SEC. ___. GROUND-BASED STRATEGIC DETERRENT LAUNCH FACILITY AND LAUNCH CENTER CONSTRUCTION.

(a) AUTHORITY TO UNDERTAKE MILITARY CONSTRUCTION.—The Secretary of the Air Force may carry out military construction projects not otherwise authorized by law that the Secretary determines are necessary to convert Minuteman III launch facilities and launch centers to ground-based strategic deterrent configurations.

(b) FUNDING.—The Secretary of the Air Force may use funds authorized to be appropriated by this Act or otherwise made available for ground-based strategic deterrent research, development, test, and evaluation and missile procurement for the Air Force to carry out military construction projects authorized by subsection (a).

(c) SUPERVISION OF MILITARY CONSTRUCTION.—Notwithstanding section 2851 of title 10, United States Code, military construction projects authorized by subsection (a) may be carried out under the direction and supervision of the Secretary of the Air Force.

Section-by-Section Analysis

The ground-based strategic deterrent (GBSD) acquisition program is a full recapitalization for the Minuteman III (MM III) Intercontinental Ballistic Missile (ICBM) that will convert 450 existing MM III launch facility (LF) sites and up to 45 launch center (LC) sites across three operational wings spanning 31,500 square miles in five states.

ICBMs provide the President with the ability to respond to a nuclear attack from an adversary. ICBMs have three key characteristics that provide this capability. First, ICBMs are survivable; an adversary must target each LF and LC individually, which absorbs nuclear weapons in the event of an attack. Second, ICBMs must meet stringent physical security requirements to prevent adversaries from gaining access to our Nation's nuclear weapons. Third, ICBMs have special design elements known as nuclear surety that ensure the weapon always operates safely, securely, and effectively. When GBSD is deployed, the system will undergo a complex and rigorous process known as nuclear certification to ensure it meets all these requirements.

The MM III-to-GBSD conversion must occur on a precise timeline to maintain the operational readiness of ICBMs and deliver full operational capability (FOC) to the warfighter by 2036. The GBSD program management office (PMO) anticipates that this conversion will

affect both real property (e.g., the topside building at the LC and LF staging areas) and weapon system components (e.g., the launcher closure door and missile suspension system). The real property at the LFs and LCs provides critical functionality for both the existing MM III and future GBSD, and the conversion activities involving real property are essential to ensuring successful nuclear certification of the converted GBSD facilities. This certification will verify that GBSD weapon system and real property elements meet survivability, physical security, and nuclear surety requirements.

Under current law, the Air Force is required to use multiple contractors to convert the LFs and LCs to the GBSD configuration. Absent specific statutory authority, real property construction projects exceeding $2M must be financed with military construction (MILCON) appropriations pursuant to 10 USC 2802 and 10 USC 2805 and performed by a United States Army Corps of Engineers-designated design and construction agent per 10 USC 2851 and DoDI 4270.5 para. 4.3.3. Thus, the successful offeror for GBSD's Engineering and Manufacturing Development (EMD) phase would be responsible for the weapon system components, and the United States Army Corps of Engineers (USACE) would designate individual design and construction agents based on the impacted geographic region (up to five), which would be responsible for the real property at the LFs and LCs (as awarded by each USACE region). The EMD contractor would be funded with research, development, test & evaluation (RDT&E) for design work and missile procurement for the conversions. The design and construction agents would be separately funded with MILCON appropriations for both the design work and conversions.

The MM III-to-GBSD transition is one of the most complex elements of the program as the Air Force must ensure that 400 missiles are always on alert to meet warfighter requirements, deter our adversaries and assure our allies. During the transition, the 400 missiles will be a combination of the current MM III and replacement GBSD. The Air Force must ensure the time-certain delivery of GBSD; the capability must be deployed prior to MM III age out and attrition. The Air Force must seek every opportunity to perform the transition efficiently and avoid unnecessary integration among multiple contractors to deliver GBSD on time. At any point, GBSD will be modifying up to 26 different LF/LC sites concurrently. In order to meet the required FOC date of 2036, the Air Force will be required to convert one LF per week for nine years, requiring a level of synchronization not possible if authorities and responsibilities for the conversion effort are split over multiple contractors, as required by current law. Separating: a) GBSD design authority; b) GBSD conversion responsibilities; and c) funding for the LFs and LCs, significantly increases complexity, cost, and risk. The Air Force estimates that using different contractors for the conversion of weapon system components and real property components of the LC and LF sites will require an additional three years to complete the MM III-to-GBSD transition, delaying FOC to 2039, and would increase the budgeted program costs by $0.7B-$1B.

This legislative proposal provides the best and only realistic path to meet warfighter requirements and deliver GBSD on schedule. The provision would ensure that no part of the LF and LC conversions would be treated as military construction, which reduces transition risk by limiting the Government's role on the program's critical path. The proposal also enables the Government to hold a single contractor, the EMD prime, accountable for the entirety of the

LC/LF design and conversion to the GBSD configuration, including both the weapon system and real property components of those sites. The proposal also enables the Government to work with a single contractor to ensure the design and conversion activities meet all nuclear certification requirements.

This proposal does not exempt the entire GBSD program from the standard MILCON authorization and appropriation process, just the MILCON necessary to convert existing Minuteman III launch facilities and launch centers to ground-based strategic deterrent configurations. Even without including the 495 LC and LF sites, the GBSD program will still have a significant MILCON footprint including approximately 140 other support, storage, training, and maintenance facilities. In accordance with current law, each of these 140 facilities will authorized and appropriated pursuant to the existing military construction processes as part of the GBSD program.

Budget Implications: The resources impacted are reflected in the table below and are included within the Fiscal Year (FY) 2021 President's Budget request.

RESOURCE IMPACT ($MILLIONS)									
Program	**FY 2021**	**FY 2022**	**FY 2023**	**FY 2024**	**FY 2025**	**Appropriation**	**Budget Activity**	**BLI/SAG**	**Program Element (for all RDT&E programs)**
GBSD	0	0	0	-2.34	0	Military Construction, Air Force		TBD	0101233F
GBSD	0	0	0	1.41	0.93	Research, Development, Test, and Evaluation, Air Force	04	R-1# 49	0605230F
Total	0	0	0	-0.93	0.93				

Changes to Existing Law: Not applicable.