



## Conference Outcomes of the FY 2021 National Defense Authorization Act

**Note:** *The final bill, which Congress plans to vote on in the coming days, faces President Trump's twin veto threats over renaming U.S. military bases that honor Confederate Generals and the failure to repeal social media legal protections.*

### Topline Funding

Funding	House Authorized	Senate Authorized	Conference Outcome
<b>Total</b>	\$740.5 billion	\$740.5 billion	\$740.5 billion
<b>DOD Base</b>	\$635.5 billion	\$636.4 billion	\$635.5 billion
<b>DOE Base</b>	\$26.6 billion	\$25.9 billion	\$26.6 billion
<b>Overseas Contingency Operations (OCO)</b>	\$69 billion	\$69 billion	\$69 billion
<b>Defense-Related Activities in NDAA Jurisdiction</b>	\$0.5 billion	\$0.5 billion	\$0.5 billion
<b>Defense-Related Activities outside NDAA Jurisdiction</b>	\$8.9 billion	\$9.1 billion	\$8.9 billion

### Nuclear Weapons and Related Programs

#### Columbia Class Strategic Submarine

**House:** \$4.33 billion, the requested amount

**Senate:** \$4.51 billion, an increase of \$175 million

**Conference Outcome:** \$4.46 billion, an increase of \$130 million

#### B-21 Long-Range Strike Bomber

**House:** \$2.8 billion, the requested amount

**Senate:** \$2.8 billion, the requested amount

**Conference Outcome:** \$2.8 billion, the requested amount

#### Ground Based Strategic Deterrent (GBSD)

**House:** \$1.52 billion, the requested amount

**Senate:** \$1.52 billion, the requested amount

**Conference Outcome:** \$1.51 billion, a decrease of \$15 million

#### Long Range Standoff Weapon (LRSO)

**House:** \$474.4 million, the requested amount

**Senate:** \$474.4 million, the requested amount

**Conference Outcome:** \$444.4 million, a decrease of \$30 million

#### Trident II Submarine-Launched Ballistic Missile

**House:** \$1.2 billion, the requested amount

**Senate:** \$1.2 billion, the requested amount

**Conference Outcome:** \$1.2 billion, the requested amount

## NNSA Nuclear Warhead Modernization

	<b>Request</b>	<b>House</b> (Section 4701)	<b>Senate</b> (Section 4701)	<b>Conference Outcome</b> (Section 4701)
<b>B61-12</b>	\$815.7 million	\$815.7 million	\$815.7 million	\$815.7 million
<b>W80-4</b>	\$1 billion	\$1 billion	\$1 billion	\$1 billion
<b>W87-1</b>	\$541 million	\$541 million	\$541 million	\$541 million
<b>W88</b>	\$256.9 million	\$256.9 million	\$256.9 million	\$256.9 million
<b>W93*</b>	\$53 million	\$53 million	\$53 million	\$53 million

*\*numbers displayed to not include \$36 million in requested DOD funds for the RDT&E of the Mk7 aeroshell for the W93, which the House, Senate, and Conference all fully authorized*

### Plutonium Pit Production

**House:** \$1,369,277,000 total

- \$836,599,000 Los Alamos Plutonium Modernization
- \$441,896,000 Savannah River Plutonium Modernization
- \$ 90,782,000 Enterprise Plutonium Support

**Senate:** \$1,369,277,000 total

- \$836,599,000 Los Alamos Plutonium Modernization
- \$441,896,000 Savannah River Plutonium Modernization
- \$ 90,782,000 Enterprise Plutonium Support

**Conference Outcome:** \$1,369,277,000 total

- \$836,599,000 Los Alamos Plutonium Modernization
- \$441,896,000 Savannah River Plutonium Modernization
- \$ 90,782,000 Enterprise Plutonium Support

### Explosive Nuclear Testing

**House:** Prohibits the use of funds for new explosive nuclear testing in FY21 (Section 3121)

**Senate:** Authorizes \$10 million for preparations for resuming explosive nuclear testing (Section 3166)

**Conference Outcome:** Rejects both House and Senate provisions

### Modification of Minuteman III Launch Facilities

**House:** Authorizes up the Air Force to plan and carry out military construction projects to support the fielding of the GBSD, provides for effective oversight of the projects, and requires a report on the synchronization of these plans (Section 2404)

**Senate:** Authorizes the Air Force to carry out military construction projects to convert Minuteman III launch facilities and launch centers to ground-based strategic deterrent configurations (Section 2802 and 7802)

**Conference Outcome:** Adopts House provision and notes the importance of managing the proposed transformation from Minuteman III to GBSD under existing military construction laws in order to maintain the right balance of flexibility and congressional oversight (Section 2881)

### Deployed Intercontinental Ballistic Missiles Levels

**House:** No similar provision

**Senate:** Bars reducing number of deployed ICBMs below 400 (Section 1654)

**Conference Outcome:** Adopts Senate provision (Section 1635)

### **Plutonium Pit Production Cost Estimate**

**House:** Requires the Secretary of Energy to conduct an independent cost estimate of the Savannah River Plutonium Processing Facility, along with a confidence level that the DOE can produce 80 plutonium pits per year (Section 3115)

**Senate:** Requires the Comptroller General to periodically review the NNSA's plutonium modernization plans (report page 536)

**Conference Outcome:** Adopts House provision and adds the Los Alamos Plutonium Pit Production Project to the independent cost estimate (Section 3114)

### **Low-Enriched Uranium**

**House:** Authorizes \$20 million and requires a program to assess the viability of using low-enriched uranium (LEU) in naval nuclear propulsion reactors on aircraft carriers and submarines (Section 3116)

**Senate:** Bars research and development of an advanced naval nuclear fuel system based on low-enriched uranium until certain certifications (Section 3154)

**Conference Outcome:** Rejects both House and Senate language, but authorizes \$20 million for research and development on LEU for Naval Pressurized Water Reactors

### **W93 Nuclear Warhead Acquisition Process**

**House:** Expresses the sense of Congress in support of the existing Stockpile Stewardship Program and maintaining the global moratorium on nuclear explosive testing; sets out detailed reporting, cost estimate, and certification requirements for the W93 warhead design and production process; and includes Phases 1-5 of the warhead lifecycle in required acquisition reports and independent cost estimates (Section 3111)

**Senate:** Includes Phases 1-5 of the warhead lifecycle in required acquisition reports and independent cost estimates (Section 3157)

**Conference outcome:** Adopts House provision but strikes the sense of Congress (Section 3111)

### **Role of the Nuclear Weapons Council (NWC) in the NNSA Budget Process**

**House:** Requires the Secretary of Defense and Secretary of Energy to use appropriate interagency processes during the development of budget materials of the DOD and the NNSA, and to do so not later than the third quarter of the fiscal year preceding the budget request (Section 1641)

**Senate:** Provides the NWC the authority to review proposed capabilities and validate requirements for nuclear weapons programs (Section 1651); specifies NWC participation at each stage of the budget process (Section 1652); and requires the Secretary of Energy to submit a copy of the proposed NNSA budget to the NWC prior to submitting it to OMB, and if the NWC finds inadequacies with the budget, DOE is required to include the NWC's written concerns in the NNSA budget request to OMB and Congress (Section 3111)

**Conference Outcome:** Adopts Senate provision (Section 1632), except for Senate Section 1652

### **Role of Secretary of Defense and Secretary of Energy on Nuclear Weapons Council (NWC)**

**House:** Designates the Secretary of Defense and the Secretary of Energy as members and co-chairs of the NWC (Section 1644)

**Senate:** No similar provision

**Conference Outcome:** Rejects House provision

### **Nuclear Weapons Council Briefings**

**House:** Places automatic limitations on funds for the Office of the Under Secretary of Defense for Acquisition and Sustainment in the event that the NWC fails to provide on-time semiannual updates to Congress (Section 1645)

**Senate:** No similar provision

**Conference Outcome:** Adopts House provision, but restricts the funding limitation to FY 2021 only and the Office of the Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs (Section 1631)

### **Cooperative Threat Reduction Account**

**House:** \$373.7 million, an increase of \$135 million

**Senate:** \$288.5 million, an increase of \$50,000

**Conference Outcome:** \$360 million, an increase of \$122 million

### **WMD Terrorism**

**House:** Strengthens cooperative threat reduction programs and efforts to prevent, detect, counter, and respond to threats of weapons of mass destruction terrorism through a statement of policy, two senses of Congress, and three required reports (Section 1299J)

**Senate:** No similar provision

**Conference Outcome:** Adopts House provision, but only retains requirements for one report and one briefing (instead of a report), striking the statement of policy, both senses of Congress, and one of the reports (1222I)

### **Nonproliferation Safeguards**

**House:** Prevents funds from being spent on the production of a Nonproliferation Assessment Statement with a country that has not signed an Additional Protocol agreement with the International Atomic Energy Agency (Section 1299H)

**Senate:** No similar provision

**Conference Outcome:** Rejects House provision

### **Downwinders**

**House:** Expresses the sense of Congress that the United States should compensate and recognize all miners, workers, downwinders, and others suffering from the effects of uranium mining and nuclear testing (Section 3120) and amends the Radiation Exposure Compensation Act (RECA) to include additional communities impacted by uranium mining and nuclear testing (Section 3119)

**Senate:** No similar provision

**Conference Outcome:** Adopts the House provision on the sense of Congress with a modification to more specifically address the recognition and compensation of affected individuals beyond the expiration of RECA but rejects the House provision that amends RECA (Section 3147)

### **Atomic Veterans Service Medal**

**House:** Requires the Secretary of Defense to establish an "Atomic Veterans Service Medal" to honor retired and former members of the Armed Forces who are radiation-exposed veterans (Section 581)

**Senate:** No similar provision

**Conference Outcome:** Requires the Secretary of Defense to submit a report containing the results of a study assessing the feasibility of establishing a service medal to award to radiation-exposed veterans no later than May 1, 2021 (Section 563)

### **Open Skies Treaty**

**House:** Expresses the sense of Congress that the decision to withdraw from the Treaty on Open Skies did not comply the FY20 NDAA (Section 1237) and requires a report on the effects of a potential withdrawal of the United States from the Open Skies Treaty (Section 1234)

**Senate:** No similar provision

**Conference Outcome:** Adopts House provision with a slightly modified sense of Congress (Section 1232)

## **Arms Control Reports**

**House:** Prohibits the obligation or expenditure of more than 25% of all funds authorized for the office of the Secretary of Defense in order to obtain reports on New START and the post-INF landscape which are past due (Section 1674)

**Senate:** No similar provision

**Conference Outcome:** Adopts House provision with a modification that would prohibit no more than 50% of all funds authorized for the office of the Under Secretary of Defense for Policy to be obligated or expended until the two reports are submitted (Section 1672)

## **Presidential Participation in Nuclear Exercises**

**House:** Requires the President to participate in at least one large-scale nuclear command and control exercise within the first year of assuming office, per term (Section 1642)

**Senate:** No similar provision

**Conference Outcome:** Rejects House provision, but notes that the conferees believe that all Presidents should familiarize themselves with the nuclear command, control and communications systems and nuclear war plans, and should regularly review their nuclear command and control responsibilities as Commander in Chief

## **Reports on Nuclear Weapons Programs of Certain Foreign States**

**House:** Requires a federally funded research and development center to produce an open-source analysis of Russian, Chinese, and North Korean nuclear programs (Section 1643)

**Senate:** Requires a report from the Director of National Intelligence on nuclear weapons research and development by Iran and efforts to deny international access to Iran's nuclear facilities agreements (Section 9510)

**Conference Outcome:** Adopts House provision and adds Iran, to the extent applicable, to the report (Section 1634)

## **Independent Study on the Effects of the Use of Nuclear Weapons**

**House:** Tasks the National Academies of Sciences, Engineering and Medicine to conduct a study of the atmospheric effects of nuclear explosions (Section 3117)

**Senate:** No similar provision

**Conference Outcome:** Adopts House provision with an amendment that would require the study to be conducted in consultation with the Secretary of Defense and the Director of National Intelligence (Section 3171)

## **Missile Defense Programs**

### **THAAD**

**House:** \$601.4 million, an increase of \$106 million

**Senate:** \$601.8 million, an increase of \$106.4 million

**Conference Outcome:** \$601.8 million, an increase of \$106.4 million

### **Ground-Based Midcourse Defense System**

**House:** \$919.3, a decrease of \$85 million

**Senate:** \$1.0 billion, the requested amount

**Conference Outcome:** \$924.3 million, a decrease of \$80 million

### **Next Generation Interceptor**

**House:** \$414.1 million, a decrease of \$250 million

**Senate:** \$354.1 million, a decrease of \$310 million

**Conference Outcome:** \$450.1 million, a decrease of \$214 million

## **Ground-Based Midcourse Defense Interim Capability**

**House:** No similar provision

**Senate:** Requires the DOD within 30 days to commence development and deployment of an interim ground-based interceptor capability to be fielded by no later than 2026 and specifies certain capabilities, waivers, and required budget justification materials for the system (Section 1667)

**Conference Outcome:** Adopts Senate provision, but makes development subject to appropriations and includes additional waivers to stop development (Section 1646)

## **Layered Homeland Missile Defense System**

**House:** Requires a CAPE report on alternatives to using the THAAD, Aegis BMD, and SM3-IIA systems for a layered homeland defense architecture and a DIA assessment of likely near-peer and rogue state perceptions of and responses to such a system (Section 1656)

**Senate:** Requires a MDA report on the proposal for a layered homeland defense architecture using the THAAD, Aegis BMD, and SM3-IIA systems and fences 50 percent of funds for the purchase of such a system until the report is submitted (Section 1664)

**Conference Outcome:** Adopts Senate provision, including limitation on use of funds, with modified report requirements and requires DIA assessment of likely near-peer and rogue state perceptions of and responses to such a system (Section 1648)

## **GMD Oversight**

**House:** Expresses the sense of Congress that the Secretary of Defense should ensure robust oversight of the Next Generation Interceptor program to avoid historical errors that could lead to its cancellation; requires a briefing from the Director of the Missile Defense Agency (MDA) on the program contract, a report on the Ground-Based Midcourse Defense System (GMD), and a CAPE assessment the program; and prohibits MDA from making an initial production decision for the program until two successful flight tests have been conducted (Section 1657 and 1658)

**Senate:** No similar provision

**Conference outcome:** Adopts the House provisions on the MDA briefing, CAPE assessment, and flight test requirements (Section 1647) but rejects the sense of Congress and the GMD report

## **Select Conventional Programs**

### **Joint Strike Fighter (F-35)**

**House:** 79 aircraft, the requested amount

**Senate:** 95 aircraft, an increase of 16 aircraft

**Conference Outcome:** 93 aircraft, an increase of 14 aircraft

### **Virginia Class Submarine**

**House:** \$6.8 billion, an increase of \$2.6 billion (full funding for one additional submarine)

**Senate:** \$4.6 billion, an increase of \$397 million (partial advance procurement funds for one additional submarine)

**Conference Outcome:** \$6.8 billion, an increase of \$2.6 billion and one additional submarine

### **Establishment of a Pacific Deterrence Initiative**

**House:** Authorizes \$3.6 billion in FY21 for the Indo-Pacific Reassurance Initiative (Section 1241)

**Senate:** Authorizes \$1.4 billion in FY21 and \$5.5 billion for FY22 for the Pacific Deterrence Initiative (Section 1251)

**Conference Outcome:** Authorizes \$2.2 billion in FY21 (Section 1251)

### **Afghanistan Security Forces Fund**

**House:** \$3.5 billion, a reduction of \$500 million

**Senate:** \$4.0 billion, the requested amount

**Conference Outcome:** \$4.0 billion, the requested amount

### **Ukraine Security Assistance Initiative**

**House:** \$250 million (Section 1233)

**Senate:** \$250 million (Section 1233)

**Conference Outcome:** \$250 million (Section 1235)

### **Active Duty End-Strength**

	<b>Request</b>	<b>House</b> (Section 401)	<b>Senate</b> (Section 401)	<b>Conference Outcome</b> (Section 401)
<b>Army</b>	485,900	485,900	485,000	485,900
<b>Navy</b>	347,800	347,800	346,730	347,800
<b>Marines</b>	184,100	184,100	180,000	181,200
<b>Air Force</b>	333,700	327,266	333,475	333,475

### **Other Programs and Reports of Interest**

#### **Pandemic Preparedness Fund**

**House:** Establishes and Authorizes \$1 billion for a Pandemic Preparedness and Resilience National Security Fund

**Senate:** No similar provision

**Conference Outcome:** Rejects House provision

#### **Base Closures**

**House:** No similar provision

**Senate:** Prohibits conducting another base realignment and closure (BRAC) round (Section 2702)

**Conference Outcome:** Adopts Senate provision (Section 2702)

#### **Confederate Symbols**

**House:** Requires within one year the removal of confederate names from military bases and installations (Section 2829) and prohibits the display of confederate flags at military installations (Section 1749)

**Senate:** Establishes a commission to rename or remove all names, symbols, displays, monuments, and paraphernalia that honor or commemorate the Confederate States of America from Department of Defense assets within three years (Section 377)

**Conference Outcome:** Adopts Senate provision (Section 370)

#### **First Amendment Rights**

**House:** No similar provision

**Senate:** Prohibit actions that infringe upon First Amendment rights of peaceable assembly (Section 1044)

**Conference Outcome:** Rejects Senate provision

#### **U.S. Troops in Germany**

**House:** Prohibits reductions in the level of U.S. troops in Germany and Europe until certain conditions are met (Section 1241)

**Senate:** No similar provision

**Conference Outcome:** Expresses the sense of Congress that reducing troop levels during a time of growing threats in Europe would constitute a grave strategic mistake and prohibits reductions in the

level of U.S. troops in Germany below 34,500 until 120 days after certain conditions are met (Section 1245)

### **U.S. Troops in South Korea**

**House:** Prohibits the reduction of U.S. troops in South Korea below 28,500 (Section 1252)

**Senate:** Prohibits the reduction of U.S. troops in South Korea below 28,500 (Section 1260)

**Conference Outcome:** Prohibits the reduction of U.S. troops in South Korea below 28,500 (Section 1258)

### **U.S. Troops in Afghanistan**

**House:** Prohibits the reduction of U.S. troops in Afghanistan below troop levels of 8,000 and 4,000 without submission of a comprehensive report and certification or a waiver from the Secretary of Defense (Section 1213)

**Senate:** Expresses the sense of the Senate that any decision to withdraw U.S. Armed Forces from Afghanistan should be done in response to conditions on the ground and in coordination with Afghanistan and U.S. allies and partners rather than arbitrary timelines (Section 1215)

**Conference Outcome:** Prohibits the reduction of U.S. troops in Afghanistan below troop levels of 4,000 and 2,000 without submission of a comprehensive report or a waiver from the President (Section 1215)

### **Yemen**

**House:** Bars logistical support for airstrikes by the Saudi-led coalition against the Houthis in Yemen (Section 1272)

**Senate:** No similar provision

**Conference Outcome:** Rejects House provision

### **Russia**

**House:** Extends limitations on U.S.-Russian military cooperation (Section 1232) and bars recognizing Russian sovereignty over Crimea (Section 1231)

**Senate:** Extends limitations on U.S.-Russian military cooperation (Section 1231) and bars recognizing Russian sovereignty over Crimea (Section 1232), and expresses the sense of the Senate that long-term strategic competition with Russia is a top defense priority that requires sustained investment and enhanced deterrence due to the level of threat posed (Section 1238)

**Conference Outcome:** Adopts both the provisions on Crimea (Section 1233) and U.S.-Russian military cooperation limitations (Section 1231) but rejects the Senate provision on the long-term strategic competition with Russia

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## **Sources:**

[Conference Report Text](#)

[Joint Explanatory Statement](#)

[HASC Conference Report Summary](#)

[SASC Conference Report Summary](#)