

Public Law 115–91
115th Congress

An Act

To authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Dec. 12, 2017
[H.R. 2810]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Defense Authorization Act for Fiscal Year 2018”.

National Defense
Authorization
Act for Fiscal
Year 2018.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into four divisions as follows:

- (1) Division A—Department of Defense Authorizations.
- (2) Division B—Military Construction Authorizations.
- (3) Division C—Department of Energy National Security Authorizations and Other Authorizations.
- (4) Division D—Funding Tables.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Organization of Act into divisions; table of contents.
- Sec. 3. Congressional defense committees.
- Sec. 4. Budgetary effects of this Act.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization Of Appropriations

Sec. 101. Authorization of appropriations.

Subtitle B—Army Programs

- Sec. 111. Authority to expedite procurement of 7.62mm rifles.
- Sec. 112. Limitation on availability of funds for Increment 2 of the Warfighter Information Network-Tactical program.
- Sec. 113. Limitation on availability of funds for upgrade of M113 vehicles.

Subtitle C—Navy Programs

- Sec. 121. Aircraft carriers.
- Sec. 122. Icebreaker vessel.
- Sec. 123. Multiyear procurement authority for Arleigh Burke class destroyers.
- Sec. 124. Multiyear procurement authority for Virginia class submarine program.
- Sec. 125. Design and construction of the lead ship of the amphibious ship replacement designated LX(R) or amphibious transport dock designated LPD-30.
- Sec. 126. Multiyear procurement authority for V-22 Osprey aircraft.
- Sec. 127. Extension of limitation on use of sole-source shipbuilding contracts for certain vessels.

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means the following:

(A) The congressional defense committees.

(B) The Committee on Energy and Commerce of the House of Representatives.

(C) The Committee on Energy and Natural Resources of the Senate.

(2) **COVERED DEFENSE NUCLEAR WASTE.**—The term “covered defense nuclear waste” means radioactive waste that resulted from the reprocessing of spent nuclear fuel that was generated from atomic energy defense activities and that—

(A) contains more than 100 nCi/g of alpha-emitting transuranic isotopes with half-lives greater than 20 years; or

(B) may be classified, managed, treated, and disposed of, regardless of origin or previous classification, as other than high-level radioactive waste.

SEC. 3140. IMPROVED REPORTING FOR ANTI-SMUGGLING RADIATION DETECTION SYSTEMS.

(a) **ANNUAL REPORT.**—Together with the submission to Congress of the budget of the President under section 1105(a) of title 31, United States Code, for each of fiscal years 2019 through 2021, the Administrator for Nuclear Security shall submit to the congressional defense committees a report regarding any anti-smuggling radiation detection systems that the Administrator proposes to deploy during the fiscal year covered by the budget.

(b) **MATTERS INCLUDED.**—Each report under subsection (a) shall include the following:

(1) The probability of detection for the anti-smuggling radiation detection systems covered by the report against realistic potential smuggling threats, including shielded and unshielded uranium, plutonium, and other special nuclear material.

(2) The costs associated with the deployments of such systems, including costs to the United States and costs to any host country.

(3) Options for technological advances that would make radiation detection less expensive or more effective.

(4) The benefits to the national security of the United States resulting from the deployments of such systems.

SEC. 3141. PLUTONIUM CAPABILITIES.

(a) **REPORT.**—Not later than 30 days after the date of the enactment of this Act, the Administrator for Nuclear Security shall submit to the congressional defense committees and the Secretary of Defense a report on the recommended alternative endorsed by the Administrator for recapitalization of plutonium science and production capabilities of the nuclear security enterprise. The report shall identify the recommended alternative endorsed by the Administrator and contain the analysis of alternatives, including costs, upon which the Administrator relied in making such endorsement.

(b) **CERTIFICATION.**—Not later than 60 days after the date on which the Secretary of Defense receives the report required by subsection (a), the Chairman of the Nuclear Weapons Council shall submit to the congressional defense committees the written certification of the Chairman regarding whether—

(1) the recommended alternative described in subsection (a)—

(A) is acceptable to the Secretary of Defense and the Nuclear Weapons Council and meets the requirements of the Secretary for plutonium pit production capacity and capability;

(B) is likely to meet the pit production timelines and milestones required by section 4219 of the Atomic Energy Defense Act (50 U.S.C. 2538a);

(C) is likely to meet pit production timelines and requirements responsive to military requirements;

(D) is cost effective and has reasonable near-term and lifecycle costs that are minimized, to the extent practicable, as compared to other alternatives;

(E) contains minimized and manageable risks as compared to other alternatives; and

(F) can be acceptably reconciled with any differences in the conclusions made by the Office of Cost Assessment and Program Evaluation of the Department of Defense in the business case analysis of plutonium pit production capability issued in 2013; and

(2) the Administrator has—

(A) documented the assumptions and constraints used in the analysis of alternatives described in subsection (a); and

(B) tested and documented the sensitivity of the cost estimates for each alternative to risks and changes in key assumptions.

(c) ASSESSMENT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director for Cost Estimating and Program Evaluation of the National Nuclear Security Administration shall provide to the congressional defense committees a briefing containing the assessment of the Director of the analysis of alternatives described in subsection (a).

(2) ELEMENTS.—The briefing required by paragraph (1) shall include—

(A) descriptions of the scope, risks, and costs for alternatives not considered in the analysis of alternatives that the Director deems viable; and

(B) any views of the Administrator regarding such alternatives.

(d) EFFECT OF FAILURE TO IDENTIFY RECOMMENDED ALTERNATIVE.—The Administrator shall carry out the modular building strategy (as defined in section 3114(c)(3) of the National Defense Authorization Act for Fiscal Year 2013 (50 U.S.C. 2535 note)) at Los Alamos National Laboratory, Los Alamos, New Mexico, if, by the date that is 150 days after the date of the enactment of this Act—

(1) the Administrator has not identified, in the report required by subsection (a), the recommended alternative proposed by the Administrator for recapitalization of plutonium science and production capabilities of the nuclear security enterprise; or

(2) the Chairman of the Nuclear Weapons Council has not certified under subsection (b) that the recommended alternative proposed by the Administrator meets the criteria