

[H.R. 1735, National Defense Authorization Act for Fiscal Year 2016](#)

FLOOR SITUATION

On Wednesday, May 13, 2015, the House will begin consideration of [H.R. 1735](#), the *National Defense Authorization Act (NDAA) for Fiscal Year 2016*, under a [general debate rule](#). The bill was introduced on April 13, 2015 by Rep. Mac Thornberry (R-TX), and was referred to the Committee on Armed Services, which ordered the bill reported, as amended, on April 29, 2015 by a vote [60 to 2](#).

SUMMARY

H.R. 1735 authorizes and prioritizes funding for the Department of Defense (DoD) and other select national security programs within the Department of Energy for Fiscal Year 2016. The bill authorizes \$515 billion in spending for national defense and an additional \$89.2 billion for the Overseas Contingency Operations fund (OCO), for a total of \$604.2 billion, which is equal to the President's overall budget request.¹

The following information is highlighted in the [summary of H.R. 1735](#) provided by the House Armed Services Committee:

Overseas Contingency Operations – The bill fully funds the President's request of \$50.9 billion for Overseas Contingency Operations (OCO). In order to comply with the Budget Control Act, as well as meet our national security operations, the proposal includes an additional \$38.3 billion for base requirements.

The committee notes that Section 1008 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364) requires the budget submission to Congress for each fiscal year to include: (1) A request for the appropriation of funds for ongoing operations in the Republic of Iraq and the Islamic Republic of Afghanistan; (2) An estimate of all funds expected to be required in that fiscal year for operations; and (3) A detailed justification of the funds requested. The committee recommends authorization of appropriations to be available upon enactment of this Act to support overseas contingency operations. These authorizations support, but are not limited to, current

¹ See [House Report 114-102](#) at 9.

operations against the Islamic State of Iraq and the Levant (ISIL); enhanced security and military capabilities for countries in the region to include Jordan, a key member of the coalition against ISIL; increased assistance and sustainment to the military and national security forces of Ukraine to deter Russian aggression; reassurance and support for our allies and partners; and continued support for the Afghanistan National Security Forces to support stability and security in Afghanistan.

Reforming the Department of Defense - The committee believes that reform of the DoD is necessary to increase the effectiveness and efficiency of the defense enterprise to get more defense for the dollar. This is necessary to improve the military's agility and the speed at which it can adapt and respond to the unprecedented technological challenges faced by the Nation. The bill reflects the committee's 18 month long comprehensive reform effort, which included multiple hearings and briefings, as well as consultation with Department of Defense officials, outside experts, industry representatives, and other stakeholders.²

Acquisition Reform – The bill helps to streamline the military acquisition process by advancing critical decisions in the initial stages of the acquisition process, reducing the number of legal certifications while maintaining needed accountability, and empowering project managers and other DoD decision makers to make judgments in the best interests of troops and the taxpayer. Reforms to DoD's acquisition strategy development include the consolidation of at least six separate reporting requirements into a single document.

Compensation and Benefits Reform - The committee believes that in order to effectively recruit and retain talented employees the Department of Defense must offer benefits on par with or better than the private marketplace. The bill incorporates the work of the Military Personnel Subcommittee in implementing many of the reforms recommended by the Military Compensation and Retirement Modernization Commission.

Organization and Management Reform - The committee is supportive of efforts by the Department to reduce its management headquarters budgets and personnel by 20 percent, and recognizes that the Department has made some progress towards achieving this goal. The bill would therefore require certain reductions in management headquarters budgets and personnel, require a baseline from which to hold the Department accountable to its reductions, and seek to ensure that any reductions are done in a strategic manner, preserving key functions and skillsets.

Resources for Soldiers and their Families - The bill is intended to build upon the bipartisan work of the Military Personnel Subcommittee in providing the troops the benefits they need, deserve, and have earned. The committee appreciates the valuable work of the Military Compensation and Retirement Reform Commission in ensuring that military compensation and benefits continue to attract and retain talent.³

Readiness, Force Structure, and Support to Ongoing Military Operations - The committee recognizes that the current threat environment is placing growing demands on the U.S. Armed Forces, and continues to require the Armed Forces to be called upon to support military operations across the globe. In the Islamic Republic of Afghanistan, deployed U.S. forces are continuing to conduct training and assistance, as well as counterterrorism operations, as part of Operation

² Id. at 3.

³ Id. at 4.

Freedom's Sentinel and Operation Resolute Support. In the Republic of Iraq and Syrian Arab Republic, deployed U.S. forces are participating in coalition operations against the Islamic State of Iraq and the Levant (ISIL), conducting airstrikes, and providing training and assistance to Iraqi security forces and vetted moderate Syrian opposition forces as part of Operation Inherent Resolve. U.S. forces are also forward-deployed across the Greater Middle East to enable these ongoing military operations; to enhance the defense of regional allies and partners against the ballistic missile, nuclear, and malign military activities of the Islamic Republic of Iran; and to protect U.S. interests in the region.⁴

Intelligence – The bill takes steps to ensure military intelligence analysis remains a priority at the national level and that the Department is reevaluating how it collects and analyzes intelligence to support the needs of the Combatant Commanders and warfighters. The bill directs the DoD to examine the science and technical intelligence and foreign material exploitation work being done by various military intelligence organizations, identify redundancies, and make changes where necessary.

Cyber – The bill provides for stronger cyber operations capabilities and looks to safeguard our technological superiority. The proposal provides resources and authorizes U.S. Cyber Command programs and activities, as well as all Military Service cyber programs and Cyber science and technology initiatives to enhance a Cyber mission force that defends our national security objectives.

Nuclear Weapons – The bill authorizes \$150 million to begin addressing the \$3.6 billion backlog of old, crumbling infrastructure within the National Nuclear Security Administration (NNSA). The bill also establishes a program to ensure NNSA is agile and responsive to change by fully and continuously exercising the capabilities and skills needed to study, design, and produce nuclear weapons.

Defense Security Cooperation - The Department has placed greater emphasis on security cooperation to include building partner capacity. To build on that effort, the bill requires the Secretary of Defense, in coordination with the Secretary of State, to develop a strategic framework for DoD security cooperation to guide prioritization of resources and activities, which should lay the groundwork for the committee's planned deep-dive review of defense security cooperation authorities, programs, and resources.

Guantanamo Bay (GTMO) – The bill reauthorizes the bipartisan prohibitions against transferring detainees to the United States and against building detention facilities in the United States. Since January of 2014, the Administration has transferred 33 detainees to third countries. Additionally, the bill rescinds the President's authority to unilaterally transfer detainees and reverts to the stronger transfer policy established in the FY13 NDAA.

Special Operations Forces – The bill provides resources and enables Special Operations Forces and U.S. Special Operations Command activities, including investments in operations, readiness, procurement and science and technology initiatives across the force. The bill extends authorities used by our Special Operations Forces across the globe, and provides additional authorities and funding to counter adversarial propaganda efforts, such as those being posed by Russia, Al Qaida, and the Islamic State of Iraq and the Levant.

⁴ Id. at 5.

A-10 – the bill restores funding for the A-10. Unlike past efforts to restore the platform, the bill identifies specific funding to restore personnel, and preserve, modify, and upgrade the A-10 fleet.

Strike Fighters – The bill authorizes 12 additional F-18s for the Navy and six additional F-35Bs for the Marine Corps. The bill also supports the budget request for 57 total F-35 aircraft, but recommends targeted adjustments based on contract savings and program oversight concerns.

Strategic Deterrence Fund - The bill expands the National Sea-Based Deterrence Fund by allocating \$1.39 billion to the Fund to appropriately resource SSBN-(X). A reliable nuclear triad is vital to America’s deterrent capacity and the Ohio Class replacement program is a part of the triad.

Missile Defense - The bill accelerates development of a next-generation missile defense interceptor; modifies the Aegis Ashore Sites in Romania and Poland to provide them with Anti-Air Warfare capability, for self-defense; and, planning for the relocation of the Sea-based X-band radar to add to the missile defense of the United States from an Iranian intercontinental ballistic missile, including siting a new homeport on the East Coast. Additionally, the bill authorizes \$30 million for planning and design for an East Coast missile defense site to add to the defense of the United States.

ISIL – The bill supports authorizing the President’s request of \$715 million for security assistance to Iraqi forces combatting the Islamic State of Iraq and the Levant (ISIL). However, the bill requires that 25 percent of the funds be provided directly to the Kurdish Peshmerga and Sunni forces. The remaining 75 percent would be withheld until the Secretaries of State and Defense determine that the Government of Iraq is meeting certain conditions for political reconciliation. The bill authorizes \$600 million to continue training and equipping the vetted moderate Syrian opposition forces, while expressing concern about defending those forces once they return to the fight in Syria.

Afghanistan - The bill extends authorities for our forces in Afghanistan, including an extension of the Commander’s Emergency Response Program (CERP), authorizing the acquisition of goods on the routes of supply and continuing support for the Afghanistan National Security Forces (ANSF) so that they can preserve gains in Afghanistan and sustain its stability and security.

BACKGROUND

The National Defense Authorization Act has historically been the key mechanism through which Congress fulfills 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.

COST

H.R. 1735 would authorize appropriations totaling an estimated \$605.3 billion for fiscal year 2016 for the military functions of the Department of Defense (DoD), for certain activities of the Department of Energy (DOE), and for other purposes. Further budgetary cost analysis provided by the Congressional Budget Office (CBO) can be found [here](#).

STAFF CONTACT

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

About the Digest: *The Legislative Digest summarizes each bill that comes to the House floor, including a procedural description, the legislative background, and a cost estimate. The House Republican Conference produced the digest from 1995 until the House Republican Policy Committee took over production in April of 2015.*