

Analysis of Fiscal Year 2018 National Defense Authorization Bill: HR 2810

Differences Between House and Senate NDAA on Major Nuclear Provisions

A. Treaties:

1. *Intermediate-Range Nuclear Forces (INF) Treaty*

House: Sections 1243 and 1244: Authorizes \$25 million to establish a program of record to develop a **conventional** road-mobile ground-launched cruise missile system that, if tested or deployed, would violate the INF Treaty.

Senate: Section 1635: Authorizes \$65 million to establish a program of record for research and development of a **dual-capable** road-mobile ground-launched missile system that, if tested or deployed, would violate the INF Treaty. This section also requires a report to be issued by the Secretary of Defense within 120 days of enactment before any appropriations are authorized.

Conference: Section 1243: Establishes a program of record to develop a conventional road mobile ground-launched cruise missile with a range of between 500 and 5,500 km, including research and development activities for such cruise missile system. Authorizes \$58 million for active defense, counterforce and countervailing strike defenses to respond to Russian INF actions.

House: Section 1245: If Russia remains in violation of INF Treaty, Article VI of the INF Treaty (which prohibits production or flight-testing of any INF-range missiles) is no longer binding law of the United States.

Senate: No similar provision

Conference: Section 1243: Expresses the sense of Congress, rather than a statement of policy, that 1) the Russian Federation's violation of the INF Treaty constitutes material breach and sense of Congress, and 2) the U.S. is legally entitled to suspend operation of the INF Treaty.

2. *Open Skies Treaty*

House: Section 1235: Restricts funding for implementation of the Open Skies Treaty until the President submits a plan that includes objectives for all planned U.S. flights under the treaty for a fiscal year.

Senate: No similar provision

Conference: Section 1235: Fences funding for new flights pending a Presidential certification of a plan for flights and limits modifications of aircraft for purposes of implementing the Open Skies Treaty

3. *New Strategic Arms Reductions Treaty (New START)*

House: Section 1246: Prevents funding to extend New START beyond 2021 unless Russia has verifiably come back into compliance with the INF Treaty.

Senate: No similar provision

Conference: Drops House provision.

4. *Comprehensive Test Ban Treaty Organization (CTBTO)*

House: Section 1270A: Restricts funding for the Comprehensive Test Ban Treaty Organization (CTBTO), except for the International Monitoring System (IMS).

Senate: No similar provision

Conference: Section 1279E: Bars U.S. funding for the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty, allowing only funding for the International Monitoring System and disseminating related analysis.

B. General Nuclear:

1. *Ground Based Strategic Deterrent (GBSD)*

House: Section 1671: Prohibits funding to retain the option for, or develop, a mobile variant of GBSD.

Senate: No similar provision

Conference: Section 1663: Accepts House provision but restricts prohibition to fiscal year 2017 – 2019.

2. *Intercontinental ballistic missiles*

House: Bars any reductions in numbers below 400, alert levels or responsiveness of intercontinental ballistic missiles.

Senate: No similar provision

Conference: Section 1664: Accepts House provision.

C. Non-Proliferation:

1. HEU to LEU Reactors

House: Section 3116: Authorizes \$5 million for research and development to develop an advanced naval nuclear fuel system based on low-enriched uranium from funds authorized from nonproliferation.

Senate: No similar provision

Conference: Section 3115: Authorizes \$5 million and up to \$30 million more.

2. Nuclear Security Cooperation with Russia

House: Section 3117: Restricts funding to work with Russia on nuclear security, unless the Secretary of Energy, with the concurrence of the Secretaries of State and Defense, certifies that a nuclear-related threat has arisen in Russia.

Senate: No similar provision

Conference: Section 3122: Accepts House position.

3. Non-Proliferation Program Budgetary Differences (in Thousands of Dollars) **Red=Lower**

| <i>Program</i> | <i>House</i> | <i>Senate</i> | <i>Conference</i> |
|--|----------------|----------------|-------------------|
| International Nuclear Security | 46,339 | 66,339 | 46,339 |
| Radiological Security | 146,340 | 166,340 | 166,340 |
| Nuclear Smuggling Detection | 139,429 | 204,429 | 139,429 |
| Nuclear Material Removal | 37,925 | 32,925 | 32,925 |
| Nonproliferation and Arms Control | 129,703 | 200,000 | 129,703 |
| Defense Nuclear Nonproliferation R&D | 451,095 | 446,095 | 451,095 |
| Low Enriched Uranium R&D for Naval Reactors | 5,000 | 0 | 5,000 |

D. Missile Defense:

1. Ground-based Midcourse Defense

House: Section 1699 F: Authorizes the increase of Ground-based Midcourse Defense (GMD) interceptors by up to 28.

Senate: Section 1653: Similar provision, but this section takes an additional step by mandating that the Secretary of Defense deploys 14 additional interceptors by December 31, 2021 “as soon as technically feasible.”

Conference: Section 1686: Authorizes 28 new interceptors if consistent with the recommendations of the ongoing Ballistic Missile Defense Review and asks for a plan to field up to 104 interceptors. Section 1689: requires a “fly before you buy” approach to adequately test and assess the elements of the ballistic missile defense system before final production decisions or operational deployment

2. Space-based missile defense

House: Section 1690: Requires development of a space-based ballistic missile intercept layer, establishing a space test bed for space-based ballistic missile intercept, and submitting a plan to develop a space-based ballistic missile intercept layer.

Senate: No similar provision

Conference: Section 1688: If it is consistent with the direction or recommendations of the ongoing Ballistic Missile Defense Review, requires the development of a space-based ballistic missile intercept layer to the ballistic missile defense system capable of providing boost-phase defense and establishing a spaced test bed.

E. MOX (Mixed Oxide Fuel)

House: Section 3119: Requires continuation of the MOX facility, but provides a waiver for the Secretary of Energy, pending certification that there is an alternate, viable option that minimizes risks and that costs half the remaining lifecycle costs of the MOX system.

Senate: Requires the Secretary of Energy to carry out construction and project support activities for the Mixed Oxide Fuel Fabrication Facility, but provides a waiver for the Secretary of Energy if he certifies an alternative option for plutonium disposition.

Conference: Section 3121: Requires construction of the MOX facility unless the Secretary of Energy certifies an alternative plan that disposes as much plutonium as the present planned facility, ensures a sustainable future for the Savannah River site and the alternative would be less than half the current estimated life cycle costs.

Other Major Provisions

Total funding in the bill

| | |
|---|-----------------|
| National Defense Function 050 | \$700 billion |
| Departments of Defense and Energy base budgets | \$626.4 billion |
| Overseas Contingency Operations | \$65.8 billion |
| Defense-related activities | \$7.9 billion |
| Total funding for Missile Defense Agency | \$12.3 billion |
| Increase from President's request | \$26.1 billion |
| Budget Control Act ceiling for Fiscal Year 2018 | \$549.1 billion |

New ceiling subject to House-Senate negotiations later in the year.

The Administration's base budget request for FY2018 was a net of \$51.3 billion higher than the amount appropriated in FY2017. It also was \$54 billion above the Budget Control Act limit. The H.R. 2819 conference report is about \$77 billion above the budget caps.

Major conventional weapon increases above the Administration's request

| | |
|--|----------------|
| 90 Joint Strike Fighters | \$10.1 billion |
| • increase of \$2.6 billion and 20 more aircraft | |
| 17 KC-46A tankers | \$2.9 billion |
| • increase of \$400 million and 2 tankers | |
| 24 F/A-18 Super Hornets | \$1.9 billion |
| • increase of \$739 million and 10 aircraft | |
| 10 P-8A Poseidon aircraft | \$1.8 billion |
| • increase of \$507 million and 3 aircraft | |
| 12 V-22 Osprey aircraft | \$1.2 billion |
| • increase of \$522 million and 6 aircraft | |
| 14 various battle force ships | \$26.2 billion |
| • increase \$6.3 billion and 5 battle force ships | |

Other provisions of interest

- Section 1025: Codifies the Navy's goal of a 355 ship force, up from 280 today
- Sections 1034 & 1035: Prohibits funding to construct or modify facilities to house detainees at Guantanamo Bay, Cuba, or to transfer or release of individuals detained at the prison.
- Section 2702: Prohibits a new round of Base Realignment and Closure (BRAC)
- Fully supports modernization of U.S. nuclear triad
- \$4.6 billion for European Defense Initiative to reassure NATO allies and enhance U.S. forces in Europe
- \$350 million for Ukraine security assistance
- \$1.8 billion to counter ISIS through "train and equip" programs in Iraq and Syria
- \$5.0 billion for Afghanistan security forces fund
- \$324.6 million for cooperative threat reduction
- Increases troop end strength over Fiscal 2017 levels by 20,300
- Rejects House proposal to establish a Space Corps