

117TH CONGRESS
2D SESSION

S. 5034

To authorize additional appropriations to increase the production of munitions and ammunition to deter Russian and Chinese aggression, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29, 2022

Mr. COTTON (for himself, Mrs. FISCHER, Mr. SCOTT of Florida, and Mr. ROUNDS) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To authorize additional appropriations to increase the production of munitions and ammunition to deter Russian and Chinese aggression, 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. FINDINGS.**

4 Congress makes the following findings:

5 (1) Russia has engaged in an unprovoked war
6 of aggression against the sovereign nation of
7 Ukraine since February 2022.

8 (2) The United States and its allies have sought
9 to provide the Ukrainian people with the weapons

1 and equipment they desperately need to reverse
2 Vladimir Putin's illicit campaign.

3 (3) The United States and North Atlantic
4 Treaty Organization (NATO) allies have been slow
5 to replenish their arsenals of artillery systems, am-
6 munition, and missiles that have been depleted as a
7 result of the provision of weapons and equipment to
8 Ukraine.

9 (4) Much of the industrial capacity of the
10 United States and Europe to produce munitions has
11 atrophied since the end of the Cold War.

12 (5) Deputy Secretary of Defense Kathleen
13 Hicks has noted "obsolescence issues" in certain
14 munitions lines since the start of Russian hostilities
15 in Ukraine.

16 (6) While Russia has waged its unjustified war
17 in Europe, China has obvious and blatant military
18 aspirations to dominate the Indo-Pacific region and
19 undermine the rules-based global international order.

20 (7) The industrial base of the United States
21 has languished from underfunding of procurement of
22 necessary equipment at scale for decades.

23 (8) Should more conflict erupt, the United
24 States and its allies do not currently maintain the
25 necessary stockpiles to execute sustained operations.

1 (9) Neither the United States nor its allies
2 maintain the capability to rapidly reconstitute their
3 arsenals due to the complex manufacturing processes
4 necessary for the construction and assembly of mod-
5 ern weaponry.

6 (10) The United States must immediately and
7 dramatically step up the procurement of military
8 munitions and expand the defense industrial base to
9 meet these increased requirements to ensure that the
10 interests of the United States are protected in Eu-
11 rope and the Indo-Pacific.

12 **TITLE I—EMERGENCY FUNDING**
13 **TO INCREASE MUNITIONS**
14 **AND AMMUNITION PRODUC-**
15 **TION AND EXPAND INDUS-**
16 **TRIAL BASE PRODUCTION CA-**
17 **PACITY AND RESPONSIVE-**
18 **NESS**

19 **SEC. 101. SURGE IN EMERGENCY FUNDING FOR CRITICAL**
20 **ARMY MUNITIONS TO DETER RUSSIAN AND**
21 **CHINESE AGGRESSION.**

22 In addition to amounts otherwise authorized to be ap-
23 propriated, there is authorized to be appropriated to the
24 Department of Defense for fiscal year 2023 the aggregate
25 amount of \$2,431,500,000 for Missile Procurement,

1 Army, to acquire replacement munitions and expand the
2 defense industrial base of the United States, in amounts
3 as follows:

4 (1) \$300,000,000 for a production increase of
5 3,500 AGM-113 Hellfire missiles.

6 (2) \$60,000,000 for a production increase of
7 200 joint air-to-ground missiles.

8 (3) \$36,000,000 for a capacity increase of joint
9 air-to-ground missiles to 2,400 missiles per year.

10 (4) \$200,000,000 for a production increase in
11 Javelin lightweight command launch units.

12 (5) \$250,500,000 for a production increase of
13 1,500 guided multiple-launch rocket system rounds.

14 (6) \$10,000,000 for a capacity increase in high
15 mobility artillery rocket system cabs.

16 (7) \$100,000,000 for a production increase of
17 12 high mobility artillery rocket system launchers.

18 (8) \$100,000,000 for a production increase of
19 75 Army tactical missile system rounds.

20 (9) \$200,000,000 for a production increase of
21 block 1 Stinger refurbishment.

22 (10) \$1,000,000,000 for a production increase
23 in Patriot fire units.

24 (11) \$75,000,000 for a production increase in
25 Switchblades.

1 (12) \$100,000,000 for long-lead energetics for
2 munitions production.

3 **SEC. 102. SURGE IN EMERGENCY FUNDING TO RECONSTITUTION**
4 **STOCKPILES OF CRITICAL NAVAL MUNITIONS TO DETER RUSSIAN AND CHINESE**
5 **AGGRESSION.**
6

7 In addition to amounts otherwise authorized to be ap-
8 propriated, there is authorized to be appropriated to the
9 Department of Defense for fiscal year 2023 the aggregate
10 amount of \$545,000,000 for Weapons Procurement,
11 Navy, to acquire replacement munitions and expand the
12 defense industrial base of the United States, in amounts
13 as follows:

14 (1) \$200,000,000 for SM–6 capacity expansion
15 via test and tooling equipment.

16 (2) \$50,000,000 for SM–6 capacity expansion
17 via dual-source energetics.

18 (3) \$45,000,000 for a production increase of 21
19 long range anti-ship missiles.

20 (4) \$35,000,000 for long range anti-ship missile
21 capacity expansion to 240 missiles per year.

22 (5) \$40,000,000 for a production increase of 25
23 advanced anti-radiation guided missile—extended
24 range missiles.

1 (6) \$225,000,000 for the Hammerhead pro-
2 gram.

3 (7) \$11,050,000 for the Mk-68 program.

4 (8) \$125,400,000 for the Mk-54 lightweight
5 torpedo program.

6 (9) \$49,000 for a production increase in Mk-
7 48 heavyweight torpedoes.

8 **SEC. 103. SURGE IN EMERGENCY FUNDING TO RECONSTITU-**
9 **TUTE STOCKPILES OF CRITICAL MARINE**
10 **CORPS MUNITIONS TO DETER RUSSIAN AND**
11 **CHINESE AGGRESSION.**

12 In addition to amounts otherwise authorized to be ap-
13 propriated, there is authorized to be appropriated to the
14 Department of Defense for fiscal year 2023 the aggregate
15 amount of \$175,000,000 for Procurement, Marine Corps,
16 for a production increase of 115 Naval Strike Missiles.

17 **SEC. 104. SURGE IN EMERGENCY FUNDING TO RECONSTITU-**
18 **TUTE STOCKPILES OF CRITICAL AIR FORCE**
19 **MUNITIONS TO DETER RUSSIAN AND CHI-**
20 **NESE AGGRESSION.**

21 In addition to amounts otherwise authorized to be ap-
22 propriated, there is authorized to be appropriated to the
23 Department of Defense for fiscal year 2023 the aggregate
24 amount of \$806,350,000 for Missile Procurement, Air
25 Force, to acquire replacement munitions and expand the

1 defense industrial base of the United States, in amounts
2 as follows:

3 (1) \$85,000,000 for a capacity expansion for
4 joint air-to-surface standoff missiles to 1000 missiles
5 per year.

6 (2) \$206,000,000 for a production increase of
7 500 AIM-9X missiles.

8 (3) \$139,000,000 for a production increase of
9 150 advanced medium range air-to-air missiles.

10 (4) \$173,000,000 for a production increase in
11 Small Diameter Bomb II bombs.

12 **SEC. 105. SURGE IN EMERGENCY FUNDING TO RECONSTITUTION**
13 **OF STOCKPILES OF CRITICAL DEPARTMENT OF DEFENSE-WIDE**
14 **MUNITIONS TO DETER RUSSIAN AND CHINESE AGGRESSION.**
15

16 In addition to amounts otherwise authorized to be ap-
17 propriated, there is authorized to be appropriated to the
18 Department of Defense for fiscal year 2023 the aggregate
19 amount of \$315,000,000 for Procurement, Defense-wide,
20 to acquire replacement munitions and expand the defense
21 industrial base of the United States, in amounts as fol-
22 lows:

23 (1) \$252,000,000 for a production increase of
24 8 SM-3 Block IIA missiles.

1 (2) \$63,000,000 for a capacity expansion for
 2 SM–3 Block IIA missiles to 36 missiles per year via
 3 test equipment.

4 **SEC. 106. SURGE IN EMERGENCY FUNDING TO RECONSTITUTION**
 5 **STOCKPILES OF CRITICAL ARMY**
 6 **EQUIPMENT TO DETER RUSSIAN AND CHINESE AGGRESSION.**

8 In addition to amounts otherwise authorized to be ap-
 9 propriated, there is authorized to be appropriated to the
 10 Department of Defense for fiscal year 2023 the aggregate
 11 amount of \$244,000,000 for Other Procurement, Army,
 12 for the Coyote counter-sUAS system.

13 **TITLE II—OTHER MATTERS**

14 **SEC. 201. MULTIYEAR CONTRACTING AUTHORITY FOR**
 15 **WEAPONS PROCUREMENT.**

16 (a) IN GENERAL.—The Secretary of Defense may
 17 execute multiyear contracts for the purposes of acquiring
 18 munitions.

19 (b) REQUIREMENTS.—Any contracts executed under
 20 this section shall—

21 (1) not extend beyond five years; and

22 (2) acquire or procure ammunition, bombs, mis-
 23 siles, rockets, or other munitions critical to deter-
 24 rence or the execution of operational plans.

1 **SEC. 202. ANNUAL REPORT ON INDUSTRIAL BASE CON-**
2 **STRAINTS FOR MUNITIONS.**

3 (a) BRIEFING ON FULFILLMENT OF MUNITIONS RE-
4 QUIREMENTS.—

5 (1) IN GENERAL.—Not later than 30 days after
6 the date of the enactment of this Act, the Secretary
7 of Defense and the Chairman of the Joint Chiefs of
8 Staff shall deliver a briefing to the congressional de-
9 fense committees regarding the current process for
10 fulfilling the requirements of section 222c of title
11 10, United States Code, in a timely fashion with
12 standardization across the Department of Defense.

13 (2) CONGRESSIONAL DEFENSE COMMITTEES
14 DEFINED.—In this subsection, the term “congres-
15 sional defense committees” has the meaning given
16 that term in section 101(a) of title 10, United
17 States Code.

18 (b) ANNUAL REPORT ON INDUSTRIAL BASE CON-
19 STRAINTS FOR MUNITIONS.—

20 (1) IN GENERAL.—Chapter 9 of title 10, United
21 States Code, is amended by inserting after section
22 222c the following new section:

23 **“§ 222d. Annual report on industrial base constraints**
24 **for munitions**

25 “(a) IN GENERAL.—Not later than 30 days after the
26 submission of all reports required under section 222c(a)

1 of this title, the Under Secretary of Defense for Acquisi-
2 tion and Sustainment, in coordination with the Service Ac-
3 quisition Executive for each military service, shall submit
4 to the congressional defense committees a report setting
5 forth in detail the industrial base constraints for each mu-
6 nition identified in the Out-Year Unconstrained Total Mu-
7 nitions Requirement.

8 “(b) ELEMENTS.—The report required under sub-
9 section (a) shall include the following elements, by muni-
10 tion:

11 “(1) Programmed purchase quantities per year.

12 “(2) Average procurement unit cost per year.

13 “(3) Contract type.

14 “(4) Current minimum sustaining rate of pro-
15 duction per month and year.

16 “(5) Current maximum rate of production per
17 month and year.

18 “(6) Expected date to meet the total require-
19 ment in section 222c of this title under the current
20 programmed purchase profile.

21 “(7) A description of industrial base constraints
22 on increased production.

23 “(8) A description of investments or policy
24 changes made by the contractor to increase produc-

1 tion, enable more efficient production, or mitigate
2 significant loss of stability in potential production.

3 “(9) A description of investments or policy
4 changes made by the United States Government to
5 increase production, enable more efficient produc-
6 tion, or mitigate significant loss of stability in poten-
7 tial production.

8 “(10) A description of potential investments or
9 policy changes identified by the contractor or the
10 United States Government to increase production,
11 enable more efficient production, or mitigate signifi-
12 cant loss of stability in potential production.

13 “(11) A list of contracts for munitions with DX
14 or DO ratings under the Defense Priorities and Allo-
15 cations System.

16 “(12) A prioritized list of munitions or capabili-
17 ties judged to have high value for export for which
18 additional work would be necessary to enable export,
19 including a description of required investments to
20 enhance exportability.

21 “(c) WORKING DEFINITION OF MUNITION.—The
22 Under Secretary may define munition for the purposes of
23 this section given the multiple subtypes of munitions.”.

24 (2) CLERICAL AMENDMENT.—The table of sec-
25 tions at the beginning of chapter 9 of title 10,

1 United States Code, is amended by inserting after
 2 the item relating to section 222c the following new
 3 item:

“222d. Annual report on industrial base constraints for munitions.”.

4 **SEC. 203. NATO PROCUREMENT AUTHORITY.**

5 (a) SUPPORT OR PROCUREMENT PARTNERSHIP
 6 AGREEMENTS.—Notwithstanding the provisions of sub-
 7 sections (a), (b) and (d) of section 2350d of title 10,
 8 United States Code, the Secretary of Defense may enter
 9 into Support or Procurement Partnership Agreements
 10 pursuant to such section to provide materiel and related
 11 services—

12 (1) directly to the Government of Ukraine; or
 13 (2) to foreign countries that have provided sup-
 14 port to Ukraine.

15 (b) ACQUISITION AND CROSS-SERVICING AGREE-
 16 MENTS.—Notwithstanding the provisions of sections 2347,
 17 2348, and 2350 of title 10, United States Code, the Sec-
 18 retary of Defense may enter into an agreement under sec-
 19 tion 2342 of such title to provide materiel and related
 20 services—

21 (1) directly to the Government of Ukraine; or
 22 (2) to foreign countries that have provided sup-
 23 port to Ukraine.

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