

ISSUE BRIEF

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National Security and Defense: Comparing Congress and Heritage Foundation’s Policy Positions

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“To provide for the common defense” is one of the primary constitutional responsibilities of the federal government. The National Defense Authorization Act (NDAA) is a federal law that annually specifies the budget and expenditures of the Department of Defense (DOD). In addition to funding, this law can also be a vehicle for good and bad policies.

The chart below describes the House and Senate’s current NDAA policy positions along with Heritage’s suggested policy positions. Before Congress acts, it should closely consider how each section improves our national defense.

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This paper, in its entirety, can be found at <http://report.heritage.org/ib3805>

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TABLE 1

National Defense Authorization Act: Current Policy Positions (Page 1 of 3)

	SENATE	HOUSE	HERITAGE FOUNDATION
Missile Defense	Supports the missile defense program, including ground-based midcourse defense and the European Phased Adaptive Approach. Prohibits funding for the Medium Extended Air Defense System (MEADS).	Directs a missile defense site on the East Coast to be ready by the end of 2015. Requires an intercontinental ballistic missile (ICBM) test of the ground-based midcourse defense with an exoatmospheric kill vehicle. Prohibits funding for the MEADS program. Provides funding for the Iron Dome missile defense system.	The missile defense site on the East Coast provides additional safety to the U.S. homeland against a ship-based missile attack and long-range ballistic missile threat. MEADS is vital to fill a capability gap and assure U.S. allies.
Nuclear Weapons	Requires the President to certify funding of nuclear modernization plans or submit a report if he does not. Directs the contraction of the Chemistry and Metallurgy Research Replacement Facility. Requires a report on actions that would transition the National Nuclear Security Administration’s (NNSA) non-nuclear activities to other federal agencies.	Prohibits reductions of deployed nuclear warheads if an appropriations bill fails to meet resources levels in the 2010 NDAA. Prohibits implementation of new nuclear weapons employment strategy until one year after the report describing such strategy has been submitted. Prohibits withdrawal of U.S. nuclear forces from Europe with certain exception.	The United States remains the only nuclear weapons state without a substantive nuclear weapons modernization program. It is essential that the Administration fulfills its certifications to the Senate regarding providing necessary funds for the nuclear weapons infrastructure. These funds must be expended to advance a U.S. nuclear weapons modernization program rather than disarmament activities.
Cyber	Requires defense contractors to report breaches of networks containing classified data. These reports would include information on methods of penetration and samples of malware if possible. Reports would not be shared outside the DOD.	Affirms authority to conduct military activities in cyberspace, including clandestine operations.	Mandatory disclosure without any liability protection for contractors will undermine voluntary sharing. By not sharing it outside the DOD, critical data does not reach other private-sector and public-sector partners.

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	SENATE	HOUSE	HERITAGE FOUNDATION
Force Structure	Reduces the strategic airlift aircraft from 301 to 275. Requires additional information if the number of vessels required by the Chief of Naval Operations (CNO) is less than 313.	Maintains at least 12 nuclear-powered ballistic missile submarines. Prohibits retiring more than six B-1 aircraft or terminating the C-130 avionics modernization program. Requires a list of unfunded priorities. States that U.S. nuclear force structure be periodically re-examined. Authorizes and requests the President to end the permanent basing of U.S. military units in European NATO member nations.	Maintaining a naval fleet of 346 ships will help to ensure unrestricted access to ocean trade routes. The retirement, decommissioning, or postponement of the replacement program of nuclear-powered ballistic missile submarines (SSBN) would create a critical capability gap in the future. The C-130 aviation modernization program will help to maintain critical airlift capability in the future.
Retirement and Health Care Reform	Establishes a commission that would review and develop recommendations for the military compensation and retirement system.	Not addressed.	The DOD must reform its retirement and health care system or the next generation will have no resources available. Heritage's Saving the American Dream Plan offers a blueprint for solving these most pressing issues.
Biofuel	Prohibits funds from being obligated or expended for an alternative fuel if the cost exceeds that of a traditional fossil fuel that would be used for the same purpose, with an exception. Prohibits contracts to plan, design, refurbish, or construct a biofuels-related infrastructure unless authorized by law.	Amends the Energy Independence and Security Act of 2007 to make inapplicable to the DOD alternative fuel procurement requirement. Prohibits funds from being obligated or expended for an alternative fuel if the cost exceeds that of a traditional fossil fuel that would be used for the same purpose, but provides an exception.	With biofuels costing almost \$27 per gallon, they are not only more expensive than traditional fossil fuels, but the corrosion it causes would likely cause additional maintenance costs for the Navy. At a time when the defense budget is under extreme pressures, these are unnecessary costs with potentially damaging unintended consequences.
Russia Policy/Cooperative Threat Reduction	States that the U.S. should not provide Russia with sensitive missile defense information.	Imposes certain restrictions on nuclear forces reductions with respect to the nuclear forces of the Russian Federation. Prohibits providing Russia with sensitive missile defense information. Conditions Russia's use of funds under the cooperative threat reduction programs and defense nuclear nonproliferation funds.	The Russian Federation is not interested in genuine cooperation on missile defense but wants to limit the U.S.'s ability to protect itself and allies and leave them vulnerable to Russian blackmail. Russia repeatedly threatened to use nuclear weapons preemptively if the U.S. continues to deploy its defensive system. Such threats further underscore the need for defenses.
Taiwan Sales	Not addressed.	Direct the President to carry out the sale of no fewer than 88 F-16C/D multirole fighter aircraft to Taiwan.	Taiwan desperately needs new aircraft to replace obsolete fighters if it is to maintain a credible defense vis-à-vis China. For six years, it has requested 66 F-16 C/Ds for this purpose.
Africa	Authorizes the Secretary of State to provide counter-terrorism assistance to specified military forces in Djibouti, Ethiopia, Kenya, Somalia, and Yemen.	Directs the Secretary of State to report whether Boko Haram meets the criteria for designation as a foreign terrorist organization.	Careful and discriminate counter-terrorism assistance can have significant benefits to U.S. national security in the long term. Boko Haram can be countered through a comprehensive approach including a terrorist designation.
Homeland	Not addressed.	Establishes a minimum of an additional 25 Weapons of Mass Destruction Civil Support Teams for a total of at least 57 teams.	Congress should ensure that our nation's 57 Weapons of Mass Destruction Civil Support Teams are fully authorized and resourced. The teams already exist; the amendment just authorizes them "retroactively."
Treaties	Not addressed.	Prohibits using resources to limit the DOD and the intelligence community to implement and comply with an international agreement concerning outer space unless such agreement is ratified by the Senate or authorized by a statute. Prohibits the availability of funds for any institution or organization established by the Law of the Sea Treaty. Imposes restrictions on the President's ability to unilaterally reduce U.S. nuclear forces below New START levels.	It is essential that the U.S. government does not invest its precious resources on implementation of and compliance with treaties that do not have Senate's advice and consent or that are authorized by a statute. Treaties should advance and benefit U.S. national interests, rather than limit U.S. freedom of action.

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	SENATE	HOUSE	HERITAGE FOUNDATION
Quadrennial Defense Review (QDR) Panel	Not addressed.	Establishes a bipartisan independent strategic review panel.	An independent strategic review panel would allow a transparent discussion about the size and scope of future U.S. military forces and would secure and protect U.S. interests in the future. Such a panel would allow Congress to independently examine the President's and Secretary of Defense's defense policy.
European Base Closure	Not addressed.	Requires the DOD to follow through on the withdrawal of two brigade combat teams from Europe and denies the Defense Department the ability to reverse the decision at a later time.	A strategic review of U.S. interests in Europe, not a desire to slash the defense budget, should guide important decisions such as the number of bases and the distribution of troops in Europe.
Firefighter Grants	Increases spending; eliminates \$100,000 per firefighter cap; abandons non-supplanting requirement; reduces local matching requirements making local governments more dependent on federal funding; and extends the life of the failed program.	Not addressed.	The ineffective FIRE Act grants should not be reauthorized or funded. The Heritage Foundation's evaluation of the grants found that the program failed to save lives or prevent injuries. The program lacks a focus on fulfilling a federal homeland security function.