

Presidential Vetoes of Annual Defense Authorization Bills

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Defense Secretary Ashton B. Carter is recommending that President Obama veto the conference report on [H.R. 1735](#), the National Defense Authorization Act (NDAA) for FY2016, Carter told reporters on September 30, 2015. If Obama were to veto the measure, it would mark the fifth time since 1961, when Congress enacted the first annual defense authorization bill, that a president has vetoed that measure. Prior to 1986, when military construction projects were authorized in separate legislation, an annual military construction bill was vetoed by President Johnson in 1965 and by President Ford in 1976.

In each of those six cases, after the veto of an initial bill, Congress passed—and the President signed into law—a new bill, essentially identical to the vetoed legislation except for the elimination of provisions to which the President had objected.

Carter, and other Administration officials, object to the fact that [H.R. 1735](#) would circumvent the defense spending cap set by the Budget Control Act of 2011 by including in the authorization for Overseas Contingency Operations (OCO) authorization for appropriation of \$38 billion intended to cover costs in DOD's so-called "base budget."

Additional data on the legislative history of each of the bills is available in CRS Report 98-756, [Defense Authorization and Appropriations Bills: FY1970-FY2015](#), by Nese F. DeBruyne.

FY1979 Defense Authorization Act

The first authorization bill for FY1979 that Congress sent to the White House (H.R. 10929), was vetoed by President Jimmy Carter on August 17, 1978. In his veto message, President Carter objected to the bill's authorization of \$1.93 billion for a nuclear-powered aircraft carrier. Citing plans to request a less expensive, conventionally-fuelled carrier in the next DOD budget, President Carter complained that, in order to fit the nuclear-powered ship into the agreed budget level, Congress denied funds the Administration had requested for weapons that would beef up the defense of NATO. See "Veto of the Department of Defense Appropriation Authorization Bill," *Public Papers of the Presidents of the United States: Jimmy Carter 1978*, vol. 2 (Washington: GPO, 1978), pp. 1447-1449.

After the House sustained the veto on September 7, 1978, Congress passed a second FY1979 authorization bill—which did not authorize funding for the carrier—which President Carter signed into law on October 20, 1978 (P.L. 95-486).

FY1989 National Defense Authorization Act

On August 3, 1988, President Reagan vetoed the first authorization bill for FY1989 that Congress sent to the White House (H.R. 4264). In his veto message, the President contended that U.S. leverage in arms control negotiations with the Soviet Union would be weakened by several elements of the bill including a 20% reduction from the budget request for ballistic missile defense, a requirement to retire two missile-launching submarines, and a slowdown of efforts to

develop a rail-mobile launcher for the MX ICBM. See "Message to the House of Representatives Returning Without Approval the National Defense Authorization Act," *Public Papers of the Presidents of the United States: Ronald Reagan 1988-89*, vol. 2, pp. 1017-1018.

Subsequently, Congress sent the President H.R. 4481, a second authorization bill for FY1989—with the contested provisions removed—which he signed into law on September 29, 1988 (P.L. 100-456).

FY1996 National Defense Authorization Act

President Clinton vetoed H.R. 1530, the first FY1996 defense authorization bill, on December 28, 1995. In his veto message, the President singled out as particularly objectionable a Senate-originated provision calling on DOD to be ready to deploy by 2003 a multi-site ballistic missile defense system to protect U.S. territory. Clinton contended that this provision was inconsistent with the 1972 U.S.-Soviet Anti-Ballistic Missile Treaty and, therefore, could induce Moscow to abandon other arms control agreements. See "Message to the House of Representatives Returning Without Approval the National Defense Authorization Act," *Public Papers of the Presidents of the United States: William J. Clinton 1995*, vol. 2, pp. 1929-1930.

The House sustained the veto on January 3, 1996 after which Congress sent the President a second bill (S. 1124), which omitted the missile defense mandate and some other provisions to which he had objected, which he signed on February 10, 1996 (P.L. 104-106).

FY2008 National Defense Authorization Act

On December 28, 2007, President George W. Bush vetoed H.R. 1585, citing as the reason Section 1083 of the bill which would have made assets of the Iraqi government that were located in the United States liable to seizure in lawsuits filed by persons who had been victims of the government of deposed Iraqi dictator Saddam Hussein. In his veto message, the President contended that the post-Saddam Iraqi government would need those assets to help the country recover from the adverse effects of Saddam's rule. See "Memorandum to the House of Representatives Returning Without Approval the National Defense Authorization Act," *Public Papers of the Presidents of the United States: George W. Bush 2007*, vol. 2, pp. 1592-1594.

Subsequently, Congress sent the White House a second FY2008 authorization bill (H.R. 4986), from which the disputed provision was dropped, which the President signed on January 28, 2008 (P.L. 110-181).

Military Construction Authorization Vetoes, FY1966 and FY1977

On August 21, 1965, President Johnson vetoed H.R. 8439, the FY1966 Military Construction Authorization Bill, citing provisions that would have limited the ability of the President to close military bases. See "Veto of the Military Authorization Bill," *Public Papers of the Presidents of the United States: Lyndon B. Johnson 1965*, vol. 2, pp. 907-909. A second bill with less restrictive base closing provisions (H.R. 10775) subsequently was enacted as P.L. 89-188.

Only July 2, 1976, President Ford vetoed H.R. 8439, the FY1977 Military Construction Authorization Bill, also because of base closure limitations in the bill. U.S. President (Ford), "Veto of the Military Construction Bill," *Public Papers of the Presidents of the United States: Gerald R. Ford 1976*, vol. 2, pp. 1953-1954. A second bill with less restrictive base closing provisions (H.R. 14846) subsequently was enacted as P.L. 94-431.