

118TH CONGRESS
1ST SESSION

S. 2017

To provide multiyear procurement authority for LGM–35A Sentinel intercontinental ballistic missiles, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 15, 2023

Mr. ROMNEY (for himself, Mrs. FISCHER, Ms. LUMMIS, Mr. LEE, Mr. BARRASSO, Mr. RICKETTS, and Mr. DAINES) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To provide multiyear procurement authority for LGM–35A Sentinel intercontinental ballistic missiles, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Sentinel Nuclear De-
5 terrence Act of 2023”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Nuclear deterrence is a foundation of
2 United States national security and the security of
3 United States allies.

4 (2) The nuclear triad provides nuclear deter-
5 rence through land-, sea-, and air-based forces.

6 (3) The land-based leg of the nuclear triad is
7 represented by the LGM-30G Minuteman III inter-
8 continental ballistic missile weapon system, which
9 was first deployed more than 50 years ago.

10 (4) In order to modernize the land-based leg of
11 the nuclear triad, the Air Force will replace the
12 LGM-30G Minuteman III intercontinental ballistic
13 missile weapon system with the LGM-35A Sentinel
14 intercontinental ballistic missile weapon system.

15 (5) According to the 2022 United States Nu-
16 clear Posture Review, the People’s Republic of China
17 “has embarked on an ambitious expansion, mod-
18 ernization, and diversification of its nuclear forces”
19 and the Russian Federation continues to “modernize
20 and expand its nuclear forces”.

21 (6) The rapid modernization of the land-based
22 leg of the nuclear triad and deployment of the Sen-
23 tinel weapon system is vital to nuclear deterrence
24 and the national security of the United States and
25 its allies.

1 (7) The supporting infrastructure of the Sen-
 2 tinel weapon system will require a complex effort
 3 that will involve the construction or renovation of
 4 hundreds of facilities.

5 (8) The Sentinel Systems Directorate is prin-
 6 cipally located at Hill Air Force Base, Utah.

7 (9) Sentinel intercontinental ballistic missiles
 8 will replace the Minuteman III intercontinental bal-
 9 listic missiles in missile fields at—

10 (A) F.E. Warren Air Force Base, Wyo-
 11 ming;

12 (B) Malmstrom Air Force Base, Montana;
 13 and

14 (C) Minot Air Force Base, North Dakota.

15 (10) Other support actions for the Sentinel
 16 weapon system will take place at—

17 (A) Hill Air Force Base, Utah;

18 (B) Utah Test and Training Range, Utah;

19 (C) Camp Guernsey, Wyoming; and

20 (D) Camp Navajo, Arizona.

21 **SEC. 3. MULTIYEAR PROCUREMENT AUTHORITY FOR LGM-**
 22 **35A SENTINEL INTERCONTINENTAL BAL-**
 23 **LISTIC MISSILES.**

24 (a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—

1 (1) IN GENERAL.—Subject to the provisions of
2 section 3501 of title 10, United States Code, de-
3 scribed in paragraph (3), the Secretary of the Air
4 Force may enter into one or more multiyear con-
5 tracts for the procurement of not more than 659
6 LGM-35A Sentinel intercontinental ballistic mis-
7 siles.

8 (2) PROCUREMENT IN CONJUNCTION WITH EX-
9 ISTING CONTRACTS.—The missiles authorized to be
10 procured under paragraph (1) may be procured as
11 additions to existing contracts covering the Sentinel
12 intercontinental ballistic missile weapon system pro-
13 gram.

14 (3) PROVISIONS DESCRIBED.—The provisions of
15 section 3501 of title 10, United States Code, de-
16 scribed in this paragraph are the following:

17 (A) Subsection (a)(1).

18 (B) Subsection (f).

19 (C) Subsection (g), in which the term
20 “contract described in subsection (a)” shall
21 mean a contract awarded pursuant to the au-
22 thority provided by this subsection.

23 (D) Subsection (i)(1).

24 (E) Subsection (l)(3).

1 (b) AUTHORITY FOR ADVANCE PROCUREMENT.—The
2 Secretary of the Air Force may enter into one or more
3 contracts, beginning in fiscal year 2024, for advance pro-
4 curement associated with the missiles for which authoriza-
5 tion to enter into a multiyear procurement contract is pro-
6 vided under subsection (a), and for subsystems associated
7 with such missiles in economic order quantities when cost
8 savings are achievable.

9 (c) CONDITION FOR OUT-YEAR CONTRACT PAY-
10 MENTS.—A contract entered into under subsection (a)
11 shall provide that any obligation of the United States to
12 make a payment under the contract for a fiscal year after
13 fiscal year 2024 is subject to the availability of appropria-
14 tions or funds for that purpose for such later fiscal year.

15 (d) MANDATORY INCLUSION OF PRE-PRICED OPTION
16 IN CERTAIN CIRCUMSTANCES.—

17 (1) IN GENERAL.—If the total base quantity of
18 LGM-35A Sentinel intercontinental ballistic missiles
19 to be procured through all contracts is less than
20 659, the Secretary of the Air Force shall ensure that
21 one or more of the contracts includes a pre-priced
22 option for the procurement of additional such mis-
23 siles such that the sum of such base quantity and
24 the number of such missiles that may be procured

1 through the exercise of such options is equal to 659
2 missiles.

3 (2) DEFINITIONS.—In this subsection:

4 (A) BASE QUANTITY.—The term “base
5 quantity” means the quantity of LGM–35A
6 Sentinel intercontinental ballistic missiles to be
7 procured under contracts excluding any quan-
8 tity of such missiles that may be procured
9 through the exercise of an option that may be
10 part of such a contract.

11 (B) PRE-PRICED OPTION.—The term “pre-
12 priced option” means a contract option for a
13 contract that, if exercised, would allow the Sec-
14 retary of the Air Force to procure a quantity of
15 LGM–35A Sentinel intercontinental ballistic
16 missiles at a predetermined price specified in
17 such contract.

18 **SEC. 4. REPORT ON NATIONAL LAND-BASED DETERRENCE**

19 **FUND.**

20 (a) IN GENERAL.—Not later than 90 days after the
21 date of the enactment of this Act, the Secretary of Defense
22 shall submit to the congressional defense committees a re-
23 port on the advisability of creating a National Land-Based
24 Deterrence Fund.

1 (b) ELEMENTS.—The report required by subsection
2 (a) shall include the following elements:

3 (1) An assessment of the efficiencies and cost
4 savings that could be gained if a National Land-
5 Based Deterrence Fund, similar to the National
6 Sea-Based Deterrence Fund established by section
7 2218a of title 10, United States Code, were to be es-
8 tablished by statute.

9 (2) Recommendations on cost elements of the
10 Sentinel intercontinental ballistic missile weapon sys-
11 tem program to be included in the fund, including
12 an analysis of potential efficiencies and cost savings
13 to be gained by including cost elements involving
14 construction of launch facilities and other facilities
15 and infrastructure required for the deployment and
16 operation of the Sentinel weapon system.

17 **SEC. 5. REPORT ON ACTIONS TO HELP STABILIZE AVAIL-**
18 **ABILITY OF KEY COMMODITIES FOR CON-**
19 **STRUCTION ASSOCIATED WITH SENTINEL**
20 **INTERCONTINENTAL BALLISTIC MISSILE**
21 **WEAPON SYSTEM PROGRAM.**

22 (a) IN GENERAL.—Not later than 90 days after the
23 date of the enactment of this Act, the Assistant Secretary
24 of Defense for Industrial Base Policy and the Secretary
25 of the Air Force shall jointly submit to the congressional

1 defense committees a report that addresses how the De-
2 partment of Defense can take actions to help stabilize the
3 availability of key commodities, including concrete and
4 steel, for construction associated with the Sentinel inter-
5 continental ballistic missile weapon system program.

6 (b) ELEMENTS.—The report required by subsection

7 (a) shall include the following elements:

8 (1) A description of different options for achiev-
9 ing the objective described in subsection (a).

10 (2) An analysis of the degree to which use of
11 authorities under title III of the Defense Production
12 Act of 1950 (50 U.S.C. 4531 et seq.) or advance
13 procurement authorities for key commodities could
14 achieve such objective.

15 **SEC. 6. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.**

16 In this Act, the term “congressional defense commit-
17 tees” has the meaning given that term in section
18 101(a)(16) of title 10, United States Code.

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