

National Defense Authorization Act

When the House & Senate Differ on Policy and Spending, You Can Make the Difference

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Overview of the NDAA

The House and Senate have each completed their separate versions of the Fiscal Year 2020 National Defense Authorization Act (NDAA). Behind the scenes, staff for the House and Senate Armed Services Committees are working on settling differences and preparing for final conferencing to one bill that is planned to be finalized by the end of September.

This final NDAA will set policy and authorize defense spending of about three quarters of a trillion dollars. When it comes to nuclear weapons and related issues, there are quite significant differences between the House and Senate bills.

The Senate completed its consideration of the NDAA on June 27 after an abbreviated consideration with no significant debate on nuclear weapons amendments. This followed the, as usual, closed Senate Armed Services Committee consideration of the bill on May 20-22. As further described below, the Senate version of the NDAA includes some very concerning measures including deployment of the W 76-2, expanded pit production and funding to move forward with the W 87-1 warhead and related plans for a new Ground-Based Strategic Deterrent to replace the current Minuteman intercontinental ballistic missile (ICBM). In general, the Senate version of the bill does much to further policies and programs pushed in the Trump Administration's 2018 Nuclear Posture Review (NPR).

In contrast, there was much public transparency and debate in the House over key nuclear weapons provisions. Moreover, the House bill challenges significant aspects of the NPR-driven policies as well as the Trump Administration's derogation of arms control efforts.

The House Armed Services Committee (HASC) consideration went from the morning of June 12 through the night to past 6am on June 13 and included much partisan debate on nuclear weapons issues. In the House Armed Services Committee, Democrats prevailed on key issues debated including stopping deployment of the so-called "low-yield" W 76-2 on submarines, and restraint of authorized production of 30 plutonium pits (bomb cores), rather than 80. Then, hundreds of amendments were offered for full House consideration of the bill concluding on July 12. While several nuclear weapon amendments that would have improved the bill failed, there were significant victories including a full House [vote](#) that thwarted funding for deployment of the low-yield W 76-2 on submarines. Overall, when it comes to nuclear weapons policies, the House version of the NDAA is worth strong support.

In addition to high profile controversial issues, such as deployment of the W76-2, the Senate and House versions of the NDAA contain a treasure trove of reporting requirements and policy recommendations, on weapons programs, safety and nuclear weapons site cleanup, and other related issues. Below in the “Key Details Comparison” some of the reporting requirements and policy recommendations related to specific nuclear weapons programs that Tri-Valley CAREs will be following through the year are addressed.

(Note: A forthcoming, separate blog from Tri-Valley CAREs will review the appropriations process that will also be unfolding early this fall as the Senate prepares to move forward on appropriations spending measures. The House has completed its work on both the Defense and Energy and Water Appropriations bills that address nuclear weapons issues. We expect many of the differences in the House and Senate bills to be similarly reflected in the Senate and House Appropriations bills.)

Bottom Line: A Clear Contrast

When it comes to nuclear weapons policies, there is a clear contrast between the House and Senate versions of the NDAA. The Senate version clearly aligns with the Trump Administration. There is funding and policy support in furtherance of the President’s dangerous Nuclear Posture Review promoting new nuclear weapons and an expansion of production. The Senate version also fails to adequately support arms control treaties and efforts. In contrast, the House version of the NDAA limits expensive and dangerous nuclear weapons expansion and seeks to support vital arms control treaties.

Please see key details comparing the two bills below.

What You Can Do to Make a Difference

Please call to urge Senate and House Armed Services Committee chairs and ranking members to support the House version of the NDAA in light of nuclear weapons policy and funding that better assures national security. Please make these calls in the next two weeks.

Capitol Switchboard is 202-224-3121

- **Chair of Senate Armed Services Committee – [James Inhofe \(R-OK\)](#)**
- **Ranking Member Senate Armed Services – [Jack Reed \(D-RI\)](#) Chair of House Armed Services Committee – [Adam Smith \(D-WA\)](#) * *Please thank Congressman Smith for his leadership on the NDAA with nuclear weapons policy initiatives and funding restraints that better assure genuine national security.***
- **Ranking Member of House Armed Services Committee – [Mac Thornberry \(R-TX\)](#)**

Senate vs. House NDAA Comparison of Key Details

Key Weapons Programs

W76-2 warhead for submarine deployment

- **Senate** - Funds the program for deployment
- **House** - Stops funds for deployment

Note that the House also [voted](#) against funds for deployment of the W 76-2 in consideration of the Defense Appropriations bill. Tri-Valley CAREs will continue to work against the deployment of this weapon at this now-crucial juncture.

W87-1 warhead (W 78 replacement) for Intercontinental Ballistic Missile

- **Senate** - Funds full NNSA request of \$112 million
- **House** - Reduces the NNSA request of \$112 million by \$59 million to \$53 million (a 53% reduction compared to the Senate), and Sec. 3119 of the House bill requires two studies:
 - Within 150 days of enactment the NDAA, the NNSA's Administrator must conduct an analysis of alternative to be reviewed by the NNSA Director of Cost Estimation and Program Evaluation. A portion of funds (25%) for the program is limited until this analysis is provided to congressional defense committees.
 - Additionally, a separate study by the independent JASON science advisory group is to be conducted within 150 days of enactment. This study will review certification risks of the warhead, and the need for the upgrades to the warhead.

Ground-Based Strategic Deterrent (GBSD- ICBM replacement) and current U.S.

Intercontinental Ballistic Missiles (ICBM) – note that GBSD is where the W 87-1 is planned to be deployed.

- **Senate** - Increases the President's budget request of \$570.4 million for GBSD by \$22 million to \$592.4 million, and includes section 1664, a prohibition on reduction of current ICBM responsiveness, alert level or quantity of currently deployed missiles to fewer than 400.
- **House** - Reduces \$81 million from the President's budget request of 570.4 for GBSD to \$489.4 million.
 - Unfortunately an amendment offered by Rep. Blumenauer requiring an independent study on options to extend the life of the Minuteman III intercontinental ballistic missiles and delay the ground-based strategic deterrent program (GBSD) was rejected [164-264](#).

Plutonium Pit (Bomb Core) Production – note that W 87-1 is a key driver for pit production.

- **Senate** – Requires production of 80 pits per year by 2030, and fully funds \$712. 4 million in plutonium sustainment funds to support this.

- The Senate NDAA report requires a briefing by December 1, 2019 from the Chair of the Nuclear Weapons Council to provide to the congressional defense committees a briefing on the impacts to military requirements and other nuclear programs and possible options to mitigate these risks in the event that the DOD's requirement for 80 pits per year is not met by 2030. This briefing is requested, "in light of the specific concerns raised in the [April 2019] independent assessment of NNSA's plutonium strategy," that concluded "[n]o available option can be expected to provide 80 pits per year by 2030."
- **House** – Requires production of 30 pits per year by 2027, and cuts funds of \$241.1 million for pit production beyond 30 pits, leaving \$471.3 million in the plutonium sustainment fund. (In comparison to the Senate, the House reduces the pit production requirement by 50 and reduces funding by 34%.)
 - In Section 3114, the House further emphasizes focus on pit production only at Los Alamos with a sense of Congress statement that "the National Nuclear Security Administration should prioritize achieving production of 30 pits per year at Los Alamos National Laboratory and ensure that efforts to design and construct a second site do not divert resources, including personnel and funding, from Los Alamos National Laboratory."
 - The House NDAA report also requires a NNSA report by December 31, 2019 on the risks and sustainment plan for Plutonium Facility at Los Alamos National Laboratory including plans for either sustaining or replacing the current PF-4 facility with timelines and estimated costs.

Connecting the Dots Pit Production, W 87-1 and GBSD:

An op-ed, by Senator John Hoeven (R-ND) calling on Congress to "[Fully Fund GBSD & Nuke Warhead Modernization](#)," further illuminates the connection between pit production, the W 87-1 and GBSD, stating that from his perspective, "*underfunding the GBSD, the W87-1 and pit production all represent attacks on the timely fielding of a modernized land-based leg of the triad.*" Sen. Hoeven serves on both the Defense and Energy and Water Appropriations Subcommittees, where he will likely push an approach aligned with the Senate version of the NDAA.

Sea-Launched Cruise Missile (SLCM) and Long-Range Stand-Off Weapon (LRSO) and related W80 Stockpile System

- **Senate**
 - Section 241 funds a \$5 million Pentagon analysis of alternative study and establishes of a formal Department of Defense program of record for the Sea-Launched Cruise Missile-Nuclear SLCM-N).

- Funds are provided for W 80 Stockpile Systems work that includes research and development of warheads to be deployed on the SLCM-N.

- Section 1665 requires a briefing from the Under Secretary of Defense for Acquisition and Sustainment, in consultation with the Administrator for Nuclear Security on “opportunities to increase commonality between the long-range standoff weapon (LRSO) and the nuclear sea-launched cruise missile (SLCM–N) and to leverage technologies developed in the course of the LRSO program for the SLCM–N.”

Note that this plan to leverage learning from LRSO and W80-4 warhead for the SLCM-N was proffered when the President’s Nuclear Posture Review was first released in February 2018 – see [Defense News](#) article, [“The U.S. Could Be Getting Two New Nuclear Capabilities. Here They Are.”](#) where Deputy Assistant Secretary of Defense for Nuclear and Missile Defense Policy Robert Soofer says, *“We’re already doing a warhead for the Long-Range Standoff Weapon. It’s going to be a version of the W80 warhead. So you [could potentially] just increase that production run and do more of those and put them into this new sea-launched cruise missile.”*

- **House –**

-While funding the Defense department’s request for the Analysis of Alternatives study on SLCM-N, the Chief of Naval Operations is directed to submit a report in unclassified form, with a classified annex as necessary by February 28, 2020, assessing the nuclear-armed SLCM assessing operational impacts to the conventional surface or submarine fleet. The Chief of Naval Operations is also directed to provide a briefing to the House Committee on Armed Services on analysis of alternatives once completed.

-\$5.6 million is cut from the NNSA’s request for W80 Stockpile Systems. The President’s [Statement of Administration Policy](#) on the bill states that the House Bill’s *“reductions to W80 Stockpile Systems targeted for a study to help inform Administration views on a nuclear-armed sea-launched cruise missile (SLCM) would make it impossible to properly assess the viability of the SLCM and to inform Congress of the assessment.”*

-Unfortunately an amendment offered by Reps. Blumenauer (D-OR) and Garamendi (D-CA) requiring a study on the unexpected cost increases for the W80-4 nuclear warhead life extension program and preventing \$185 million from being obligated or expended until the study is complete was rejected [198-229](#).

B-83 –

This large and old bunker buster weapon (designed by Livermore) was planned for retirement until it was revived in the Trump Administration’s 2018 Nuclear Posture Review.

- **Senate –** Funds the full NNSA request of \$51.5 million
- **House –** Cuts the NNSA request of \$51.5 million by \$29.1 million to \$22.4 million

- The [Statement of Administration Policy](#) on the House Bill, states that “reductions to B83 Stockpile Systems may preclude NNSA from carrying out NPR direction to sustain the B83-1 until a suitable replacement is identified. Such a reduction would undermine NNSA’s ability to meet warfighter requirements and force tradeoffs that would impact the reliability of fielded deterrent systems.”

Nuclear Weapons Dismantlement

- **Senate** – Funds the NNSA request of \$47,500 with no further statement
- **House** – Funds the NNSA request for this year of \$47,500 and Section 3116—repeals the NDAA FY 2017 prohibition on accelerating nuclear weapons dismantlement and the maximum funds that may be obligated or expended to carry out nuclear weapons dismantlement and disposition activities of the

Cost Studies

- **House Report** - The committee directs the Comptroller General of the United States (The Government Accountability Office or GAO) to provide a report by April 1, 2020, assessing the Department of Defense and NNSA plans for prioritization of modernization efforts recommended by the Nuclear Posture Review and plans in the event of cost increases or delays. The committee further directs GAO to provide a briefing to the House Committee on Armed Services not later than February 15, 2020, on the Comptroller General’s preliminary findings
- **House approved [230-189](#) a Floor Amendment** offered by Rep. Jayapal (D-WA) requiring independent studies regarding potential cost savings with respect to the nuclear security enterprise and force .The studies are to be reported by December 2020.

House Provisions on Treaties and Use Policy

- **House - No First Use Policy** - Section 1649 requires an independent study on the policy of no-first-use of nuclear weapons.
- **House - New START Treaty** - The House voted [236-189](#) to support and amendment offered by Rep. Engel (D-NY and chair of the House Foreign Affairs Committee) expressing support for extending the New Strategic Arms Reduction Treaty (New START). The amendment also prohibits use of funds to withdraw from New START unless Russia is in material breach of the treaty, requires Administration reports detailing the consequences of the Treaty’s lapse and impacts on current US nuclear modernization plan and requires Presidential certification regarding the future of the Treaty before its potential expiration.
- **House – INF**
 - **The House approved [215-214](#)** an amendment offered by Rep. Frankel (D-FL) prohibiting funding for missiles noncompliant with the Intermediate-Range Nuclear Forces (INF) Treaty until the Secretary of Defense meets certain conditions.
 - The House cuts \$96 million Pentagon request for R&D on three INF-range missiles

Letter Urging Adoption of House Version of NDAA

A recent letter signed by 18 Senators urges three key House provision be retained in the NDAA:

- 1) The prohibition on deploying the W76-2 on a submarine-launched ballistic missile
- 2) Support for the New START treaty (the Engel Amendment.)
- 3) Restraining funding for INF-type missiles

Retaining these three provisions would be welcome. It would be even better if the NDAA also takes the House approach on several other items including:

- Funding cuts for the W 87-1, funding cuts and limits to 30 pits per year for pit production, and funding cuts for GBSB development;
- Slowing the SLCM-N, and restraint of the LRSO and W 80 stockpile systems;
- Cuts to the B 83;
- Allowing for accelerated dismantlement;
- Pursuing costs studies of the nuclear force structure especially in light of the NPR, and
- Studying a no-first-use policy.

In short, the House version of the National Defense Authorization Act should be passed.

Your action now can help make that a reality. Thank you!