SEC. ___ . UPDATING MISSILE DEFEAT POLICY AND STRATEGY OF THE UNITED STATES.

Section 1684 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2624; 10 US.C 2431 note) is amended—

(1) by striking subsection (e); and

(2) by redesignating subsection (f) as subsection (e).

[Please note: The "Changes to Existing Law" section below sets out in red-line format how the legislative text would amend existing law.]

Section-by-Section Analysis

This proposal would relieve the Department of Defense from Congressional direction to designate a Service or Agency with acquisition authority to develop capabilities to: 1) defend the homeland from cruise missiles (CMD-H); 2) conduct left of launch ballistic missile defeat operations (LoL). The Department is examining both issues as tasked in the 2019 Missile Defense Review (MDR), aligned with National Defense Strategy priorities and objectives. The MDR direction has a wider scope than the original Congressional language. The MDR directs the Department to consider requirements determination, technology maturation, capability development, and integration along with acquisition authorities as the basis for a recommendation to the Secretary of Defense. In both instances, the Department is conducting analyses to determine future operational requirements as the basis for technology maturation and capability development. These studies will be the basis for a recommendation to the Secretary of Defense for designation of a lead organization for CMD-H and LoL capabilities as directed in the MDR.

This proposal repeals subsections (e), which directs the designation of an acquisition authority for CMD-H and LoL. This would allow the Department to be in compliance with the law until the analysis is completed, required capabilities are identified and an understanding of potential options and the Service or Agency that has the most expertise in developing a cost effective solution(s).

Budget Implications: This proposal has no budgetary effect since there are no programs or additional manpower identified.

Changes to Existing Law: This proposal would amend subsections (e) and (f) of section 1684 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2624; 10 U.S.C. 2431 note) as follows:

SEC. 1684. REVIEW OF THE MISSILE DEFEAT POLICY AND STRATEGY OF THE UNITED STATES.

(a) NEW REVIEW.—The Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall jointly conduct a new review of the missile defeat capability, policy, and strategy of the United States, with respect to—

(1) left- and right-of-launch ballistic missile defense for—

(A) both regional and homeland purposes; and

(B) the full range of active, passive, kinetic, and non-kinetic defense measures across the full spectrum of land-, air-, sea-, and space-based platforms;

(2) the integration of offensive and defensive forces for the defeat of ballistic missiles, including against weapons initially deployed on ballistic missiles, such as hypersonic glide vehicles; and

(3) cruise missile defense of the homeland.

(b) ELEMENTS.—The review under subsection (a) shall address the following:

(1) The missile defeat policy, strategy, and objectives of the United States in relation to the national security strategy of the United States and the military strategy of the United States.

(2) The role of deterrence in the missile defeat policy and strategy of the United States.

(3) The missile defeat posture, capability, and force structure of the United States.

(4) With respect to both the five- and ten-year periods beginning on the date of the review, the planned and desired end-state of the missile defeat programs of the United States, including regarding the integration and interoperability of such programs with the joint forces and the integration and interoperability of such programs with allies, and specific benchmarks, milestones, and key steps required to reach such end states.

(5) The process for determining requirements, force structure, and inventory objectives for missile defeat capabilities under such programs, including input from the joint military requirements process.

(6) The organization, execution, and oversight of acquisition for the missile defeat programs of the United States.

(7) The roles and responsibilities of the Office of the Secretary of Defense, Defense Agencies, combatant commands, the Joint Chiefs of Staff, the military departments, and the intelligence community in such programs and the process for ensuring accountability of each stakeholder.

(8) Standards for the military utility, operational effectiveness, suitability, and survivability of the missile defeat systems of the United States.

(9) The method in which resources for the missile defeat mission are planned, programmed, and budgeted within the Department of Defense.

(10) The near-term and long-term costs and cost effectiveness of such programs.

(11) The options for affecting the offense-defense cost curve.

(12) The role of international cooperation in the missile defeat policy and strategy of the United States and the plans, policies, and requirements for integration and interoperability of missile defeat capability with allies.

(13) Options for increasing the frequency of the co-development of missile defeat capabilities with allies of the United States in the near-term and far-term.

(14) Declaratory policy governing the employment of missile defeat capabilities and the military options and plans and employment options of such capabilities.

(15) The role of multi-mission defense and other assets of the United States, including space and terrestrial sensors and plans to achieve multi-mission capability in current, planned, and other future assets and acquisition programs.

(16) The indications and warning required to meet the missile defeat strategy and objectives of the United States described in paragraph (1) and the key enablers and programs to achieve such indications and warning.

(17) The impact of the mobility, countermeasures, and denial and deception capabilities of adversaries on the indications and warning described in paragraph (16) and the consequences on the missile defeat capability, objectives, and military options of the United States and the plans of the combatant commanders.

(18) Any other matters the Secretary determines relevant.

(c) REPORTS.—

(1) RESULTS.—Not later than January 31, 2018, the Secretary shall submit to the congressional defense committees a report setting forth the results of the review under subsection (a).

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(3) ANNUAL IMPLEMENTATION UPDATES.—During the five year period beginning on the date of the submission of the report under paragraph (1), the Director of Cost Assessment and Program Evaluation shall submit to the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the congressional defense committees annual status updates detailing the progress of the Secretary in implementing the missile defeat strategy of the United States.

(4) THREAT REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional defense committees, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate a report containing an unclassified summary, consistent with the protection of intelligence sources and methods, of—

(A) as of the date of the report required by this paragraph, the ballistic and cruise missile threat to the United States, deployed forces of the United States, and friends and allies of the United States from short-, medium-, intermediate-, and long-range nuclear and non-nuclear ballistic and cruise missile threats; and

(B) an assessment of such threat in 2026.

(5) DECLARATORY POLICY, CONCEPT OF OPERATIONS, AND EMPLOYMENT GUIDELINES FOR LEFT-OF-LAUNCH CAPABILITY.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall jointly submit to the congressional defense committees the following:

(A) The unclassified declaratory policy of the United States regarding the use of the left-of-launch capability of the United States against potential targets.

(B) Both the classified and unclassified concept of operations for the use of such capability across and between the combatant commands.

(C) Both the classified and unclassified employment strategy, plans, and options for such capability.

(d) NOTIFICATION.—

(1) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 or fiscal year 2018 for the Secretary of Defense may be obligated or expended to change the non-standard acquisition processes and responsibilities described in paragraph (2) until—

(A) the Secretary notifies the congressional defense committees of such proposed change; and

(B) a period of 180 days has elapsed following the date of such notification.

(2) NON-STANDARD ACQUISITION PROCESSES AND RESPONSIBILITIES

DESCRIBED.—The non-standard acquisition processes and responsibilities described in this paragraph are such processes and responsibilities described in—

(A) the memorandum of the Secretary of Defense titled ‘‘Missile Defense Program Direction’’ signed on January 2, 2002; and

(B) Department of Defense Directive 5134.09, as in effect on the date of the enactment of this Act.

~~(e) DESIGNATION REQUIRED.—~~

~~(1) AUTHORITY.—Not later than March 31, 2018, the Secretary of Defense shall designate a military department or Defense Agency with acquisition authority with respect to—~~

~~(A) the capability to defend the homeland from cruise missiles; and~~

~~(B) left-of-launch ballistic missile defeat capability.~~

~~(2) DISCRETION.—The Secretary may designate a single military department or Defense Agency with the acquisition authority described in paragraph (1) or designate a separate military department or Defense Agency for each function specified in such paragraph.~~

~~(3) VALIDATION.—In making a designation under paragraph (1), the Secretary shall include a description of the manner in which the military requirements for such capabilities will be validated.~~

(~~f~~e) DEFINITIONS.—In this section:

(1) The term ‘‘Defense Agency’’ has the meaning given that term in section 101(a)(11) of title 10, United States Code.

(2) The term ‘‘intelligence community’’ has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

*****