

December 1, 2016

## Major Differences Between [House](#), [Senate](#), & [Conference](#) Fiscal Year 2017 Defense Authorization Bills

**Additional Resources:**  
[Senate Report on NDAA](#)  
[House Report on NDAA](#)  
[Conference Bill Summary](#) (House)

### FUNDING, TROOP LEVELS AND POLICY ISSUES

**Total funding in the conference report:** \$618.7 billion, including \$59.5 billion in the Overseas Contingency Budget [[HASC Bill summary](#)]

House: Uses \$18 billion in the OCO account to pay for base budget items, which will require a new request for war funds by the end of April 2017

Senate: Does not have a similar provision, though a Sen. McCain amendment to add nearly \$18 billion missed cloture by a vote of 56-42

Conference: \$9 billion in OCO, including \$5.8 billion for overseas operations and \$3.2 billion for readiness

### Troop Levels

House: Increases troop strength of active and reserve forces:

Active: 20,000+ Army, 1,715+ Navy, 3,000+ Marine Corps, 4,000+ Air Force (Sec. 401)

Reserve: 15,000+ Army National Guard, 10,000+ Army Reserve (Sec. 411)

Senate: The Senate adopts the Department of Defense's requests for troop strength

Conference: Increases troop strength of active and reserve forces above DOD request:  
Active: +16,000 for Army, +1,000 for Navy, 3,000+ Marine Corps, 4,000+ Air Force (Sec. 401)  
Reserve: 8,000+ Army National Guard, 4,000+ Army Reserve (Sec. 411)

### Women & Selective Service

House: Does not have a similar provision (though a provision to require women to register for selective service was removed on the House Floor after narrowly passing in HASC)

Senate: Requires women to register under the Selective Service Act (Sec. 591)

Conference: Rejects Senate provision, and substitutes a study of selective service registration (Sec. 552)

## Pay Raise for Armed Services in Fiscal Year 2017

House: 2.1% ([HASC Rept](#))

Senate: 1.6% ([SASC Summary](#))

Conference: 2.1% ([Bill Summary on House Site](#))

## National Security Council Staff Size

House: Requires Senate confirmation of the National Security Adviser if the NSC staff exceeds 100 employees. (Sec. 926)

Senate: Limits the staff of the NSC to 150 people (Sec. 1089)

Conference: Caps NSC staff at 200 (Sec. 1085)

## Organizational Changes

House: Does not have a similar provision

Senate: Eliminates the joint program office for the F-35 Joint Strike Fighter (Sec. 1086)

Conference: Requires a report on the future management of the F-35 program (Sec. 146)

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House: Does not have a similar provision

Senate: Eliminates position of Assistant Secretary of Defense for Acquisition, Technology and Logistics (Sec. 901)

Conference: Splits position of Under Secretary of Defense for Acquisition, Technology, and Logistics, and creates two positions: Under Secretary for Research and Engineering & Under Secretary for Acquisition and Sustainment (Sec. 901)

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House: Reduces the number of generals and admirals on active duty by five. (Sec. 910)

Senate: Reduces the number of four star generals from 41 to 27 and reduces the overall number of general and flag officers by 25 percent. (Sec. 501)

Conference: Requires for reduction of 110 general and flag officers on active duty by no later than December 31, 2022 (Sec. 501)

## Auditing the Pentagon

House: Requires a report ranking all military departments and Defense Agencies on their ability to be audited as required by law. (Sec.1003)

Senate: Does not have a similar provision

Conference: Accepts House position and requires the report within 90 days after the bill's enactment (Sec. 1002)

### **Afghanistan Visa Waivers**

House: Provides special immigrant visas for Afghans who helped the U.S. government perform missions in Afghanistan and whose lives may now be in danger (Sec. 1216)

Senate: Does not have a similar provision.

Conference: Accepts and expands on House position (Sec. 1214)

### **Guantanamo Bay prison**

House: Continues to bar closing the Guantanamo Bay prison and transferring detainees to the United States (Sec 1032, 1033, 1034, 1035, 1099)

Senate: Continues to bar closing the Guantanamo Bay prison but permits the Pentagon to plan and design a facility in the United States that could house detainees. (Sec. 1023, 1032, 1033, 1034, 1035, 1099)

Conference: Removes Senate provisions that allowed for planning of prison in U.S. for Guantanamo Bay prisoners (Sec. 1023) and for the transfer of prisoners to the United States for medical treatment (Sec. 1024).

## **NUCLEAR WEAPONS, NON-PROLIFERATION, MISSILE DEFENSE AND ARMS CONTROL ISSUES**

### **B-21 Strategic Bomber**

House: Requires the Secretary of Defense to submit to Congress the cost of the full B-21 program. (Sec. 136)

Senate: Requires the Air Force release a baseline developmental contract estimate of the initial contract for the system. (Sec. 217) If the B-21 bomber fleet cost grows by 25 percent or more, the Pentagon “shall immediately halt the program” (Sec. 844)

Conference: Both Sec. 136 of the House bill and Sec. 217 of the Senate bill were rejected. Conference bill does include a semi-annual cost-performance matrix for the B-21 program, but without the Senate’s cost controls. (Sec. 238)

### **Alert Status of Land-based Nuclear Missiles**

House: Prevents changes to the alert status of America’s land-based nuclear missiles and bars a unilateral reduction in their numbers. (Sec. 1649A)

Senate: Does not have a similar provision

Conference: Prevents the reduction of land-based nuclear missiles below 400 or a lowering of their alert status. Provision also includes a new cost estimate for maintaining these forces. (Sec. 1667)

### **National Missile defense**

House: Calls for a robust layered missile defense system and repeals the 1999 bill that permitted the U.S. to build a missile defense system against “limited ballistic missile attack” (Sec. 1665)

Senate: Eliminates the 17-year old restriction for a “limited” missile defense program in order to permit work on an expanded missile defense, potentially against Russian and Chinese missiles. (Sec. 1665)

Conference: Adopts House provision with admonition that the U.S. should deploy “effective” missile defense systems (Sec. 1681)

#### **Space-based interceptors**

House: “Requires the initiation of concept definition, design, research, development, and engineering evaluation and testing for a space-based intercept and defeat layer and space test bed.” (Sec. 1656)

Senate: Does not have a similar provision

Conference: Rejects House requirement, but a provision stating that space-based missile defense may be explored was included. (1683)

#### **Nuclear Weapon Dismantlement**

House: Limits to \$56 million annually the use of funds to dismantle nuclear weapons from FY2017-2021, prevents funding from FY2017-2021 to be used to accelerate dismantlement, and restricts dismantlement of the W84 warhead (Sec. 3118)

Senate: Prevents funding from FY2017-2021 to be used to accelerate dismantlement beyond what is already planned by the Department of Energy (Sec. 3113)

Conference: Accepts House position but removes prohibition on dismantlement of W84 warhead (Sec. 3125)

#### **Disposition of weapons-usable plutonium (Mixed Oxide Fuel Fabrication)**

House: Requires the Department of Energy to move forward with the construction and project support activities for the Mixed Oxide Fuel (MOX) facility at the Savannah River Site, Aiken, South Carolina. Provision also includes a waiver authority for the Secretary of Energy (Sec. 3113)

Senate: Requires an assessment of the technical and managerial risks of the program and recommendations for improvement. (Sec. 3114), Added \$70 million to continue construction of MOX. (Report Language)

Conference: Accepts Senate position, and instructs the Secretary of Energy to continue with construction of the MOX program. (Sec. 3116)

#### **Cooperative Threat Reduction funds in China**

House: Limits Cooperative Threat Reduction (CTR) funds in China unless China has disrupted the proliferation activities of Li Fangwei and arrested him and has not proliferated to any non-nuclear weapons state. (Sec. 1303)

Senate: Does not have a similar provision

Conference: Drops the House’s certification requirement, but the Secretary of Defense must submit a report on China’s proliferation activities and its efforts to disrupt the proliferation activities of Li Fangwei. (Sec. 1303)

### **Nuclear Security Cooperation with Russia**

House: Restricts nuclear security cooperation with Russia. (Sec. 3115)

Senate: Does not have a similar provision.

Conference: Accepts House restriction, but can be waived if the Secretary of Energy specifies how a cooperative program is in national security interest of United States. (Sec. 3122)

### **Reduction to Non-Proliferation Account:**

House: Cuts \$82.4 million from the “Material Management & Minimization” and “Non-Proliferation R&D” accounts within the National Nuclear Security Administration’s Defense Nuclear Non-Proliferation program, with the funds added to the Surface-To-Air missile MSE program. ([Rep. Westerman \(R-AR\) amendment](#))

Senate: Does not have a similar provision

Conference: Rejects House provision.

### **Nuclear Report Mandate**

House: Fences off 50% of the funds for the Office of the Secretary of the Energy until the finished report “U.S. Nuclear Deterrence in the Coming Decades” is sent to the Intelligence Committees in both chambers. (Sec. 3116)

Senate: Does not have a similar provision

Conference: Accepts House provision but drops fence on funds (Sec. 3138)

### **Open Skies Treaty**

House: Restricts the expenditure of funds towards implementation of the Open Skies Treaty (Sec. 1231) and an assessment of whether or not the Open Skies Treaty is in the interest of the United States. (Sec. 1259)

Senate: Requires an annual report on observational flights over the United States under the Open Skies Treaty (Sec. 1079)

Conference: Includes provisions that require a certification that Russia is in compliance with the treaty, reports on the implementation and effects of the treaty, and fences some funding until a report on the effectiveness and feasibility of sharing U.S. commercial imagery to U.S. Open Skies Treaty partners. (Sec. 1236)

## CONVENTIONAL WEAPONS

### Littoral Combat Ship

House: Increases purchase of Littoral Combat Ships from two to three ([HSAC Rept](#))

Senate: Preserves the President's request of two Littoral Combat Ships (Sec 122)

Conference: Rejects increase in this program beyond President's request (Sec. 123)

### Joint Aerostat "Runaway Blimp" Program (JLENS):

House: Reduction of \$43 million, leaving \$2.4 million to conclude the program. (Sec. 4201, Pg. 1339)

Senate: Reduction of \$41 million, leaving \$4.5 million to conclude the program. (Sec. 4201, Pg. 1467)

Conference: House funding is adopted (Sec. 4201, Pg. 2078)

## OUTCOME OF MISCELLANEOUS ISSUES

### California National Guard Bonuses

Conference: Requires a review of bonuses paid to California National Guard members and any subsequent actions to recoup excess pay (Sec. 671)

### Whistleblower Protections

Conference: Expands protections for whistleblowers (Sec. 531)

### Russian Rocket Engines

Conference: Rejects Senate's provision (Sec. 1036) barring the use of Russian rocket engines to launch national security satellites

### Low-Enriched Uranium in Naval Reactors

Conference: Includes House provision requiring a report by the Director of National Intelligence on the impact of low-enriched uranium in naval reactors.