

ECA Update: October 1, 2015



In this update:

NDAA Conference Report Released *ECA Staff*

This week, Congress reached a compromise on the \$612 billion National Defense Authorization Act for FY 2016. The compromise bill was passed today by the House by a vote of 270-156. It will now go to the Senate which is expected to vote on it next week. The bill text and conference report can be read [here](#), the joint explanatory statement [here](#), and a brief fact sheet [here](#).

The Administration reiterated its threat to veto the measure, which authorizes Pentagon spending a number of Department of energy programs. The Administration disagrees with the inclusion of more than \$38 billion in Overseas Contingency Operation funds used to supplement the Pentagon's base budget and sidestep sequestration limits. Should the President veto the bill, he will likely have enough support in the House to maintain that veto as evidenced by today's vote. There may be enough support in the Senate, however, to override a veto - the Senate's bill passed in June by a vote of 71-25.

Late yesterday, September 30, the President signed a 10-week continuing resolution (CR) funding the government through mid-December. The CR prevents a shutdown for now and gives Congress and the Administration more time to reach a compromise on spending limits. Those negotiations may be complicated by the change of House GOP leadership this month and the need to raise the debt limit in December.

Congress avoids government shutdown

[CNN](#)

September 30, 2015

Just seven hours before federal agencies ran out of money, the House of Representatives on Wednesday passed a bill funding the federal government through Dec. 11.

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September 30

The measure, which comes hours after the Senate passed a spending bill of its own, will now go to President Barack Obama's desk and averts a government shutdown.

The bill was approved 277 to 151, with House Democrats providing most of the votes in favor. Many conservatives wanted to use the bill to defund Planned Parenthood after edited videos released by an anti-abortion group purportedly showed officials talking about the sale of fetal tissue. The group denied any illegal activity, and the bill approved on Wednesday will continue federal money for Planned Parenthood.

The House also passed a separate measure to defund Planned Parenthood, but that vote was symbolic since the Senate is not expected to take action on that bill.

The White House quickly praised the House vote in a statement.

"With today's bipartisan vote, Congress has taken a step away from the brink -- and the President will sign the bill into law once he receives it," the statement said. "But the American people deserve far better than last-minute, short-term legislating. That's why Congress should pass a budget that reverses harmful spending cuts known as sequestration to allow for critical investments in our military readiness, infrastructure, schools, public health, and (research and development) that keep our companies on the cutting edge."

Broader budget negotiations underway

Congressional leaders and the White House have started broader talks to work on a longer-term budget deal. But infighting among congressional Republicans after House Speaker John Boehner's abrupt resignation last week will make efforts to craft any package extremely difficult.

Also complicating the talks — which are also expected to address an increase in the debt ceiling, approval of new funds for highway construction and passage of expiring tax provisions — is Senate Majority Leader Mitch McConnell's insistence to Obama last week that House and Senate Democratic leaders not be allowed at the table, a demand the President refused to accept, multiple officials told CNN.

McConnell has suggested for weeks he expected to open talks directly with the White House, bypassing Senate Democratic

Leader Harry Reid, Sen. Chuck Schumer, D-New York, and other Democratic leaders with whom he has a tenuous relationship. A spokesman for McConnell would not comment on why he wanted to bar Democrats from the talks.

White House officials also declined to discuss the call, which took place last Thursday just before Obama met with Reid and House Democratic Leader Nancy Pelosi in the Oval Office, according to a Pelosi aide. But they pointed to recent comments by White House Press Secretary Josh Earnest who said that Democrats must be part of any negotiation.

Reid insisted Tuesday he would be part of any negotiations.

"We've been calling for responsible budget negotiations for months," the Nevada Democrat said. "If there are any talks, I will be invited."

McConnell said he hoped the stopgap spending measure would "allow time for cooler heads to prevail."

Boehner's exit complicates process

News of the anticipated but long-awaited talks came days after Boehner, a known dealmaker, complicated the process by announcing he would leave Congress at the end of October. It was not clear what impact his sudden departure would have on what will be his final major budget negotiation. But some Democrats -- who fear Boehner's replacement will cower to demands from the right not to cut a deal -- said they hope Boehner will wrap up all the remaining issues before retiring.

"I would hope that Boehner would make it easier on the people who are going to follow him," Reid said. "Get it all done before he leaves."

In an interview on CBS's "Face the Nation" on Sunday, Boehner suggested he may want to do just that.

"I don't want to leave my successor a dirty barn. I want to clean the barn up a little bit before the next person gets there," Boehner said.

McConnell said he had "no earthly idea" how much work would be completed before Boehner leaves.

"We are going to have to deal with all of these issues between now

and December 11," McConnell said. "How much of that could come together before Speaker Boehner leaves, I have no earthly idea."

At issue in the negotiations is how much to spend on the government operations.

Many Republicans want to break existing budget caps to increase spending for defense while most Democrats want to eliminate the caps to increase funding for domestic programs. But the conservatives in the House who helped force Boehner's exit say they want to rein in government spending and don't want to break the caps at all.

McConnell said one of his biggest priorities in the talks will be to set a top line spending figure for this year and 2016, which would allow Congress to carry out a normal appropriations process next year. Washington has run on "continuing resolutions" for some time, which don't allow Congress to make changes to the way money is spent or to alter policies within government agencies.

"Let us at least be honest. With a continuing resolution, no waste will be cut. No spending will be cut. No regulations will be stopped. And the debt will continue to mount," Kentucky Sen. Rand Paul said in a floor speech explaining why he would vote against the continuing resolution.

House passes defense bill compromise, despite veto threat

[MilitaryTimes](#)

October 1, 2015

House Republicans passed a compromise \$612 billion defense authorization bill on Thursday, the first day of the new fiscal year, which includes a pay raise for troops and an overhaul of the military retirement system, over objections from the White House that the measure uses budget gimmicks to avoid fully funding military needs.

President Obama has promised to veto the measure if it is approved by the Senate, which could happen as early as next week.

Pentagon leaders have backed that move, arguing that Republican lawmakers' plans to use temporary war funds to get around government-wide spending caps that Congress itself imposed would undermine national security.

In passing the measure, House Republicans rejected that claim, arguing that the authorization bill fully funds military requests and mistakenly shifts what should be appropriations fights to the policy-focused authorization bill.

“This bill is good for the troops, it's good for the country, and that ought to override everything else,” said House Armed Services Committee Chairman Mac Thornberry, R-Texas.

The committee’s personnel panel chairman, Rep. Joe Heck, R-Nev., accused Obama of “using our military men and women as political pawns to get more money for non-defense spending.”

But Rep. Adam Smith, D-Wash., the committee's ranking Democrat, said the budget issues mar an otherwise laudable bill.

The final 270-156 vote saw 36 Democrats support the legislation, putting the final tally 20 votes short of what would be needed to override a presidential veto.

The bill includes a host of military pay and benefits authorizations, and would allow Obama to set the 2016 military pay raise at 1.3 percent. It also includes an overhaul of the military retirement system that would replace the current 20-year, all-or-nothing model with a "blended" compensation system featuring 401(k)-style investment account for all troops.

At the request of Pentagon officials, the authorization bill would slow growth in the Basic Allowance for Housing, reducing it to cover only 95 percent of troops’ average off-base housing costs over the next few years.

Another provision of the bill would increase Tricare co-pays next year for individuals filling prescriptions at off-base pharmacies.

The measure also includes language prohibiting the Defense Department from closing down detention facilities at Naval Station Guantanamo Bay, Cuba; provisions to supply defensive weapons to Ukrainian fighters engaged with Russian separatists; and new Pentagon acquisition reforms.

The bill would prohibit defense officials from starting a new round of base closures, and includes new protections for sexual assault victims in the ranks.

Lawmakers also added language allowing commanders to develop local policies for both personal and military firearms on base for self-defense. Those policies would not override state or municipal laws, but would allow different defense facilities to adopt differing weapons policies.

The annual defense authorization bill has been signed into law for more than 50 consecutive years, a point of pride even amid the current bitter partisan divides in Congress.

Aides said the measure has been vetoed four times over that stretch, but each time a compromise with the president was reached.

