

Fiscal Year 2017 National Defense Authorization Act Summary

The FY2017 NDAA authorizes roughly \$543 billion in base budget authority and \$59 billion for the Overseas Contingency Operations (OCO) fund, equaling a total of \$602 billion in discretionary funds. The base budget authority includes roughly \$523.6 billion for the Department of Defense base budget, roughly \$19.5 billion for the defense-related activities of the Department of Energy, and nearly \$300 million for other defense-related activities.

However, the FY2017 NDAA shortchanges OCO by transferring approximately \$18 billion to base funding requirements, and as a result involves a net reduction of \$11.6 billion for readiness (operation and maintenance). Due to the transfer, U.S. overseas operations in Afghanistan would require a supplemental funding request to continue beyond April 30, 2017, at the Committee-recommended troop level of 9,800.

Key Provisions

Raises military pay by 2.1%, \$330 million above the President's request.

Requires an end strength increase of 25,000 for the Army and Army Reserve, at an additional cost of approximately \$3 billion.

Rejects the Department of Defense's request for a new base closure round.

Provides extensive investments in capabilities for power projection, counterterrorism, deterrence, ground combat, sea power, and air superiority to help maintain the U.S. military's advantages in the twenty-first century, but purchases roughly \$11.6 billion worth of this equipment over the President's request using money for OCO.

Fully funds cybersecurity and cyberspace operations at \$6.7 billion and elevates Cyber Command to a combatant command to better defend against cyberattacks.

Supports U.S. missile defense, the phased adaptive approach to missile defense in Europe, and strong international cooperation with allies, including \$600 million for missile defense for Israel, an increase of \$435 million.

Provides an increase of \$317 million for nuclear weapons, including \$21 million for a modernized Long-Range Standoff Ordinance (LRSO) nuclear warhead.

Iraq and Syria

Provides \$680 million to combat ISIL in Iraq.

Provides \$250 million to train and assist vetted Syrian opposition forces, and reinforces congressional oversight over those efforts.

Europe

Provides \$3.4 billion for the European Reassurance Initiative, to bolster U.S. allies and deter Russian aggression.

Provides \$150 million to train and equip Ukrainian security forces.

Afghanistan

Authorizes a target of \$25 million for the advancement of women in the Afghan National Defense and Security Forces.

Renews authority to issue special visas through 2017 for Afghans who supported U.S. efforts in Afghanistan, but modifies eligibility requirements to narrow the pool of applicants, does not increase the number of available visas, and does not improve the process for issuing visas.

Detention Facility at Guantanamo Bay, Cuba (GTMO)

Maintains restrictions on the closure of the detention facility at Guantanamo Bay, by extending existing prohibitions on transfers of detainees into the United States, and on the construction or modification of facilities within the United States to house GTMO detainees.

Prohibits funds for realignment of forces at or closure of Naval Station Guantanamo Bay, not just the detention facility, despite the Administration making clear there are no plans to alter the current lease agreement.

Selective Service

Promotes equality for women in the military by including them in the Selective Service.

Acquisition Reforms

Includes a package of acquisition legislation released earlier in the year related to open system architecture, prototyping, and other issues, which could add significant process and bureaucracy to the Department of Defense acquisition system. Also includes acquisition provisions related to commercial items, requirements for market research, value analysis, the use of lowest price technically acceptable contracts, and other issues.

Confederate Flag

Democrats offered a measure during the Committee mark-up that would prohibit receipt by the Citadel of federal funds for ROTC until the Confederate battle flag is no longer on display at the Citadel. Republicans added a “waiver” to this measure that negates the effect of the language. As a result, the NDAA does not pressure the Citadel or the State of South Carolina to take down the flag.

Discrimination, Workplace Safety, and the Minimum Wage

Includes a provision that prevents implementation of the President's executive order on "Fair Pay and Safe Workplaces" by the Department of Defense and Director of the National Nuclear Security Administration. The executive order requires disclosure of a company's previous three years of violations of 14 labor laws when applying for government contracts, and prohibits mandatory arbitration agreements for employee complaints on a wide range of issues, including sexual harassment and discrimination.

Includes a provision that significantly expands non-discrimination exemptions for religious corporations, religious organizations, religious educational institutions, and religious societies seeking contracts, grants, or cooperative agreements with the federal government. This would allow such groups to receive federal funds while maintaining discriminatory practices against LGBT individuals and others, which is currently prohibited by various laws and executive orders.

Immigration

Prohibits unused military facilities from being used to house unaccompanied undocumented minors.

Subcommittee Portions

Military Personnel Provisions

Removes \$1.1 billion from military personnel accounts for Overseas Contingency Operations (OCO), applying the money to cover a base budget increase of 20,000 troops for Army end strength. As a result, there will only be enough funding for OCO contingencies to last 7 months.

Requires an end strength increase of 25,000 for the Army and Army Reserve, at an additional cost of approximately \$3 billion.

Expands parental leave for military members to 14 days, expands adoption leave for dual military couples to 36 days, and requires the Secretary of Defense to study flexible maternity and paternity leave sharing.

Provides reforms to the Military Health System by standardizing Military Treatment Facilities across the services and increasing access for beneficiaries. Also attempts to reform TRICARE by formalizing the system into an HMO and PPO system, but establishes two fee structures for the next fifty years, one that applies to current retirees and one that applies to future retirees.

Enacts the reforms known as Talia's Law, which would require the notification of State Child Protective Services when there is suspected child abuse and neglect on military installations.

Increases the number of Marine General Officer positions by one, creating a three-star and an additional one-star general.

Extends authority for the Special Survivor Indemnity Allowance for one year at current levels.

Eliminates differential treatment under the Survivor Benefit Plan between members of the Reserve who die from an injury or illness incurred or aggravated during Inactive Duty training and members of the armed forces who die while on Active Duty.

Adds \$20 million for the STARBASE program, which supports military STEM education for at-risk youth.

Directs a study to try and identify individuals who are at high risk for suicide, as well as outlining efforts to combat suicidality.

Requires the Secretary of the Navy to review the court-martial convictions of those accused in the Port Chicago Naval Magazine incident of July 1944, to ensure there was no racial bias.

Requires a review of the service records of Asian American and Native American Pacific Islander veterans from the Korean war and Vietnam war to determine whether racial bias unjustly prevented them from receiving Medals of Honor.

Directs the Secretary of Defense to submit a report to Congress on the DOD's efforts to prevent, educate about, and treat prescription opioid drug abuse.

Affirms the Secretary of Defense's legal ability to allow immigrants, including DREAMers, to enlist in the military and serve our nation in uniform.

Allows transgender servicemembers who have changed their name after separation from service to receive amended discharge documents with their new name.

Expresses a Sense of Congress valuing the expanded opportunities for women in the military and recognizing their long history of military service to the United States.

Intelligence and Emerging Threats Provisions

Cybersecurity and Cyber Operations

Fully funds cybersecurity and cyberspace operations at \$6.7 billion.

Elevates Cyber Command from a subunified command under STRATCOM to a combatant command, enabling it to better synchronize and conduct cyber operations using the proper statutory authorities.

Safeguarding Technological Superiority

Provides an additional \$10 million for Historically Black Colleges and Universities for research, development, and training; adds \$20 million for STEM education for at-risk youth; and adds \$10 million for K-12 STEM education.

Adds \$3 million for Army Guard Cyber Protection Teams and \$5 million for the public-private cyber training partnership, in order to incorporate the National Guard into the U.S. cyber force and improve the cyber training pipeline from industry and academia.

Strategy for Assured Access to Trusted Microelectronics

Requires a strategy to assure the integrity of microelectronics components used in U.S. defense systems.

Threats Posed by Biological Weapons and Toxins

Requires relevant agencies to coordinate a national biodefense strategy and prepare the homeland for defense against a biological weapons threat, enacting one of the recommendations from the Blue Ribbon Study Panel on Biodefense.

Requires implementation of quality assurance and quality controls for the handling of certain biological agents and toxins, in order to prevent future events like the inadvertent shipment of anthrax across the country.

Counterterrorism and Unconventional Warfare Threats

Provides an additional \$15 million for the Counterterrorism Technical Support Office to counter unmanned aerial systems, which ISIL is increasingly using to film propaganda on the battlefield and could potentially use to deliver chemical or biological weapons.

Increases congressional oversight of counterterrorism operations by mandating that the relevant congressional committees be briefed quarterly rather than annually.

Strengthens oversight of sensitive overseas military operations outside areas of active hostilities.

Intelligence Analysis Processes of the Combatant Commands

Based on allegations that senior intelligence officials improperly influenced intelligence analysis at CENTCOM, the House Armed Services Committee and the House Permanent Select Committee on Intelligence are mandating a review of the implementation of Intelligence Community Directives (ICDs) at CENTCOM and all other COCOMs, as well as an IG report on implementation of ICDs at COCOMs. This review would duplicate existing reviews, constituting overreach based on a political concern that disrupts the commander-in-chief's ability to focus on and address global threats while enhancing national security through bilateral collaboration.

Readiness Provisions

Addresses a number of readiness shortfalls through the movement of money from the OCO operation and maintenance account (\$16.4 billion in prorated cuts across all the military services,

active and reserve, and Defense-wide operation and maintenance), and uses a portion of that funding in an “OCO for Base Requirements” account for the following:

- \$65 million to restore critical shortfalls caused by an unfunded requirement in Army servicewide transportation;
- \$430 million to meet an unfunded requirement for Air Force weapons system sustainment and depot maintenance;
- \$540 million to improve afloat readiness, restore fleet training, and ship depot maintenance of Navy operating forces;
- \$70 million to improve the training proficiency of Army operating forces, raising Active Army forces from battalion-level to brigade-level competency and Army Reserve forces from platoon-level to company-level competency;
- \$24 million for Marine Corps aviation readiness, accelerating operational and logistics support for H-1, MV-22B, and KC-130J aircraft.

Additionally, adds \$2.2 billion to OCO operation and maintenance to fund end strength in Afghanistan of 9,800 deployed troops. This number is higher than the 5,500 troops requested by the Administration but would be funded for only 7 months in FY17.

Installations

Provides \$7.8 billion for military construction, family housing, and legacy BRAC activities, \$250 million above the President’s budget request for fiscal year 2017.

Rejects the Department of Defense’s request for a new base closure round.

Provides the Defense Department additional flexibility to convert existing facilities for other purposes by allowing them to use operation and maintenance funds on that conversion.

Lifts previous restrictions on civilian infrastructure construction in Guam and supports the Defense Department’s budget request for civilian infrastructure investments that are necessary to support the realignment of U.S. Marines to Guam.

Adds \$959 million for facilities restoration and modernization, bringing funding to 84% of the level required across the services.

Adds \$1.4 billion for facilities sustainment, helping to shore up shortfalls across the services.

Pay Provisions

Raises military pay by 2.1%, \$330 million above the President’s request.

Extends authority to provide allowances, benefits, and gratuities to DOD civilian personnel on official duty in Pakistan or a combat zone for an additional year.

Helps civilian employees of the Defense Department relocate to parts of the United States outside their current commuting area by authorizing advanced payment of their basic pay.

Services Contracts

Includes multiple provisions to provide greater accountability over the billions of dollars DOD spends annually for services contracts.

Environment

Includes a provision to delay any finding by the Secretary of the Interior with respect to the Greater Sage Grouse under the Endangered Species Act of 1973 through September 30, 2025. Would also prohibit the Secretary of the Interior from treating the Lesser Prairie Chicken as a threatened or endangered species through December 31, 2022 and removes the endangered species status for the American Burying Beetle.

Adds \$15.8 million for the Readiness Environmental Protection Initiative (REPI).

Guns

Requires the transfer of the 90,000-plus surplus .45 caliber M1911 pistols in storage to the Civilian Marksmanship Program where they would be eligible for sale to the public.

Seapower and Projection Forces Provisions

Continues the two-per-year build rate of Virginia-class attack submarines.

Adds one additional Arleigh Burke-class destroyer to the two requested in the President's Budget.

Authorizes a National Security Multi-Mission Vessel to be used by the State Maritime Academies.

Adds funding for 4 C-40A aircraft.

Tactical Air & Land Provisions

Adds \$1.4 billion for 14 F/A-18 E/F Super Hornet aircraft.

Adds \$1.5 billion for 11 F-35 Lightning II aircraft.

Adds \$162 million for AH-64E Apache helicopters.

Adds \$110 million for UH-72 Lakota helicopters.

Adds \$440 million for UH-60M Black Hawk helicopters.

Adds \$150 million for 2 V-22 Ospreys.

Adds \$95 million for 1 MQ-4C Triton.

Provides authority to purchase AH-64E Apache helicopters and UH-60 Black Hawk helicopters using multiyear contract authority, which together will save close to \$1 billion over five years.

Requires the Navy to conduct an independent review of efforts to date aimed at reducing the high rate of hypoxia and other physiological events experienced by the crews of F/A-18 aircraft.

Prohibits retirement of the A-10 until six months after comparative testing of the F-35's ability to replace the A-10 is complete and certified, creating an unfunded mandate for the fiscal years 2018 and 2019.

Strategic Forces Provisions

Space

Fully funds national security space assets.

Allows funding to be spent on developing both new U.S. rocket propulsion and launch systems, to avoid potential delays in ending U.S. reliance on Russian-made rocket engines and to allow competition instead of what could have been a \$1.7 billion sole-source contract.

Requires a commercial SATCOM pilot program and authorizes an additional \$30 million to accommodate the order-of-magnitude increase in capacity and cost effectiveness to begin in FY17.

Mandates a GPS back-up plan.

Missile Defense

Supports U.S. missile defense, the phased adaptive approach to missile defense in Europe, and strong international cooperation with allies, including \$600 million for missile defense for Israel, an increase of \$435 million.

Adds over \$400 million in unnecessary additional money for missile defense.

Requires planning for unfunded research and development activities to begin a space-based interceptor program, the total cost of which could be \$300 billion, which could siphon funding from more cost-effective and necessary missile defense programs.

Enhances missile defense for Hawaii by starting to fund the acquisition process for a new discrimination radar.

Nuclear Weapons

Provides an increase of \$317 million for nuclear weapons, including \$21 million for a modernized Long-Range Standoff Ordinance (LRSO) nuclear warhead.

Provides money to sustain a safe, secure, and reliable arsenal.

Does not require independent cost estimates of the 30-year, trillion-dollar plan for nuclear modernization.

Restricts the dismantlement of nuclear weapons no longer in use.

Nonproliferation

Fully funds nuclear nonproliferation programs, adds \$20 million for nuclear nonproliferation R&D, and prohibits any FY17 or FY18 funding to be used to make the planned new nuclear intercontinental ballistic missile mobile.

Allows the Department of Energy to terminate the MOX program, if certain conditions are met, including identification of a cheaper alternative to dispose of excess plutonium. The MOX program has seen significant cost increases and delays, and which would require \$1 billion annually for the foreseeable future.

Prohibits potential funding for threat reduction in Russia without an executable waiver, and reduces some of the flexibility of the Cooperative Threat Reduction Program.

Provides \$5 million to continue an assessment of the viability of using low-enriched uranium for naval reactors.

Mandates a comprehensive report on improving nuclear verification and detection, which was not adequately addressed by the Administration last year.

Nuclear Clean-up

Authorizes nearly full funding for defense environmental clean-up, including \$1.5 billion for the Waste Treatment and Immobilization Plant and tank farms, and a \$53 million increase for water monitoring and other remediation at the Hanford site.

Mandates certification that the contents of shipments going to the Waste Isolation Pilot Plant are safe.

###