

# House Passes Defense Authorization Bill Over Objections, Sends to President

December 14, 2023 **by Dan McCue**



Rep. Chip Roy, R-Texas, one of those angered that an extension of government surveillance powers was tacked on to the NDAA passed on Thursday. (Photo by Dan McCue)

WASHINGTON — The House on Thursday passed the annual National Defense Authorization Act, overcoming the opposition of staunch conservatives who bemoaned the fact many of the “wins” they felt they achieved last summer in the guise of hardline amendments were stripped from the compromise, \$886 billion spending package.

“There is no justification for supporting a bill that does not materially change the direction of our military away from social engineering,” said Rep. Chip Roy, R-Texas, a vocal member of the House Freedom Caucus.

As previously reported by The Well News, negotiators led by Sen. Jack Reed, D-R.I., of the Senate Armed Services Committee, and Rep. Mike Rogers, R-Ala., of the House Armed Services Committee, removed several amendments the House had passed last summer in order to arrive at an NDAA that could garner the necessary support among moderates in the chamber to pass.

Among the controversial items cut from the revised bill is a provision that would have voided the Defense Department's new paid leave policy for service members who travel for an abortion.

In addition to providing paid leave, the Pentagon policy also reimburses travel costs for service members who need to travel for an abortion service.

It was adopted in the wake of the Supreme Court's June 2022 ruling in *Dobbs v. Jackson Women's Health Organization*, in which a majority of the justices held that the Constitution does not confer a right to abortion.

The court's decision reversed both *Roe v. Wade* and *Planned Parenthood v. Casey*, returning to individual states the power to regulate any aspect of abortion not protected by federal law.

House Republicans passed the amendment to the NDAA along with several other provisions vociferously opposed by a majority of House Democrats in July.

Also excised from the text are provisions that would have barred gender-affirming health care for transgender service members and the purchase of books with certain LGBTQ themes for the department's schools.

Another provision that was cut was a ban on drag shows on military bases.

The Defense Department earlier this year announced it was banning drag shows, a fact the committees noted in their report.

As a result of those changes and others, the vote in favor of the NDAA on Thursday was a resounding 310–118, with 45 Democrats and 73 Republicans opposing the measure.

But Roy and others also objected to the bill's inclusion of an extension of Section 702 of the Foreign Intelligence Surveillance Act, also referred to as FISA, through the middle of April.

Section 702, which would have expired at the end of this year, allows the U.S. to surveil foreigners abroad without a warrant, but lawmakers have expressed concerns because Americans have gotten caught up in the surveillance activity.

“We’ve been told we have to pass [the NDAA] before Christmas ... that it is impossible to oppose because we put a military pay raise in it ... and at the same time were told we have to ignore the critical destruction of our civil liberties that extending FISA in its present form represents,” Roy said.

“What happened was a deal was cut by leadership, by the four corners, to shove a predetermined bill through conference and then tell the rest of us we just had to take it,” Roy said.

“They said, ‘Take it. Pass this before Christmas, or you’re going to leave our men and women in uniform stranded.’ That’s what actually happened,” he said.

Roy said the hardliners were given assurances that two bills would be brought to the House floor and that both the NDAA and the FISA extension would be fully vetted.

“What was decided by the leadership, on both sides, was to jam the FISA extension onto the backs of our men and women in

uniform, and bring that to the floor in violation of our rules that all legislation being considered pertain to a single subject.

“The question is, who gets to decide? Who gets to make these grand pronouncements of who is going to compromise? It wasn’t any of us. That was the deal,” he said.

Later, Roy, clearly on a roll, added, “See, if you poke the bear in this town, they don’t like to be poked, because it changes how this town works. Heaven forbid! Because it has been going so well, so beautifully, that we have \$34 trillion in debt and rampant spying on the American people ... these rampant abuses, this body is just going to extend the very mechanism of those abuses on the back of the NDAA and say, ‘Have a nice day, go home and have your turkey, go home and be with your families.’”

Roy, of course, was not alone in his sentiments. Rep. Bob Good, R-Va., the newly elected chair of the Freedom Caucus, also spoke out against the conjoined measures albeit a bit more concisely.

“The NDAA is a bad bill, attaching it to FISA makes it that much worse. Every Republican should vote against it,” he said.

Then there was Rep. Matt Gaetz, R-Fla., who said he regretted rising in opposition to the NDAA “because there is a great deal of good in it,” but said he couldn’t stomach the temporary FISA extension being part of it.

“Only in Washington must we bring a bill to the floor so that we are able to militarily confront China, while at the same time embracing the policies that make the United States more like China,” he said.

“[The FISA extension] does not belong in the NDAA,” Gaetz continued. “Maybe we could have stomached it if the underlying

bill had looked more like we hoped. ... Instead, you feel like a parent who sends a child off to summer camp and they come back a monster. This bill came back in far worse shape than when it left this chamber.”

In the end, the fiery debate that roiled the chamber led to a suspension of the normal rules, allowing the NDAA to pass after garnering the support from just two-thirds of the members.

Now that it has passed, the bill will keep the Defense Department funded through the end of the fiscal year and raise military pay an unprecedented 5.2%.

It also provides \$11.5 billion in funding to enable the U.S. and its allies to continue to deter Chinese aggression in the Indo-Pacific region and \$800 million to support Ukraine’s efforts to thwart the ongoing Russian invasion.

Rogers said he understood his colleagues’ anger, and that he too was disappointed the House didn’t get everything it wanted during the conferencing process.

“But you know what? The Senate is pretty disappointed they didn’t get the priorities they wanted, either,” he said. “It takes compromise to move legislation in a divided government and this bill is a good compromise.

“It puts the needs of our servicemembers and our national security before all else,” he added.

*Dan can be reached at [dan@thewellnews.com](mailto:dan@thewellnews.com) and at <https://twitter.com/DanMcCue>*

