



## House Amendment to S. 1356 - National Defense Authorization Act for FY2016 (Sen. Johnson, R-WI)

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### FLOOR SCHEDULE:

Scheduled for consideration on November 5, 2015 under suspension of the rules, which requires 2/3 vote for passage.

### TOPLINE SUMMARY:

The [House amendment to S. 1356](#) would authorize \$540.4 billion in spending for base national defense and an additional \$59 billion for Global War on Terror/Overseas Contingency Operations (OCO) for a total of around \$599 billion. An additional \$7.7 billion is allocated for activities outside of the House Armed Services Committee jurisdiction. This proposal is \$5 billion less than the President's budget request for \$611.9 billion in defense discretionary spending, but corresponds to [the Bipartisan Budget Act of 2015](#). Within the OCO budget account (section 4303), \$9.1 billion is allocated to operations and maintenance activities in support of base budget requirements. A summary of programmatic changes totaling around \$5 billion in reductions from the vetoed conference report to H.R. 1735 - National Defense Authorization Act for FY2016 can be found [here](#). Other than the aforementioned programmatic changes, there were no major policy changes between the vetoed conference report accompanying H.R. 1735 and the House amendment to S. 1356.

### COST:

The Congressional Budget Office (CBO) estimate for the House amendment to S. 1356 is available [here](#). The CBO estimate for the House-passed NDAA (H.R.1735) can be found [here](#). The CBO estimate for the Senate Armed Services Committee produced version of the NDAA (S. 1376) can be found [here](#).

### CONSERVATIVE CONCERNS:

Some conservatives may be concerned that the bill continues to authorize cap-exempt OCO spending for base defense needs, though at lower levels than in the House and Senate passed NDAA. Other conservatives argue that the military cannot fulfill its mission within the Budget Control Act caps, and that increasing OCO funding mitigates this challenge without increasing non-defense discretionary spending and is necessary to adequately maintain the military's readiness.

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

### DETAILED SUMMARY AND ANALYSIS:

Detailed analysis on the National Defense Authorization Act for FY 2016 can be found in the RSC's legislative bulletin for the [House and Senate passed conference report to H.R. 1735](#). There were no major policy changes between the conference report and the House amendment to S. 1356.

A summary provided by the House Armed Services Committee of programmatic changes from the vetoed conference report to H.R. 1735 can be found [here](#). The changes account for around \$5 billion in reductions between both versions of the NDAA.

The National Defense Authorization Act has been signed into law for fifty-three consecutive years. The RSC's Legislative Bulletin for the House-passed version of the NDAA (H.R. 1735) can be found [here](#). A Joint Explanatory Statement on the House and Senate passed H.R. 1735 NDAA can be found [here](#).

### **COMMITTEE ACTION:**

The NDAA was introduced on April 13, 2015 and was referred to the House Committees on Armed Services, which held a markup on April 29, 2015. The committee ordered it to be reported (amended) by the yeas and nays: [60 - 02](#). The House Report (H. Rept. 114-102) accompanying H.R. 1735 can be found [here](#). On May 15, 2015, the bill was passed in the House by recorded vote: [269 - 151](#). H.R. 1735 was then passed in Senate with an amendment by Yea-Nay Vote: [71 - 25](#), on June 18, 2015. On October 22, 2015, the President [vetoed](#) the conference report to H.R. 1735. However, on November 2, 2015, the Bipartisan Budget Act became law and increased defense and non-defense spending caps established by the Budget Control Act for FY2016 and 2017. The House Amendment to S. 1356 reflects the spending numbers included in the budget agreement.

### **ADMINISTRATION POSITION:**

No Statement of Administration Policy is available. However the statements of administration policy for both the House (H.R. 1735) and Senate (S. 1376) versions are available [here](#) and [here](#) respectively. In both cases, if the NDAA were presented to the President, "the President's senior advisors would recommend to the President that he veto it." Secretary of Defense Carter reiterated this position in public comments on September 30, 2015. On October 22, 2015, the President [vetoed](#) the conference report to H.R. 1735.

### **CONSTITUTIONAL AUTHORITY:**

Legislation originating in the Senate does not require a constitutional authority statement.

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