is a treaty, meaning that it’s a two-  
7 way street. We accepted constraints in return for  
8 constraints of the then Soviet Union. It is a two-way  
9 street, and we need to remind them that it’s a two-  
10 way street, meaning that we, without an INF treaty,  
11 can take action also that we both decided years ago  
12 was best for neither of us to take.”.

13 (7) The Department of Defense has been con-  
14 sidering a range of military options to respond to  
15 the Russian Federation’s violation of the INF Trea-  
16 ty and these options would “aim to negate any ad-  
17 vantage Russia might gain from deploying an INF-  
18 prohibited system, and all of these would be de-  
19 signed to make us more secure”, and these options  
20 “fall into three broad categories: active defenses to  
21 counter intermediate-range ground-launched cruise  
22 missiles; counterforce capabilities to prevent inter-  
23 mediate-range ground-launched cruise missile at-  
24 tacks; and countervailing strike capabilities to en-  
25 hance U.S. or allied forces.”.

1           (8) President Barack Obama stated in Prague  
2           in 2009 that, “Rules must be binding. Violations  
3           must be punished. Words must mean something.”.

4           (b) SENSE OF THE CONGRESS.—It is the sense of  
5 the Congress that—

6           (1) the Russian Federation should return to  
7           compliance with the INF Treaty;

8           (2) the continuing violation of the INF Treaty  
9           by the Russian Federation threatens the viability of  
10          the INF Treaty;

11          (3) the United States has reportedly been un-  
12          dertaking diplomatic efforts to address with the  
13          Russia Federation its violations of the INF Treaty  
14          since 2013, and the Russian Federation has failed to  
15          respond to these efforts in any meaningful way;

16          (4) not only should the Russian Federation end  
17          its cheating with respect to the INF Treaty, its ille-  
18          gal occupation of the sovereign territory of another  
19          nation, its plans for stationing nuclear weapons on  
20          that nation’s territory, and its cheating and violation  
21          of as many as eight of its 12 arms control obliga-  
22          tions and agreements; and

23          (5) there are several United States military re-  
24          quirements that would be addressed by the develop-

1       ment and deployment of systems currently prohib-  
2       ited by the INF Treaty.

3       (c) NOTIFICATION OF RUSSIAN VIOLATIONS OF INF  
4       TREATY.—

5           (1) IN GENERAL.—The President shall submit  
6       to the appropriate congressional committees a notifi-  
7       cation of—

8           (A) whether the Russian Federation has  
9       flight-tested, deployed, or possesses a military  
10      system that has achieved an initial operating  
11      capability of a covered missile system; and

12          (B) whether the Russian Federation has  
13      begun steps to return to full compliance with  
14      the INF Treaty, including by agreeing to in-  
15      spections and verification measures necessary to  
16      achieve high confidence that any covered missile  
17      system will be eliminated, as required by the  
18      INF Treaty upon its entry into force.

19          (2) DEADLINE.—The notification required  
20      under paragraph (1) shall be submitted not later  
21      than 30 days after the date of the enactment of this  
22      Act and not later than 30 days after the date on  
23      which the Russian Federation meets any of the re-  
24      quirements of subparagraphs (A) and (B) of para-  
25      graph (1).

1           (3) FORM.—The notification required under  
2       paragraph (1) shall be submitted in unclassified  
3       form, but may contain a classified annex if nec-  
4       essary.

5       (d) NOTIFICATION OF COORDINATION WITH ALLIES  
6       REGARDING INF TREATY.—

7           (1) IN GENERAL.—Not later than 120 days  
8       after the date of the enactment, and every 120-day  
9       period thereafter for a period of 5 years, the Sec-  
10      retary of Defense and the Chairman of the Joint  
11      Chiefs of Staff, in coordination with the Secretary of  
12      State and the Director of National Intelligence, shall  
13      jointly submit to the appropriate congressional com-  
14      mittees a notification on the status and content of  
15      updates provided to the North Atlantic Treaty Orga-  
16      nization (NATO) and allies of the United States in  
17      East Asia, on the Russian Federation's flight test-  
18      ing, operating capability and deployment of a cov-  
19      ered missile system, including updates on the status  
20      and a description of efforts with such allies to de-  
21      velop collective responses, including economic and  
22      military responses, to the Russian Federation's arms  
23      control violations, including violations of the INF  
24      Treaty.

1           (2) FORM.—The notification required under  
2       paragraph (1) shall be submitted in unclassified  
3       form, but may contain a classified annex if nec-  
4       essary.

5       (e) MILITARY RESPONSE OPTIONS TO RUSSIAN FED-  
6       ERATION VIOLATION OF THE TREATY ON INTERMEDIATE  
7       RANGE NUCLEAR FORCES.—

8           (1) DEVELOPMENT OF CAPABILITIES.—If, as of  
9       the date of the enactment of this Act, the President  
10      determines that the Russian Federation has not  
11      begun steps to return to full compliance with the  
12      INF Treaty, including by agreeing to inspections  
13      and verification measures necessary to achieve high  
14      confidence that any covered missile system will be  
15      eliminated, as required by the INF Treaty upon its  
16      entry into force, the President shall begin developing  
17      the following military capabilities:

18           (A) Counterforce capabilities to prevent in-  
19      termediate-range ground-launched ballistic mis-  
20      sile and cruise missile attacks, including capa-  
21      bilities that may be acquired from allies.

22           (B) Countervailing strike capabilities to  
23      enhance the Armed Forces of the United States  
24      or allies of the United States, including capa-  
25      bilities that may be acquired from allies.



1           (2) AVAILABILITY OF FUNDS FOR REC-  
2           OMMENDED CAPABILITIES.—The Secretary of De-  
3           fense may use funds authorized to be appropriated  
4           by this Act or otherwise made available for fiscal  
5           year 2016 for research, development, test, and eval-  
6           uation, Defense-wide, as specified in the funding  
7           table in section 4201, to carry out the development  
8           of capabilities pursuant to paragraph (1) that are  
9           recommended by the Chairman of the Joint Chiefs  
10          of Staff to meet military requirements and current  
11          capability gaps. In making such a selection, the  
12          Chairman shall give priority to such capabilities that  
13          the Chairman determines could be tested and fielded  
14          most expediently, with the most priority given to ca-  
15          pabilities that the Chairman determines could be  
16          fielded in two years.

17          (3) REPORTS ON DEVELOPMENT.—

18                (A) IN GENERAL.—During each 180-day  
19                period beginning on the date on which funds  
20                are first obligated to develop capabilities under  
21                paragraph (2), the Chairman shall submit to  
22                the appropriate congressional committees a re-  
23                port on such capabilities, including the costs of  
24                development (and estimated total costs of each  
25                system if pursued to deployment) and the

1 timeline for development flight testing and de-  
2 ployment.

3 (B) SUNSET.—The provisions of subpara-  
4 graph (A) shall not be in effect on and after the  
5 date on which the President certifies to the ap-  
6 propriate congressional committees that the  
7 INF Treaty is no longer in force or the Russian  
8 Federation has fully returned to compliance  
9 with its obligations under the INF Treaty.

10 (4) REPORT ON DEPLOYMENT.—Not later than  
11 180 days after the date of the enactment of this Act,  
12 the Secretary of Defense, in coordination with the  
13 Secretary of State, shall submit to the appropriate  
14 congressional committees a report on the following:

15 (A) Potential deployment locations of the  
16 military capabilities described in paragraph (1)  
17 in East Asia and Eastern Europe, including  
18 any potential basing agreements that may be  
19 required to facilitate such deployments.

20 (B) Any required safety and security meas-  
21 ures, estimates of potential costs of deploy-  
22 ments described in subparagraph (A) and an  
23 assessment of whether or not such deployments  
24 in Eastern Europe may require a decision of  
25 the North Atlantic Council.

1 (f) DEFINITIONS.—In this section:

2 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
3 TEES.—The term “appropriate congressional com-  
4 mittees” means the following:

5 (A) The congressional defense committees.

6 (B) The Committee on Foreign Affairs of  
7 the House of Representatives and the Com-  
8 mittee on Foreign Relations of the Senate.

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

13 (2) COVERED MISSILE SYSTEM.—The term  
14 “covered missile system” means ground-launched  
15 ballistic missiles or ground-launched cruise missiles  
16 with a flight-tested range of between 500 and 5500  
17 kilometers.

18 (3) INF TREATY.—The term “INF Treaty”  
19 means the Treaty Between the United States of  
20 America and the Union of Soviet Socialist Republics  
21 on the Elimination of Their Intermediate-Range and  
22 Shorter-Range Missiles, commonly referred to as the  
23 Intermediate-Range Nuclear Forces (INF) Treaty,  
24 signed at Washington, December 8, 1987, and en-  
25 tered into force June 1, 1988.

1   **SEC. \_\_\_\_.** **[LOG 60969] LIMITATION ON AVAILABILITY OF**  
2                   **FUNDS FOR RESEARCH, DEVELOPMENT,**  
3                   **TEST, AND EVALUATION, AIR FORCE, FOR**  
4                   **ARMS CONTROL IMPLEMENTATION.**

5       (a) IN GENERAL.—Not more than 50 percent of the  
6 funds authorized to be appropriated by this Act or other-  
7 wise made available for fiscal year 2016 for research, de-  
8 velopment, test, and evaluation, Air Force, for arms con-  
9 trol implementation (PE 0305145F) may be obligated or  
10 expended until the Secretary of Defense, in coordination  
11 with the Secretary of State, submits to the appropriate  
12 committees of Congress a report on the following:

13           (1) A description of any meetings of the Open  
14 Skies Consultative Commission during the prior  
15 year.

16           (2) A description of any agreements entered  
17 into during such meetings of the Open Skies Con-  
18 sultative Commission.

19           (3) A description of any future year proposals  
20 for modifications to the aircraft or sensors of any  
21 State Party to the Open Skies Treaty that will be  
22 subject to the Open Skies Treaty.

23       (b) DEFINITIONS.—In this section:

1           (1) APPROPRIATE COMMITTEES OF CON-  
2       GRESS.—The term “appropriate committees of Con-  
3       gress” means—

4           (A) the congressional defense committees;  
5       and

6           (B) the Committee on Foreign Relations of  
7       the Senate and the Committee on Foreign Af-  
8       fairs of the House of Representatives.

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

1 **SEC. 1301. [Log 59894] SPECIFICATION OF COOPERATIVE**  
2 **THREAT REDUCTION FUNDS.**

3 (a) FISCAL YEAR 2016 COOPERATIVE THREAT RE-  
4 Duction Funds Defined.—In this title, the term “fiscal  
5 year 2016 Cooperative Threat Reduction funds” means  
6 the funds appropriated pursuant to the authorization of  
7 appropriations in section 301 and made available by the  
8 funding table in section 4301 for the Department of De-  
9 fense Cooperative Threat Reduction Program established  
10 under section 1321 of the Department of Defense Cooper-  
11 ative Threat Reduction Act (50 U.S.C. 3711).

12 (b) AVAILABILITY OF FUNDS.—Funds appropriated  
13 pursuant to the authorization of appropriations in section  
14 301 and made available by the funding table in section  
15 4301 for the Department of Defense Cooperative Threat  
16 Reduction Program shall be available for obligation for fis-  
17 cal years 2016, 2017, and 2018.

1 **SEC. 16\_\_\_\_. [Log 60377] MODIFICATION TO DEVELOPMENT**  
2 **OF SPACE SCIENCE AND TECHNOLOGY**  
3 **STRATEGY.**

4 Section 2272 of title 10, United States Code, is  
5 amended to read as follows:

6 **“§ 2272. Space science and technology strategy: co-**  
7 **ordination**

8 “The Secretary of Defense and the Director of Na-  
9 tional Intelligence shall jointly develop and implement a  
10 space science and technology strategy and shall review  
11 and, as appropriate, revise the strategy biennially. Func-  
12 tions of the Secretary under this section shall be carried  
13 out jointly by the Assistant Secretary of Defense for Re-  
14 search and Engineering and the official of the Department  
15 of Defense designated as the Department of Defense Ex-  
16 ecutive Agent for Space.”.

1   **SEC. 16\_\_\_\_. [Log 60014] LIMITATION ON AVAILABILITY OF**  
2                   **FUNDS FOR WEATHER SATELLITE FOLLOW-**  
3                   **ON SYSTEM.**

4       (a) **LIMITATION.**—None of the funds authorized to  
5 be appropriated by this Act or otherwise made available  
6 for fiscal year 2016 for research, development, test, and  
7 evaluation, Air Force, for the weather satellite follow-on  
8 system may be obligated or expended until the date on  
9 which—

10           (1) the Secretary of Defense provides to the  
11 congressional defense committees a briefing on the  
12 plan developed under subsection (b); and

13           (2) the Chairman of the Joint Chiefs of Staff  
14 certifies to the congressional defense committees  
15 that such plan will—

16               (A) meet the requirements of the Depart-  
17 ment of Defense for cloud characterization and  
18 theater weather imagery; and

19               (B) not negatively affect the commanders  
20 of the combatant commands.

21       (b) **PLAN REQUIRED.**—The Secretary shall develop  
22 a plan to address the requirements of the Department of  
23 Defense for cloud characterization and theater weather  
24 imagery.



1   **SEC. 16\_\_\_\_.[Log 59978] MODIFICATION TO PROHIBITION ON**  
2                   **CONTRACTING WITH RUSSIAN SUPPLIERS OF**  
3                   **ROCKET ENGINES FOR THE EVOLVED EX-**  
4                   **PENDABLE LAUNCH VEHICLE PROGRAM.**

5       Section 1608 of the National Defense Authorization  
6 Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat.  
7 3626; 10 U.S.C. 2271 note) is amended to read as follows:

8   **“SEC. 1608. PROHIBITION ON CONTRACTING WITH RUSSIAN**  
9                   **SUPPLIERS OF ROCKET ENGINES FOR THE**  
10                  **EVOLVED EXPENDABLE LAUNCH VEHICLE**  
11                  **PROGRAM.**

12       “(a) PROHIBITIONS.—

13               “(1) AWARD OR RENEWAL OF CONTRACT.—Ex-  
14       cept as provided by subsections (b) and (c), begin-  
15       ning on the date of the enactment of this Act, the  
16       Secretary of Defense may not award or renew a con-  
17       tract for the procurement of property or services for  
18       space launch activities under the evolved expendable  
19       launch vehicle program if such contract carries out  
20       such space launch activities using rocket engines de-  
21       signed or manufactured in the Russian Federation.

22               “(2) MODIFICATION OF CERTAIN CONTRACT.—  
23       Except as provided by subsection (b), beginning on  
24       the date of the enactment of this Act, the Secretary

1       may not modify the contract specified in subsection  
2       (c)(1)(A) if such modification increases the number  
3       of cores procured under such contract to a total of  
4       more than 35.

5       “(b) WAIVER.—The Secretary may waive one or both  
6 of the prohibitions under paragraphs (1) and (2) of sub-  
7 section (a) if the Secretary determines, and certifies to the  
8 congressional defense committees not later than 30 days  
9 before the waiver takes effect, that the waiver is necessary  
10 for the national security interests of the United States.

11       “(c) EXCEPTION.—

12               “(1) IN GENERAL.—The prohibition in sub-  
13 section (a)(1) shall not apply to either—

14                       “(A) the placement of orders or the exer-  
15 cise of options under the contract numbered  
16 FA8811–13–C–0003 and awarded on December  
17 18, 2013; or

18                       “(B) subject to paragraph (2), a contract  
19 awarded for the procurement of property or  
20 services for space launch activities that includes  
21 the use of rocket engines designed or manufac-  
22 tured in the Russian Federation if, prior to  
23 February 1, 2014, the contractor had fully paid  
24 for such rocket engines or had entered into a  
25 contract to procure such rocket engines.

1           “(2) CERTIFICATION.—The Secretary may not  
2           award or renew a contract for the procurement of  
3           property or services for space launch activities de-  
4           scribed in paragraph (1)(B) unless the Secretary,  
5           upon the advice of the General Counsel of the De-  
6           partment of Defense, certifies to the congressional  
7           defense committees that the offeror has provided to  
8           the Secretary sufficient documentation to conclu-  
9           sively demonstrate that the offeror meets the re-  
10          quirements of such paragraph.”.

1   **SEC. 16**\_\_\_\_ **[Log 60005]. ROCKET PROPULSION SYSTEM DE-**  
2                                   **VELOPMENT PROGRAM.**

3           (a) STREAMLINED ACQUISITION.—Section 1604 of  
4 the National Defense Authorization Act for Fiscal Year  
5 2015 (Public Law 113–291) is amended—

6               (1) by redesignating subsection (c) as sub-  
7               section (d); and

8               (2) by inserting after subsection (b) the fol-  
9               lowing new subsection:

10           “(c) STREAMLINED ACQUISITION.—In developing the  
11 rocket propulsion system required under subsection (a),  
12 the Secretary shall—

13               “(1) use a streamlined acquisition approach, in-  
14               cluding tailored documentation and review processes,  
15               that enables the effective, efficient, and expedient  
16               transition from the use of non-allied space launch  
17               engines to a domestic alternative for national secu-  
18               rity space launches; and

19               “(2) prior to establishing such acquisition ap-  
20               proach, establish well-defined requirements with a  
21               clear acquisition strategy.”.

22           (b) AVAILABILITY OF FUNDS.—Of the funds author-  
23 ized to be appropriated by this Act or otherwise made  
24 available for fiscal year 2016 for the rocket propulsion sys-

1 tem required by section 1604 of the National Defense Au-  
2 thorization Act for Fiscal Year 2015 (Public Law 113–  
3 291), the Secretary of Defense may obligate or expend  
4 such funds only for the development of such system, and  
5 the necessary interfaces to the launch vehicle, to replace  
6 non-allied space launch engines by 2019 as required by  
7 such section.

8 (c) BRIEFING.—Not later than 60 days after the date  
9 of the enactment of this Act, the Secretary of Defense  
10 shall provide to the Committees on Armed Services of the  
11 House of Representatives and the Senate (and make avail-  
12 able to any other congressional defense committee) a brief-  
13 ing on the streamlined acquisition approach, requirements,  
14 and acquisition strategy required under subsection (c) of  
15 section 1604 of the National Defense Authorization Act  
16 for Fiscal Year 2015 (Public Law 113–291), as inserted  
17 by subsection (a).

1 **SEC. 16\_\_\_\_. [Log 60043] ACQUISITION STRATEGY FOR**  
2 **EVOLVED EXPENDABLE LAUNCH VEHICLE**  
3 **PROGRAM.**

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

6 (1) the Secretary of the Air Force needs to de-  
7 velop an updated phased acquisition strategy and  
8 contracting plan for the evolved expendable launch  
9 vehicle program;

10 (2) beyond the contractual requirements as of  
11 the date of the enactment of this Act, in recognition  
12 of the emerging competitive environment, the acqui-  
13 sition strategy and contracting plan should eliminate  
14 the currently structured evolved expendable launch  
15 vehicle launch capability arrangement;

16 (3) the Secretary should be consistent and fair  
17 with evolved expendable launch vehicle providers re-  
18 garding the requirement for certified cost and pric-  
19 ing data and the appropriate audits to protect the  
20 taxpayer; and

21 (4) the Secretary should—

22 (A) consider various contracting ap-  
23 proaches, including launch capability arrange-  
24 ments with multiple certified providers, to meet

1 the objectives identified in the acquisition strat-  
2 egy developed under subsection (d); and

3 (B) continue to provide the necessary sta-  
4 bility in budgeting and acquisition of capabili-  
5 ties as well as the flexibility to the Federal Gov-  
6 ernment to appropriately manage the launch  
7 manifest in case of delays in the delivery of sat-  
8 ellites or other changes to mission require-  
9 ments.

10 (b) TREATMENT OF CERTAIN ARRANGEMENT.—

11 (1) DISCONTINUATION.—The Secretary of the  
12 Air Force shall discontinue the evolved expendable  
13 launch vehicle launch capability arrangement, as  
14 structured as of the date of the enactment of this  
15 Act, by the later of—

16 (A) the date on which the Secretary deter-  
17 mines that the obligations of the contracts re-  
18 lating to such arrangement, as of the date of  
19 the enactment of this Act, have been met; or

20 (B) December 31, 2020.

21 (2) WAIVER.—The Secretary may waive para-  
22 graph (1) if the Secretary—

23 (A) determines that such waiver is nec-  
24 essary for the national security interests of the  
25 United States; and

1 (B) notifies the congressional defense com-  
2 mittees of such waiver.

3 (c) CONSISTENT STANDARDS.—In accordance with  
4 section 2306a of title 10, United States Code, the Sec-  
5 retary shall—

6 (1) apply consistent and appropriate standards  
7 to certified evolved expendable launch vehicle pro-  
8 viders with respect to certified cost and pricing data;  
9 and

10 (2) conduct the appropriate audits.

11 (d) ACQUISITION STRATEGY.—In accordance with  
12 subsections (b) and (c) and section 2273 of title 10,  
13 United States Code, the Secretary shall develop and carry  
14 out a ten-year acquisition strategy for the evolved expend-  
15 able launch vehicle program.

16 (e) ELEMENTS.—The acquisition strategy under sub-  
17 section (d) for the evolved expendable launch vehicle pro-  
18 gram shall establish a contracting plan for such program  
19 that uses competitive procedures (as defined in section  
20 2302 of title 10, United States Code) and ensures that  
21 a contract awarded for launch services, capability, or in-  
22 frastructure—

23 (1) provides the necessary—

24 (A) stability in budgeting and acquisition  
25 of capabilities; and



1 (B) flexibility to the Federal Government;

2 and

3 (2) takes into account the effect of—

4 (A) all contracts entered into by the Fed-  
5 eral Government with, and any assistance pro-  
6 vided by the Federal Government to, certified  
7 evolved expendable launch vehicle providers;

8 (B) the requirements of the Department of  
9 Defense, including with respect to launch capa-  
10 bilities and pricing data, that are met by such  
11 providers;

12 (C) the cost of integrating a satellite onto  
13 a launch vehicle; and

14 (D) any other matters the Secretary con-  
15 siders appropriate.

16 (f) REPORT.—Not later than 180 days after the date  
17 of the enactment of this Act, the Secretary shall submit  
18 to the congressional defense committees, the Permanent  
19 Select Committee on Intelligence of the House of Rep-  
20 resentatives, and the Select Committee on Intelligence of  
21 the Senate a report on the acquisition strategy developed  
22 under subsection (d).

1   **SEC. 16\_\_\_\_. [Log 60072] EVALUATION OF EXPLOITATION OF**  
2                   **SPACE-BASED INFRARED SYSTEM AGAINST**  
3                   **ADDITIONAL THREATS.**

4       (a) EVALUATION.—The Under Secretary of Defense  
5   for Acquisition, Technology, and Logistics, in cooperation  
6   with the Secretary of the Navy, the Secretary of the Air  
7   Force, and the Director of National Intelligence, shall con-  
8   duct an evaluation of the space-based infrared system to  
9   detect, track, and target, or to develop the capability to  
10   detect, track and target, the full range of threats to the  
11   United States, deployed members of the Armed Forces,  
12   and the allies of the United States.

13       (b) SUBMISSION.—Not later than December 31,  
14   2016, the Under Secretary shall submit to the congres-  
15   sional defense committees, the Permanent Select Com-  
16   mittee on Intelligence of the House of Representatives,  
17   and the Select Committee on Intelligence of the Senate  
18   the evaluation under subsection (a).

1   **SEC. 16\_\_\_\_\_ [Log 60164]. MODIFICATION OF PILOT PROGRAM**  
2                   **FOR ACQUISITION OF COMMERCIAL SAT-**  
3                   **ELLITE COMMUNICATION SERVICES.**

4       Section 1605 of the National Defense Authorization  
5 Act for Fiscal Year 2015 (Public Law 113–291) is amend-  
6 ed—

7           (1) in subsection (a)—

8               (A) in paragraph (1), by striking “may de-  
9               velop” and all that follows through “funds by  
10              the Secretary” and inserting “shall develop and  
11              carry out a pilot program”; and

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

14            “(4) METHODS.—In carrying out the pilot pro-  
15            gram under paragraph (1), the Secretary may use a  
16            variety of methods in an effort to effectively and ef-  
17            ficiently acquire commercial satellite communications  
18            services, including by carrying out multiple path-  
19            finder activities under the pilot program.”; and

20           (2) in subsection (d)—

21               (A) in the heading, by striking “RE-  
22               PORTS.—” and inserting “REPORTS AND  
23               BRIEFINGS.—”;

24            (B) in paragraph (1)—

1 (i) in the matter preceding subpara-  
2 graph (A), by striking “90 days” and in-  
3 serting “270 days”;

4 (ii) in subparagraph (A), by striking  
5 “; or” and inserting “; and”; and

6 (iii) by amending subparagraph (B) to  
7 read as follows:

8 “(B) a description of the appropriate  
9 metrics established by the Secretary to meet the  
10 goals of the pilot program.”;

11 (C) by redesignating paragraph (2) as  
12 paragraph (3);

13 (D) by inserting after paragraph (1) the  
14 following new paragraph (2):

15 “(2) At the same time as the President submits  
16 to Congress the budget pursuant to section 1105 of  
17 title 31, for each of fiscal years 2017 through 2020,  
18 the Secretary shall provide to the congressional de-  
19 fense committees a briefing on the pilot program.”.

20 (E) in paragraph (3) (as redesignated by  
21 subparagraph (C))—

22 (i) in subparagraph (A), by striking  
23 “expanding the use of working capital  
24 funds to effectively and efficiently acquire”  
25 and inserting “the pilot program and

1                   whether the pilot program effectively and  
2                   efficiently acquires”; and  
3                   (ii) subparagraph (B)(ii), by striking  
4                   “working capital funds as described in sub-  
5                   paragraph (A)” and inserting “the pilot  
6                   program”.

1   **SEC. 16\_\_\_\_. [Log 60556] PROCUREMENT OF WIDEBAND SAT-**  
2                   **ELLITE COMMUNICATIONS.**

3           (a) ACQUISITION AGENT.—Except as provided by  
4 subsection (b)(1), not later than September 30, 2016, the  
5 Secretary of Defense shall designate a single senior official  
6 of the Department of Defense to procure wideband sat-  
7 ellite communications necessary to meet the requirements  
8 of the Department of Defense for such communications,  
9 including with respect to military and commercial satellite  
10 communications.

11          (b) EXCEPTION.—

12               (1) IN GENERAL.—Notwithstanding subsection  
13 (a), an official described in paragraph (2) may carry  
14 out the procurement of commercial wideband sat-  
15 ellite communications if the official determines that  
16 such procurement is required to meet an urgent  
17 need.

18               (2) OFFICIAL DESCRIBED.—An official de-  
19 scribed in this paragraph is any of the following:

20                       (A) A Secretary of a military department.

21                       (B) The Under Secretary of Defense for  
22 Acquisition, Technology, and Logistics.

23                       (C) The Chief Information Office of the  
24 Department of Defense.

1 (D) A commander of a combatant com-  
2 mand.

3 (3) ANNUAL REPORTS.—Not later than March  
4 1, 2017, and each year thereafter through 2021, the  
5 Secretary of Defense shall submit to the congres-  
6 sional defense committees a report on procurement  
7 carried out under paragraph (1) during the year  
8 prior to the submission of the report, including—

9 (A) a brief description of the urgent need  
10 fulfilled by each such procurement;

11 (B) the date and length of the contract of  
12 each such procurement; and

13 (C) the value of each such contract.

14 (c) PLAN.—Not later than 180 days after the date  
15 of the enactment of this Act, the Secretary of Defense  
16 shall submit to the congressional defense committees a  
17 plan for the Secretary to meet the requirements of the  
18 Department of Defense for satellite communications, in-  
19 cluding with respect to—

20 (1) the roles and responsibilities of officials of  
21 the Department; and

22 (2) carrying out subsections (a) and (b).

1 **SEC. 16\_\_\_\_. [Log 60730] MAJOR FORCE PROGRAM AND**  
2 **BUDGET FOR NATIONAL SECURITY SPACE**  
3 **PROGRAMS.**

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

5 (1) National security space capabilities are a  
6 key element of the national defense of the United  
7 States.

8 (2) Because of increasing foreign threats, the  
9 national security space advantage of the United  
10 States is facing the most challenging environment it  
11 has ever faced.

12 (3) To modernize and fully address the growing  
13 threat to the national security space advantage of  
14 the United States, further action is necessary to  
15 strengthen national security space leadership, man-  
16 agement, and organization.

17 (4) Congress and independent expert commis-  
18 sions have previously stated the importance of estab-  
19 lishing a major force program for space with sepa-  
20 rate authorities, as one of the elements to strengthen  
21 national security space.

22 (b) BUDGET MATTERS.—



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

4 **“§ 239. National security space programs: major force**  
5 **program and budget assessment**

6 “(a) ESTABLISHMENT OF MAJOR FORCE PRO-  
7 GRAM.—The Secretary of Defense shall establish a unified  
8 major force program for national security space programs  
9 pursuant to section 222(b) of this title to prioritize na-  
10 tional security space activities in accordance with the re-  
11 quirements of the Department of Defense and national se-  
12 curity.

13 “(b) BUDGET ASSESSMENT.—(1) The Secretary shall  
14 include with the defense budget materials for each of fiscal  
15 years 2017 through 2020 a report on the budget for na-  
16 tional security space programs of the Department of De-  
17 fense.

18 “(2) Each report on the budget for national security  
19 space programs of the Department of Defense under para-  
20 graph (1) shall include the following:

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

22 “(i) a comparison between that budget, the  
23 previous budget, the most recent and prior fu-  
24 ture-years defense program submitted to Con-  
25 gress under section 221 of this title, and the

1 amounts appropriated for such programs during  
2 the previous fiscal year; and

3 “(ii) the specific identification, as a budg-  
4 etary line item, for the funding under such pro-  
5 grams.

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

8 “(C) Any additional matters the Secretary de-  
9 termines appropriate.

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

13 “(c) DEFINITIONS.—In this section:

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

18 “(2) The term ‘defense budget materials’, with  
19 respect to a fiscal year, means the materials sub-  
20 mitted to Congress by the Secretary of Defense in  
21 support of the budget for that fiscal year.”.

22 (2) PLAN.—Not later than 180 days after the  
23 date of the enactment of this Act, the Secretary of  
24 Defense shall submit to the congressional defense  
25 committees a plan to carry out the unified major

1 force program designation required by section  
2 239(a) of title 10, United States Code, as added by  
3 paragraph (1), including any recommendations for  
4 legislative action the Secretary determines appropriate.  
5

6 (3) CLERICAL AMENDMENT.—The table of sections  
7 at the beginning of such chapter 9 is amended  
8 by inserting after the item relating to section 238  
9 the following new item:

“239. National security space programs: major force program and budget assessment.”.

1 **SEC. 16\_\_\_\_. [Log 60804] DELEGATION OF AUTHORITY RE-**  
2 **GARDING PURCHASE OF GLOBAL POSI-**  
3 **TIONING SYSTEM USER EQUIPMENT.**

4 Section 913 of the Ike Skelton National Defense Au-  
5 thorization Act for Fiscal Year 2011 (10 U.S.C. 2281  
6 note) is amended by adding at the end the following new  
7 subsection:

8 “(d) LIMITATION ON DELEGATION OF WAIVER AU-  
9 THORITY.—The Secretary of Defense may not delegate the  
10 authority to make a waiver under subsection (c) to an offi-  
11 cial below the level of the Under Secretary of Defense for  
12 Acquisition, Technology, and Logistics.”.

1 **SEC. 16\_\_\_\_. [Log 59670] 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 2016  
7 by section 101 and available for Missile Procurement, Air  
8 Force as specified in the funding table in section 4101,  
9 \$13,700,000 shall be available for the procurement of cov-  
10 ered parts pursuant to contracts entered into under sec-  
11 tion 1645(a) of the National Defense Authorization Act  
12 for Fiscal Year 2015 (Public Law 113–291).

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

1 **SEC. 16\_\_\_\_. [Log 60195] ASSESSMENT OF THREATS TO NA-**  
2 **TIONAL LEADERSHIP COMMAND, CONTROL,**  
3 **AND COMMUNICATIONS SYSTEM.**

4 Section 171a of title 10, United States Code, is  
5 amended—

6 (1) by redesignating subsections (f), (g), and  
7 (h), as subsections (g), (h), and (i), respectively;

8 (2) by inserting after subsection (e) the fol-  
9 lowing new subsection (f):

10 “(f) COLLECTION OF ASSESSMENTS ON CERTAIN  
11 THREATS.—The Council shall collect and assess (con-  
12 sistent with the provision of classified information, and in-  
13 telligence sources and methods) all reports and assess-  
14 ments otherwise conducted by the intelligence community  
15 (as defined in section 3(4) of the National Security Act  
16 of 1947 (50 U.S.C. 3003(4)) regarding foreign threats,  
17 including cyber threats, to the command, control, and  
18 communications system for the national leadership of the  
19 United States and the vulnerabilities of such system to  
20 such threats.”; and

21 (3) in subsection (e), by adding at the end the  
22 following new paragraph:

23 “(5) An assessment of the threats and  
24 vulnerabilities described in the reports and assess-

1       ments collected under subsection (f) during the pe-  
2       riod covered by the report, including any plans to  
3       address such threats and vulnerabilities.”.

1 **SEC. 16\_\_\_\_. [Log 60304] SENSE OF CONGRESS ON IMPOR-**  
2 **TANCE OF COOPERATION AND COLLABORA-**  
3 **TION BETWEEN UNITED STATES AND UNITED**  
4 **KINGDOM ON NUCLEAR ISSUES.**

5 It is the sense of Congress that—

6 (1) cooperation and collaboration under the  
7 1958 Mutual Defense Agreement and the 1963 Po-  
8 laris Sales Agreement are fundamental elements of  
9 the security of the United States and the United  
10 Kingdom as well as international stability;

11 (2) the recent renewal of the Mutual Defense  
12 Agreement and the continued work under the Pola-  
13 ris Sales Agreement underscore the enduring and  
14 long-term value of the agreements to both countries;  
15 and

16 (3) the vital efforts performed under the pur-  
17 view of both the Mutual Defense Agreement and the  
18 Polaris Sales Agreement are critical to sustaining  
19 and enhancing the capabilities and knowledge base  
20 of both countries regarding nuclear deterrence, nu-  
21 clear nonproliferation and counterproliferation, and  
22 naval nuclear propulsion.



1   **SEC. 16\_\_\_\_. [Log 59689] PROHIBITION ON INTEGRATION OF**  
2                   **MISSILE DEFENSE SYSTEMS OF CHINA INTO**  
3                   **MISSILE DEFENSE SYSTEMS OF UNITED**  
4                   **STATES.**

5       None of the funds authorized to be appropriated by  
6 this Act or otherwise made available for fiscal year 2016  
7 for the Department of Defense may be obligated or ex-  
8 pended to integrate a missile defense system of the Peo-  
9 ple's Republic of China into any missile defense system  
10 of the United States.

1   **SEC. 16\_\_\_\_. [Log 59690] PROHIBITIONS ON PROVIDING CER-**  
2                   **TAIN MISSILE DEFENSE INFORMATION TO**  
3                   **RUSSIAN FEDERATION.**

4       (a) PROHIBITIONS.—

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

8   **“§ 130g. Prohibitions on providing certain missile de-**  
9                   **fense information to Russian Federation**

10       “(a) CERTAIN ‘HIT-TO-KILL’ TECHNOLOGY AND TE-  
11       LEMETRY DATA.—None of the funds authorized to be ap-  
12       propriated or otherwise made available for any fiscal year  
13       for the Department of Defense may be used to provide  
14       the Russian Federation with ‘hit-to-kill’ technology and te-  
15       lemetry data for missile defense interceptors or target ve-  
16       hicles.

17       “(b) OTHER SENSITIVE MISSILE DEFENSE INFOR-  
18       MATION.—None of the funds authorized to be appro-  
19       priated or otherwise made available for any fiscal year for  
20       the Department of Defense may be used to provide the  
21       Russian Federation with—

22           “(1) information relating to velocity at burnout  
23       of missile defense interceptors or targets of the  
24       United States; or

1           “(2) classified or otherwise controlled missile  
2       defense information.

3           “(c) ONE-TIME WAIVER.—The President, without  
4       delegation, may waive the prohibition in subsection (a) or  
5       (b) once if—

6           “(1) such one-time waiver is used only to pro-  
7       vide, in a single instance, the Russian Federation  
8       with information regarding ballistic missile early  
9       warning; and

10          “(2) the Chairman of the Joint Chiefs of Staff,  
11       the Commander of the United States Strategic Com-  
12       mand, and the Commander of the United States Eu-  
13       ropean Command, jointly certify to the President  
14       and the congressional defense committees that the  
15       provision of such information pursuant to such waiv-  
16       er is required because of a failure of the early warn-  
17       ing system of the Russian Federation.”.

18          “(2) CLERICAL AMENDMENT.—The table of sec-  
19       tions at the beginning of such chapter is amended  
20       by inserting after the item relating to section 130f  
21       the following new item:

          “130g. Prohibitions on providing certain missile defense information to Russian  
              Federation.”.

22          “(b) CONFORMING REPEAL.—Section 1246 of the Na-  
23       tional Defense Authorization Act for Fiscal Year 2014  
24       (Public Law 113–66; 127 Stat. 923), as amended by sec-

tion 1243 of the National Defense Authorization Act for  
Fiscal Year 2015 (Public Law 113–291; [\_\_ Stat. \_\_]),  
is further amended—

(1) by striking subsection (c); and

(1) in the heading, by striking “**AND LIMITA-  
TIONS**” and all that follows through “**FEDERA-  
TION**”.

1   **SEC. 16\_\_\_\_. [Log 59691] PROHIBITION ON INTEGRATION OF**  
2                   **MISSILE DEFENSE SYSTEMS OF RUSSIAN**  
3                   **FEDERATION INTO MISSILE DEFENSE SYS-**  
4                   **TEMS OF UNITED STATES AND NATO.**

5       (a) PROHIBITION.—Except as provided by subsection  
6 (b), none of the funds authorized to be appropriated by  
7 this Act or otherwise made available for fiscal year 2016  
8 for the Department of Defense or for contributions of the  
9 United States to the North Atlantic Treaty Organization  
10 may be obligated or expended to integrate a missile de-  
11 fense system of the Russian Federation into any missile  
12 defense system of the United States or NATO.

13       (b) WAIVER.—The President, without delegation,  
14 may waive the prohibition in subsection (a) if the Chair-  
15 man of the Joint Chiefs of Staff certifies to the President  
16 and the congressional defense committees that—

17               (1) such waiver is vital for the national security  
18       interests of the United States;

19               (2) the Russian Federation no longer maintains  
20       an active nuclear-armed or nuclear-capable ballistic  
21       missile defense capability;

22               (3) Russia is no longer occupying the sovereign  
23       territory of Ukraine;

1           (4) Russia is in compliance and not acting in-  
2           consistently with any of its arms control treaties or  
3           obligations; and

4           (5) Russia is not carrying out state-sponsored  
5           espionage in cyberspace against the United States or  
6           persons of the United States.

1 **SEC. 16 \_\_\_\_.** **[Log 59738] INTEGRATION AND INTEROPER-**  
2 **ABILITY OF AIR AND MISSILE DEFENSE CAPA-**  
3 **BILITIES OF THE UNITED STATES.**

4 (a) INTEROPERABILITY OF MISSILE DEFENSE SYS-  
5 TEMS.—The Under Secretary of Defense for Acquisition,  
6 Technology, and Logistics and the Vice Chairman of the  
7 Joint Chiefs of Staff, acting through the Missile Defense  
8 Executive Board, shall ensure the interoperability and in-  
9 tegration of the air and missile defense capabilities of the  
10 United States, including with respect to the Patriot air  
11 and missile defense system, the terminal high altitude area  
12 defense system, and Aegis ballistic missile defense ships,  
13 with such capabilities of allies of the United States, includ-  
14 ing by carrying out operational testing.

15 (b) ANNUAL DEMONSTRATION.—

16 (1) REQUIREMENT.—Except as provided by  
17 paragraph (2), the Director of the Missile Defense  
18 Agency and the Secretary of the Army shall jointly  
19 ensure that not less than one intercept or flight test  
20 is carried out each year that demonstrates the inter-  
21 operability and integration of the air and missile de-  
22 fense capability of the United States.

23 (2) WAIVER.—The Director and the Secretary  
24 may waive the requirement in paragraph (1) with re-

1       spect to an intercept or flight test carried out during  
2       the year covered by the waiver if the Under Sec-  
3       retary of Defense for Acquisition, Technology, and  
4       Logistics—

5               (A) determines that such waiver is nec-  
6               essary for such year; and

7               (B) submits to the congressional defense  
8       committees notification of such waiver, includ-  
9       ing an explanation for how such waiver will not  
10      negatively affect demonstrating the interoper-  
11      ability and integration of the air and missile de-  
12      fense capability of the United States.



1 **SEC. 16\_\_\_\_. [Log 59957] DEVELOPMENT AND DEPLOYMENT**  
2 **OF MULTIPLE-OBJECT KILL VEHICLE FOR**  
3 **MISSILE DEFENSE OF THE UNITED STATES**  
4 **HOMELAND.**

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

7 (1) the ballistic missile defense of the United  
8 States homeland is the highest priority of the Missile  
9 Defense Agency;

10 (2) the Missile Defense Agency is appropriately  
11 prioritizing the design, development, and deployment  
12 of the redesigned kill vehicle; and

13 (3) the multiple-object kill vehicle is critical to  
14 the future of the ballistic missile defense of the  
15 United States homeland.

16 (b) MULTIPLE-OBJECT KILL VEHICLE.—

17 (1) DEVELOPMENT.—The Director of the Mis-  
18 sile Defense Agency shall develop a highly reliable  
19 multiple-object kill vehicle for the ground-based mid-  
20 course defense system using best acquisition prac-  
21 tices.

22 (2) DEPLOYMENT.—The Director shall—

1 (A) conduct rigorous flight testing of the  
2 multiple-object kill vehicle developed under  
3 paragraph (1) by not later than 2020; and

4 (B) recognizing the primacy of developing  
5 the redesigned kill vehicle, produce and deploy  
6 the multiple-object kill vehicle as early as prac-  
7 ticable after the date on which the Director car-  
8 ries out paragraph (1).

9 (c) CAPABILITIES AND CRITERIA.—The Director  
10 shall ensure that the multiple-object kill vehicle developed  
11 under subsection (b)(1) meets, at a minimum, the fol-  
12 lowing capabilities and criteria:

- 13 (1) Vehicle-to-vehicle communications.
- 14 (2) Vehicle-to-ground communications.
- 15 (3) Kill assessment capability.
- 16 (4) The ability to counter advanced counter  
17 measures, decoys and penetration aids.
- 18 (5) Produceability and manufacturability.
- 19 (6) Use of technology involving high technology  
20 readiness levels.
- 21 (7) Options to be integrated onto other missile  
22 defense interceptor vehicles other than the ground-  
23 based interceptors of the ground-based midcourse  
24 defense system.

1       (d) PROGRAM MANAGEMENT.—The management of  
2 the multiple-object kill vehicle program under subsection  
3 (b) shall report directly to the Deputy Director of the Mis-  
4 sile Defense Agency.

5       (e) REPORT ON FUNDING PROFILE.—Not later than  
6 30 days after the date of the enactment of this Act, the  
7 Director shall submit to the congressional defense commit-  
8 tees a report on the funding profile of the multiple-object  
9 kill vehicle program under subsection (b).

1 **SEC. 16\_\_\_\_. [Log 60166] EAST COAST HOMEPORT OF SEA-**  
2 **BASED X-BAND RADAR.**

3 (a) HOMEPORT.—Subject to subsection (b), not later  
4 than December 31, 2019, the Secretary of the Navy  
5 shall—

6 (1) reassign the homeport of the sea-based X-  
7 band radar to a homeport on the East Coast of the  
8 United States; and

9 (2) ensure that such vessel has an at-sea capa-  
10 bility of not less than 120 days per year.

11 (b) CERTIFICATION.—The Secretary may not carry  
12 out subsection (a) until the date on which the Director  
13 of the Missile Defense Agency certifies to the congres-  
14 sional defense committees that Hawaii will have adequate  
15 missile defense coverage after the reassignment of the  
16 homeport of the sea-based X-band radar as described in  
17 such subsection.

18 (c) REQUIRED STUDIES AND EVALUATIONS.—Not  
19 later than 60 days after the date of the enactment of this  
20 Act, the Director shall commence any siting studies, envi-  
21 ronmental impact assessments or statements, homeport  
22 agreements for sea-based X-band radar support, evalua-  
23 tions of any needed pier modifications, and evaluations of  
24 any communications capabilities or other requirements to

1 carry out the homeport reassignment under subsection

2 (a)(1).

1   **SEC. 16\_\_\_\_. [Log 60182] LIMITATION ON AVAILABILITY OF**  
2                   **FUNDS FOR LONG-RANGE DISCRIMINATING**  
3                   **RADAR.**

4       (a) SENSE OF THE CONGRESS.—It is the sense of the  
5 Congress that—

6           (1) the long-range discriminating radar will be  
7       a critically important addition to the ballistic missile  
8       defense system;

9           (2) such radar will offer needed capability to re-  
10      spond to emerging ballistic missile threats involving  
11      countermeasures and decoys; and

12          (3) the Department of Defense should take all  
13      appropriate steps to ensure that such radar is oper-  
14      ational in 2020.

15      (b) LIMITATION.—None of the funds authorized to  
16      be appropriated by this Act or otherwise made available  
17      for fiscal year 2016 or 2017 for military construction for  
18      the long-range discriminating radar (other than such  
19      funds made available for planning and design) may be ob-  
20      ligated or expended until—

21          (1) the Director of Cost Assessment and Pro-  
22      gram Evaluation submits to the congressional de-  
23      fense committees the cost assessment conducted  
24      under subsection (c)(1);

1           (2) the Commander of the United States Stra-  
2       tegic Command and the Commander of the United  
3       States Northern Command jointly certify to the con-  
4       gressional defense committees that the site for the  
5       long-range discriminating radar proposed by the Di-  
6       rector of the Missile Defense Agency—

7           (A) best supports missile defense and  
8       space situational awareness; and

9           (B) based on the cost assessment con-  
10      ducted under subsection (c)(1), is the most  
11      cost-effective option; and

12      (3) a period of 60 days elapses following the  
13      date of such certification.

14      (c) COST ASSESSMENT.—

15      (1) IN GENERAL.—The Director of Cost Assess-  
16      ment and Program Evaluation shall conduct a cost  
17      assessment providing the costs of the complete  
18      ground-based radar and other sensor configurations  
19      required to provide the same or comparable missile  
20      defense tracking and discrimination data as the  
21      long-range discriminating radar sites under consider-  
22      ation by the Director of the Missile Defense Agency.

23      (2) SUBMISSION.—The Director of Cost Assess-  
24      ment and Program Evaluation shall submit to the  
25      congressional defense committees, the Director of

1 the Missile Defense Agency, the Commander of the  
2 United States Strategic Command, and the Com-  
3 mander of the United States Northern Command  
4 the cost assessment conducted under paragraph (1).



1 **SEC. 16\_\_\_\_. [Log 60194] MISSILE DEFENSE CAPABILITY IN**  
2 **EUROPE.**

3 (a) AEGIS ASHORE SITES.—

4 (1) POLAND.—The Secretary of Defense, in co-  
5 ordination with the Secretary of State, shall ensure  
6 that the Aegis Ashore site to be deployed in the Re-  
7 public of Poland has anti-air warfare capability upon  
8 such site achieving full operating capability.

9 (2) ROMANIA.—The Secretary of Defense, in  
10 coordination with the Secretary of State, shall de-  
11 velop a plan to provide anti-air warfare capability to  
12 the Aegis Ashore site deployed in the Republic of  
13 Romania by not later than December 31, 2018.

14 (b) CAPABILITIES IN EUROPEAN COMMAND AREA OF  
15 RESPONSIBILITY.—

16 (1) ROTATIONAL DEPLOYMENT.—Not later  
17 than 180 days after the date of the enactment of  
18 this Act, the Secretary of Defense shall ensure that  
19 a terminal high altitude area defense battery is  
20 available for rotational deployment to the area of re-  
21 sponsibility of the United States European Com-  
22 mand unless the Secretary notifies the congressional  
23 defense committees that such battery is needed in

1 the area of responsibility of another combatant com-  
2 mand.

3 (2) PRE-POSITIONING SITES.—The Secretary of  
4 Defense shall examine potential sites in the area of  
5 responsibility of the United States European Com-  
6 mand to pre-position a terminal high altitude area  
7 defense battery.

8 (3) STUDIES.—

9 (A) Not later than 90 days after the date  
10 of the enactment of this Act, the Secretary shall  
11 conduct studies to evaluate—

12 (i) not fewer than three sites in the  
13 area of responsibility of the United States  
14 European Command for the deployment of  
15 a terminal high altitude area defense bat-  
16 tery in the event that the deployment of  
17 such a battery is determined to be nec-  
18 essary; and

19 (ii) not fewer than three sites in such  
20 area for the deployment of a Patriot air  
21 and missile defense battery in the event  
22 that such a deployment is determined to be  
23 necessary.

24 (B) In evaluating sites under clauses (i)  
25 and (ii) of subparagraph (A), the Secretary

1           shall determine which sites are best for defend-  
2           ing—

3                       (i) the Armed Forces of the United  
4                       States; and  
5                       (ii) the member states of the North  
6                       Atlantic Treaty Organization.

7           (4) AGREEMENTS.—If the Secretary of Defense  
8           determines that a deployment described in clause (i)  
9           or (ii) of paragraph (3)(A) is necessary and the ap-  
10          propriate host nation requests such a deployment,  
11          the President shall seek to enter into the necessary  
12          agreements with the host nation to carry out such  
13          deployment.

1 **SEC. 16\_\_\_\_. [Log 60292] INTEGRATION OF ALLIED MISSILE**  
2 **DEFENSE CAPABILITIES.**

3 (a) **ASSESSMENTS.—**

4 (1) **IN GENERAL.**—Not later than 180 days  
5 after the date of the enactment of this Act, each cov-  
6 ered commander shall submit to the Secretary of  
7 Defense and the Chairman of the Joint Chiefs of  
8 Staff an assessment on opportunities for the integra-  
9 tion and interoperability of air and missile defense  
10 capabilities of the United States, including with re-  
11 spect to the Patriot air and missile defense system,  
12 the terminal high altitude area defense system, and  
13 Aegis ballistic missile defense ships, with such capa-  
14 bilities of allies of the United States located in the  
15 area of responsibility of the commander, particularly  
16 with respect to such allies who acquired such capa-  
17 bilities through foreign military sales by the United  
18 States. Each assessment shall include an assessment  
19 of the key technology, security, command and con-  
20 trol, and policy requirements necessary to achieve  
21 such an integrated and interoperable air and missile  
22 defense capability in a manner that ensures burden  
23 sharing and furthers the force multiplication goals of  
24 the United States.

1           (2) SUBMISSION.—Not later than 30 days after  
2       the date on which a covered commander submits to  
3       the Secretary and the Chairman an assessment  
4       under paragraph (1), the Secretary shall submit to  
5       the congressional defense committees a report con-  
6       taining such assessment, without change.

7       (b) INTEGRATION, INTEROPERABILITY, AND COM-  
8       MAND-AND-CONTROL.—The Secretary and the Chairman,  
9       in coordination with the Secretary of the Army, the Chief  
10      of Staff of the Army, the Secretary of the Navy, and the  
11      Chief of Naval Operations, shall carry out the planning,  
12      risk assessments, policy development, and concepts of op-  
13      erations necessary for each covered commander to ensure  
14      that the integration, interoperability, and command-and-  
15      control of air and missile defense capabilities described in  
16      subsection (a)(1) occur by not later than December 31,  
17      2017.

18      (c) QUARTERLY BRIEFINGS.—Not later than 270  
19      days after the date of the enactment of this Act, and each  
20      90-day period thereafter through December 31, 2017, the  
21      Secretary of Defense and the Chairman of the Joint  
22      Chiefs of Staff shall jointly provide to the congressional  
23      defense committees a briefing that describes the progress  
24      made by the Secretary, the Chairman, and the covered  
25      commanders with respect to carrying out subsection (b),

1 including an identification of each required action that has  
2 not been taken as of the date of the report.

3 (d) COVERED COMMANDER DEFINED.—In this sec-  
4 tion, the term “covered commander” means the following:

5 (1) The Commander of the United States Euro-  
6 pean Command.

7 (2) The Commander of the United States Cen-  
8 tral Command.

9 (3) The Commander of the United States Pa-  
10 cific Command.

1 **SEC. 31\_\_\_\_\_ [Log 60086]. GOVERNANCE AND MANAGEMENT**  
2 **OF NUCLEAR SECURITY ENTERPRISE.**

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

5 (1) correcting the longstanding problems with  
6 the governance and management of the nuclear se-  
7 curity enterprise will require robust, personal, and  
8 long-term engagement by the President, the Sec-  
9 retary of Energy, the Administrator for Nuclear Se-  
10 curity, and leaders from the appropriate congres-  
11 sional committees;

12 (2) recent and past studies of the governance  
13 and management of the nuclear security enterprise  
14 have provided a list of reasonable, practical, and ac-  
15 tionable steps that the Secretary and the Adminis-  
16 trator should take to make the nuclear security en-  
17 terprise more efficient and more effective; and

18 (3) lasting and effective change to the nuclear  
19 security enterprise will require personal engagement  
20 by senior leaders, a clear plan, and mechanisms for  
21 ensuring follow-through and accountability.

22 (b) IMPLEMENTATION PLAN.—

23 (1) IMPLEMENTATION ACTION TEAM.—

1           (A) The Secretary and the Administrator  
2           shall jointly establish a team of senior officials  
3           from the Department of Energy and the Na-  
4           tional Nuclear Security Administration to de-  
5           velop and carry out an implementation plan to  
6           reform the governance and management of the  
7           nuclear security enterprise to improve the effec-  
8           tiveness and efficiency of the nuclear security  
9           enterprise. Such plan shall be developed and  
10          implemented in accordance with the National  
11          Nuclear Security Administration Act (50 U.S.C.  
12          2401 et seq.), the Atomic Energy Defense Act  
13          (50 U.S.C. 2501 et seq.), and any other provi-  
14          sion of law.

15          (B) The team established under paragraph  
16          (1) shall be co-chaired by the Deputy Secretary  
17          of Energy and the Administrator.

18          (C) In developing and carrying out the im-  
19          plementation plan, the team shall consult with  
20          the implementation assessment panel estab-  
21          lished under subsection (c)(1).

22          (2) ELEMENTS.—The implementation plan de-  
23          veloped under paragraph (1)(A) shall address all  
24          recommendations contained in the covered study (ex-  
25          cept such recommendations that require legislative



1       action to carry out) by identifying specific actions,  
2       milestones, timelines, and responsible personnel to  
3       implement such plan.

4           (3) SUBMISSION.—Not later than January 30,  
5       2016, the Secretary of Energy and the Adminis-  
6       trator for Nuclear Security shall jointly submit to  
7       the appropriate congressional committees the imple-  
8       mentation plan developed under paragraph (1)(A).

9       (c) IMPLEMENTATION ASSESSMENT PANEL.—

10           (1) AGREEMENT.—Not later than 60 days after  
11       the date of the enactment of this Act, the Adminis-  
12       trator shall seek to enter into a joint agreement with  
13       the National Academy of Sciences and the National  
14       Academy of Public Administration to establish a  
15       panel of external, independent experts to evaluate  
16       the implementation plan developed under subsection  
17       (b)(1)(A) and the implementation of such plan.

18           (2) DUTIES.—The panel established under  
19       paragraph (1) shall—

20           (A) provide guidance to the Secretary and  
21       the Administrator with respect to the imple-  
22       mentation plan developed under subsection  
23       (b)(1)(A), including how such plan compares or  
24       contrasts with the covered study;

1 (B) track the implementation of such plan;

2 and

3 (C) assess the effectiveness of such plan.

4 (3) REPORTS.—

5 (A) Not later than March 1, 2016, the  
6 panel established under paragraph (1) shall  
7 submit to the appropriate congressional com-  
8 mittees, the Secretary, and the Administrator  
9 an initial assessment of the implementation  
10 plan developed under subsection (b)(1)(A), in-  
11 cluding with respect to the completeness of the  
12 plan, how the plan aligns with the intent and  
13 recommendations made by the covered study,  
14 and the prospects for success for the plan.

15 (B) Beginning August 1, 2016, and semi-  
16 annually thereafter until September 30, 2018,  
17 the panel established under paragraph (1) shall  
18 submit to the appropriate congressional com-  
19 mittees, the Secretary, and the Administrator a  
20 report on the efforts of the Secretary and the  
21 Administrator to implement the implementation  
22 plan developed under subsection (b)(1)(A).

23 (C) Not later than September 30, 2018,  
24 the panel established under paragraph (1) shall  
25 submit to the appropriate congressional com-

1           mittees, the Secretary, and the Administrator a  
2           final report on the efforts of the Secretary and  
3           the Administrator to implement the implemen-  
4           tation plan developed under subsection  
5           (b)(1)(A), including an assessment of the effec-  
6           tiveness of the reform efforts under such plan  
7           and whether further action is needed.

8           (4) COOPERATION.—The Secretary and the Ad-  
9           ministrator shall provide to the panel established  
10          under paragraph (1) full and timely access to all in-  
11          formation, personnel, and systems of the Depart-  
12          ment of Energy and the National Nuclear Security  
13          Administration that the panel determines necessary  
14          to carry out this subsection.

15         (d) DEFINITIONS.—In this section:

16                 (1) The term “nuclear security enterprise” has  
17                 the meaning given that term in section 4002(6) of  
18                 the Atomic Energy Defense Act (50 U.S.C. 2501).

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

21                         (A) the Committee on Armed Services, the  
22                         Committee on Appropriations, and the Com-  
23                         mittee on Energy and Natural Resources of the  
24                         Senate; and

1 (B) the Committee on Armed Services, the  
2 Committee on Appropriations, and the Com-  
3 mittee on Energy and Commerce of the House  
4 of Representatives.

5 (5) The term “covered study” means the fol-  
6 lowing:

7 (A) The final report of the Congressional  
8 Advisory Panel on the Governance of the Nu-  
9 clear Security Enterprise established by section  
10 3166 of the National Defense Authorization Act  
11 for Fiscal Year 2013 (Public Law 112–239;  
12 126 Stat. 2208).

13 (B) Any other study not conducted by the  
14 Secretary or the Administrator that the Sec-  
15 retary determines appropriate for purposes of  
16 this section.

17 (e) RULES OF CONSTRUCTION.—Nothing in this sec-  
18 tion shall be construed to authorize any action—

19 (1) in contravention of section 3220 of the Na-  
20 tional Nuclear Security Administration Act (50  
21 U.S.C. 2410); or

22 (2) that would undermine or weaken health,  
23 safety, or security.

1 **SEC. 31\_\_\_\_. [Log 60123] NUCLEAR WEAPON DESIGN RE-**  
2 **SPONSIVENESS PROGRAM.**

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

5 (1) a modern and responsive nuclear weapons  
6 infrastructure is only one component of a nuclear  
7 posture that is agile, flexible, and responsive to  
8 change; and

9 (2) to ensure the nuclear deterrent of the  
10 United States remains safe, secure, reliable, credible,  
11 and responsive, the United States must continually  
12 exercise all capabilities required to conceptualize,  
13 study, design, develop, engineer, certify, produce,  
14 and deploy nuclear weapons.

15 (b) ESTABLISHMENT OF PROGRAM.—

16 (1) IN GENERAL.—Subtitle A of title XLII of  
17 the Atomic Energy Defense Act (50 U.S.C. 2521 et  
18 seq.) is amended by adding at the end the following  
19 new section:

20 **“SEC. 4220. NUCLEAR WEAPON DESIGN RESPONSIVENESS**  
21 **PROGRAM.**

22 “(a) STATEMENT OF POLICY.—It is the policy of the  
23 United States to sustain, enhance, and continually exer-  
24 cise all capabilities required to conceptualize, study, de-

1 sign, develop, engineer, certify, produce, and deploy nu-  
2 clear weapons to ensure the nuclear deterrent of the  
3 United States remains safe, secure, reliable, credible, and  
4 responsive.

5 “(b) PROGRAM REQUIRED.—The Secretary of En-  
6 ergy, acting through the Administrator and in consulta-  
7 tion with the Secretary of Defense, shall carry out a pro-  
8 gram, along with the stockpile stewardship program under  
9 section 4201 and the stockpile management program  
10 under section 4204, to sustain, enhance, and continually  
11 exercise all capabilities required to conceptualize, study,  
12 design, develop, engineer, certify, produce, and deploy nu-  
13 clear weapons.

14 “(c) OBJECTIVES.—The program under subsection  
15 (b) shall have the following objectives:

16 “(1) Correct deficiencies in, identify, sustain,  
17 enhance, and continually exercise all capabilities re-  
18 quired to carry out all phases of the joint nuclear  
19 weapons life cycle process, with respect to both the  
20 nuclear security enterprise and relevant elements of  
21 the Department of Defense.

22 “(2) Identify, enhance, and transfer knowledge,  
23 skills, and direct experience with respect to all  
24 phases of the joint nuclear weapons life cycle process

1 from one generation of nuclear weapon designers  
2 and engineers to the following generation.

3 “(3) Identify, sustain, and enhance the capabili-  
4 ties, infrastructure, tools, and technologies required  
5 for all phases of the joint nuclear weapons life cycle  
6 process.

7 “(4) Periodically demonstrate nuclear weapon  
8 design responsiveness throughout the range of capa-  
9 bilities required, including prototypes, flight testing,  
10 and development of plans for certification without  
11 the need for nuclear explosive testing.

12 “(5) Continually exercise processes for the inte-  
13 gration and coordination of all relevant elements and  
14 processes of the Administration and the Department  
15 of Defense required to ensure nuclear weapon design  
16 responsiveness.

17 “(d) JOINT NUCLEAR WEAPONS LIFE CYCLE PROC-  
18 ESS DEFINED.—In this section, the term ‘joint nuclear  
19 weapons life cycle process’ means the process developed  
20 and maintained by the Secretary of Defense and the Sec-  
21 retary of Energy for the development, production, mainte-  
22 nance, and retirement of nuclear weapons.”.

23 (2) CLERICAL AMENDMENT.—The table of con-  
24 tents for such Act is amended by inserting after the  
25 item relating to section 4219 the following new item:

“Sec. 4220. Nuclear weapon design responsiveness program.”.

1       (c) INCLUSION IN STOCKPILE STEWARDSHIP, MAN-  
2       AGEMENT, AND INFRASTRUCTURE PLAN.—Section 4203  
3       of such Act (50 U.S.C. 2523) is amended—

4               (1) in subsection (a), by inserting “design re-  
5       sponsiveness,” after “stockpile management,”;

6               (2) in subsection (c)—

7                       (A) by redesignating paragraphs (5) and  
8                       (6) as paragraphs (6) and (7), respectively; and

9                       (B) by inserting after paragraphs (4) the  
10              following new paragraph (5):

11              “(5) A summary of the status, plans, and budg-  
12              ets for carrying out the nuclear weapons design re-  
13              sponsiveness program under section 4220.”;

14              (3) in subsection (d)(1)—

15                       (A) in the matter preceding subparagraph  
16                       (A), by striking “stewardship and manage-  
17                       ment” and inserting “stewardship, stockpile  
18                       management, and design responsiveness”;

19                       (B) in subparagraph (K), by striking “;  
20                       and” and inserting a semicolon;

21                       (C) in subparagraph (L), by striking the  
22                       period and inserting a semicolon; and

23                       (D) by adding at the end the following new  
24                       subparagraphs:



1 “(M) the status, plans, activities, budgets,  
2 and schedules for carrying out the nuclear  
3 weapons design responsiveness program under  
4 section 4220; and

5 “(N) for each of the five fiscal years fol-  
6 lowing the fiscal year in which the report is  
7 submitted, an identification of the funds needed  
8 to carry out the program required under section  
9 4220.”; and

10 (4) in subsection (e)(1)(A)—

11 (A) in clause (i), by striking “; and” and  
12 inserting a semicolon;

13 (B) in clause (ii), by striking the period  
14 and inserting “; and”; and

15 (C) by adding at the end the following new  
16 clause:

17 “(iii) whether the plan supports the  
18 nuclear weapons design responsiveness pro-  
19 gram under section 4220 in a manner that  
20 meets the objectives of such program and  
21 an identification of any improvements that  
22 may be made to the plan to better carry  
23 out such program.”.

24 (d) REPORT BY STRATCOM.—Section 4205(e)(4) of  
25 such Act (50 U.S.C. 2525(e)(4)) is amended—

1           (1) in subparagraph (A), by striking “; and”  
2           and inserting a semicolon;

3           (2) in subparagraph (B), by striking the period  
4           and inserting “; and”; and

5           (3) by adding at the end the following new sub-  
6           paragraph:

7                   “(C) the views of the Commander on the  
8           nuclear weapons design responsiveness program  
9           under section 4220, the activities conducted  
10          under such program, and any suggestions to  
11          improve such program.”.

1 **SEC. 31\_\_\_\_. [Log 60125] INDEPENDENT REVIEW OF LABORA-**  
2 **TORY-DIRECTED RESEARCH AND DEVELOP-**  
3 **MENT PROGRAMS.**

4 (a) REVIEW.—

5 (1) IN GENERAL.—The Administrator for Nu-  
6 clear Security shall seek to enter into a contract  
7 with the JASON Defense Advisory Panel to conduct  
8 a review of the laboratory-directed research and de-  
9 velopment programs authorized under section 4811  
10 of the Atomic Energy Defense Act (50 U.S.C.  
11 2791). Such review shall include assessments of the  
12 following:

13 (A) Whether and how such programs sup-  
14 port the mission of the National Nuclear Secu-  
15 rity Administration, including whether such  
16 programs are carried out pursuant to the re-  
17 quirements of section 4812(a) of such Act (50  
18 U.S.C. 2792(a)) or other similar requirements  
19 established by the Secretary of Energy or the  
20 Administrator.

21 (B) Whether the science conducted under  
22 such programs underpin the advancement of  
23 scientific understanding necessary for nuclear

1 weapons, nuclear nonproliferation, and naval  
2 nuclear propulsion programs.

3 (C) Whether the science conducted under  
4 such programs help attract and retain highly  
5 qualified technical personnel.

6 (D) The scientific and programmatic op-  
7 portunities and challenges in such programs, in-  
8 cluding recent significant accomplishments and  
9 failures of such programs.

10 (E) How projects are selected for funding  
11 under such programs.

12 (2) SUBMISSION.—Not later than November 1,  
13 2016, the Administrator shall submit to the congres-  
14 sional defense committees a report containing the re-  
15 view of the JASON Defense Advisory Panel con-  
16 ducted under paragraph (1).

17 (b) COMPTROLLER GENERAL BRIEFING.—Not later  
18 than November 1, 2016, the Comptroller General of the  
19 United States shall provide to the congressional defense  
20 committees a briefing on the following:

21 (1) How funding limits for laboratory-directed  
22 research and development programs of the National  
23 Nuclear Security Administration compare to funding  
24 limits for other laboratories of the Department of  
25 Energy and laboratories and federally funded re-

1 search and development centers of the Department  
2 of Defense.

3 (2) How many personnel are supported by lab-  
4 oratory-directed research and development programs,  
5 including—

6 (A) how many personnel receive 50 percent  
7 or more of their funding from such programs;  
8 and

9 (B) how many personnel devote more than  
10 50 percent of their time to such programs for  
11 more than three years.

1 **SEC. 31\_\_\_\_. [Log 60126] PROHIBITION ON AVAILABILITY OF**  
2 **FUNDS FOR FIXED SITE RADIOLOGICAL POR-**  
3 **TAL MONITORS IN FOREIGN COUNTRIES.**

4 (a) PROHIBITION.—None of the funds authorized to  
5 be appropriated by this Act or otherwise made available  
6 for fiscal year 2016 or any fiscal year thereafter for the  
7 National Nuclear Security Administration may be obli-  
8 gated or expended for the research and development, in-  
9 stallation, or sustainment of fixed site radiological portal  
10 monitors or equipment for use in foreign countries.

11 (b) MOBILE RADIOLOGICAL INSPECTION EQUIP-  
12 MENT.—The prohibition in subsection (a) may not be con-  
13 strued to apply to mobile radiological inspection equip-  
14 ment.

1 **SEC. 31\_\_\_\_. [Log 60266] ANALYSIS OF ALTERNATIVES FOR**  
2 **MOBILE GUARDIAN TRANSPORTER PRO-**  
3 **GRAM.**

4 (a) SUBMISSION OF ANALYSIS OF ALTERNATIVES.—  
5 Not later than 60 days after the date of the enactment  
6 of this Act, the Administrator for Nuclear Security shall  
7 submit to the congressional defense committees the anal-  
8 ysis of alternatives conducted by the Administrator for the  
9 mobile guardian transporter program.

10 (b) INDEPENDENT ASSESSMENT.—

11 (1) IN GENERAL.—Not later than 30 days after  
12 the date of the enactment of this Act, the Adminis-  
13 trator shall seek to enter into a contract with a fed-  
14 erally funded research and development center to  
15 conduct an independent assessment of the analysis  
16 of alternatives for the mobile guardian transporter  
17 program.

18 (2) MATTERS INCLUDED.—The assessment  
19 under paragraph (1) of the analysis of alternatives  
20 for the mobile guardian transporter program shall  
21 include an assessment of the following:

22 (A) The engineering, operations, logistics,  
23 cost, cost-benefit, policy, threat, safety, security,

1 and risk analysis used to inform the analysis of  
2 alternatives.

3 (B) The options considered by the analysis  
4 of alternatives and whether such options rep-  
5 resent a comprehensive set of options.

6 (C) The constraints and assumptions used  
7 to frame and bound the analysis of alternatives.

8 (3) SUBMISSION.—Not later than March 1,  
9 2016, the Administrator shall submit to the congres-  
10 sional defense committees a report containing—

11 (A) the assessment conducted by the feder-  
12 ally funded research and development center  
13 under paragraph (1), without change; and

14 (B) any views of the Administrator regard-  
15 ing such assessment or the mobile guardian  
16 transporter program.

17 (c) IDENTIFICATION IN BUDGET MATERIALS.—The  
18 Secretary of Energy shall include in the budget justifica-  
19 tion materials submitted to Congress in support of the De-  
20 partment of Energy budget (as submitted with the budget  
21 of the President under section 1105(a) of title 31, United  
22 States Code) for any fiscal year in which the mobile guard-  
23 ian transporter program is carried out a separate, dedi-  
24 cated program element for such program.



1   **SEC. 31\_\_\_\_. [Log 60303] PROHIBITION ON AVAILABILITY OF**  
2                   **FUNDS FOR PROVISION OF DEFENSE NU-**  
3                   **CLEAR NONPROLIFERATION ASSISTANCE TO**  
4                   **RUSSIAN FEDERATION.**

5       (a) PROHIBITION.—None of the funds authorized to  
6 be appropriated by this Act or otherwise made available  
7 for fiscal year 2016 for defense nuclear nonproliferation  
8 activities may be obligated or expended to enter into a con-  
9 tract with, or otherwise provide assistance to, the Russian  
10 Federation.

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

14           (1) submits to the appropriate congressional  
15 committees a report containing—

16               (A) notification that such a waiver is in  
17 the national security interest of the United  
18 States; and

19               (B) justification for such a waiver; and

20           (2) a period of 15 days elapses following the  
21 date on which the Secretary submits such report.

22       (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-  
23 FINED.—In this section, the term “appropriate congres-  
24 sional committees” means the following:

- 1           (1) The congressional defense committees.
- 2           (2) The Committee on Foreign Relations of the
- 3       Senate and the Committee on Foreign Affairs of the
- 4       House of Representatives.

1 **SEC. 31\_\_\_\_. [Log 60308] DISPOSITION OF WEAPONS-USABLE**  
2 **PLUTONIUM.**

3 (a) **MIXED OXIDE FUEL FABRICATION FACILITY.—**

4 (1) **IN GENERAL.**—Using funds described in  
5 paragraph (2), the Secretary of Energy shall carry  
6 out construction and project support activities relat-  
7 ing to the MOX facility.

8 (2) **FUNDS DESCRIBED.**—The funds described  
9 in this paragraph are the following:

10 (A) Funds authorized to be appropriated  
11 by this Act or otherwise made available for fis-  
12 cal year 2016 for the National Nuclear Security  
13 Administration for the MOX facility for con-  
14 struction and project support activities.

15 (B) Funds authorized to be appropriated  
16 for a fiscal year prior to fiscal year 2016 for  
17 the National Nuclear Security Administration  
18 for the MOX facility for construction and  
19 project support activities that are unobligated  
20 as of the date of the enactment of this Act.

21 (b) **UPDATED PERFORMANCE BASELINE.**—The Sec-  
22 retary shall include in the budget justification materials  
23 submitted to Congress in support of the Department of  
24 Energy budget (as submitted with the budget of the Presi-

1 dent under section 1105(a) of title 31, United States  
2 Code) for fiscal year 2017 an updated performance base-  
3 line for construction and project support activities relating  
4 to the MOX facility conducted in accordance with Depart-  
5 ment of Energy Order 413.3B.

6 (c) DEFINITIONS.—In this section:

7 (1) The term “MOX facility” means the mixed-  
8 oxide fuel fabrication facility at the Savannah River  
9 Site, Aiken, South Carolina.

10 (2) The term “project support activities” means  
11 activities that support the design, long-lead equip-  
12 ment procurement, and site preparation of the MOX  
13 facility.

1 **SEC. 31\_\_\_\_. [Log 60674] TRANSFER, DECONTAMINATION,**  
2 **AND DECOMMISSIONING OF NON-**  
3 **OPERATIONAL FACILITIES.**

4 (a) PLAN.—The Secretary of Energy shall establish  
5 and carry out a plan under which the Administrator for  
6 Nuclear Security shall transfer to the Assistant Secretary  
7 of Energy for Environmental Management the responsi-  
8 bility for decontaminating and decommissioning facilities  
9 of the National Nuclear Security Administration that the  
10 Secretary of Energy determines—

11 (1) are nonoperational as of the date of the en-  
12 actment of this Act; and

13 (2) meet the requirements of the Office of Envi-  
14 ronmental Management for such transfer.

15 (b) ELEMENTS.—The plan under subsection (a) shall  
16 include—

17 (1) a schedule for transferring the facilities as  
18 described in such subsection by not later than two  
19 years after the date of the enactment of this Act;

20 (2) a prioritized list and schedule for decon-  
21 taminating and decommissioning such facilities, in-  
22 cluding how such priority and schedule is treated in  
23 light of the other facility disposition priorities of the  
24 Office of Environmental Management facility; and

1           (3) a description of the estimated life cycle  
2           costs for all such facilities and how such information  
3           is factored into the prioritized list and schedule  
4           under paragraph (2).

5           (c) SUBMISSION.—Not later than February 15, 2016,  
6           the Secretary of Energy shall submit to the congressional  
7           defense committees, the Committee on Energy and Nat-  
8           ural Resources of the Senate, and the Committee on En-  
9           ergy and Commerce of the House of Representatives the  
10          plan under subsection (a), including any additional views  
11          of the Secretary regarding such plan.

1 **SEC. 31\_\_\_\_. [Log 59672] COST-BENEFIT ANALYSES FOR**  
2 **COMPETITION OF MANAGEMENT AND OPER-**  
3 **ATING CONTRACTS.**

4 (a) ELEMENTS OF REPORTS.—Subsection (b) of sec-  
5 tion 3121 of the National Defense Authorization Act for  
6 Fiscal Year 2013 (Public Law 112–239; 126 Stat. 2175),  
7 as amended by section 3124 of the National Defense Au-  
8 thorization Act for Fiscal Year 2014 (Public Law 113–  
9 66; 127 Stat. 1062), is further amended—

10 (1) in paragraph (4), by striking “; and” and  
11 inserting a semicolon;

12 (2) by redesignating paragraph (5) as para-  
13 graph (7); and

14 (3) by inserting after paragraph (4) the fol-  
15 lowing new paragraphs:

16 “(5) the factors considered and processes used  
17 by the Administrator to determine—

18 “(A) whether to compete or extend the  
19 contract; and

20 “(B) which activities at the facility should  
21 be covered under the contract rather than  
22 under a different contract;

23 “(6) with respect to the matters included under  
24 paragraphs (1) through (5), a detailed description of

1 the analyses conducted by the Administrator to  
2 reach the conclusions presented in the report, includ-  
3 ing any assumptions, limitations, and uncertainties  
4 relating to such conclusions; and”.

5 (b) FISCAL YEARS COVERED.—Subsection (d) of  
6 such section 3121 is amended by striking “2017” and in-  
7 serting “2019”.

8 (c) TECHNICAL AMENDMENTS.—Such section 3121  
9 is further amended—

10 (1) in subsection (c), by striking “or (d)(2)”;

11 and

12 (2) in subsection (d)—

13 (A) by striking paragraph (2);

14 (B) by redesignating paragraph (3) as  
15 paragraph (2); and

16 (C) in paragraph (2), as so redesignated,  
17 by striking “subsections (a) and (d)(2)” and in-  
18 serting “subsection (a)”.

19 (d) SENSE OF CONGRESS.—It is the sense of Con-  
20 gress that—

21 (1) in the past decade, competition of the man-  
22 agement and operating contracts for the national se-  
23 curity laboratories has resulted in significant in-  
24 creases in fees paid to the contractors—funding that  
25 otherwise could be used to support program and



1 mission activities of the National Nuclear Security  
2 Administration;

3 (2) competition of the management and oper-  
4 ating contracts of the nuclear security enterprise is  
5 an important mechanism to help realize cost savings,  
6 seek efficiencies, improve performance, and hold con-  
7 tractors accountable;

8 (3) when the Administrator for Nuclear Secu-  
9 rity considers it appropriate to achieve these goals,  
10 the Administrator should conduct competition of  
11 these contracts while recognizing the unique nature  
12 of federally funded research and development cen-  
13 ters; and

14 (4) the Administrator should ensure that fixed  
15 fees and performance-based fees contained in man-  
16 agement and operating contracts are as low as pos-  
17 sible to maintain a focus on national service while  
18 attracting high-quality contractors and achieving the  
19 goals of the competition.

1 **SEC. 31\_\_\_\_. [Log 60821] EXTENSION AND MODIFICATION OF**  
2 **CERTAIN ANNUAL REPORTS ON NUCLEAR**  
3 **NONPROLIFERATION.**

4 Section 3122(c) of the National Defense Authoriza-  
5 tion Act for Fiscal Year 2012 (Public Law 112–81; 125  
6 Stat. 1710) is amended—

7 (1) in the matter preceding paragraph (1), by  
8 striking “2016” and inserting “2020”; and

9 (2) in paragraph (2), by inserting after  
10 “world,” the following: “including an identification  
11 of such uranium that is obligated by the United  
12 States,”; and

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

15 “(3) A list, by country and site, reflecting the  
16 total amount of separated plutonium around the  
17 world, including an identification of such plutonium  
18 that is obligated by the United States, and an as-  
19 sessment of the vulnerability of the plutonium to  
20 theft or diversion.”.

1 **SEC. 31\_\_\_\_. [Log 60823] PLUTONIUM PIT PRODUCTION CA-**  
2 **PACITY.**

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

5 (1) the requirement to create a modern, respon-  
6 sive nuclear infrastructure that includes the capa-  
7 bility and capacity to produce, at minimum, 50 to  
8 80 pits per year, is a national security priority;

9 (2) delaying creation of a modern, responsive  
10 nuclear infrastructure until the 2030s is an unac-  
11 ceptable risk to the nuclear deterrent and the na-  
12 tional security of the United States; and

13 (3) timelines for creating certain capacities for  
14 production of plutonium pits and other nuclear  
15 weapons components must be driven by the require-  
16 ment to hedge against technical and geopolitical risk  
17 and not solely by the needs of life extension pro-  
18 grams.

19 (b) BRIEFING.—

20 (1) IN GENERAL.—Not later than March 1,  
21 2016, the Chairman of the Nuclear Weapons Coun-  
22 cil established under section 179 of title 10, United  
23 States Code, in consultation with the Administrator  
24 for Nuclear Security and the Commander of the

1 United States Strategic Command, shall provide to  
2 the congressional defense committees a briefing on  
3 the annual plutonium pit production capacity of the  
4 nuclear security enterprise (as defined in section  
5 4002(6) of the Atomic Energy Defense Act (50  
6 U.S.C. 2501)).

7 (2) ELEMENTS.—The briefing under paragraph  
8 (1) shall describe the following:

9 (A) The pit production capacity require-  
10 ment, including the numbers of pits produced  
11 that are needed for nuclear weapons life exten-  
12 sion programs.

13 (B) The annual pit production require-  
14 ment, including the numbers of pits produced,  
15 to support a responsive nuclear weapons infra-  
16 structure to hedge against technical and geo-  
17 political risk.

1 **SEC. 31\_\_\_\_. [Log 59952] DEVELOPMENT OF STRATEGY ON**  
2 **RISKS TO NONPROLIFERATION CAUSED BY**  
3 **ADDITIVE MANUFACTURING.**

4 (a) STRATEGY.—The President shall develop and  
5 pursue a strategy to address the risks to the goals and  
6 policies of the United States regarding nuclear non-  
7 proliferation that are caused by the increased use of addi-  
8 tive manufacture technology (commonly referred to as  
9 “3D printing”), including such technology that does not  
10 originate in the United States.

11 (b) BRIEFINGS.—Not later than March 31, 2016,  
12 and each 120-day period thereafter through January 1,  
13 2019, the President shall provide to the appropriate con-  
14 gressional committees a briefing on the strategy developed  
15 under subsection (a).

16 (c) PURSUIT OF STRATEGY.—The President shall  
17 pursue the strategy developed under subsection (a) at the  
18 Nuclear Security Summit in Chicago in 2016.

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

22 (1) The congressional defense committees.

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

4           (3) The Committee on Foreign Affairs of the  
5           House of Representatives and the Committee on  
6           Foreign Relations of the Senate.

1 **SEC. 31\_\_\_\_. [Log 60833] ROOT CAUSE ANALYSES FOR CER-**  
2 **TAIN COST OVERRUNS.**

3 Section 4713(c) of the Atomic Energy Defense Act  
4 (50 U.S.C. 2753) is amended—

5 (1) in the heading, by inserting “AND ROOT  
6 CAUSE ANALYSES” after “PROJECTS”;

7 (2) in paragraph (1), by striking “and”;

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

10 (4) by adding at the end the following para-  
11 graph:

12 “(3) submit to the congressional defense com-  
13 mittees an assessment of the root cause or causes of  
14 the growth in the total cost of the project, including  
15 the contribution of any shortcomings in cost, sched-  
16 ule, or performance of the program, including the  
17 role, if any, of—

18 “(A) unrealistic performance expectations;

19 “(B) unrealistic baseline estimates for cost  
20 or schedule;

21 “(C) immature technologies or excessive  
22 manufacturing or integration risk;

1                   “(D) unanticipated design, engineering,  
2                   manufacturing, or technology integration issues  
3                   arising during program performance;  
4                   “(E) changes in procurement quantities;  
5                   “(F) inadequate program funding or fund-  
6                   ing instability;  
7                   “(G) poor performance by personnel of the  
8                   Federal Government or contractor personnel re-  
9                   sponsible for program management; or  
10                  “(H) any other matters.”.



1   **SEC. 3201. [Log 60018] AUTHORIZATION.**

2           There is authorized to be appropriated for fiscal year  
3 2016 \$29,150,000 for the operation of the Defense Nu-  
4 clear Facilities Safety Board under chapter 21 of the  
5 Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

1 **SEC. 32\_\_\_\_. [Log 60087] ADMINISTRATION OF DEFENSE NU-**  
2 **CLEAR FACILITIES SAFETY BOARD.**

3 (a) PROVISION OF INFORMATION TO BOARD MEM-  
4 BERS.—Section 311(c) of the Atomic Energy Act of 1954  
5 (42 U.S.C. 2286(c)) is amended—

6 (1) in paragraph (2), in the matter preceding  
7 subparagraph (A), by striking “paragraph (5)” and  
8 inserting “paragraphs (5), (6), and (7)”; and

9 (2) by adding at the end the following new  
10 paragraph:

11 “(6) In carrying out paragraph (5)(B), the Chairman  
12 may not withhold from any member of the Board any in-  
13 formation that is made available to the Chairman regard-  
14 ing the Board’s functions, powers, and mission (including  
15 with respect to the management and evaluation of employ-  
16 ees of the Board).”.

17 (b) SENIOR EMPLOYEES.—

18 (1) APPOINTMENT AND REMOVAL.— Such sec-  
19 tion 311(c), as amended by subsection (a), is further  
20 amended by adding at the end the following new  
21 paragraph:

22 “(7)(A) The Chairman, subject to the approval of the  
23 Board, shall appoint the senior employees described in  
24 subparagraph (C).

1       “(B) The Chairman, subject to the approval of the  
2 Board, may remove a senior employee described in sub-  
3 paragraph (C).

4       “(C) The senior employees described in this subpara-  
5 graph are the following senior employees of the Board:

6           “(i) The senior employee responsible for budg-  
7 etary and general administration matters.

8           “(ii) The general counsel.

9           “(iii) The senior employee responsible for tech-  
10 nical matters.”.

11       (2)   CONFORMING    AMENDMENT.—Section  
12       313(b)(1)(A) of such Act (42 U.S.C. 2286b(b)(1)) is  
13       amended by striking “hire” and inserting “in ac-  
14       cordance with section 311(c)(7), hire”.

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## **DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS**

### **TITLE XVI—STRATEGIC PROGRAMS, CYBER, AND INTELLIGENCE MATTERS**

#### **ITEMS OF SPECIAL INTEREST**

##### **Combatant Command Commercial Imagery Tasking**

The committee is aware that the flexibility for a combatant command to directly task a space-based reconnaissance asset enhances the warfighter's ability to address intelligence and/or operational gaps. In this regard, the Operationally Responsive Space satellite (ORS-1) provided direct tasking ability for the commanders of the combatant commands, most directly to U.S. Central Command. However, the ORS-1 satellite is currently operating well beyond its design life, and there is no related follow-on program planned. The committee believes that allowing the combatant commands to directly task commercial imagery assets could be the logical next step in providing that flexibility and improving responsiveness to the warfighter.

Therefore, the committee directs the Chairman of the Joint Chiefs of Staff, based on the feedback from each of the combatant commanders, to provide a briefing to the House Committee on Armed Services and the House Permanent Select Committee on Intelligence by November 1, 2015, on the utility and impacts of combatant commanders directly tasking commercial imagery satellites. Based on feedback from the Chairman of the Joint Chiefs of Staff, the committee further directs the Director of the National Geospatial-Intelligence Agency (NGA), in coordination with the Under Secretary of Defense for Intelligence and the Director of National Intelligence, to provide a briefing to the House Committee on Armed Services and the House Permanent Select Committee on Intelligence by January 1, 2016, on current and potential future activities, including costs, to address the ability of the combatant commands to directly task commercial imagery satellites. The Director of NGA should consider current and future complementary commercial imagery capabilities to support this activity.

##### **Commercial Space-based Environmental Monitoring**

The committee is aware that the Department of Defense has various requirements for accurate and relevant characterization of the atmospheric, maritime, terrestrial, and space environments to support the full spectrum of military operations worldwide. The committee is also aware that multiple U.S. companies are planning to develop and commercially sell space-based environmental monitoring capabilities. The committee is interested in the utility of these potential future commercial capabilities for Department of Defense requirements.

Therefore, the committee directs the Under Secretary of Defense for Acquisition, Technology, and Logistics, in coordination with the Secretary of the Air Force, to provide a briefing to the House Committee on Armed Services by December 1, 2015, on the current and projected commercial space-based environmental monitoring capabilities, the utility of these capabilities to meet Department of Defense requirements, the cost and benefit analysis of opportunities in the future to leverage these potential commercial capabilities, and any other considerations the Under Secretary deems appropriate.

### Comptroller General Review of Patriot System

The committee is aware of the increasing operational demands being made on the Patriot system to meet current and emerging threats, as well as the Army's rising investments to modernize the Patriot system, and the impact that modernization has on coordinating systems in the Army's Air and Missile Defense portfolio.

In the President's request, excluding costs for the development and acquisition of a new radar, the Army plans to invest a combined total of nearly \$2.00 billion in modernization of the Patriot system over the next 5 years in research, development, test, and evaluation and missile procurement. Given the significant planned investment of funding and the large number of concurrent modernization activities, the committee is interested in increasing oversight of the Patriot system and its modernization, including testing and fielding, particularly in the next 5 years, both within the Patriot modernization program elements and other Army Air and Missile Defense coordinating programs.

In addition, the committee is aware that Patriot modernization efforts not only affect Army coordinating systems, but have greater implications since many of these modernization efforts are for increased interoperability with elements in the Missile Defense Agency's Ballistic Missile Defense System.

The committee directs the Comptroller General of the United States to provide an interim report to the congressional defense committees not later than March 1, 2016, and a final report not later than June 1, 2016, that includes an assessment of the following: (1) the current status of the Army's Patriot System performance, including how well the system's current performance is meeting combatant commander requirements, and any gaps that may exist between how the system currently functions and functionality the combatant commanders need in

order to meet the growing and changing threat; (2) the Army's strategy, including its cost, schedule, and testing plans to upgrade and modernize its Patriot system as well as other coordinating systems in the Army's Air and Missile Defense in order to meet combatant commander requirements and address the growing threat; (3) the effect that Patriot modernization requirements for integration and interoperability has on Ballistic Missile Defense Systems and coordinating allied systems for regional defense; (4) how well the Army has and is currently providing the training, size, capability, and availability of Patriot operators necessary to meet combatant commander needs and to remain current with the latest modernizations being added to the Patriot system; and (5) any other findings and recommendations on other acquisition issues with Patriot or its interfaces with other coordinating systems that the Comptroller General considers appropriate.

The committee expects the Comptroller General to take into consideration the findings and analysis of the Department of Defense Cost Assessment and Program Evaluation office as it completes its ongoing Analysis of Opportunities on Patriot modernization, as well as other appropriate reviews and studies underway in the Joint Staff and Office of the Under Secretary of Defense for Policy.

#### Continuing Oversight of Missile Defense Discussions with the Russian Federation

The committee continues to have an interest in maintaining and protecting U.S. missile defense capability. Therefore, the committee directs the Secretary of Defense, in coordination with the Chairman of the Joint Chiefs of Staff, to notify the House Committee on Armed Services not later than 1 week after the date on which the Department of Defense conducts any discussions with the Russian Federation pertaining to missile defense during fiscal year 2016. The committee notes that similar direction was provided to the Secretary for fiscal year 2015 in the committee report (H. Rept. 113-446) accompanying the Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015.

#### Evaluation of Missile Defense Options to Confront Hypersonic Missile Systems

The committee is aware that the worldwide ballistic missile threat is growing in sophistication, capability, and numbers. The committee also notes the Future Years Defense Program for the Missile Defense Agency submitted along with the budget request for fiscal year 2016 included \$291.0 million for the development of an extended range (ER) variant of the Terminal High Altitude Area Defense (THAAD). The committee supports an investment in such a capability, understanding that although a material solution decision has not yet been made, THAAD-ER could be a vital capability improvement for the Ballistic Missile Defense System to defeat evolving and emerging threats, including hypersonic vehicles and anti-ship ballistic missiles.

Therefore, the committee directs the Chairman of the Joint Chiefs of Staff, in coordination with the Commander, U.S. Central Command, the Commander, U.S. Pacific Command, and the Commander, U.S. European Command, to provide a



briefing to the House Committee on Armed Services not later than February 1, 2016, concerning the potential utility of THAAD-ER or similar capability to counter emerging and evolving threats in each of their respective geographic area of responsibility.

The committee further directs the Under Secretary of Defense for Policy to provide a briefing to the House Committee on Armed Services not later than February 1, 2016, on potential opportunities for co-development or co-financing of THAAD-ER or a similar capability with an allied nation, and any policies, technology release decisions, data sharing, or other related issues that would need to be resolved prior to entering into such an arrangement.

Lastly, the committee directs the Director, Missile Defense Agency to provide a briefing to the House Committee on Armed Services not later than December 1, 2015, on the results of the THAAD-ER concept development, and the Director's analysis of regional sensors and interceptors against emerging threats, including on the value and cost of developing such capability.

#### Evaluation of National Security Space and Missile Test Ranges and Infrastructure

The committee is aware that several Department of Defense offices and agencies, including the U.S. Navy, the U.S. Air Force, the U.S. Army, and the Missile Defense Agency, conduct multiple test launches each year to collect data on system performance and reliability. The committee is also aware that while some of these tests have different standards for data fidelity collection and timeliness, they share the basic goal of collecting large amounts of telemetric and other data, and almost all of these users have similar range safety requirements. The committee understands that, combined, these Department of Defense users spend multiple billions of dollars per year on test activities, including hundreds-of-millions of dollars on test ranges and infrastructure. The committee believes the Department should conduct an intensive review to understand these costs and how it could realize savings across the defense test enterprise. For example, the committee understands that the U.S. Army Space and Missile Defense Command (SMDC)/Army Forces Strategic Command has conducted limited experimentation on potentially promising technologies to yield savings.

Therefore, the committee directs the Director of Cost Assessment and Program Evaluation to collect data from all entities and offices involved in relevant test activities and to conduct a Business Case Analysis (BCA) on specific options, including the SMDC Space Based Range, for how to accomplish the goals of these Department of Defense users' test activities while achieving meaningful savings. The committee intends that the BCA focus on national security space and missile defense users, including the U.S. Air Force Intercontinental Ballistic Missile test program, the U.S. Navy Strategic Systems Program test launches, Missile Defense Agency test efforts, and other similar test activities within the Department of Defense.

The committee further directs the Director of Cost Assessment and Program Evaluation to provide the data and conclusions from this review to the Under Secretary of Defense for Acquisition, Technology, and Logistics not later than December 1, 2015. Finally, the committee directs the Under Secretary of Defense for Acquisition, Technology, and Logistics to provide a briefing to the House Committee on Armed Services not later than February 15, 2016, consisting of the findings and recommendations of the BCA and the Under Secretary's views on the analysis, and recommendations for a roadmap for the Department to implement a way ahead on its test enterprise based on the BCA.

### Global Positioning System

The committee notes that the Global Positioning System (GPS) is a critical national asset that provides a worldwide navigation and timing source which supports military, civil, and commercial users. There are multiple segments of the Air Force GPS program, including space, user terminals, and the ground system. The committee supports the GPS program.

The committee recognizes the challenges during the initial development of GPS III space vehicles. The committee is also aware that some of the major technical hurdles associated with the initial technology development may have been overcome. The committee supports the GPS III program, and recommends the Air Force fully leverage the non-recurring investment in program planning for the future space vehicles. The committee continues to support evolutionary acquisition with technology insertion plans to meet warfighter requirements.

The committee continues to recommend that the Department take the necessary steps to accelerate the development and fielding of M-code capable user terminals. M-code capable receivers, when paired with the necessary space and ground capabilities, will provide significantly greater anti-jam capabilities for the warfighter. The committee addresses this matter elsewhere in this Act.

Regarding the ground segment, the committee is also aware of the challenges with the Next Generation Operational Control Segment (OCX). OCX is designed to deliver incremental capabilities in multiple blocks. The program has rigorous information assurance requirements to ensure the system is secure from adversary threats. The committee believes that an independent advisory team, comprised of experts from other Department of Defense agencies and federally funded research and development centers, may provide valuable support to ensure the Government meets its objectives on this critical program. Therefore, the committee directs the Under Secretary of Defense for Acquisition, Technology, and Logistics to provide a briefing to the House Committee on Armed Services by October 1, 2015, on the potential value and feasibility of establishing a temporary independent advisory team for GPS OCX.

### Ground Based Strategic Deterrent

The committee commends the Air Force for its proposal to structure the Ground Based Strategic Deterrent (GBSD) program, which will create a follow-on to the Minuteman III intercontinental ballistic missile (ICBM), as an integrated system consisting of the missiles, launch facilities, launch control centers, communications, and related infrastructure and equipment. The committee believes the Air Force's structural approach to creating a GBSD "weapon system" will ease both acquisition and long-term sustainment of all the core components that comprise the ICBM capability.

As the Air Force continues the materiel solution analysis phase for the GBSD program, the committee believes that the Air Force should carefully consider the program's effects on the solid rocket motor industrial base. Due to the volume of rocket motors likely to be procured, the Air Force's acquisition strategy for GBSD will have lasting impacts on the health and vitality of this key element of the U.S. defense industrial base. As with all major defense acquisition programs, the committee believes competition generally provides the Air Force with the best combination of innovation, cost reduction, and performance. The committee encourages the Secretary of the Air Force to develop an affordable acquisition strategy for GBSD that considers the value of competition to maximize benefit to the Government and maintains a strong solid rocket motor industrial base. To better understand the GBSD strategy, the committee directs the Secretary of the Air Force to provide a briefing to the House Committee on Armed Services by September 30, 2015, that provides an assessment of GBSD's potential impacts on the solid rocket motor industrial base, what acquisition strategy options are available to the Secretary, and an evaluation of the costs and benefits of options that may provide the Secretary the ability to leverage competition throughout the life cycle of the GBSD program.

#### Improving Contract Cost Data Collection and Analysis at the Missile Defense Agency through Evaluation of Terminal High Altitude Area Defense Multiyear Procurement

The committee is aware that the Missile Defense Agency (MDA) briefly evaluated multiyear procurement of Terminal High Altitude Area Defense (THAAD) interceptors in the process of developing the fiscal year 2016 budget request. Multiyear procurement of THAAD interceptors could have helped to arrest a significant decline in such interceptor production across the past several fiscal years by reducing per unit interceptor cost. However, such evaluation was hindered by the lack of high fidelity and detailed cost information of the parts and components of THAAD interceptors.

The committee believes that effective cost analysis depends on the availability and quality of historical program cost data. The committee is aware that the Director of Cost Assessment and Program Evaluation (CAPE) currently manages the Department of Defense's primary weapon system cost data collection system. The components of the system include defining cost data requirements,

development of cost collection plans to meet these requirements, insuring these plans are included in acquisition contracts, performing quality control on the contractor data submissions, archiving and organizing the cost data to facilitate analysis, and protecting access to the data.

The committee believes CAPE could assist MDA in developing practices and policies, including contract requirements, to improve contract cost data collection at MDA. Therefore, the committee directs the Director of Cost Assessment and Program Evaluation, in coordination with the Director of the Missile Defense Agency, to evaluate the potential per unit cost savings of THAAD interceptors if acquired through multiyear procurement as compared to recent MDA procurement contracts. In conducting the evaluation, the Director of Cost Assessment and Program Evaluation should also assess and make recommendations for (1) reducing the barriers to collect adequate contract cost data for THAAD interceptors specifically; and (2) what contract cost data collection policies, practices, and requirements MDA should adopt to achieve identified Department of Defense best practices more broadly. The committee further directs the Director of Cost Assessment and Program Evaluation to brief the results of the evaluation to the House Committee on Armed Services not later than February 15, 2016.

In addition, the committee directs the Director of the Missile Defense Agency to provide a briefing to the House Committee on Armed Services not later than March 31, 2016, on its plan to implement the assessment and recommendations for cost data collection improvements made by the Director of Cost Assessment and Program Evaluation.

### Integrated Air and Missile Defense Strategy

The committee has reviewed the "Joint Integrated Air and Missile Defense: Vision 2020" strategy approved by the Chairman of the Joint Chiefs of Staff on January 27, 2014. The committee commends the Chairman for the thoughtful and forward-leaning approach he has brought to a critical challenge this nation will face in the near future when it comes to air and missile defense.

The committee is interested in understanding how the "Vision 2020" is being implemented by the Joint Staff and the relevant combatant commanders. Therefore, the committee directs the Chairman of the Joint Chiefs of Staff to provide a briefing to the House Committee on Armed Services not later than September 3, 2015, on the following:

(1) How the Global Employment for the Force has been or is being updated to reflect the six "Imperatives" stated by the Chairman in the "Vision 2020" strategy;

(2) Specific initiatives undertaken by the Commander, U.S. European Command, the Commander, U.S. Central Command, and the Commander, U.S. Pacific Command to implement "Vision 2020" or to otherwise ensure the true and

complete integration of air and missile defense, including prioritization of operational and planning resources, and exercises; and

(3) The terms of reference, assumptions, analysis, and results of the Joint Capabilities Mix Study, IV.

### Interagency Collaboration on Physical Security for Nuclear Weapons

As a key element of the "3+2" strategy for the future of the nuclear weapons stockpile, the Nuclear Weapons Council has identified collaboration and interoperability between the Navy and the Air Force as an integral measure for fulfilling the nuclear deterrence mission while minimizing costs. While at this early stage the success of the 3+2 in achieving this goal is uncertain, the committee is interested in exploring this principle within other areas of the council's jurisdiction.

Therefore, the committee directs the Chairman of the Nuclear Weapons Council, in coordination with the Administrator for Nuclear Security, the Secretary of the Navy, and the Secretary of the Air Force, to provide a briefing to the House Committee on Armed Services by December 1, 2015, on opportunities, challenges, and plans for enhanced collaboration and interoperability of technologies between the military departments, the Department of Defense, and the National Nuclear Security Administration on physical security for nuclear weapons. The briefing should describe opportunities for collaboration on: physical security efforts in general; joint development or use of analysis tools, methodologies, and technologies; integration and prioritization of technology needs; and development of common standards and processes for each organization to utilize physical security technology approved for general use in nuclear weapon security environments.

### Joint Integrated Lifecycle Surety

The committee believes the Joint Integrated Lifecycle Surety (JILS) analysis tool developed through cooperation of the National Nuclear Security Administration (NNSA) and the Department of Defense may provide operators, analysts, and senior leaders unique insights into the safety and security of U.S. nuclear weapons across the full spectrum of scenarios that they may encounter throughout their life cycle. The committee believes this tool could be utilized to inform future investments intended to reduce nuclear weapon safety and security risks across the entire Department of Defense and NNSA nuclear enterprise and each warhead's life cycle, from cradle to grave and from stockpile to target.

The committee directs the Chairman of the Nuclear Weapons Council to provide a briefing to the House Committee on Armed Services on JILS by November 1, 2015. The briefing should include the methodology and current results of the JILS tool; the scenarios examined by the tool; any impacts the tool has had on previous decision-making; any plans for enhancing the tool in the future; and a description of how the Nuclear Weapons Council, the military services, and NNSA will leverage JILS to study cost-benefit and risk in future life extension programs,

delivery system acquisition programs, and other efforts to enhance safety, security, or use control for U.S. nuclear weapons.

### Joint Space Operations Center Mission System

The committee continues to support the Air Force development of the Joint Space Operations Center Mission System (JMS) program. JMS is a critical program designed to deliver an integrated, net-centric space situational awareness and command and control capability. Given the growing space threat environment, the committee encourages the Air Force to look for reasonable opportunities to accelerate the delivery of key capabilities, or increments, of the program. The committee also recognizes and supports the Air Force's efforts to leverage mature commercial software for JMS, in an effort to reduce costs, increase capability, and shorten schedule timelines. The committee expects the Air Force to perform thorough market research and evaluation of mature commercial capabilities for the follow-on increment of the JMS program.

Therefore, the committee directs the Secretary of the Air Force to provide a briefing to the House Committee on Armed Services by December 1, 2015, on the status and potential to reasonably accelerate the current increment of the JMS program and the plan for future increments, including the status of market research to leverage commercially available capabilities.

### Modeling and Simulation for Nuclear Targeting and Planning

The committee is aware of efforts to improve both tactical and strategic targeting and planning processes to better incorporate modeling and simulation of nuclear strike's potential effects and consequences across a range of factors including political, military, economic, social, infrastructure, and information. The committee believes such efforts could provide planners and senior decision-makers important information when considering strike options, particularly with regards to nuclear weapons employment. Therefore, the committee directs the Secretary of Defense, in coordination with the Commander, U.S. Strategic Command and the Director of the Defense Threat Reduction Agency, to provide a briefing to the House Committee on Armed Services by October 31, 2015, on the Department's efforts to integrate modeling and simulation of a broad spectrum of a nuclear strike's potential effects and consequences into nuclear targeting analysis and planning.

### National Positioning, Navigation, and Timing Resilience

The committee recognizes that the Global Positioning System (GPS) is a critical national security capability, as well as a key element of critical infrastructure, and other civilian and commercial applications. The use and dependence on GPS signals in the United States continues to grow, despite the reality that GPS jammers are relatively inexpensive and widely available.

Regarding a backup system to GPS, the committee is aware of a related National Security Presidential Directive which assigns the Secretary of Transportation, in coordination with the Secretary of Homeland Security, the responsibility to develop, acquire, operate, and maintain backup position, navigation, and timing capabilities that can support critical transportation, homeland security, and other critical civil and commercial infrastructure applications within the United States. This system could be of some benefit to the Department of Defense, but would not address all Department of Defense and warfighter requirements, as this system would be focused geographically within the United States.

The committee directs the Secretary of Defense to provide a briefing to the House Committee on Armed Services by January 15, 2016, on the Department of Defense requirements for backup position, navigation, and timing capabilities, including the plan and estimated cost to address such requirements. The committee expects the briefing to also include an assessment of the potential benefit of a U.S.-based ground system and any current or planned funding for this activity.

### National Security Space Acquisition

The committee is aware that acquiring and developing space programs, including satellites, ground segments, and user segments is a challenging task. The committee believes in the importance of well-developed acquisition strategies that are designed to manage risks, reduce costs, support the industrial base, and provide for technology insertion planning to meet warfighter and national security requirements.

As an example of the current challenges, the General Accountability Office (GAO) recently reported on the Space-based Infrared Systems Program and stated that "current efforts—such as individual science and technology projects, including those in the Space Modernization Initiative—are limited by lack of direction, focusing on isolated technologies, and therefore are not set up to identify specific insertion points for a desired future system." The committee is concerned with the GAO's finding.

The committee is aware of different acquisition planning, strategies, and approaches being taken throughout national security space programs. While there is not one answer for every program, there are best practices and lessons learned that could be applied across the national security space enterprise.

Therefore, the committee directs the Director, Cost Assessment and Program Evaluation (CAPE), in coordination with the Assistant Director of National Intelligence for Systems and Resource Analyses (SRA) regarding intelligence programs, to provide a briefing to the House Committee on Armed Services and the House Permanent Select Committee on Intelligence by February 1, 2016, on a review of the acquisition practices for national security space programs of the Department of Defense, including with respect to the National Reconnaissance Office. The review should include the following:

(1) An analysis of the costs, schedules, and performances of selected, recent, and relevant major current and previous contracts entered into for the acquisition of national security space programs;

(2) An analysis of acquisition practices to determine differences in practices and which practices have proven effective in meeting requirements and appropriately managing cost and schedule;

(3) An analysis of the technology insertion planning, achievements, and challenges for various programs and agencies;

(4) Any recommendations to improve the acquisition and/or cost estimation practices for national security space programs by the Department of Defense; and

(5) Any other related matters the Director, CAPE and the Assistant Director, SRA deem appropriate.

### Nuclear Command, Control, and Communications Budget Displays

The committee maintains an interest in ensuring the reliability and capability of a robust nuclear command, control, and communications (NC3) system. The committee is aware that, in response to an October 2014 letter from the Chairman and Ranking Member of the House Committee on Armed Services, the Under Secretary of Defense (Comptroller) responded in a December 2014 letter that the Department would work with the committee to "improve visibility into the content and funding" for the NC3 system. The committee believes that an improved budget structure could ensure that the Department and Congress are in the best possible position to make available needed resources for the NC3 system.

Therefore, the committee directs the Under Secretary of Defense (Comptroller), in coordination with any Department of Defense offices as the Under Secretary deems useful, to provide a briefing to the House Committee on Armed Services not later than September 30, 2015, that details the Under Secretary's views of the viability of options to improve the defense budget structure for such programs.

### Report on Current and Anticipated Global Demand for U.S. Missile Defense Systems

The committee understands the significant requirement for limited quantities of missile defense capability. Therefore, the committee directs the Chairman of the Joint Chiefs of Staff to submit a report to the congressional defense committees not later than March 1, 2016, that includes the following information:

(1) A quantitative assessment of the current demand and projected demand (in 5 and 10 years) for U.S. missile defense systems, including Aegis Ballistic Missile Defense cruisers, destroyers, and Aegis Ashore sites, Terminal High Altitude Area Defense batteries, Patriot batteries, and missile interceptors associated with such missile defense systems;

(2) The current availability, projected availability (in 5 and 10 years) of such systems and interceptors;



(3) An identification of the sources of demand for missile defense systems, including combatant commander requests, international commitments, and contingency plans;

(4) An explanation of how demand for missile defense systems is adjudicated within the Department of Defense;

(5) The current and projected costs (in 5 and 10 years) for missile defense capability across the Department of Defense, including as a percentage of the total defense budget; and

(6) Any other matters the Chairman deems appropriate.

#### Report on Improving Discrimination for Missile Defense

The committee supports and commends the efforts of the Director of the Missile Defense Agency to invest in discrimination improvements to counter ballistic missile threats from states, including the Democratic People's Republic of North Korea and the Islamic Republic of Iran. These ballistic missile threats include increasingly complex countermeasures, threatening the U.S. homeland, its deployed forces, and allies. The committee agrees that improving this capability is important to achieving a higher degree of reliability, effectiveness, and efficiency, including improving shot doctrine.

Therefore, the committee directs the Director of the Missile Defense Agency to submit a report to the congressional defense committees not later than October 15, 2015, on the cost, schedule, and options to accelerate and field discrimination improvements based on robust acquisition practices.

#### Report on Patriot Guidance Enhanced Missile Tactical Ballistic Missile Recertification for Allied Inventory

The committee is aware that allied nations continue to acquire and maintain the Patriot Guidance Enhanced Missile Tactical Ballistic Missile (GEM-T) interceptor missile as an effective and efficient defense against lower-tier, air-breathing threats. The committee is also aware that the Army has chosen not to maintain its own inventory of GEM-T interceptors through recertification. The committee is concerned not only about the resulting impact on the Army's magazine depth in countering lower-tier, air-breathing threats to deployed forces, but also the impacts to the inventories of these interceptors held by allies.

Therefore, the committee directs the Under Secretary of Defense for Acquisition, Technology, and Logistics to provide a report to the congressional defense committees not later than March 1, 2016, that assesses the impacts of the Army's decision with respect to re-certification of its inventory of GEM-T interceptors on the industrial base, including at Army depots involved in maintaining this system, to ensure that allies will continue to be able to maintain their inventories of these interceptors for as long as technically safe and reliable. The report should also recommend any steps (along with estimated costs) that might be necessary to guarantee that allies will not lose their ability to re-certify

their inventories as a result of the Army's decision. In addition, the Under Secretary, in consultation with relevant regional combatant commanders, should assess the impacts of the decision not to re-certify GEM-T on their plans and requirements, and what the cost would be to re-certify the system if a decision was made to do so. The committee further directs the Under Secretary of Defense for Acquisition, Technology, and Logistics to provide an interim briefing to the House Committee on Armed Services on the report not later than January 15, 2016.

### Strengthening National Security Space

The committee is aware of the strategic challenges due to a growing foreign threat to national security space. At a recent Subcommittee on Strategic Forces hearing, a senior Department of Defense official stated in a statement for the record that, “today the U.S. is not adequately prepared for a conflict, which might extend to space.” The committee is concerned by this inadequate posture.

However, the committee recognizes and commends the Department on the considerable analysis that has been done throughout the past year to develop an initial plan to assure space capabilities. As a result of the analysis, the Department has planned for substantial additional resources over the next 5 fiscal years for space security-related activities.

While investment in capabilities is essential, the committee also believes that in order to address the challenges posed by the increasingly contested space environment that the Department has described, the Department should review the organization and management of space activities within the Department of Defense to ensure that it is organized most effectively to address these challenges. Elsewhere in this Act, the committee includes a provision that would direct the establishment of a major force program for space with a plan for more unified authorities. Consistent with previous independent commissions, however, the committee believes this is only the first step that the Department should take to strengthen national security space.

Therefore, in recognition of the changing space environment, the committee directs the Secretary of Defense, in coordination with the Director of National Intelligence and the Director of the Office of Management and Budget, to submit to the congressional defense committees and the congressional intelligence committees by December 1, 2015, a plan that strengthens national security space stewardship, leadership, management, and organization within the Department of Defense, including the National Reconnaissance Office, while streamlining decision-making and limiting unnecessary bureaucracy, and respecting the existing Director of National Intelligence authorities. Such plan shall identify and assess actions that achieve:

- (1) Greater unity of funding and authorities within the Department of Defense to prioritize national security space activities in accordance with defense and national security requirements;

(2) Improved focus on Department of Defense space strategy and architectures that align to budgets and specific programs to provide coherence across the space domain, including space, ground, and user terminals;

(3) Improved management of the Department of Defense space portfolio, to ensure that the Department of Defense, in cooperation with the Director of National Intelligence, facilitates strategic trades, identifies under-resourced areas and redundant functions, and more effectively manages the critical space industrial base;

(4) Further appropriate integration of the space acquisition and operations of the Department of Defense military and intelligence activities; and

(5) Any other matters the Secretary deems 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**

##### **Weapons Activities**

##### *Uranium for national security purposes*

The committee understands that the Secretary of Energy, the Administrator for Nuclear Security, the Secretary of State, and the Secretary of Defense are reviewing the available stockpile of unencumbered uranium and considering potential options for ensuring a long-term supply of enriched uranium is available for national security purposes. Within the nuclear enterprise, enriched uranium is required for nuclear weapons, production of tritium for use in nuclear weapons, and for naval nuclear propulsion.

The committee directs the Secretary of Energy, in coordination with the Administrator for Nuclear Security, the Secretary of State, and the Secretary of Defense, to provide a briefing to the House Committee on Armed Services by September 15, 2016, assessing the options for ensuring a supply of enriched uranium for national security purposes for the long-term. For the options considered, the briefing should provide a description and cost-benefit analysis, as well as timelines and costs. The briefing should also identify available and potentially available stocks of uranium, policy changes or international agreements that could be considered, and include any other matters that the Secretaries concerned and the Administrator determine appropriate.

The committee also expects the Administrator to provide a briefing to the congressional defense committees on the results of the related cost study that the Office of Cost Estimating and Program Evaluation plans to prepare.

### *Weapons dismantlement and disposition*

The National Nuclear Security Administration (NNSA) plans to dismantle, by the end of fiscal year 2022, all U.S. nuclear weapons retired prior to fiscal year 2009. In an April 2014 report, the Government Accountability Office (GAO) recommended that NNSA clarify its dismantlement performance goal and how NNSA measures progress towards this goal. The report stated that "having clear goals and measures is a key element of program management," but, "[b]ecause the dismantlement performance goal does not make these practices clear, NNSA risks providing misleading information about progress related to its goal." It noted that "NNSA does not track the actual date that dismantled weapons were retired and may be counting some dismantled weapons retired after fiscal year 2009 as equivalent to weapons retired prior to fiscal year 2009," and, "NNSA will not dismantle some weapons retired prior to fiscal year 2009 but will reinstate them to the stockpile to save on rebuilding other weapons and count the reinstated weapons as equivalent dismantlements." The GAO also recommends NNSA consider extending the goal because it is unclear whether NNSA will meet the fiscal year 2022 date and, if the goal is successfully met, there will be a "significant dismantlement workload gap during the mid-2020s." The GAO also found that "NNSA's ability to significantly accelerate dismantlement and complete planned workload earlier than fiscal year 2022 could be costly, and it is unclear whether Pantex would have sufficient capacity to do so."

To provide clarity on these matters, the committee directs the Administrator for Nuclear Security to provide a briefing to the House Committee on Armed Services by September 1, 2015, detailing the plan for dismantlement, including the timeline and the funding and capacity required to meet the NNSA's goal to dismantle nuclear weapons retired before 2009 by 2022. The committee expects this briefing to address dismantlement performance goals, including how dismantled weapons are counted, whether that goal should be extended, the risk of a significant dismantlement workload gap during the mid-2020s that could result in the loss of certified dismantlement personnel at Pantex, requirements at the Pantex site for effectively managing its component inventory management system, and any impacts of delaying any planned dismantlement of weapons retired prior to 2009 past 2022. The briefing should also include the Administrator's estimate of the capacity and costs for accelerating this goal, including any costs associated with increasing Pantex's capacity to address such an increased workload to accelerate this goal. In addition, the briefing should include any plans and assess the capacity for dismantlement of nuclear weapons retired since 2009.

## Defense Nuclear Nonproliferation

## *Comptroller General assessment of Nonproliferation Research and Development Program*

The National Nuclear Security Administration's Defense Nuclear Nonproliferation (DNN) program manages several efforts to research and develop technologies to prevent or combat the proliferation of nuclear materials. While the committee is supportive of efforts to explore and develop such technologies, the committee desires an independent assessment regarding how DNN manages and prioritizes these programs to create technologies that are actively deployed, as compared to longer-term research and development efforts.

The committee directs the Comptroller General of the United States to provide a briefing to the House Committee on Armed Services by March 1, 2016, containing the Comptroller General's assessment of DNN's nonproliferation technology research and development efforts. In particular, the briefing should provide the Comptroller General's assessment of: (1) how much of the research and development conducted thus far under DNN's programs has translated into technologies that are actively deployed; (2) how the DNN program prioritizes technology research and development funding in support of near-term and long-term goals, including technology to improve monitoring, detection, and in-field inspection and analysis capabilities; (3) how the DNN program measures success in technology development efforts, the role deployment of technology plays in such measures, and to what extent DNN has met its performance measures; and (4) how the technology research and development program is managed and the roles of and funding for participating national laboratories.

### Federal Salaries and Expenses

#### *Labor cost review*

As part of previous efforts to improve the Department of Defense's visibility into National Nuclear Security Administration (NNSA) programs, the Department of Defense Office of Cost Assessment and Program Evaluation (CAPE) conducted reviews of labor costs at the facilities comprising NNSA's nuclear security enterprise. The committee believes these reviews should be updated and may provide significant insight into improvement of NNSA's cost accounting systems, financial reporting standardization efforts, and overall efficiency.

Therefore, the committee directs the Director of Cost Assessment and Program Evaluation, supported by the Director of the NNSA Office of Cost Estimating and Program Evaluation, to provide to the House Committee on Armed Services by November 15, 2015, a briefing on the labor costs at each facility of NNSA's nuclear security enterprise and the laboratories of the Naval Reactors program. The briefing shall include an assessment of the various components that comprise total labor costs at each NNSA facility and the laboratories of the Naval Reactors program as compared to similar, comparable high-technology facilities and defense entities in the United States (including other facilities of the Department of

Energy); accounting practices with regards to direct and indirect costs as compared to typical defense contractors or federally funded research and development centers; effects of labor costs on spending for materials, equipment, and other non-labor resources; and, such other matters as the Director of CAPE determines appropriate. The briefing shall also discuss both base labor costs and labor cost-rate growth at the comparable entities reviewed. In addition, the briefing should include the recommendations of the Director of CAPE for modifying NNSA's cost accounting and financial reporting structure to accurately reflect direct and indirect costs, improve financial reporting standardization, and improve efficiency while continuing to attract and retain highly-qualified personnel. To facilitate this briefing, the committee directs the Administrator for Nuclear Security to provide the Director of CAPE full access to all information, including information from the management and operating contractors of the NNSA, as well as the resources the Director of CAPE determines are required to carry out this review.

#### *Reforming and streamlining access authorizations for Restricted Data*

The committee continues to emphasize efforts to streamline Government operations, seek efficiencies, and apply cost savings directly to defense missions. The committee is aware of a proposal within the Department of Energy to reform and streamline processes regarding access authorizations for Restricted Data. Such an effort may allow elimination of the separate "Q" and "L" access authorization process administered by the Secretary of Energy and instead institute Restricted Data as a compartment of sensitive information administered by the Secretary of Energy within the broader Government's access authorization program. If properly planned and executed, this effort could significantly streamline work among the agencies that deal with Restricted Data, reduce the number of personnel with access to Restricted Data that do not have a direct requirement for such access to carry out their work activities, and provide substantial cost savings. However, the committee cautions that any such effort must maintain commensurate and rigorous security measures for Restricted Data.

Therefore, the committee directs the Secretary of Energy, in coordination with the Secretary of Defense and the Director of National Intelligence, to provide the House Committee on Armed Services a briefing by November 1, 2015, on the risks and benefits of making such a change, as well as on the potential costs and cost-savings, and whether they recommend pursuing a plan for reforming and streamlining processes regarding access authorizations for Restricted Data.