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[H.R. 2685, Department of Defense Appropriations Act, 2016](#)

FLOOR SITUATION

On Wednesday, June 10, 2015, the House will begin consideration of [H.R. 2685](#), *the Department of Defense Appropriations Act, 2016*, under a [modified-open](#) rule. H.R. 2685 was introduced on June 5, 2015 by Rep. Rodney Frelinghuysen (R-NJ) and was ordered reported by the Committee on Appropriations by voice vote on June 2, 2015.

SUMMARY

H.R. 2685 provides \$578.6 billion in total discretionary budget authority for the Department of Defense for fiscal year (FY) 2016, an increase of \$24.4 billion above the FY 2015 enacted level and \$800 million above the President's request. The bill provides \$490.2 billion for the Department of Defense base budget, which is a decrease of \$36.7 billion below the budget request and \$88.4 billion for the Overseas Contingency Operations (OCO) account to support the Global War on Terrorism (GWOT), which is an increase of \$37.5 above the budget request.¹

Funding in support of the GWOT "will provide the needed resources for the preparation and operation of our forces in the field, including funding for personnel requirements, operational needs, the purchase of new aircraft to replace combat losses, combat vehicle safety modifications, additional Intelligence, Surveillance, and Reconnaissance (ISR) assets, and maintenance of facilities and equipment. It also provides critical support to our key allies, such as Ukraine and Jordan, to resist aggression."²

The major provisions of the bill are as follows:

Title I—Military Personnel

Title I provides \$122.7 billion for active, reserve, and National Guard military personnel, a decrease of \$7.8 billion below the budget request, and a decrease of \$5.3 billion below the FY 2015 enacted level. The Title provides funding to increase basic pay for all military personnel by 2.3 percent, as

¹ See [House Report 114-139](#) at 3.

² See Press Release—"[House Appropriations Committee Releases Fiscal Year 2016 Defense Bill](#)," May 19, 2015.

authorized by current law, effective January 1, 2016.³ The Title authorizes a total aggregated military personnel end strength level of 1,308,915 million active duty and 819,200 reserve personnel. This amounts to a decrease of 5,480 in total end strength for the active forces and a decrease of 9,800 in total end strength for the Selected Reserve, as compared to the fiscal year 2015 authorized levels.⁴

Title II—Operation and Maintenance

Title II provides a total of \$162.3 billion for operation and maintenance support to the Military Services and other Department of Defense entities, a decrease of \$14.2 billion below the budget request, and an increase of \$630.8 million above the FY 2015 enacted level.

Title III—Procurement

Title III provides for a total of \$98.6 billion for procurement, a decrease of \$8.3 billion below the budget request.⁵ Major initiatives and modifications include:

- \$1.2 billion for the procurement of 64 AH–64 Apache helicopters
- \$1.4 billion for the procurement of 94 UH–60 Blackhawk helicopters
- \$1.0 billion for the procurement of 39 CH–47 Chinook helicopters
- \$788.6 million for the procurement of 29 UH–1Y/AH–1Z helicopters
- \$414.9 million for the procurement of 80 MSE missiles for the Patriot missile system
- \$783.1 million the procurement of WIN–T Ground Forces Tactical Networks
- \$187.2 million for the procurement of 28 UH–72A Lakota helicopters
- \$660 million for the procurement of seven EA–18G Growler electronic attack aircraft
- \$3.0 billion for the procurement of 16 P–8A Poseidon Multimission aircraft
- \$2.3 billion the procurement of 29 C/HC/MC/KC–130J aircraft
- \$1.5 billion for the procurement of 20 MV/CV–22 aircraft
- \$542.5 million for the procurement of 29 MQ–9 Reaper unmanned aerial vehicles
- \$2.4 billion for the procurement of 12 KC–46 tanker aircraft
- \$8.4 billion for the procurement of 65 F–35 Lightning air-craft: 15 short take-off and vertical landing variants for the Marine Corps, six carrier variants for the Navy, and 44 conventional variants for the Air Force
- \$16.9 billion for the procurement of nine Navy ships, including two DDG–51 guided missile destroyers, two fully-funded SSN–774 attack submarines, three Littoral Combat Ships, one fleet oiler, one LPD–17 amphibious transport dock landing ship, and one afloat forward staging base.
- \$199.2 million for the procurement of one Global Positioning System III satellite
- \$680.2 million for the procurement of four Evolved Expendable Launch Vehicles
- \$305.7 million for the procurement of 62 Stryker vehicle upgrades
- \$100 million for HMMWV modernization for the Army National Guard
- \$55 million for the Israeli Cooperative Program Iron Dome

Title IV—Research, Development, Test and Evaluation

³ See [House Report 114-139](#) at 4.

⁴ Id. at 11.

⁵ Id. at 4.

Title IV provides a total of \$66.2 billion for research, development, test and evaluation.⁶ Major initiatives and modifications include:

- \$2.9 billion for the Defense Advanced Research Projects Agency
- \$217.2 million for the continued development of High Performance Computing
- \$255.1 million for the continued development of the E–2D Advanced Hawkeye aircraft
- \$179.7 million for the continued development of common infrared countermeasures and other aircraft survivability equipment
- \$1.7 billion for the continued development of the F–35 Lightning Joint Strike Fighter aircraft
- \$250.4 million for the continued development of the Multi-mission Maritime Aircraft
- \$786.2 million for the continued development of a new penetrating bomber
- \$44.3 million for the development of a Next Generation JSTARS aircraft
- \$156.1 million for the continued development of a new combat rescue helicopter
- \$393.8 million for the continued development of the Next Generation Jammer
- \$971.4 million for the continued development of the replacement for the Ohio class ballistic missile submarine
- \$241.2 million for the continued development of the Space Based Infrared Satellite and associated ground support systems
- \$350.2 million for the continued development of the Global Positioning System III operational control segment
- \$180.9 million for the continued development of the Global Positioning System III space segment
- \$84.4 million for the development of an alternative rocket engine for space launch
- \$507 million for the continued development of the replacement for the Presidential helicopter program
- \$58.7 million for the development of a Presidential Aircraft Replacement
- \$267.6 million for the Israeli Cooperative Program

Title V—Revolving and Management Funds Title V provides \$1.6 billion for the Defense Working Capital Funds accounts and \$474.2 million for the National Defense Sealift Fund. Within these funds, the bill restores \$322 million to the Defense Commissary Agency to ensure servicemembers and their families receive continued savings for food and household goods as part of the military pay and benefits package.

Title VI—Other Department of Defense Programs

Title VI provides a total of \$31.4 billion for the Defense Health Program to support worldwide medical and dental services for active forces and other eligible beneficiaries. The Title recommends funding to augment the request for enduring traumatic brain injury, psychological health, and wounded, ill and injured requirements.

The Title also provides for:

- \$720.7 million for Chemical Agents and Munitions Destruction
- \$878.3 million for Drug Interdiction and Counter drug activities

⁶ Id. at 5.

- \$316.2 million for the Office of the Inspector General

The bill provides no funding for the Joint Operational Needs Fund, which is \$99.7 million below the budget request.⁷

Title VII—Related Agencies

Title VII provides for \$514.0 million for continuing the operation of the Central Intelligence Agency Retirement and Disability System Fund. The Title also provides for \$507.9 for the Intelligence Community Management Account.

Title VIII—General Provisions

Title VIII includes, among others, the following general provisions:

- Section 8012 provides that civilian personnel of the Department of Defense may not be managed on the basis of end strength or be subject to end strength limitations.⁸
- Section 8036 requires the Department of Defense to comply with the Buy American Act.⁹
- Section 8056 provides for a waiver of “Buy America” provisions for certain cooperative programs.¹⁰
- Section 8042 prohibits funding from being obligated or expended for assistance to the Democratic People’s Republic of Korea (North Korea) unless specifically appropriated for that purpose.¹¹
- Section 8101 prohibits funding to modify any United States facility (other than the facility at Guantanamo Bay, Cuba) to house any individual detained at Guantanamo Bay, Cuba. This language is identical to language enacted in Public Law 112–74.¹²
- Section 8102 prohibits funding to transfer any individual detained at Guantanamo Bay, Cuba to a country of origin or other foreign country or entity unless the Secretary of Defense makes certain certifications. This language is similar to language enacted in Public Law 112–239.¹³
- Section 8103 prohibits funding from being used to violate the War Powers Resolution Act.¹⁴
- Section 8113 prohibits the use of funds by the National Security Agency targeting U.S. persons under authorities granted in the Foreign Intelligence Surveillance Act.¹⁵
- Section 8120 has been amended and prohibits the use of funds to retire the A–10 aircraft.¹⁶
- Section 8127 sustains Army National Guard end-strength at not less than that authorized for fiscal year 2015.¹⁷

Title IX—Overseas Contingency Operations (OCO)

⁷ Id. at 284.

⁸ Id. at 289

⁹ Id. at 291.

¹⁰ Id. at 293.

¹¹ Id. at 292.

¹² Id.

¹³ Id. at 296.

¹⁴ Id.

¹⁵ Id. at 297.

¹⁶ Id.

¹⁷ Id. at 299.

Title IX provides \$88.4 billion for Global War on Terrorism operations or the OCO fund. Of those funds, the Committee recommends \$10.5 billion be made available for military personnel, \$53.8 billion for operation and maintenance, and \$18.1 billion for procurement. The Title also includes a recommendation for \$452.7 million to be used to preserve the present A-10 force structure.

Classified Programs

The bill also provides funding for certain classified programs. These funding levels are made available for review to Members in a classified annex.

BACKGROUND

The Department of Defense Appropriations Act has historically been the key mechanism through which Congress funds one of its primary responsibilities as mandated in Article I, Section 8 of the Constitution of the United States, which grants Congress the power to provide for the common defense; to raise and support an Army; to provide and maintain a Navy; and to make rules for the government and regulation of the land and naval forces.

According to the Chairman Rogers, “now, more than ever, we must ensure that our troops and officers have the resources they need to protect this great nation and our way of life. This bill makes responsible use of every tax dollar to give our armed forces the resources they need to stay safe, prepared, and in peak fighting form.”¹⁸

COST

If enacted, H.R. 2685 would result in discretionary budget authority of \$578.6 billion.

STAFF CONTACT

For questions or further information please contact [John Huston](#) with the House Republican Policy Committee by email or at 6-5539.

¹⁸ See [House Appropriations Press Release](#), June 2, 2015.