

FUNDING THE COMMON DEFENSE:
MONEY MATTERS IN THE MODERN AMERICAN CONGRESS

BY
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APPROVAL

The undersigned certify that this thesis meets master's-level standards of research, argumentation, and expression.

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DISCLAIMER

The conclusions and opinions expressed in this document are those of the author. They do not reflect the official position of the US Government, Department of Defense, the United States Air Force, or Air University.



ABOUT THE AUTHOR

Prior to entering the United States Air Force, Lieutenant Colonel Saraceno worked as a legislative assistant in the United States House of Representatives from January 1993 through March 2000. As a Senior Legislative Assistant and Military Legislative Assistant, she framed and supported execution of the Congressman's legislative agenda on issues ranging from health care and education to foreign affairs and defense. During this time, the Secretary of the Air Force invited her to attend the Air Command and Staff College Seminar on Capitol Hill, from which she graduated in October 1999.

Lieutenant Colonel Saraceno entered the Air Force in 2000 and is a career intelligence officer as well as an Air Force Weapons School graduate. She has held several operational and staff positions and recently commanded an intelligence detachment. Her staff tours include duty as an Action Officer for the Chief of Staff of the Air Force's Strategic Studies Group (CHECKMATE), Branch Chief for ISR Strategy Futures under the office of the Air Force Deputy Chief of Staff for ISR (A2), and the Deputy Chief of the Air Force A2 Action Group. She also led and supported intelligence operations for multiple contingencies to include Operations Noble Eagle, Enduring Freedom, and Iraqi Freedom.

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Much of the data required to develop and write this thesis came from a number of former colleagues and friends working within Washington, DC beltway. Many, if not all, asked to remain anonymous given their positions. I assure the reader they are without reproach in their knowledge, insights, and assessments regarding the inner workings of Capitol Hill, the Pentagon, and beltway politics. Without their unfettered support, willingness to answer what may have seemed like endless questions, and trust in me, this examination may have never evolved. Gratitude.

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ABSTRACT

America is at a crossroads. The military services are being asked to meet increased demands across the globe but lack a Congress that will put aside politically polarizing ideals in order to provide the leadership and budget certainty necessary to provide for the common defense. As a result, this study asks the question: “Is Congress fulfilling its constitutional mandate to provide for the common defense?” The conclusion is an unequivocal “no.” This conclusion is reached through the examination of two driving forces behind growing budget uncertainty: the increasing use of and length of Continuing Resolution Authority (CRA) and the 2011 Budget Control Act (BCA). The latter levies sequestration provisions on the military, specifically the Air Force. To begin, this study examines current national security strategies intended to inform the defense-budgetary process and looks at how the defense-budget process is designed to work. The study identifies a disconnect between national strategic objectives and defense budgeting. What follows is a detailed analysis of how CRA coupled with the implementation of sequestration in FY 2013 and threats of sequestration caps in the near future have impacted and will continue to have detrimental effects on the Air Force and the rest of the United States military. While political polarization, to a certain extent, is a mainstay of Congressional activity, ways exist to address the growing divide and restore some level of certainty to the defense-budget process. This study offers three recommendations for consideration by Congressional leadership and the American public—return of earmarks, reform of the House and Senate party and committee leadership structure, and amending the U.S. Constitution to provide a four-year term for the US House of Representatives. The time has come for Members of Congress to live up to their oath of office, put aside all that has prevented them from properly funding America’s military and do what is constitutionally right for the nation—provide for the common defense.

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Chapter 1

Introduction

*“The Department of Defense and every other department need appropriations bills. They don’t need a CR, they don’t need the threat of and raising the debt ceiling, and they don’t need sequestration.”*¹ Congressman Adam Smith

In *The Federalist*, a compilation of the seminal essays written in defense of the ratification of the United States Constitution, Alexander Hamilton explained, “the operations of the federal government will be most extensive and important in times of war and danger.”² He went on to state that “the more adequate indeed the federal powers may be rendered to the national defense, the less frequent will be those scenes or danger which might favor their ascendancy over the government of the particular states.”³ Potentially influenced by *The Federalist* arguments, Article 1, Section 8 of the Constitution of the United States dictates that “the Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defence and general welfare of the United States.”⁴

The Founding Fathers of the United States of America, based on personal observations and history, understood that a global peace is not guaranteed, and no nation is permanently secure from external threats. As a result, they identified a need for an organized and professional military to help defend against threats both foreign and domestic. As such, Article 1, Section 8 also charged Congress to “raise and support

¹ US House of Representatives. *The Impacts of a Continuing Resolution and Sequestration on Defense*. Committee on Armed Services, Washington, DC: U.S. Government Printing Office, 2013.

² Hamilton, Alexander, John Jay, James Madison, George Wescott Carey, and James McClellan, eds. *The Federalist*. Gideon ed. Indianapolis: Liberty Fund, 2001, 241

³ Hamilton, *The Federalist*, 241.

⁴ *Our American Government*. 1993 ed. vols. Washington, DC: U.S. Government Printing Office, 1993, 89.

Armies,” “to provide and maintain a navy,” “to provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions,” and to “provide for organizing, arming, and disciplining, the militia...”⁵ For over 200 years, the United States Congress, through various budget processes as well as varying dollar amounts based on national and global environments, has done just that--provided for America’s common defense, ensuring the protection of our security interests both at home and abroad.

Yet, over the course of the past two decades, Congress is becoming, increasingly, a dysfunctional institution when it comes to the passage of federal budget and appropriations legislation. This, however, is not a new phenomenon. While the reasons may differ from those discussed in this study, as far back as 1952, Congress had difficulty passing all regular appropriations bills before the beginning of a new fiscal year.⁶

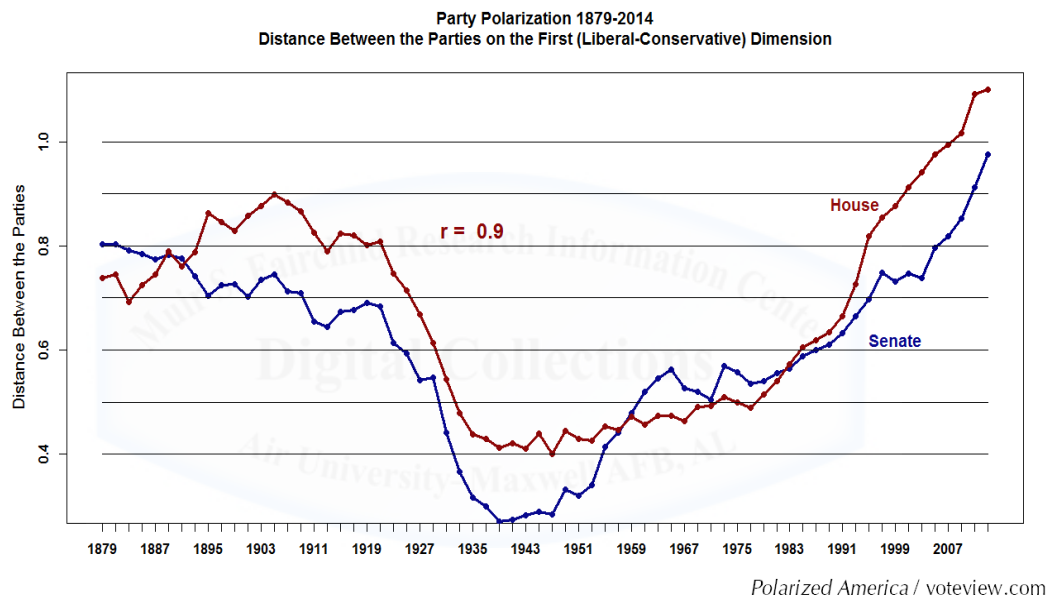
The dysfunction apparent today, however, goes beyond issues such as budgets and appropriations bills but has grave impacts upon both processes. As witnessed by the author while a legislative assistant in the United States House of Representative and explained by Thomas E. Mann of the centrist Brookings Institution and Norman J. Ornstein of the conservative-leaning American Enterprise Institute, “the problems are much deeper and broader, inside Congress, in the relations between Congress and the president, in campaigns, and in the coarsened, divided, and tribal political culture.”⁷ As Mann and Ornstein further explain, “partisan polarization is undeniably the central and most problematic feature of contemporary American politics. Political parties

⁵ Our American Government, 93.

⁶ Tollestrup, Jessica. Continuing Resolutions: Overview of Components and Recent Practices. Washington, DC: Library of Congress, Congressional Research Service, 6 August 2012.

⁷ Mann, Thomas E., and Norman J. Ornstein. It’s Even Worse than It Looks: How the American Constitutional System Collided with the New Politics of Extremism. 1st pbk. ed. New York: Basic Books, 2013, 31.

today are more internally united and ideologically distinctive than they have been in over a century”⁸ as shown in Figure 1. This results in very sharp ideological differences between both sides of the aisle leaving little to no negotiation space on legislative matters.⁹ It can be debated exactly where the roots of dysfunction are strongest. Such a discussion is beyond the scope of this examination. Rather, the point is that today’s fractured Congress significantly contributes to a lack of action on legislation, especially in matters concerning America’s national defense.



⁸ Mann and Ornstein. *It's Even Worse than It Looks*, 44.

⁹ The following academic studies provide more detailed information on the growing partisan political divide in American politics that goes beyond the scope of this examination. *It's Even Worse Than It Looks: How the America Constitutional System Collided with the New Politics of Extremism*, by Thomas E. Mann and Norman J. Ornstein provides a detailed look at the problems that led Congress down a dysfunctional path including recommendations on how the institution, media, and the American public can right all that has gone wrong. In addition, *The Second Civil War: How Extreme Partisanship Has Paralyzed Washington and Polarized America*, by Ronald Brownstein delves into the forces that have created a zero-sum mentality across America’s political landscape, leaving little, if any, room for compromise. Like Mann and Ornstein, he also provides recommendations on how America can move beyond the divide.

Figure 1. Ideological Distance Between Political Parties

Source: http://voteview.com/Political_Polarization_2014.htm (accessed 3 May 2015).

The dysfunction of Congress, however, is getting worse. This is especially the case ever since the close of the 2010 mid-term congressional election cycle, which brought about a significant change in the political dynamics on Capitol Hill and around Washington, D.C. With the start of the 112th Congress in 2011, the legislative focus centered around dealing with the Fiscal Year (FY) 2011 unresolved appropriations process, a government operating under Continuing Resolution Authority (CRA), and questions about the federal government debt ceiling.¹⁰ Even before the 2010 elections, more and more Americans witnessed their elected representatives persistently failing to reach sensible budget agreements.

Constituents watch in disbelief as Congress continues to demonstrate a lack of ability to compromise on and pass all 12 federally mandated appropriations bills. When this occurs, the tendency is to resort to the use of CRA in order to pass large, all-encompassing appropriations bills in order to keep the United States government running. Since approximately fiscal year 1998, both the use and length of CRA by the United States Congress to fund the government have increased.¹¹ As a result, instead of looking for ways to find common ground and reconcile differences, Congressional leadership uses CRA to “buy time” until a compromise is achieved that will allow for spending bills to pass individually or collectively as part of an Omnibus Appropriations package. In the meantime, federal agencies, including the Department of Defense (DoD), may find themselves restricted to the

¹⁰ Joyce G., Philip. *The Costs of Budget Uncertainty: Analyzing the Impact of Late Appropriations*. Improving Performance Series. IBM Center for The Business of Government: University of Maryland, 2012, 15.

¹¹ Tollestrup, Jessica. *Continuing Resolutions: Overview of Components and Recent Practices*, 13.

previous year's spending levels and unable to purchase required equipment and supplies, start new programs, execute contracts, fill vacant positions, and conduct required training and travel. If Congress does not reach an agreement, millions of Americans watch helplessly as the government shuts down, cutting off funds for paychecks, federal contracts, and government services across the United States.

Making matters worse is the legislative agreement that allowed Congress to raise the debt ceiling in 2011. Under the 2011 Budget Control Act (BCA), both political parties agreed to raise the debt ceiling to prevent the United States from a default status. As part of the BCA, a Joint Select Committee on Deficit Reduction was charged with finding approximately \$1.2 trillion in spending reductions. As an incentive to find the savings, a provision called sequestration was written into the law allowing the President to order a sequester and the Office of Management and Budget (OMB) to establish statutory budget limits mandating across-the-board cuts to federal discretionary spending for FYs 2013 through 2021.¹² While the Joint Select Committee was essentially intended to overcome the political dysfunction displayed during the debt-ceiling negotiations in the months prior, it also succumbed to the tribalism rampant in an increasingly divided Congress.¹³ As a result, sequestration went into effect on 1 March 2013, capping defense spending at \$546 billion and non-defense spending at \$501 billion.¹⁴ Federal agencies, including the DoD, scrambled to find ways to make the immediate, mandatory cuts.

Why does America wake up every day to find its democratic system continually at an impasse over federal-budget and appropriations-process decisions? The root cause is the increasing polarization between

¹² Lynch, Megan S. *Sequestration as a Budget Enforcement Process: Frequently Asked Questions*. Washington, DC: Library of Congress, Congressional Research Service, 27 February 2013, 2-3.

¹³ Mann and Ornstein. *It's Even Worse than It Looks*, 27.

¹⁴ Joyce G., Philip. *The Costs of Budget Uncertainty*, 18.

the Democratic and Republican parties. Many attribute the current political polarization to the following elements: (1) the election of a democratic President, Barack Obama, (2) the existence of a politically divided Congress through the close of 2014, with the Democrats reigning the House between 2009 and 2014 and the Republicans ruling the Senate from 2011 through 2017, and (3) the rise of the Tea Party, a faction of the Republican Party that is influential, disruptive, and inserting more partisanship into its own party structure and ultimately into the legislative process more than normal. Exacerbating the polarization issue is the growing dissonance between factions within each party, the divides being more prominent and public, as mentioned above, within the Republican establishment, especially in light of budget debates.

As a result of this increased polarization, Congressional decision-making has drifted away from the “all politics is local”¹⁵ mindset and is now more centered along ideological lines and more partisan in nature and scope.¹⁶ There is seemingly no tolerance for crossing the aisle in order to shape compromise legislation for the good of the entire nation. This paradigm shift in thinking and action alters the way Members of Congress view and address issues before the House and Senate, especially defense spending legislation. Unlike most issues considered by Congress, the defense of the nation’s interests at home and abroad normally transcends most ideological and parochial concerns. Congressmen and Senators, however, still attempt to fund military projects and maintain bases in their district or state as a way to create jobs and enhance the local economy. Federal representatives have always done and will continue to do this. Doing the people’s business is why the American people elected them.

¹⁵<http://www.pbs.org/wgbh/americanexperience/features/biography/carter-oneill> (accessed 3 May 2015).

¹⁶ Mann and Ornstein. *It’s Even Worse than It Looks*, 51.

Compounding the polarization issue is the recent shift away from allowing earmarks in appropriations bills. As defined by the Office of Management and Budget (OMB),

Earmarks are funds provided by the Congress for projects, programs, or grants where the purported congressional directions (whether in statutory text, report language, or other communication) circumvents otherwise applicable merit-based or competitive allocation processes, or specifies the location or recipient, or otherwise curtails the ability of the executive branch to manage its statutory and constitutional responsibilities pertaining to the funds allocation process.¹⁷

In other words, using earmarks in spending bills is a way for Congressmen and Senators to direct funding to specific projects in their district or state—they are bringing home the bacon for their constituency. Earmarking funds has been around for decades. In the 1990s and early 2000s, however, earmark spending increased significantly.¹⁸ For example, in 1993, there were 892 earmarks costing \$2.6 billion; in 2005 there were almost 14,000 earmarks costing \$27.3 billion with just 9,000 earmarks in 2006 costing Americans \$29 billion.¹⁹ During the 111th and 112th Congresses, spanning 3 January 2007-2011, in an effort to curtail spending, Congress as well as President Obama instituted reforms with the intent to bring more transparency and accountability to the earmark process.²⁰ The reform efforts involved a public-disclosure process giving the American public details on which Representative or Senator requests the funds, the organization/project receiving the funds, and assurances that the member had no personal financial interest in

¹⁷ <https://earmarks.omb.gov/earmarks-public/> (accessed 26 March 2015).

¹⁸ Davidson, Roger, Walter Oleszek J., Frances E. Lee, and Eric Schickler. *Congress and Its Members*. 13th ed. Washington, D.C: CQ Press, 2011, 406.

¹⁹ Davidson, Oleszek, and Schickler. *Congress and Its Members*, 406.

²⁰ Davidson, Oleszek, and Schickler. *Congress and Its Members*, 406.

the earmark requested.²¹ Then, in late 2010, the House Republicans voted to ban earmarks for all House members.²² The Senate resisted banning earmarks for some time, but made the move to do so after President Obama announced, during his 2011 State of the Union Address, that he would veto any legislation reaching the White House that included earmarks.²³

Despite the issues surrounding earmarks as they were handled before the mid-2000's, the earmark process itself tended to bring members together across political divides. Earmarks were a bargaining chip for House and Senate party and committee leadership. If a Representative or Senator inserted earmarks in spending legislation, they understood that their earmark meant a vote in support of that bill when considered on the House or Senate floor. Without earmarks binding members to support legislation, as a way to be good to their districts or states, a very important way to foster the compromise required to pass the very bills that authorize and appropriate funding for America's national security is lost. As a result, legislators now cling to ideological debates instead of fighting for what supports and protects their constituency and provides for the common defense.

Now, there are congressional fiscal hawks who argue that America is spending too much on defense programs. As a result, these fiscally conservative members see the BCA 2011 sequestration cap provisions as a way to force the DoD to reduced its spending and eliminate wasteful program. According to Representative Justin Amash (R-MI), "we've been spending too much on defense for years because we have a lot of waste within the Department of Defense. There's room to cut, and I think we

²¹ Davidson, Oleszek, and Schickler. *Congress and Its Members*, 407.

²² Davidson, Oleszek, and Schickler. *Congress and Its Members*, 407.

²³ <https://www.whitehouse.gov/the-press-office/2011/01/25/remarks-president-state-union-address> (accessed 5 January 2015).

are perfectly capable of staying within the sequester caps.”²⁴ In essence, sequestration currently serves as Congress’s message to the DoD leadership to stop asking for more than what the military needs.

This is a potentially understandable argument if Congressmen and Senators believe increased defense spending puts the economy and other national priorities, such as domestic programs, at risk. As explained by CRS’s National Defense Analyst Mary Tyszkiewicz and National Defense Specialist Stephen Daggett “the defense budget also has a significant domestic impact. The size and composition of the defense budget may affect the health of the economy, and the level of defense spending is often a major issue in debate over national priorities.”²⁵ The problem with this argument, however, is that protecting America’s way of life, these “domestic priorities,” comes at a cost. Our domestic, economic, and social security rests on the foundation of America’s ability to protect these national interests. Providing for the common defense at home and abroad requires a strong military—and a strong military comes at a price.

If the nation’s military services are going to fulfill the objectives of the US National Security Strategy (NSS) and ultimately the Defense Strategic Guidance (DSG), both discussed later in this examination, Congress must get out from behind its parochial interests and actually put some thought into and hold democratic debates regarding exactly what it expects the military to do—and then put the funding behind it. In light of today’s fiscal environment, the DoD carefully shapes the defense budget request in an attempt to meet the objectives of the nation’s national security strategy. No one expects Congress to accept

²⁴ Peterson, Kristina, and Julian Barnes. “GOP Split Over Expected Obama Request for More Defense Outlays.” *wsj.com*, 28 January 2015.

²⁵ Tyszkiewicz, T., Mary, and Daggett, Stephen. *A Defense Budget Primer*. Washington, DC: Library of Congress, Congressional Research Service, 9 December 1998, 1.

the budget submission without question. Americans deserve, however, to see their Representatives and Senators put aside parochial interests and witness them carefully debate the merits of the requests against the backdrop of what the President and Congress expect the military services to do around the globe—and appropriately fund the common defense in a timely fashion.

Instead of raising overall defense matters above parochial interests, legislators have entangled the fate of United States national security in their extreme, ideologically focused, zero-sum approach to lawmaking. In doing so, they purport to make decisions with respect to budgeting and appropriations that are in the interest of national security. In reality, the actions of Senators and Congressmen equate to political grandstanding for the sake of the party (or a political faction within the party) rather than focused, apolitical support for the military services they charge to defend American interests at home and abroad.

This behavior has led to where we stand now—at a crossroads where the services are being asked to meet increased demands across the globe but lack a Congress that will put aside politically polarizing ideals in order to provide the leadership and fiscal certainty necessary to provide for the common defense. The increased use and length of CRA coupled with the implementation of sequestration in FY 2013 and the threat of additional sequester measures beginning in FY 2016 have had and will continue to have a detrimental effect on the United States military. Political polarization has caused Congress to disengage from normal, deliberate, and democratic debate that typically helps the two parties find middle ground on budgetary matters, especially those of import to national security and defense strategy. As a result, Continuing Resolutions (CRs) and mandated cuts to the DoD budget, without debate on what is vital, have created unnecessary fiscal uncertainty and an easy way out for Congress by passing the decision-making buck to the military services themselves.

As a result of this increased political polarization driving the use of CRs and the impasse over the 2011 BCA, one has to ask—“Is Congress fulfilling its constitutional mandate to provide for the common defense?”

This study will examine two driving forces behind increasing budget uncertainty—the increasing use of and length of CRA and the 2011 Budget Control Act sequestration provision. It will attempt to determine if Congress is sacrificing the Nation’s defense strategy in the name of political extremism and, as a result, failing to fulfill its constitutional mandate to provide for the common defense. The American public has every right to know that Congress is giving due diligence to its military budgets through thoughtful and extended debate as well as providing funding stability and the necessary decision flexibility the DoD and the leadership of its armed services require to maintain a formidable fighting force. In the end, this study attempts to shed greater light on a problem not only faced by the DoD, but one faced by American citizens, America’s allies, and our partners across the globe. In doing so, it will offer a few recommendations for consideration by Congress and ultimately, the American people, on how to bring more reason and fiscal certainty back into the defense-budgeting and appropriations process.

Chapter two will delve further into Congress’s constitutional mandate to provide for the common defense of the nation. Specifically, this chapter will begin with a discussion and explanation of America’s various national strategy documents designed to drive the planning, processes, and budget debate with respect to America’s security. The chapter will then delve into an explanation of the defense-budget process, including budget authorization and the appropriations process, helping set the stage for a further discussion regarding the issues surrounding CRA and the 2011 BCA sequestration provision. The overall intent of this chapter is to begin to show a disconnect between national strategic objectives and defense budgeting. Specifically, how political

polarization impairs consideration of these important guidance documents when creating defense budgets.

Chapter three will explore the reasons for and controversy surrounding the use of CRA. Specifically, the examination will define CRA and provide historical background on the use of CRs to keep the government running when political agreement cannot be obtained to pass individual appropriations bills with the expected consideration and debate required for their approval. In addition, chapter three will discuss the impact that increased use and length of CRAs have on military operations. For the purpose and scope of this study, the examples will focus on the impact CRA has on Air Force-specific planning, programming, and implementation.

Chapter four will explore the reasons for and controversy surrounding the BCA of 2011 and its ominous sequestration provision. Specifically, chapter four will discuss the evolution of the 2011 BCA and what drove the President and Congress to implement sequestration for the FY 2013 budget cycle, why the sequestration cap was loosened for FY 2014 and FY 2015, and why, at the writing of this study, the threat of sequestration again looms large for FY 2016. Finally, the chapter will discuss the impact sequestration has on military operations. For the purpose and scope of this study, the examples will focus on the impact sequestration has on Air Force-specific planning, programming and implementation. In addition, it will cover the anticipated ramifications to the Air Force should sequestration be implemented again in FY 2016.

All hope is not lost. There exist potential solutions to the defense-budget-process quagmire. Chapter five provides a brief summary of findings. The final chapter presents three recommendations for consideration by United States Congressional leadership and the American public.

Chapter 2

National Strategy and the Defense-Budget Process

In order to understand the issues surrounding CRA and the 2011 BCA sequestration provisions that are the crux of this examination, it is important to begin with a discussion about the various strategic documents and processes that are intended to articulate the ends, ways, and means that drive the planning, programming, and budgeting that provide for America's defense. In addition, an overview of the typical defense-budgeting process, including the authorization and appropriations processes is in order. Only then, following a strategy and defense-budget primer, can one begin to grasp why the current way Congress is handling budget process, through the continued use of CRAs and sequestration, is impeding the Air Force and its sister services' ability to carry-out military, and ultimately, national strategic objectives.

Strategy

The DoD mission "is to provide the military forces needed to deter war and protect the security of our country."¹ In order to provide the military might required by America's leadership to deter war, execute combat operations, and to protect the security of this great nation, it first must have a national strategy. The national strategy should then set forth well established policy objectives designed to help guide the development of national capabilities (i.e. military forces, diplomatic means, etc.) and the national military budget necessary to achieve those objectives.

According to military strategist, B.H. Liddell Hart, the role of national strategy "is to coordinate and direct all the resources of a nation, or band of nations, towards the attainment of the political object

¹ <http://www.defense.gov/about/> (accessed 3 January 2015).

of the war—the goal defined by fundamental policy”² In order for America’s leadership to achieve political objectives, it must first develop a national strategy, the purpose of which is to ensure the political objective is kept in view as the nation works to prevent war, engage in war, and preserve its sovereignty. National strategy will outline the political objectives and inform the development of military strategy. Without overall national objectives in sight, it is nearly impossible to formulate the plans, programs, and budgeting required to resource America’s national security strategy. National security strategy can serve various purposes. In the context of this examination, the most relevant purpose of strategy is to serve as a method to prioritize the Administration’s objectives in a way to inform the DoD’s internal budgeting, planning, and execution processes.³ What follows in the next few pages is a detailed overview of America’s national security strategy documents that should inform and drive budgetary decision-making in Congress.

America’s Strategies

There are four key strategic-direction documents that help inform the defense planning, programming, and budget process. These documents include the National Security Strategy (NSS), the Quadrennial Defense Review (QDR), the National Defense Strategy/Defense Strategic Guidance (NDS/DSG), and the National Military Strategy (NMS).⁴

The NSS provides the President’s vision on significant security concerns facing the nation. It is the document that impacts and helps shape all other national strategy documents and, when strategists

² Hart, B. H. Liddell. *Strategy*. 2nd Rev. ed. 1967. Reprint, New York: Penguin, 1991, 332.

³ Dale, Catherine. *National Security Strategy: Mandates, Execution to Date, and Issues for Congress*. Washington, DC: Library of Congress, Congressional Research Service, 6 August 2013, 2

⁴ Joint Publication (JP) 1-0, *Doctrine for the Armed Forces of the United States*, 23 March 2013, II-3 to II-5.

describe it as part of the ends, ways, and means construct,⁵ the NSS outlines the ends.⁶

According to Title 50, U.S. Code, the NSS is required to include a detailed description and discussion of the following:

- (1) The worldwide interests, goals, and objectives of the United States that are vital to the national security of the United States.
- (2) The foreign policy, worldwide commitments, and national defense capabilities of the United States necessary to deter aggression and to implement the national security strategy of the United States.
- (3) The proposed short-term and long-term uses of the political, economic, military, and other elements of the national power of the United States to protect or promote the interests and achieve the goals and objective referred to in paragraph (1).
- (4) The adequacy of the capabilities of the United States to carry out the national security strategy of the United States, including an evaluation of the balance among the capabilities of all elements of the national power of the United States to support the implementation of the national security strategy.
- (5) Such other information as may be necessary to help inform Congress on matters relating to the national security strategy of the United States.⁷

Recently, however, Presidential NSS submissions have not necessarily dealt with the “risk” associated with carrying-out the elements set forth in the document. As a result, according to Catherine Dale, a Specialist in International Security at the Congressional Research Service, national strategy does not necessarily address “the gap between anticipated requirements and planned ability to meet them.”⁸ In addition, and extremely relevant to this examination, Presidential

⁵ JP 1-0, II-3.

⁶ JP 1-0, II-3.

⁷ Dale, National Security Strategy, 3.

⁸ Dale, National Security Strategy, 4.

Administrations have failed to prioritize desired national security objectives. For example, as Dale points out, President Barack Obama's 2010 NSS set forth four national interests including "the security of the United States, its citizens, and U.S. Allies and partners; a strong innovative, and growing U.S. economy in an open internal economic system that promotes opportunity and prosperity; respect for universal values at home and around the world; and an international order advanced by U.S. leadership that promotes peace, security and opportunity through stronger cooperation to meet global challenges."⁹ Within each of those interests, the NSS identified a number of objectives and sub objectives. The NSS loosely prioritized its national interests, but failed to prioritize among the objectives.¹⁰ As Dale points out in her report, the U.S. Code does not prescribe that NSS discuss anticipated priorities and associated risk. Yet, in times of fiscal austerity, a seasoned strategist would deem it prudent for Administrations to do so.

The second strategy document, produced by the DOD, is the QDR. The QDR provides the President, Congress, and most importantly, the military services, a 20-year outlook of the global strategic environment that leads to the creation of a national defense strategy. According to U.S. Code the QDR is required:

- (1) to delineate a national defense strategy consistent with the most recent National Security Strategy prescribed by the President pursuant to §108 of the National Security Act of 1947 (Title 50 U.S. Code §404a);
- (2) to define sufficient force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program of the United States associated with that national defense strategy;

⁹ Obama, Barak. *National Security Strategy*. Washington, DC: The White House, May 2010.

¹⁰ Dale, National Security Strategy, 4.

(3) to identify (A) the budget plan that would be required to provide sufficient resources to execute successfully the full range of missions called for in that national defense strategy at a low-to-moderate level of risk, and (B) any additional resources (beyond those programmed in the current future-years defense program) required to achieve such a level of risk; and,

(4) to make recommendation that are not constrained to comply with and are fully independent of the budget submitted to Congress by the Present pursuant to §1105 of Title 31 U.S. Code¹¹

Much like the President's NSS, the QDR does not typically prioritize among defense objectives or lay out the specific roles and responsibilities between the services.¹² Unlike the NSS, however, this is not the intent of this strategic review. Rather, Congress requires the QDR to provide a 20-year, resource-unconstrained outlook of the national security environment. Specifically, the QDR identifies what is required from America and its military services to address the threats and challenges anticipated over the next 20-years and expects only a low-to-moderate level of risk in executing the NSS.¹³

Of particular interest in answering the question set forth by this examination is the level of risk anticipated by the 2014 QDR. While the bulk of the report outlines DOD focus areas and capabilities with a low-to-moderate level of risk, the authors devote an entire section of the report to discussing potential higher levels of risk the military and nation may have to accept if sequestration caps are reinstituted for FY 2016. A detailed sequestration discussion appears later in this examination, yet, it is worth pointing out the following statement from the 2014 QDR: "The return of sequestration-level cuts in FY2016 would significantly reduce

¹¹ Dale, National Security Strategy, 5.

¹² Dale, National Security Strategy, 6.

¹³ Dale, National Security Strategy, 5.

the Department's ability to fully implement our strategy."¹⁴ It is worth repeating—another round of sequestration across-the-board cuts will “significantly reduce the Department's ability to fully implement our strategy,” forcing the nation's military to accept an increased level of risk for certain mission areas.¹⁵ The strategy that then Defense Secretary Chuck Hagel referred to is the very NDS/DSG followed by the military services in executing America's NSS.

Title 10, U.S. § 118 mandates that within the QDR process, the DOD develop a national defense strategy.¹⁶ Therefore, accompanying the submission of the QDR to the House and Senate Armed Services Committees every four years is typically an updated NDS.¹⁷ At times, when situations dictate, the NDS may be submitted outside the QDR timeframe, as was done in 2005 and 2008. The most recent NDS submitted occurred outside the QDR cycle. On 3, January 2012, the DOD published “Sustaining U.S. Global Leadership: Priorities for 21st Century Defense,” which is also known as the 2012 Defense Strategic Guidance (DSG). According to Dale, defense officials expect that the DSG will provide the baseline for the upcoming QDR, expected this year.¹⁸ The NDS/DSG is the mechanism through which the Secretary of Defense lays out DOD objectives in support of the NSS. According to Dale, the NDS/DSG “articulates the ends that the Department of Defense will pursue to help execute the national security strategy, together with the ways and means that DOD will use to do so.”¹⁹ These ends “guide

¹⁴ Department of Defense, *Quadrennial Defense Review 2014*. Washington, DC, 52.

¹⁵ Department of Defense, *Quadrennial Defense Review 2014*. Washington, DC, IV.

¹⁶ Dale, National Security Strategy, 6.

¹⁷ Dale, National Security Strategy, 6.

¹⁸ Dale, National Security Strategy, 7.

¹⁹ Dale, National Security Strategy, 6.

DOD's security activities and provide direction for the NMS."²⁰ The NDS/DSG ends not only affect the activity of 16 DOD agencies, but they also link these agencies with other governmental organizations in achieving America's national security goals.²¹ Specifically, the NDS/DSG outlines just how America's military services and other governmental agencies will fight and win in the wars of today and tomorrow.²² It is wise, though, to take caution regarding the efficacy of the 2012 DSG. As Dale points out in her report, the persistence of the DSG may be in question, and not because of any significant changes in today's strategic environment; rather, because of the volatility of America's budgetary climate resulting from the BCA sequestration provisions implemented in FY2013 and current threats of budget cap implementation in FY2016. The DSG may not be possible to execute in the face of fiscal uncertainty and looming budget caps.

Military theorist B.H. Liddell Hart defined strategy as "the art of distributing and applying military means to fulfill the ends of policy. For strategy is concerned not merely with the movement of forces—as its role is often defined—but with the effect."²³ Answering this specific requirement is America's third key national strategic direction document, the NMS. The Chairman of the Joint Chiefs of Staff (CJCS) is responsible for determining, every two years, if a new or updated NMS is required. If a new NMS is developed or a previous NMS is updated, the CJCS then submits the NMS through the Secretary of Defense to the House and Senate Armed Services Committees by the 15th of February in even-numbered years. Specifically, Title 10, U.S. Code §153(b)(1)(D) requires that each NMS characterize:

²⁰ JP 1-0, II-3 to II-4.

²¹ JP 1-0, II-3 to II-4

²² JP 5-0, Joint Operation Planning, II-3.

²³ Hart, *Strategy*, 321.

(i) the United States military objectives and the relationship of those objectives to the strategic environment and to the threats required to be described under subparagraph (E); (ii) the operational concepts, missions, tasks, or activities necessary to support the achievement of the objectives identified under clause (i); (iii) the fiscal, budgetary, and resource environments and conditions that, in the assessment of the Chairman, affect the strategy; and (iv) the assumptions made with respect to each of clauses (i) through (iii).²⁴

In addition, Title 10, U.S. Code §153(b)(1)(E) requires that each NMS include a description of:

(i) the strategic environment and the opportunities and challenges, and any other categories of threats identified by the Chairman, to the United States national security;

(iii) the implications of current force planning and sizing construct for the strategy;

(iv) the capacity, capabilities, and availability of United States forces (including both the active and reserve components) to support the execution of missions required by the strategy;

(v) areas in which the armed forces intend to engage and synchronize with other departments and agencies of the United States Government contributing to the execution of missions required by the strategy;

(vi) areas in which the armed forces could be augmented by contributions from alliances (such as the North Atlantic Treaty Organization), international allies, or other friendly nations in the execution of missions required by the strategy;

(vii) the requirements for operational contractor support to the armed forces for conducting security force assistance training, peacekeeping, overseas contingency operations, and other major combat operations under the strategy; and

(viii) the assumptions made with respect to each of clauses (i) through (viii).²⁵

²⁴ Dale, National Security Strategy, 8-9.

²⁵ Dale, National Security Strategy, 9.

In summary, as espoused by Liddell Hart, the NMS sets forth the military means necessary to support national and political goals as described in the NSS and the NDS/DSG.²⁶

As discussed earlier, a weakness of recently submitted Presidential NSS documents is that they do not necessarily deal with the risk associated with the strategy. Specifically, the NSS does not acknowledge potential gaps between requirements and the ability to meet those requirements with manpower, equipment, and funding. Perhaps the decision to avoid discussing risk is based on the nature of the geopolitical climate where threats are less static and new global challenges emerge on a regular bases. The decision may center on America's economic climate, where fiscal austerity is the wave of the near future. As a result, the President's NSS leaves decisions regarding acceptable risk to the lawmakers in Congress while he at least signifies to our Allies and enemies, through the NSS, our intentions with respect to national and global security. Regardless, as Dale explains, "formal strategy-making and planning both include, by definition, a consideration of "risk"—the gap between what the strategy or plan is designed to accomplish, and what it would take to fully meet identified challenges."²⁷ At some point, therefore, the strategy must address risk.

While the NSS may not deal with the levels "risk" associated with executing the strategy, the CJCS attempts to answer the risk question with respect to defense through the yearly, typically classified, publication of the Chairmen's Risk Assessment. Per Title 10, U.S. Code, §153(b), the Risk Assessment must include the following:

- (i) As the Chairman considered appropriate, update any changes to the strategic environment, threats, objectives, force planning and sizing construct, assessments, and

²⁶ JP 1-0, II-4.

²⁷ Dale, National Security Strategy, 11.

assumptions that informed the National Military Strategy required by this section.

(ii) Identify and define the strategic risks to United States interests and the military risks in executing the missions of the National Military Strategy.

(iii) Identify and define levels of risk distinguishing between the concepts of probability and consequences, including an identification of what constitutes “significant” risk in the judgment of the Chairman.

(iv)(I) Identify and assess risk in the National Military Strategy by category and level and the way in which risk might manifest itself, including how risk is projected to increase, decrease, or remain stable over time; and (II) for each category of risk, assess the extent to which current or future risk increases, decreases, or is stable as a result of budgetary priorities, tradeoffs, or fiscal constraints or limitations as currently estimated and applied in the most current future-years defense program under section 221 of this title.

(v) Identify and assess risk associated with the assumption or plans of the National Military Strategy about the contributions or support of (I) other departments and agencies of the United States Government (including their capabilities and availability); (II) alliances, allies, and other friendly nations (including their capabilities, availability, and interoperability); and (III) contractors.

(vi) Identify and assess the critical deficiencies and strengths in force capabilities (including manpower, logistics, intelligence, and mobility support) identified during the preparation and review of the contingency plans of each unified combatant command, and identify and assess the effect of such deficiencies and strengths for the National Military Strategy.²⁸

Once the “risks” are presented in the Chairman’s assessment, the Secretary of Defense is required to then prepare and submit with it a risk mitigation plan (RMP) addressing the most significant risks outlined in the assessment and a plan for the expected mitigation of that risk.²⁹ The

²⁸ Dale, National Security Strategy, 11-12.

²⁹ Dale, National Security Strategy, 12.

Chairman's assessment and the RMP are submitted to the House and Senate Armed Services Committees no later than February 15th of each calendar year.³⁰ As explained in her analysis of submitted risk assessments and RMPs, Dale indicates that RMPs have difficulty distinguishing between the risks and threats.³¹ As a result, "the plans for risk mitigation have more typically been, instead, descriptions of ways and means designed to meet threats"³² and not pure risk-mitigation plans.

As mentioned at the beginning of this chapter, the national strategy and all other strategies that flow from it should drive the defense-budget process. Unfortunately, what we see today is a polarized Congress stuck at a budget impasse. While we have grand and military strategies on paper that should drive the development of a viable defense budget to support national and military strategies, instead CRA and sequestration are driving America's national security strategy. This is occurring to the unfortunate detriment of America's national security and potentially to the detriment of its global prestige. The remainder of this chapter will focus on describing the defense-budget process with the intent of shedding light on how the process is designed to work versus how it is executed in today's polarized political climate on Capitol Hill.

Defense Budget Process

As discussed earlier, the Constitution states that Congress has responsibility to raise and support America's armed forces. Congress purportedly does so by reviewing, debating, and enacting defense

³⁰ Dale, National Security Strategy, 11.

³¹ Dale, National Security Strategy, 12.

³² Dale, National Security Strategy, 12.

budgets annually.³³ The defense budget is the funding agreed upon by Congress for defense programs that are administered and managed by the DoD.³⁴ The process of developing the defense budget, is composed of three major stages: “(1) formulation of the defense budget by the executive branch; (2) review and approval of the budget by Congress; and (3) budget execution.”³⁵ While these are the major steps in the defense-budget process set forth in DoD directives and legislation, deviations do exist. Below, the study outlines the defense-budget process (see Figure 2). How the process has actually been working over the last several years is the subject of the following chapter.

Defense-Budget Process: Executive Stage

The United States Constitution does not require the President to prepare and submit a national budget recommendation to Congress. Yet, according to Allen Schick, budget expert at the Brookings Institution, “the budget has become one of the president’s recurring obligations as well as one of his most important policy tools to set legislative and program objectives while charting the nation’s fiscal course.”³⁶ In formulating the executive defense budget, the President, DoD, and the military services use a process called the Planning, Programming, Budgeting, and Execution (PPBE) process. The entire process takes approximately 26 months to accomplish, from planning to execution and DoD undertakes this task every other year. The PPBE is not just the mechanism through which the executive branch submits its budget to Congress. In addition, DoD uses this process to prepare its

³³ Tyszkiewicz, T., Mary, and Daggett, Stephen. A Defense Budget Primer. Washington, DC: Library of Congress, Congressional Research Service, 9 December 1998, 1.

³⁴ Tyszkiewicz and Daggett, A Defense Budget Primer, 2.

³⁵ Tyszkiewicz and Daggett, A Defense Budget Primer, 25.

³⁶ Schick, Allen. *The Federal Budget: Politics, Policy, Process*. 3rd ed. Washington, D.C: Brookings Institution Press, 2007, 84.

³⁶ Tyszkiewicz and Daggett, *A Defense Budget Primer*, 25-27.

own longer-term financial plan for defense spending covering the four years following the biennial budget submission. This long-term plan is the Future Years Defense Plan (FYDP), which covers a total of six years.³⁷

There are four overlapping phases in the PPBS process: (1) planning, (2) programming, (3) budgeting, and execution.³⁸ The planning phase is where a number of factors come together in a statement of policy that rationalizes the DoD's budget request. Specifically, the planning phase integrates the global threats facing the nation as identified in the QDR, national and defense strategies, current defense plans, and the financial resources required into the Defense Planning Guidance (DPG).³⁹ The DPG provides justification for programs and the requested budgets set forth in the next FYDP. In addition, it is the document that provides the guiding principles for the military services as they prepare their long-term budget plans for submission to the Secretary of Defense. The planning process involves experts from the Office of the Secretary of the Defense, inputs from the military services, and involvement from the Joint Chiefs of Staff. This process begins in August, 18 months before the next budget is due to Congress.⁴⁰

The second phase of the PPBS, called "programming" typically runs from February through July during the year before the President submits his budget to Congress. During this phase, each military service creates a Program Objective Memorandum (POM) outlining the specific forces and programs required that carry out America's military requirements set forth in the DPG. Once the services submit their respective POMs to DoD, senior leadership within the Office of Secretary of Defense (OSD), the Joint Staff, and the Combatant Commands rigorously review the service POMs to ensure they are in-line with DoD's view of military

³⁸ <https://acc.dau.mil/CommunityBrowser.aspx?id=488289&lang=en-US> (accessed 24 February 2015).

³⁹ Tyszkiewicz and Daggett, *A Defense Budget Primer*, 27.

⁴⁰ Tyszkiewicz and Daggett, *A Defense Budget Primer*, 27.

program requirements and its FYDP budget limits. This back-and-forth examination between senior defense leadership and the services results in the Resource Management Decision (RMD) document signed by the

A guide to the federal budget process

The president's budget request is the first step in the complex process of funding the federal government.

By Karen Yourish and Laura Stanton

1 On or before the first Monday in February, the president submits to Congress a detailed budget request for the next fiscal year, which begins Oct. 1.

2 Based on the president's proposal, the House and Senate budget committees propose budget resolutions that set targets for spending and tax revenue and identify any policies that will need to move through reconciliation. These are sent to the floor for a vote, and differences are resolved in conference.

3 The House and Senate appropriations committees divide the discretionary spending set forth in the budget resolution among each of their 12 subcommittees.

Each subcommittee conducts hearings on the programs under its jurisdiction and votes out a bill. The full committee marks up the bill and sends it to the floor. Both chambers pass their bills and iron out the differences in conference. The House and Senate vote again, and the conference report is sent to the president for his signature or veto.

All of the appropriations bills are supposed to be signed by the president by Oct. 1, but this rarely happens. To avoid a government shutdown, a series of continuing resolutions are approved to continue funding the agencies at their current levels.

Reconciliation occurs if Congress needs to legislate policy changes in mandatory spending or tax laws to meet the annual targets laid out in the budget resolution. The resolution requires the relevant authorizing committees to come up with a plan and report back to the budget committees. The budget committees combine all of the authorizing plans into an omnibus package and send it to the floor for a vote. The House and Senate work out differences in conference, vote again and send the final version to the president for signature or veto.

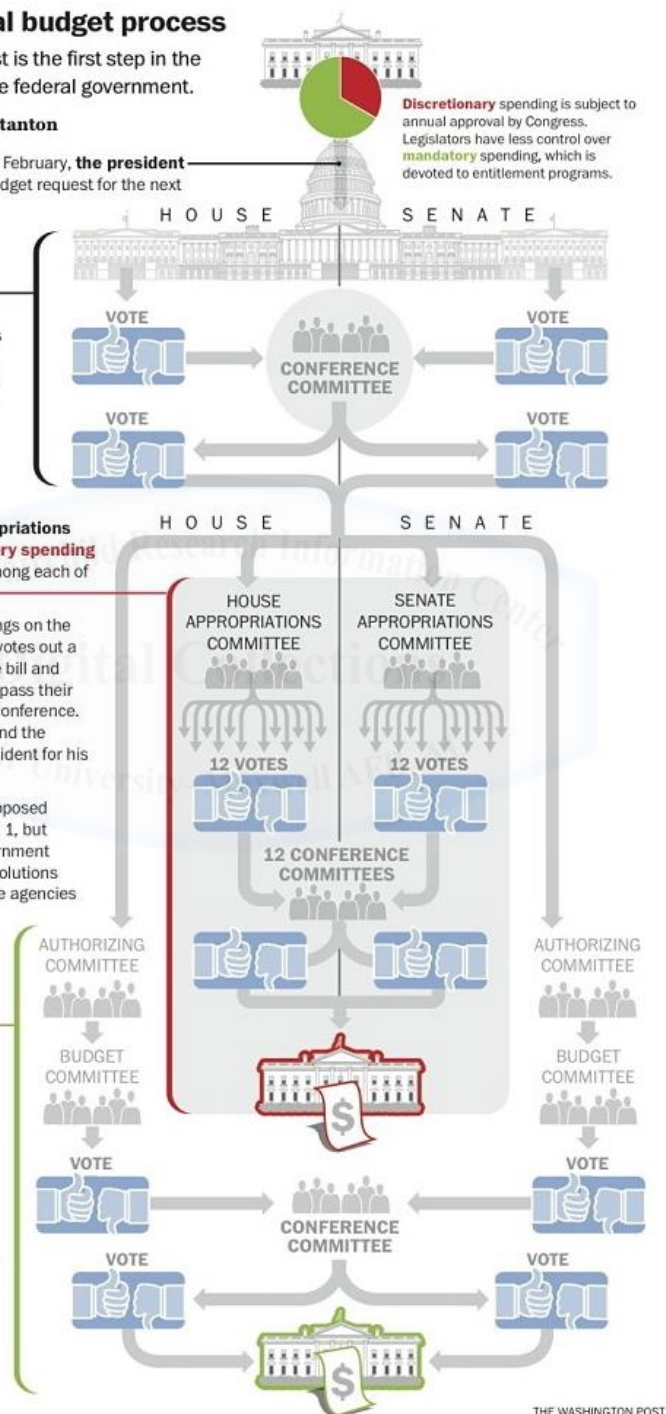


Figure 2. Guide to the Federal Budget Process

Source :<http://www.washingtonpost.com/wp-srv/special/politics/federal-budget-process/budgetprocess.pdf> (accessed 8 March 2015).



Secretary of Defense and submitted to Office of Management and Budget (OMB) as part of the President's Budget Request (PBR).⁴¹

The third phase in the PPBS process is the "budgeting" phase, which takes place concurrently with the programming phase resulting in the final DoD budget request sent to Congress. The product produced during the budgeting phase is the Budget Estimate Submission (BES), which DoD submits with each military service's POM. While primary responsibility for this phase lies with the Office of the DoD Comptroller, it is a collaborative effort between the Comptroller, other OSD offices, and the White House Office of Management and Budget (OMB). Of note, this review of the budget includes preparation and approval of material justifying the defense-budget request.

The President, through DoD, submits this justification material to Congress to provide ample data regarding program requests with the intent of garnering congressional support for America's military requirements. According to Mary T. Tyszkiewicz and Stephen Daggett, the budgeting phase tends to be a public-policy-oriented exercise where the over-arching defense interests of the Administration may result in the re-visitation of and potential shift in decisions made during the POM process—a frustrating matter for the military services at the end of an involved, tedious, and hotly debated PPBE cycle.⁴² At the same time, however, amendments to the PBR may be required in response to changing Presidential Administration interests, new military threats, domestic situations, etc.⁴³

The final step in the PPBE process is the "execution" phase and occurs simultaneously with the programming and budgeting phases.

⁴¹ Tyszkiewicz and Daggett, *A Defense Budget Primer*, 27-28; <https://acc.dau.mil/CommunityBrowser.aspx?id=488289&lang=en-US> (accessed 24 February 2015).

⁴² Tyszkiewicz and Daggett, *A Defense Budget Primer*, 28.

⁴³ Tyszkiewicz and Daggett, *A Defense Budget Primer*, 28.

The execution phase is a way to evaluate and determine if programs are actually meeting performance metrics and whether or not DoD should maintain or eliminate any of its programs.⁴⁴

Defense Budget Process: Congressional Stages

Once the PBR is completed and submitted, Congress embarks on its own budget process resulting in the (1) passage of a Budget Resolution, (2) the defense authorization legislation and (3) defense appropriations bills. The overall budget process followed by Congress, which includes, but is not limited to, coordination of the budget resolution and the appropriations bills, is set forth in the Congressional Budget Act (CBA) of 1974 (Titles I-IX of P.L. 93-344, 2 U.S.C. 601-688).⁴⁵ In the CBA includes a timetable designed to ensure Congress achieves its budgetary milestones before the start of the fiscal year on 1 October, as depicted in Table I.⁴⁶

To begin, Congress must first pass a Budget Resolution, which according to Allen Schick, “expresses its own policies and priorities” in conjunction with or beyond those set forth in the PBR.⁴⁷ The intent of a budget resolution is to “establish the framework within which Congress considers separate revenue, spending, and other budget-related

⁴⁴ <https://acc.dau.mil/CommunityBrowser.aspx?id=488289&lang=en-US> (accessed 24 February 2015); Schwartz, Moshe. *Defense Acquisitions: How DOD Acquires Weapons Systems and Recent Efforts to Reform the Process*. Washington, DC: Library of Congress, Congressional Research Service, May 23, 2014, 5.

⁴⁵ Heniff, Jr., Bill. *The Congressional Budget Process Timetable*. Washington, DC: Library of Congress, Congressional Research Service, 20 March 2008, 1.

⁴⁶ Heniff, The Congressional Budget Process Timetable, 1.

⁴⁷ Schick, Allen. *The Federal Budget: Politics, Policy, Process*. 3rd ed. Washington, D.C: Brookings Institution Press, 2007, 118.

legislation.”⁴⁸ Specifically, budget resolutions for each fiscal year covered include: (1) total revenues, (2) total new budget authority, (3) the surplus or deficit; and (4) the debt limit.⁴⁹

Table 1. The Congressional Budget Process Timetable

Date	Action
First Monday in February	President submits budget to Congress.
February 15	Congressional Budget Office submits economic and budget outlook report to Budget Committees.
Six weeks after President submits budget	Committees submit views and estimates to Budget Committees.
April 1	Senate Budget Committee reports budget resolution.
April 15	Congress completes action on budget resolution.
May 15	Annual appropriations bills may be considered in the House, even if action on budget resolution has not been completed.
June 10	House Appropriations Committee reports last annual appropriations bill.
June 15	Congress completes action on reconciliation legislation (if required by budget resolution).
June 30	House completes action on annual appropriations bills.
July 15	President submits mid-session review of his budget to Congress.
October 1	Fiscal year begins.

Source: Section 300 of the Congressional Budget Act of 1974, as amended (P.L. 93-344, 2 U.S.C. 631).

Table 1. The Congressional Budget Process Timetable

Source: Heniff, Jr., Bill. *The Congressional Budget Process Timetable*.

Washington, DC: Library of Congress, Congressional Research Service, 20 March 2008, 1.

As the House and Senate Budget Committees prepare and consider their chamber’s versions of the budget resolution, they hold hearings and receive reports from other House and Senate committees that help inform the development of Concurrent Budget Resolution amenable to both chambers. For example, in preparation for passage of the Fiscal Year 2016 Budget Resolution, the House Committee on the Budget held hearings to receive testimony from the President’s OMB, the

⁴⁸ Heniff, Jr., Bill, Megan Suzanne Lynch, and Jessica Tollestrup. *Introduction to the Federal Budget Process*. Washington, DC: Library of Congress, Congressional Research Service, 3 December 2012, 11.

⁴⁹ Heniff and Lynch, *Introduction to the Federal Budget Process*, 12.

Congressional Budget Office (CBO) and Members of the 114th Congress with specific interest in the content of the Budget Resolution.⁵⁰ While it is an informed process much like the DoD PPBE process and the totality of the PBR processes, it is also a biased process much like the preparation of the PBR—based on the leanings and interest of the majority party in each chamber of Congress.

The CBA requires that adoption of a concurrent budget resolution by the House and the Senate occurs by 15 April, providing ample time for consideration of budget authorization and appropriations measures before the start of the new fiscal year on 1 October. However, while history shows that the House and Senate tend to pass the budget resolution separately by the 15 April deadline, there are occasions when they do not reach agreement to pass a final budget resolution until after the deadline—a situation that can lead to delays in the next step of the process, appropriations.⁵¹ However, as explained by Tyszkiewicz and Daggett, the House instituted an exception allowing the Appropriations Committee to proceed on May 15th.⁵² Also, in the past, the Senate has waived the concurrent budget resolution requirements in order to press forward with consideration of appropriation measures.⁵³ In its years operating under the CBA, Congress has not completed action on a budget resolution in only eight fiscal years. The most recent years where Congress has not operated with a concurrent budget resolution include the most tumultuous years of the last decade, FY 2011-2014, framed by the budget ceiling debate and passage of the 2011 BCA, and

⁵⁰ House Committee on the Budget, accessed on 22 March, <http://budget.house.gov/hearingschedule/>

⁵¹ Tyszkiewicz and Daggett, *A Defense Budget Primer*, 12.

⁵² Tyszkiewicz and Daggett, *A Defense Budget Primer*, 39.

⁵³ Tyszkiewicz and Daggett, *A Defense Budget Primer*, 39.

sequestration.⁵⁴ Instead, according to CRS Analysts, Bill Heniff, the House and Senate separately agreed to “deeming resolution” provisions in absence of agreement on a budget resolution for the years in question.⁵⁵ According to CRS Legislative Process Analyst, Megan Lynch, “deeming resolution is a term that refers to legislation deemed to serve as an annual budget resolution for purposes of establishing enforceable budget levels for a budget cycle” and used when Congress fails to agree on a budget resolution.⁵⁶

Once both chambers pass the final budget resolution, accompanying the conference report sending the document to a vote in both chambers is an allocation of the budget spending amounts for the House and Senate Committees on Appropriations to divide amongst the subcommittees, including the House Appropriations Subcommittee on Defense (HAC-D) and the Senate Appropriations Subcommittee on Defense (SAC-D). This allocation sets the amount each subcommittee is allowed to appropriate for the budget year under consideration and the timeframe covered by the budget resolution—at least five years.⁵⁷

Once the committees agree on the budget resolution, the next step in the Congressional Budget Process is to pass authorization legislation. Authorization laws serve two purposes. “First, they establish, continue, or modify programs. Second, they are a prerequisite under House and Senate rules (and sometimes under statute) for the Congress to appropriate funds for programs.”⁵⁸ Simply put, authorization legislation

⁵⁴ Heniff, Jr., Bill. *Congressional Budget Resolution: Historical Information*. Washington, DC: Library of Congress, Congressional Research Service, 7 February 2014, 1-4.

⁵⁵ Heniff, Congressional Budget Resolution: Historical Information, 1-4.

⁵⁶ Lynch, Megan S. *The “Deeming Resolution”: A Budget Enforcement Tool*. Washington, DC: Library of Congress, Congressional Research Service, 12 June 2013, 1.

⁵⁷ Heniff and Lynch, Introduction to the Federal Budget Process, 14-15.

⁵⁸ Tyszkiewicz and Daggett, *A Defense Budget Primer*, 34.

sets a “legal basis for the operation of federal agencies and programs.”⁵⁹ According to then Senate Minority Leader Mitch McConnell, the NDAA is “one of the essential pieces of legislation the Senate considers every year...[the NDAA] puts muscle behind America’s most important strategic objectives around the globe.”⁶⁰

The authorization process for defense programs mirrors the authorization process for every other piece of legislation. The defense authorization law considered and enacted by Congress is referred to as the National Defense Authorization Act (NDAA). Two Congressional committees are responsible for handling the NDAA process—the House Armed Services Committee (HASC) and the Senate Armed Services Committee (SASC). At the start of NDAA deliberations, the HASC and SASC subcommittees will conduct hearings to receive testimony from interested parties such as the Secretary of Defense, Chairman of the Joint Chiefs of Staff and the Service Secretary and Chiefs, including the Secretary of the Air Force and the Chief of Staff of the Air Force. Following the hearing period, the members of the HASC and SASC subcommittees will “mark-up” their respective portions of the NDAA. The “mark-up” of a bill is “the process of approving, amending, or rejecting provisions in proposed legislation undertaken by members of a committee or subcommittee.”⁶¹ The NDAA subcommittee mark-up is followed by full-committee HASC and SASC mark-ups of the draft legislation.

Once the Defense Authorization bills that originate in both the HASC and SASC are marked, the committees send the respective NDAA

⁵⁹ Schick, *The Federal Budget: Politics, Policy, Process*, 191.

⁶⁰ Bennett, T. John. “With Just Days to Spar, Senate Extends NDAA Streak.” *Defensenews.com*, 20 December 2013.
<http://www.defensenews.com/article/20131220/DEFREG02/312200014/With-Just-Days-Spare-Senate-Extends-NDAA-Streak> (accessed 3 February 2015).

⁶¹ Tyszkiewicz and Daggett, *A Defense Budget Primer*, 63.

bills to the floor of the House and Senate for consideration. During floor consideration of the NDAA, House and Senate rules may allow Congressmen and Senators to offer amendments for a vote in their respective chambers. Before Congress sends the authorization bill to the President for signature, identical legislation must pass both the House and the Senate.⁶² Therefore, following initial passage in each chamber, the House and Senate reconcile differences between each authorization bill through a conference committee. A conference committee is “a temporary, ad hoc panel composed of House and Senate conferees which is formed for the purpose of reconciling differences in legislation that has passed both chambers.”⁶³ While the conference committee is the best known method for resolving bicameral differences on major legislation, in recent years Congress resorts to what is called the “Ping-Pong” method where instead of convening a conference committee, the House and Senate “Ping-Pong” or exchange amendments between the chambers until each side agrees upon the final product.⁶⁴ This is done primarily because the Senate increasingly experiences difficulty in overcoming its own internal partisan disagreements. As a result of its own internal processes, the Senate leadership is unable to overcome the hurdles required to execute the procedural steps necessary to agree to a conference committee.⁶⁵ Once the conference process ends through a conference committee or an exchange of amendments and once the majority of conferees agree to and sign the conference report (the compromise bill), leadership returns it to the floor of each chamber for a

⁶² Davidson, Oleszek, Lee, and Schickler, *Congress and Its Members*, 172.

⁶³https://www.senate.gov/reference/glossary_term/conference_committee.htm (accessed on 24 March 2015).

⁶⁴ Davidson, Oleszek, Lee, and Schickler, *Congress and Its Members*, 240.

⁶⁵ Davidson, Oleszek, Lee, and Schickler, *Congress and Its Members*, 172.

final vote.⁶⁶ Once approved, Congress sends the NDAA to the President for his approval or veto.⁶⁷

The authorization process, however, is not always as smooth as presented on paper. Reality is much different. There is no deadline established for the completion of authorization acts. As a result, the authorization process can be delayed for extended periods of time due to issues surrounding the budget resolution, disagreements over defense programs, and even presidential vetoes, to name a few. According to Schick, “an authorization law looks in two directions: inward to Congress, where it serves as a license for the House and Senate to consider appropriations, and outward to federal agencies where it licenses them to operate.”⁶⁸

The NDAA strongly influences the related defense appropriations bills.⁶⁹ A delay, therefore, in enacting the NDAA can mean a delay in enacting defense appropriations bills. A recent example is as follows. As a result of the impasse over 2011 BCA, the NDAA was considered and passed by Congress on only December 19, 2013 and was signed into law by President Obama on December 26, 2013. While the NDAA, according to then Senate Armed Services Committee Chairman Carl Levin, “includes hundreds of important provisions to ensure that the department can carry out its essential national defense missions,” Congress also uses the NDAA to reconcile Americas’ defense needs within budgetary constraints. The authorization committees will assess current programs, determining which are vital to national security and either increase or cut authorization for various programs. As a result, members can delay the process over ideological, constituent-based, or budgetary-focused issues.

⁶⁶ Davidson, Oleszek, Lee, and Schickler, *Congress and Its Members*, 243.

⁶⁷ Tyszkiewicz and Daggett, *A Defense Budget Primer*, 35.

⁶⁸ Schick, *The Federal Budget: Politics, Policy, Process*, 194

⁶⁹ Schick, *The Federal Budget: Politics, Policy, Process*, 199.

While this study will discuss these delays further in Chapter 4, the following case serves as an example. The FY 2014 NDAA, discussed above, included a provision preventing the Air Force from spending money to divest itself of the A-10 and the RQ-4 Global Hawk during the fiscal year. This is despite efforts by the Air Force to shed both weapons systems in order to put dwindling resources towards other national priority weapon systems. Delays in enacting the FY 2014 NDAA meant delays in the House and Senate Defense Appropriation Subcommittees determining funding levels (if funding was authorized at all) for both programs.⁷⁰

The final stage in the Defense Budget Process is the passage of the defense appropriations bills. According to Schick, “an appropriation act is a law passed by Congress that enables agencies to incur obligations and the Treasury to make payments for designated purposes. While the Constitution does not require that Congress conduct an annual appropriations process, it has been a standard practice since the First Congress in 1789. The Constitution, however, provides the power to appropriate. Article I, Section 9, states “no money shall be drawn from the Treasury, but in consequence of appropriations made by law.”⁷¹

There are two committees charged with producing the Appropriations bills each year—the House Committee on Appropriations (HAC) and the Senate Committee on Appropriations (SAC). Tradition dictates that the House initiates all spending bills. In some years, however, especially when the House, for one reason or another, delays action on an appropriations measure, the Senate will initiate the

⁷⁰ Bennett, T. John. “With Just Days to Spar, Senate Extends NDAA Streak.” *Defensenews.com*, 20 December 2013. <http://www.defensenews.com/article/20131220/DEFREG02/312200014/With-Just-Days-Spare-Senate-Extends-NDAA-Streak> (accessed 3 February 2015).

⁷¹ *Our American Government*. 1993 ed. vols. Washington, DC: U.S. Government Printing Office, 1993, 89.

appropriation bill.⁷² Regardless of who initiates the defense appropriations bill, the HAC and SAC Defense subcommittees (HAC-D and SAC-D) are responsible for handling consideration of the defense appropriation matters.

As mentioned above, at this point in the defense-budget process, Congress has allocated funding targets for defense appropriations to the HAC-D and the SAC-D chairmen. The next step in the defense appropriations is for the chairmen of HAC-D and SAC-D to hold hearings in order to review the PBR. The hearings typically include appearances by members of the Administration, DoD representatives, Chairmen of the Joint Chiefs of Staff and the military service secretaries and Chiefs, including the Air Force Secretary and Chief of Staff. Much like the NDAA process, the HAC-D and SAC-D mark-up the defense bill within the subcommittee structure before their leadership presents the bill to the full committee for final mark-up. At the conclusion of this process, the House and Senate will send their full versions of the Defense Appropriations Bill to their respective floors for a vote. If there are differences between the House- and Senate-passed versions, those differences will be reconciled through a conference committee review or the “Ping-Pong” process and each chamber votes on the reconciled bills. The final version of the bill agreed upon by the House and Senate chambers is sent to the President for signature or veto.

Much like the authorization process, however, the defense appropriations process does not necessarily run as smooth as it appears to on paper. As a result, Chapter Three will focus on how the budget and appropriations processes have broken down over the last two decades, but more specifically particularly in the last several years. A worsening trend resulting in Congress’s increased reliance on CRA to fund

⁷² Schick, *The Federal Budget: Politics, Policy, Process*, 216-217.

America's federal programs, including defense and the debacle that is sequestration.



Chapter Three

Continuing Resolution Authority (CRA) and Impacts on the United States Air Force Execution of National and Military

If Congress followed its own rules even though bi-partisanship was rampant on the Hill, the processes described in Chapter Two would not only result in a timely budget process, including authorization and appropriations bills, but it would likely be a process aligned with achieving national security objectives. Unfortunately, the reality in Washington, D.C. is not so. Instead, America is witnessing the unprecedented use of CRA to fund the government in lieu of passing timely authorization and appropriations legislation.

As explained in Chapter Two, the annual appropriations process is used by Congress to fund most federal agencies, including the DoD, on a yearly basis. However, when Congress fails to complete the appropriations process—either failing to enact one, a few, or all of the 12 regular appropriations bills—prior to the start of the new fiscal year, it will fund certain government operations and agency programs through continuing resolutions (CRs).¹ According the CRS Analyst, Jessica Tollestrup, Congress enacts CRs to provide government funding until Congress can vote on and pass regular appropriations for the given fiscal year.²

CRs can typically include:

- (1) Funding (a.k.a. “coverage”) for certain activities, which are typically specified with reference to the prior or current fiscal year’s appropriations acts.

¹ Tollestrup, Jessica. *Continuing Resolutions: Overview of Components and Recent Practices*. Washington, DC: Library of Congress, Congressional Research Service, 6 August 2012, 1.

² Tollestrup, *Continuing Resolutions: Overview of Components and Recent Practices*, 1.

- (2) Budget authority for a specified duration of time. This duration may be as short as a single day, or as long as the remainder of the fiscal year.
- (3) Funds based on an overall funding rate.
- (4) The use of budget authority provided in the CR is typically prohibited for new activities not funded in the previous fiscal year.
- (5) The duration and amount of funds in the CR, and purposes for which they may be used for specified activities, may be adjusted through anomalies
- (6) Legislative provisions that create, amend, or extend other laws.³

Since FY1977, there were only four instances where Congress passed all the regular appropriations bills before the start of the new fiscal year—FY1977, FY1989, FY1995, and FY1997.⁴ This means, as depicted in Figure 4 below, that between 1998 and today, Congress defaulted to passing CRs more than following through with its responsibility to pass all the regular appropriations bills prior to the start of the new fiscal year. Every year since Fiscal Year 1998 and today, federal government agencies have operated under a CR for at least a brief period. In addition, but less frequently, Congress will pass full-year CRs. Between FY1978 and FY2012, there were 14 full-year CRs, the most recent covering funding for all 12 FY2011 appropriations bills, including the FY2011 defense-budget.⁵

What does this mean for the DoD and other federal government agencies? Essentially, the current dysfunctional nature of Congress has resulted in an “increasingly dysfunctional nature of the federal budget process.”⁶ As stated by Philip G. Joyce in his analysis of late

³ Tollestrup, Continuing Resolutions: Overview of Components and Recent Practices, 3.

⁴ Tollestrup, Jessica. *The Congressional Appropriations Process: An Introduction*. CRS Report for Congress, 23 February 2012, 12.

⁵ Tollestrup, Continuing Resolutions: Overview of Components and Recent Practices, 18.

⁶ Joyce G., Philip. *The Costs of Budget Uncertainty: Analyzing the Impact of Late Appropriations*. Improving Performance Series. IBM Center for The Business of Government: University of Maryland, 2012, 7.

appropriations and impacts to government agencies, “funding delays...are disruptive events that carry costs.”⁷ The overarching cost created by the continued and increasing use of CRA is the amount of uncertainty injected into the defense-budget process—a process, as explained in Chapter Two, that runs on generating consensus within DoD and meeting budgeting milestones in order to ensure the President and Congress receive the defense budget request on time, per law.

Even Members of Congress acknowledge that funding the government under CRA is problematic. During a HASC hearing on “The Impacts of a Continuing Resolution and Sequestration on Defense” held on 13 February 2103, Ranking Member, Congressman Adam Smith (D-WA) stated, “...the fact that we haven’t passed appropriations bills in a couple of years is...a big problem. Having to operate under continuing resolutions is also very, very difficult for the Department of Defense. Again, you don’t know what programs you can fully fund and what programs you can’t from year to year. It has really put an enormous amount of pressure on our Government, on our Department of Defense.”

What does this uncertainty do to the Air Force? During an interview with a member of the Air Force Financial Management and Comptroller Directorate (SAF/FM) regarding the impact of CRs on the budget process, he explained that the Air Force views CRs as the new norm rather than the exception.⁸ This sentiment rang true across all the interviews conducted for this study—a former Air Force Chief of Staff, Air Force legislative liaisons, Capitol Hill staff, and defense lobbyists all agree. CRs may be the new norm; and agencies including the Air Force, plan for them, yet, this does not make this the right way to do business.

⁷ Joyce, *The Costs of Budget Uncertainty*, 7.

⁸ Interview with HQ Air Force SAF/FM staff member, 24 February 2015. (unattributed interview).

A Short History of Continuing Resolutions

Almost every year for decades, Congress has resorted to continuing resolutions to fund the government after the end of the fiscal year. Most often, it is because the dozen individual appropriations acts have not been passed into law. While continuing resolutions have long been commonplace, what has recently changed, particularly since 2006, is that rising deficits and political turnover in Congress have set the stage for budget standoffs and increasingly lengthy stopgap funding measures that only temporarily resolve partisan conflict.

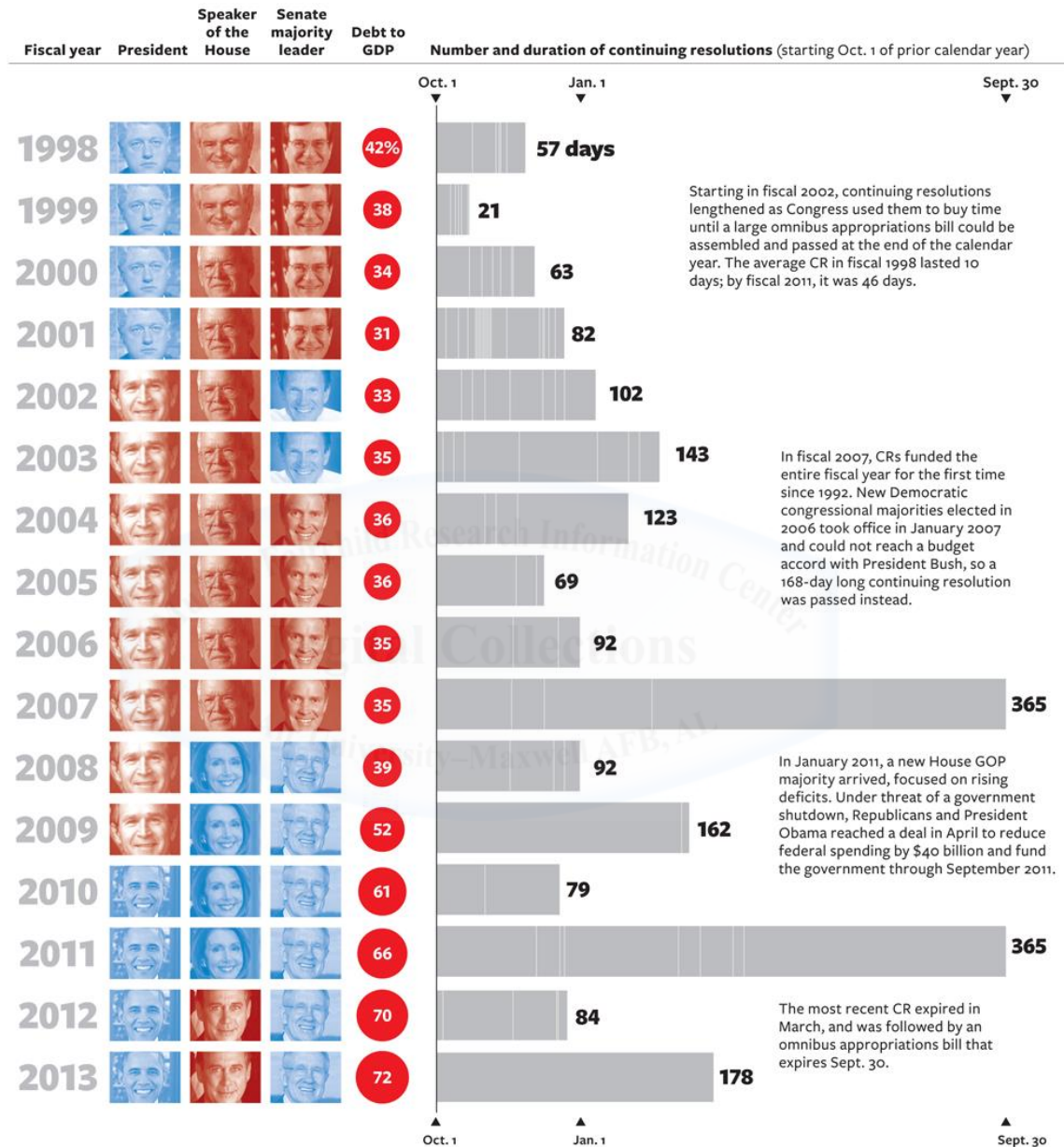


Figure 3. A Short History of Continuing Resolutions

Source: <http://www.nationaljournal.com/photo/a-short-history-of-continuing-resolutions-20130926> (accessed 3 May 2015).

As a result, the Air Force is accustomed to expecting Congress will pass at least one or even more CRs to keep the government operating until all appropriations bills or an omnibus bill incorporating all the appropriations measures is passed. Air Force leadership and staff, therefore, plan for it by assessing potential impacts and preparing to adjust spending to work within the dictated funding levels, especially when those funding levels are below the levels requested in the President's Budget Request (PBR).

If this way of passing appropriations bills is the new norm, then one may wonder why the Air Force is concerned about the use of CRs when it continues to receive funding. The concern centers around the defense-budget uncertainty created when (1) CRs tend to provide funding at previous fiscal year levels for all the funding accounts and (2) the budget authority included in a CR typically prohibits agencies, including the DoD, from initiating new programs if they were not funded in the previous year.⁹ As a result, the Air Force recognizes it will have to: (1) keep programs running at prior-fiscal year funding levels, (2) curtail spending on mission requirements in order to fund accounts that can not go unpaid during the duration of the CR, and (3) delay the start of vital new programs and contracts (a.k.a. new starts). Just because the Air Force and the other military services anticipate CRs does not mean there are no consequences.

The most recent example of Congress failing to execute the defense-budget and appropriations process on time and some may argue, at all, occurred in the FY2015 budget cycle. The saga begins with the late enactment of the FY2014 regular appropriations bills and delays in the submissions of the PBR to Congress.¹⁰ As explained by CRS

⁹ Tollestrup, *The Congressional Appropriations Process: An Introduction*, 12.

¹⁰ Tollestrup, Jessica. *Congressional Action on FY2015 Appropriations Measures*. Washington, DC: Library of Congress, Congressional Research Service, 9 March 2015, 2.

Congress and legislative-process analyst Jessica Tollestrup, the inability of Congress to pass appropriations bills on time and the use of CRs to fund the government meant that the FY2014 regular appropriations were not enacted until 17 January 2014, over three months after the start of the fiscal year.¹¹ Making matters worse, Congress' inability to pass the regular appropriations before the start of FY2014 resulted in a 17-day shut-down of the federal government, causing the curtailment of mission-essential activities across federal agencies, including the DoD, as well as the furlough of over 800,000 civilian government employees.¹² Finally, the Administration did not submit the FY2015 PBR on time to Congress. As discussed in Chapter Two, the PBR is due the first Monday in February—the President submitted the FY2015 request on 4 March 2015, a month late.¹³

As explained in Chapter Two, the submission of the PBR triggers the start of the Congressional budget-process. As a result, a delayed PBR submission ostensibly delays the entire Congressional budget-process. The Republican leadership in the House and Senate continually rail against the current Administration's late submission of the FY2015 PBR, claiming the delay demonstrates the President's lack of will to deal with the nation's fiscal challenges.¹⁴ This, however, is mere partisan political posturing and overlooks the facts.

There are two primary reasons why the Executive Branch delayed the FY2015 PBR. First, work on the FY2015 PBR began late because Congressional deliberations on the Bipartisan Budget Act (BBA), which revised sequestration caps for FY2014 and FY2015 previously set under

¹¹ Tollestrup, Congressional Action on FY2015 Appropriations Measures, 2.

¹² Labonte, Marc. *The FY2014 Government Shutdown Economic Effects*. Washington, DC: Library of Congress, Congressional Research Service, 1 November 1 2013, 5.

¹³ Tollestrup, Congressional Action on FY2015 Appropriations Measures, 2.

¹⁴ Wasson, Erik. "Obama to Release a Budget a Month Late." 21 January 2014. <http://thehill.com/policy/finance/196226-obama-budget-for-2015-to-come-out-march-4> (accessed 21 April 2014.)

the BCA of 2011, did not result in viable legislation until December 2013.¹⁵ While many familiar with the recent budget negotiations believed passage of the BBA would hasten the FY2015 appropriations process resulting in the enactment of some or all of the FY2015 appropriations bills on time, the new norm of operating under CRA prevailed.¹⁶

The second factor delaying the PBR release was the continued congressional addiction to operating under CRs in lieu of conducting America's business the way the nation's forefathers intended. In what is now standard fashion, Congress failed to pass all 12 FY2014 appropriations bills before the start of the fiscal year. Instead, the Consolidated Appropriations Act of 2014, an omnibus package funding the federal government, was passed by Congress and signed by the President on 17 January 2014, shortly after Congress returned to begin the 2nd session of the 113th Congress.

As a result of these two events, the Administration could not complete work on the FY2015 PBR until it examined the funding details set forth in the previous budget cycle through the passage of Consolidated Appropriations Act of 2014.¹⁷ Todd Harrison, a Senior Fellow at the Center for Strategic and Budgetary Assessments, calls this a self-"reinforcing cycle."¹⁸ Congress fails to pass the regular appropriations bills resulting in one or more CRs to fund the federal government, which then results in the late submission of the PBR. In turn, a late PBR delays the start of the congressional budget-process including the authorization and appropriations processes. It appears to

¹⁵ The BBA, BCA 2011, and sequestration caps are discussed in further detail in Chapter Four.

¹⁶ Tollestrup, Congressional Action on FY2015 Appropriations Measures, 1.

¹⁷ Harrison, Todd. "2016 Defense Budget: It's All About the Budget Caps." 30 January 2015.

<http://www.forbes.com/sites/toddharrison/2015/01/30/2016-defense-budget/> (accessed 3 May 2015.)

¹⁸ Harrison. "It's all About the Budget Caps."

be a perpetual cycle of delays played out by both the Administration and Congress, but exacerbated by the actions (or inactions) of the latter over the course of the past six fiscal years.

The two charts below help put this “reinforcing cycle” in perspective. Figure 4 below depicts the years in which and the number of the days the PBR has been late since 1994. It is typical for the first PBR of each new administration to be late, and this occurred during President Clinton’s, Bush’s, and Obama’s first budget submission. In subsequent years, delays are minor or non-existent. While President Obama’s PBR for FY2012 and FY2013 were only a few days late, the chart also shows that the FY2014 and FY2015 PBR were late 65 and about 30 days late, respectively. In both fiscal years, Congress’s inability to pass the regular appropriations for the previous fiscal year on time directly related to the tardiness of the PBR submission.¹⁹

Making matters worse is what Figure 5 depicts, showing the years in which and the number of days Congress has been late in passing the annual defense appropriations. According to Harrison’s analysis, “in the Clinton years, Congress was late an average of 13 days—and that includes a few government shutdowns along the way. The average delay was 25 days during the Bush administration. But since President Obama has been in office, Congress has been late an average of 121 days in passing the defense appropriations bill.”²⁰

Making matters worse is what actually transpired when Congress finally received the PBR. Once the HAC and SAC subcommittees received their budget allocations for FY2015, they began the appropriations process as discussed in Chapter Two. However, several of the appropriations bills were not even considered by the House and Senate subcommittees and therefore never received consideration in the

¹⁹ Harrison. “It’s all About the Budget Caps.”

²⁰ Harrison. “It’s all About the Budget Caps.”

House or Senate chambers. Specifically, the House Appropriations Committee voted on and reported 11 of the 12 appropriations bills to the

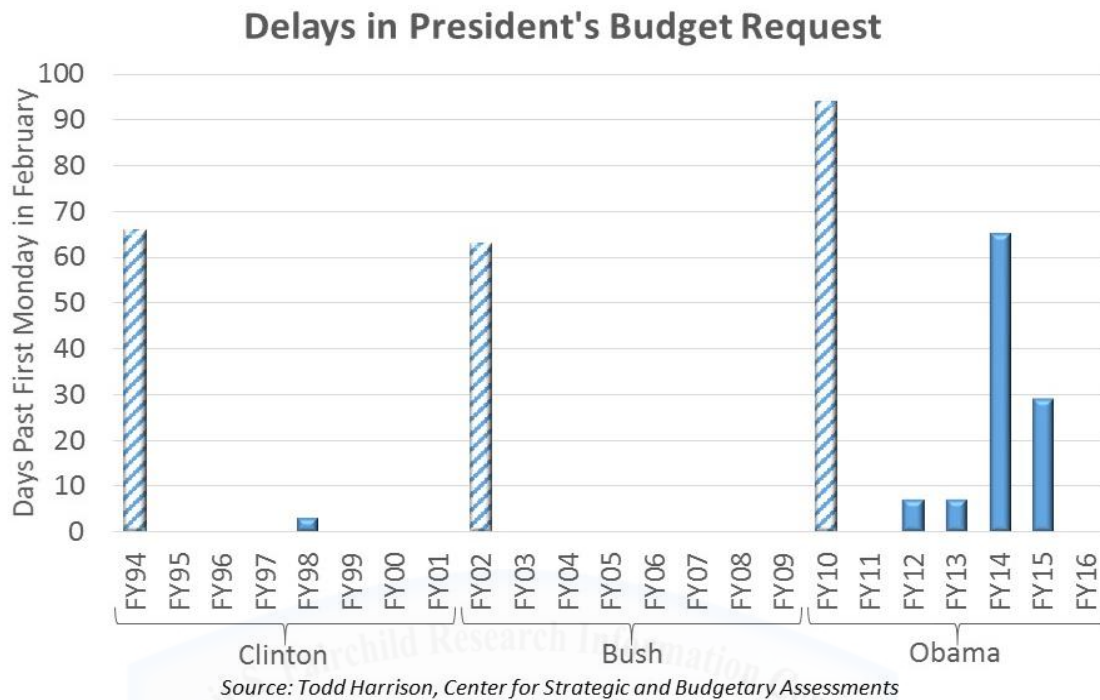


Figure 4. Delay in President's Budget Request
Source: Harrison. "It's all About the Budget Caps."

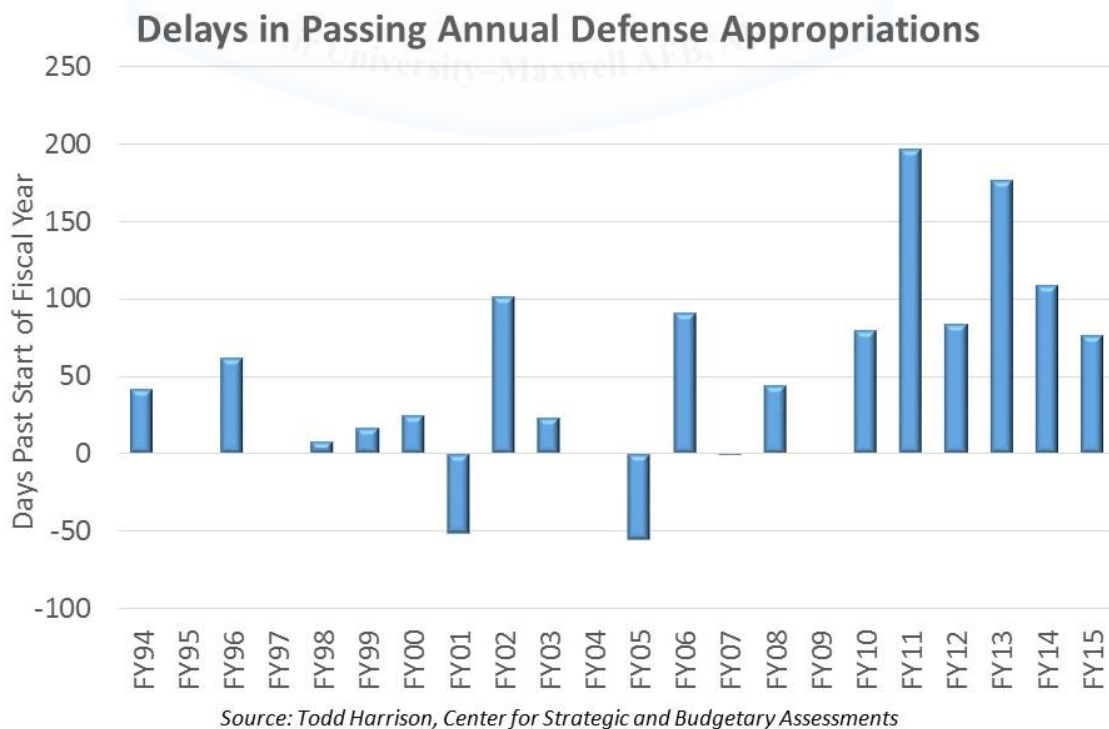


Figure 5. Delays in Passing Annual Defense Appropriations
Source: Harrison. "It's all About the Budget Caps."

House for consideration. The only appropriations bill not approved by the subcommittee, the Departments of Labor, Health and Human Services, and Education and Related Agencies, was therefore not considered by the full committee nor sent to the House floor for a vote. In the end, the House only passed seven of the 11 appropriations bills sent to the floor for consideration. The Senate was far worse in this endeavor than the House. The full SAC sent only eight of the 12 appropriations to the full Senate for consideration. The full Senate considered zero appropriations bills.²¹

Exacerbating the situation was the timing of Congressional recess during this tumultuous period. Despite failing to enact any appropriations, Congress went ahead with its summer recess, which lasted from 5 August through 7 September 2014. They returned long enough to pass a CR signed into law keeping the government temporarily funded until 11 December 2014. Following 13 days of no substantive action on the appropriation measures, Congress again began recess on 20 September. This time, their attention while in their states and Congressional districts was on re-election. As a result, Congress did not consider any full-year federal government funding measure until it returned on 13 November. After which Congress had to pass two additional CR extensions, one through 13 December, and another through 17 December until a final agreement on a full funding measure was completed.²² Politics trumped fiscal responsibility and providing for the common defense.

In order to shed light on the various levels of uncertainty created for the Air Force when Congress fails to pass appropriations bills on

²¹ <http://history.house.gov/Institution/Session-Dates/All/> (accessed on 24 April 2015.)

²² Tollestrup, Congressional Action on FY2015 Appropriations Measures, 2; <http://history.house.gov/Institution/Session-Dates/All/> (accessed 24 April 2015.)

time, what follows will examine the actual and anticipated effects of operating CRs when Congress failed to pass a budget resolution as well as all 12 appropriations bills by the start of FY2015. Specifically, the following sections will examine the actual and anticipated effects of executing Air Force FY2015 functions during 3-month, 6-month, and yearlong CRs. Given that the Air Force top three priorities are (1) Take Care of People, (2) Balance Today's Readiness with Tomorrow's Modernization, and (3) Make Every Dollar Count, all three are referenced in the impacts outlined below in order to better describe how CRs disrupt function.²³

Three-month impacts:

In the first quarter of FY2015, Congress forced the Air Force, along with the other military services, to operate under a CR for three months at prior-year funding levels. The following describes the funding impacts the Air Force absorbed during this three-month period. CRs lasting three months have only minor impacts on Airmen and their families. Nevertheless, there are impacts. For example, CRs cause redundancies in workload and inefficiencies. According to an Air Force bullet background paper (BBP) describing the impacts of a three-month CR, "requirement owners, decisions makers, financial managers, and contract personnel will have to continuously reprioritize and incrementally cash-flow requirements through the period of the CR, increasing time spent on decisions and the number of accounting and contracting actions."²⁴ The service feels these effects from the unit level all the way up to the Headquarters Air Force levels.

When it comes to the ability of the Air Force to balance current readiness with future modernization efforts, three-month CRs generate

²³ "Bullet Background Paper (BBP) on FY15 Continuing Resolution Impacts (3-month)." United States Air Force, 4 September 2014.

²⁴ "BBP on FY15 Continuing Resolution Impacts (3-month)."

challenges with respect to funds available and ability to meet mission requirements. Primarily, CRs require that Air Force leadership and ultimately America as a whole accept a certain level of mission risk. Specifically, the CR forced Air Force installation and MAJCOM leadership to deal with cash flow issues, reducing their flexibility to fund mission requirements beyond those things that absolutely must be funded (a.k.a. “must pays”.) For example, operating under a three-month CR required that the nuclear enterprise defer upgrades to a Helicopter Tactical Response Force alert facility at three locations, preventing the full stand-up of the Helicopter Group.²⁵ In addition, the delayed budget disrupted the Air National Guard Weapon System Sustainment (WSS) program schedule, affecting program schedules, strategies, and costs. Funding shortfalls impacted 33 aircraft and 22 engine inductions scheduled for the 1st quarter of FY2015. Finally, the FY2015 CR reduced the Air Force’s ability to perform all of its required space and cyber-mission operations, which are executed by not only Air Force personnel but also by contractors—the most strategically significant impact being degradation to early-warning/attack assessment, space-object identification, and aircraft air-to-ground communications.²⁶

Operating for three-months under the FY2015 CR had its largest impact on Air Force new starts and recapitalization efforts. For example, it delayed the contract awards for new starts causing capability gaps and increased costs to the following programs:

- 1) Delayed the B-61 nuclear-weapon flight-test and integration for the F-35A as well as the nuclear-certification requirements and design specific to the F-35A.
- 2) Delayed KC-46 tanker Low Rate Initial Production (LRIP) Support efforts including contract actions for interim contractor support, aircrew training systems, long-lead spare parts, and support equipment and aircraft countermeasure equipment.

²⁵ “BBP on FY15 Continuing Resolution Impacts (3-month).”

²⁶ “BBP on FY15 Continuing Resolution Impacts (3-month).”

- 3) Forced adjustment of the Joint Air-to-Surface Standoff Mission (JASSM) quantity-procurement schedule. This required the renegotiation of prices resulting in an increased unit cost and ultimately fewer missiles available for operations.²⁷

The three-month CR also curtailed or halted 20 military-construction projects intended to provide depot-maintenance-supporting infrastructure, new-mission bed downs, intelligence operations, and current-mission recapitalization.²⁸

Six-Month Impacts

The FY2015 CR lasted only approximately three-months, when the President signed the FY2015 Consolidated Act into law on 16 December 2014. Nevertheless, given Congress' history with CRs, the Air Force planned ahead and assessed impacts if required to operate under a six-month CR. In addition to the impacts experienced under a three-month CR, the six-month CR not only compounds those impacts but creates larger issues for the Air Force. The Air Force anticipated that a six-month CR would moderately impact its ability to take care of its people, requiring cancellation of mission-critical training, deferral of some new-start support contracts, creating additional demands on existing workforce, and cause the deferred purchasing of cold-weather heaters for new security-forces armored vehicles supporting the nuclear mission at Northern tier bases.²⁹

When it came to readiness and modernization, a six-month CR would cause "measureable challenges in achieving mission requirements and [begin] to affect mission capabilities."³⁰ A six-month CR would delay its top-priority programs and depot scheduling, forcing the Air Force to

²⁷ "BBP on FY15 Continuing Resolution Impacts (3-month)."

²⁸ "BBP on FY15 Continuing Resolution Impacts (3-month)."

²⁹ "Bullet Background Paper (BBP) on FY15 Continuing Resolution Impacts (6-month)." United States Air Force, 4 September 2014.

³⁰ "BBP on FY15 Continuing Resolution Impacts (6-month)."

accept mission risk. Any effort to make up the production schedule would cause an increase in unit prices and jeopardize the entire production chain, affecting other weapons systems. For example, operating under a six-month CR would defer the \$2.7B slated to fund the LRIP 9 F-35 contract award to the next quarter. This delay would then drive unbudgeted cost increases tied to the LRIP 9 airframe delivery and would slip advanced procurement of long-lead items required for the next iteration of upgrades, the LRIP 10.³¹

With respect to new starts and recapitalization, operating under a six-month CR would delay the start of FY15 Military Construction (MILCON) projects for the KC-46A tanker at three installations, the F-35A at two installations, and the Joint Intelligence Analysis Complex Consolidation-Phase I. This would then set the stage for delays in depot-maintenance-supporting infrastructure, new-mission bed-downs, and a purpose-built facility to fully enable current intelligence missions.³²

Finally, operating under a six-month CR would drastically increase inefficiencies when the Air Force faces a fiscal environment in which it must make every dollar count. For example, a six-month CR would force the Air Force to incrementally fund the Weapons Systems Sustainment (WSS), Air Force Satellite Control Networks (AFSCN), and Global Positioning Satellite (GPS) programs. If forced to do so, the time available to ensure it properly negotiated contracts and obligated at least 80% of the funding by the federally mandated date of 31 July 2015 becomes compressed and nearly impossible to accomplish.³³ As explained by an officer in SAF/FM, the time it takes to coordinate a contract takes on average 30-90 days.³⁴ Meeting the federal legal limitations becomes

³¹ “BBP on FY15 Continuing Resolution Impacts (6-month).”

³² “BBP on FY15 Continuing Resolution Impacts (6-month).”

³³ “BBP on FY15 Continuing Resolution Impacts (6-month).”

³⁴ “BBP on FY15 Continuing Resolution Impacts (6-month).”

nearly impossible with an extended CR.³⁵ In addition, the surge of contracting actions at the end of year causes demand to exceed contracting capacity, resulting in lost opportunity of funds and delay of missions needs. This is not only an issue with large projects such as the ones describe above. This issue has impact across the entire Air Force from the unit level up to Headquarters Air Force.

Yearlong CR

If the Air Force had to tolerate another year-long CR as it did back in FY2011, the impacts would be much more severe that those experienced during shorter term CRs. As explained in a BBP outlining potential FY 2015 impacts from a yearlong CR, “a year-long CR causes recapitalization delays which are critical to the Air Force meeting its long-term strategic objectives under the Defense Strategic Guidance.”³⁶ Specifically, “a year-long CR delays development and production of weapons systems to include the top 3 acquisition priorities (e.g. KC-46, F-35, and the Long Range Strike (LRS) platform) including bedding down these new weapons systems. This delays delivery of capabilities to warfighters.”³⁷ For example, operating under a yearlong CR would adversely affect military construction projects for two of the Air Force top acquisition programs—KC-46A at McConnell Air Force Base, Kansas and the F-35 at Nellis Air Force Base, NV and Luke AFB, AZ. In addition, the Air Force would not be able to fund facility projects for the F-22, the Joint Intelligence Analysis Complex consolidation-Phase 1 (described earlier), and the PACAF regional Training Center.

In addition, the Air Force would have to severely curtail investments in recapitalizing the force. For example, when it comes to

³⁵ “BBP on FY15 Continuing Resolution Impacts (6-month).”

³⁶ “FY15 Year-Long Continuing Resolutions Impacts.” United States Air Force, 19 November 2015.

³⁷ “FY15 Year-Long Continuing Resolutions Impacts.”

aircraft procurement in order to replace aging systems, F-35 and KC-46 quantities would have been limited to prior-year numbers. This would have limited the number of F-35s the Air Force could purchase in FY2015 from 26 to only 19 and put the number of the KC-46 buy at zero. The impact? The reduced number of aircraft would have delayed force bed-down plans. In addition, upgrades to the F-22, considered new start requirements, would not have begun.

Recapitalization is not limited to production of new aircraft. It also includes investments in capabilities required for today's operations in the Middle East and wherever else the President and Congress may send the Air Force. "Inventory levels for flares, training munitions, and Joint Direct Attack Munitions (JDAM) fall dangerously low, which impact pilot's ability to counter enemy fire, reduce live fire training scenarios, and jeopardize JDAM integration for MQ-9 and F-35 fleets."³⁸ Additionally, yearlong CRs hinder the Air Force's ability to make every dollar count. "CRs perpetuate labor intensive and cost prohibitive processes by increasing administrative workload throughout the Department. Our need to reprogram dollars to fund shortfalls in must pay accounts, such as civilian pay, set [the Air Force] further behind in modernization plans."³⁹

Finally, if the CR forced the Air Force to operate under a yearlong CR, Congress would have been dictating that the service risk falling off the readiness recovery path that was achieved through the passage of the BBA of 2013. Important to note here is this—when the Air Force talks about readiness recovery, it is referring to the attempts to bounce-back from the drastic across-the-board cuts forced on the Air Force and the rest of the DoD when the BCA of 2011 sequestration provisions went into effect in FY2013. The BBA of 2013 increased the BCA cap levels for FY2014 and FY2015 defense funding, giving the military services some

³⁸ "FY15 Year-Long Continuing Resolutions Impacts."

³⁹ "FY15 Year-Long Continuing Resolutions Impacts."

relief from the lower funding caps prescribed by the BCA 2011.⁴⁰ This gave the Air Force some maneuver room to “preserve today’s readiness and protect tomorrow readiness.” The intent of the BBA of 2013, however, would be for naught if Congress failed, once again, to pass a regular defense bill plunging American’s national security into uncertainty.

Unfortunately, CRs are not the only congressional matter adversely affecting America’s national defense capabilities. Chapter Four will delve deeper into the controversy surrounding the BCA of 2011 and the sequestration caps under which the DoD, including the Air Force, must operate now and through 2021.



⁴⁰ Austin D., Andrew. *The Budget Control Act and Trends in Discretionary Spending*. Washington, DC: Library of Congress, Congressional Research Service, 26 November 2014, 13.

Chapter 4

The 2011 Budget Control Act (BCA) and Impacts on United States Air Force Execution of National and Military Strategy

“Gentlemen, we’re out of money, now it is time to think.”

Winston Churchill

In addition to the adverse impact the growing use and duration of CRA continue to have on the Air Force’s ability to meet and execute the DSG, another budgetary issue is disrupting the defense-budget process and overall defense funding. The increased political polarization in Congress caused a serious political impasse over raising America’s debt limit resulting in the passage of the BCA of 2011.

As briefly mentioned in Chapter Three, the BCA of 2011 included two provisions designed to reduce federal spending over a 10-year period. The first provision established caps on the amount of money the government could spend through annual appropriations for fiscal years 2012 through 2021.¹ In 2011, the Congressional Budget Office (CBO) estimated that the budget caps would reduce federal spending by \$917 billion.² If, for some reason, Congress exceeded the caps, a sequestration process kicks-in causing an “automatic, largely across-the-board cancellation of budgetary resources.”³ In addition, the BCA of 2011 established a Joint Select Committee on Deficit Reduction charging the members with drafting a legislative proposal to reduce the deficit by at

¹ Heniff, Jr., Bill, Elizabeth Rybicki, and Shannon Mahan M. The Budget Control Act of 2011. Washington, DC: Library of Congress, Congressional Research Service, August 19, 2011, 2.

²<http://www.speaker.gov/sites/speaker.house.gov/files/UploadedFiles/BudgetControlActAug1.pdf>

³ Heniff, Rybicki, and Mahan. *The Budget Control Act of 2011*, 2.

least \$1.5 trillion over the FY2012-2021 period.⁴ If the Joint Committee proved unable to enact a bill by 15 January 2012,⁵ reducing the deficit by at least \$1.2 trillion over 10-years, the BCA sequestration provision will trigger, and across-the-board spending cuts will automatically kick-in.⁶

What exactly is “sequestration” (a.k.a. sequester)? According to Congressional Research Service analyst Megan S. Lynch, it is “an order issued by the President as required by law to enforce statutory budgetary limits, and it provides for the automatic cancellation of previously enacted spending, making largely across-the-board reductions to non-exempt programs, activities, and accounts.”⁷ Typically, sequester is only used as a mechanism to force Congress to compromise and act in order to either meet budgetary goals or prevent violation of budgetary goals.⁸

The political partisan divide prevailed, and on 21 November 2011, the co-chairs of the Joint Committee announced that they were unable to reach a deficit-reduction agreement before the deadlines set forth in the

⁴ Levit R., Mindy, and Marc Labonte. *The Budget Control Act of 2011: The Effects on Spending and the Budget Deficit*. Washington, DC: Library of Congress, Congressional Research Service, April 1, 2013, 2.

⁵ As explained in a CRS document titled “The Budget Control Act of 2011,” page three, “The legislation resulting from the joint committee recommendations can be considered under special procedures that prevent amendment and limit debate in both chambers. These procedures could have a significant impact in the Senate because they allow a simple majority to approve a bill without indefinite delay. Under regular Senate procedures, the support of 60 Senators is often necessary to advance the consideration of legislation.” “For the proposal to be considered under the special, expedited procedures, however, it must be approved by the joint committee by November 23, 2100, and passed by both chambers by December 23, 2011.”

⁶ Heniff, Rybicki, and Mahan. *The Budget Control Act of 2011*, 3.

⁷ Lynch, Megan S. *Sequestration as a Budget Enforcement Process: Frequently Asked Questions*. Washington, DC: Library of Congress, Congressional Research Service, February 27, 2013, 1.

⁸ Lynch. *Sequestration as a Budget Enforcement Process*, 1.

BCA.⁹ Prior to the implementation of the BCA budget cuts, the HASC held a hearing in order to receive testimony regarding the impacts of CRs and, more importantly, sequestration on America's military. Appearing at the hearing were Deputy Secretary of Defense, Ashton Carter, the Chairmen of the Joint Chiefs of Staff, General Martin E. Dempsey, and the service chiefs, including Air Force Chief of Staff, General Mark A. Welsh. In his introductory remarks, the HASC Chairman, Howard P. "Buck" McKeon, expressed his concern regarding the political impasse and what the impending cuts will do to the nation's military might.

The committee has undergone 16 months of exhaustive examination of the pending damage from sequestration, and now it appears that this self-inflicted wound is poised to cripple our military forces in just a few days. As the military members of our panel noted in a letter I received on January 14th—and I quote your letter—"We are on the brink of creating a hollow force." None of us came to this committee, or come to this committee, with clean hands. The debt crisis we face was decades in the making and a result of choosing the easy path when we should have explored the bravery of restraint. The President is not blameless either. His negotiators put sequestration on the table during the long fight over the debt ceiling. We are not blameless either. Many of us voted for this terrible mechanism in the naïve hope that the President and Congress could put our politics aside and fix our debt crisis. That was a bad bet."¹⁰

On 1 March 2013, just over a month following Chairman McKeon's remarks, the President signed a sequester order reducing budgetary

⁹ Levit and Labonte. The Budget Control Act of 2011: The Effects on Spending and the Budget Deficit, 3.

¹⁰ US House of Representatives, Committee on Armed Services. *The Impacts of a Continuing Resolution and Sequestration on Defense*. Washington, DC: U.S. Government Printing Office, 2013.

resources by \$85 billion for FY2013.¹¹ The government split reduction equally between defense and non-defense categories.¹² While DoD was aware the sequester cuts were coming, it held out as long as possible to implement the reductions, likely in the hope that the President and Congress would resolve the balanced-budget issue. As explained by then Deputy Defense Secretary Ashton Carter on 30 September 2013, “last year, we didn’t start the fiscal year executing as though we had sequester, because we were ready to do so, but we didn’t want to start until we had to, because operating under sequester is harmful.”¹³

Upon FY2013 sequestration implementation, the Air Force experienced a \$20-billion cut per year, which forced reductions in overall readiness, modernization efforts, and people.¹⁴ Making matters worse, sequestration did not give the services, including the Air Force, the ability to prioritize the reductions based on missions needs.¹⁵ In testimony submitted for a 28 January 2015 SASC hearing regarding the impacts the military will face if sequestration is re-instituted in FY2016, Air Force Chief of Staff (CSAF) Mark Welsh summarized what sequestration did to the service during FY2013:

As you will remember, when sequestration took effect in 2013, we grounded 31 flying squadrons (including 13 combat-coded squadrons), furloughed most of our 180,000

¹¹ Austin D., Andrew. *The Budget Control Act and Trends in Discretionary Spending*. Washington, DC: Library of Congress, Congressional Research Service, 26 November 2014, 10.

¹² Austin D., Andrew. *The Budget Control Act and Trends in Discretionary Spending*, 10.

¹³ Carter, Ashton B., Deputy Secretary of Defense. “Remarks on the U.S.-India Defense Partnership at the Center for American Progress,” Washington DC, 30 September 2013.

¹⁴ HQ Air Force 28 January SASC Sequestration Impacts Hearing Prep slides, 2015.

¹⁵ US Senate. Senate Armed Services Committee Holds Hearing on Budget Control Act and Sequestration. Washington, DC: CQ Transcriptions, 2015.

civilian Airmen, and made deep cuts to flying hours, weapons system sustainment, facility sustainment, training, and equipment. Our facilities and base infrastructure suffered, and we faced a \$12B backlog in much needed facility maintenance. We deferred maintenance, repair, and upgrades to our operational training ranges and decreased their ability to support high-end combat training. Sequestration caused months of aircraft maintenance backlog and reduced advanced pilot training, things that can only be corrected with time and additional resources. And we deferred critical long-term investment in nuclear infrastructure, black and white world test infrastructure, and space launch infrastructure.”¹⁶

Just over three months following sequester implementation, the SASC leadership during the 113th Congress,¹⁷ Chairman Senator Levin and Ranking Member Senator Jon Inhofe, requested that the Defense Secretary at the time, Chuck Hagel, submit a letter explaining the potential impacts of sequestration on the department if the BCA 2011 caps were implemented in FY2014. The 10 July 2013 letter predicted sequestration would have “serious adverse effects” on the military services if Congress reduced the FY2014 PBR by \$52 billion in order to meet the 2011 BCA caps.¹⁸

Similar statements regarding the effects of future sequestration cuts were made by the service Secretaries and Chiefs when they appeared at House and Senate committee hearings regarding sequestration and defense-budget processes. The concerns expressed by the Administration, defense leaders, as well as House and Senate members regarding the state of America’s current and future national

¹⁶ Welsh, Mark A., Chief of Staff, United States Air Force. Presentation to the Senate Armed Services Committee Hearing on The Impact of Sequestration on National Defense, 28 January 2015, 4.

¹⁷ The 113th Congress met from January 3 2013 through January 3 2015. For more information on congressional sessions access the following link: http://www.senate.gov/pagelayout/reference/one_item_and_teasers/Years_to_Congress.htm

¹⁸ Towell and Belasco, Defense: FY 2014 Authorization and Appropriations, 11.

security posture, resulted in Congress passing the BBA of 2013. The BBA raised the BCA 2011 caps for defense spending for both FY2014 and FY2015, to \$520.464 billion and \$521.272 billion respectively, and eliminated the across-the-board sequestration spending cuts for the same fiscal years.¹⁹ This provided the Air Force and its sister services temporary relief for two fiscal years, allowing leadership to begin readiness-recovery efforts.²⁰ As General Welsh explained in his prepared testimony for the 2015 SASC hearing,

We began to recover Airmen's individual readiness for the full spectrum of missions we provide the joint force; started to regain ground on aircraft and facility maintenance; invest in our nuclear Force Improvement Program; increased funding in our training ranges; and sustained our priority investments in the F-35, the KC-46, and the Long Range Strike Bomber; three programs that will be essential to joint mission success in 2025 and beyond.²¹

Despite the relief provided by the increase in funding caps and the elimination of the sequester across-the-board cuts, the BBA did not restore funding to the levels expected in the FY2012 plan, which forecasted Air Force funding requirements for a five-year period through FY2016. As General Welsh told the SASC members, "it was not enough, but it was a start."²² The BBA forced the Air Force to make difficult choices with respect to force structure, force size, and legacy-system-modernization efforts.²³ Some of these tough choices involved the need to divest itself of aging, costly systems in order to fund other critical programs to meet the demands of the DSG. For example, the Air Force is

¹⁹ Austin D., Andrew. *The Budget Control Act and Trends in Discretionary Spending*. Washington, DC: Library of Congress, Congressional Research Service, 26, November 2014, 13.

²⁰ HQ Air Force 28 January SASC Sequestration Impacts Hearing Prep slides, 2015.

²¹ Welsh, Presentation to the Senate Armed Services Committee, 5.

²² Welsh, Presentation to the Senate Armed Services Committee, 5.

²³ HQ Air Force 28 January SASC Sequestration Impacts Hearing Prep slides, 2015.

attempting to divest itself of the A-10 Warthog in order to put captured savings towards the fielding and sustainment of new or existing capabilities such as the F-35 and the F-16.²⁴ In another example, the Air Force is attempting to divest itself of the U-2 Dragon Lady intelligence, surveillance, and reconnaissance (ISR) platform fleet, also in an attempt to reduce sustainment costs especially when other platforms such as the Global Hawk Block 30, can conduct the same high-altitude ISR mission set.²⁵

There are two reasons why decisions regarding force structure, force size, and modernization efforts are especially tough for Air Force leadership. One, with sequestration come rules dictating the amount of money the military services can shift between accounts in order to alleviate the impact of across-the-board-cuts.²⁶ A recent news story captured Congressman Jim Cooper's (D-TN) thoughts on the matter when he explained that by giving the Air Force and its sister services sequestration flexibility Congress would permit the Pentagon to shift funds toward higher-priority programs if the department does not get the funding levels it planned for fiscal year 2016.²⁷ Congressman Cooper stated, "It's the inflexibility of sequestration that's so maddening. Congress is part of the problem and we put the Pentagon in a straight jacket and don't allow them to manage."²⁸

²⁴ Everstine, Brian. "Air Force: Keeping A-10 Means F-35 Delays, F-16 Cuts." *Air Force Times*, April 28, 2015.
<http://www.airforcetimes.com/story/military/capitol-hill/2015/04/28/air-force-keeping-a10-impact-16s/26519547/>
(accessed 28 April 2015.)

²⁵ Interview with HQ Air Force Staff, 26 February 2015 (unattributed interview.)

²⁶ O'Brien, Conner. "Cooper Will Push for Pentagon Flexibility on Sequestration." *CQ.com*, 6 March 2015.

²⁷ O'Brien, Cooper Will Push for Pentagon Flexibility on Sequestration.

²⁸ O'Brien, Cooper Will Push for Pentagon Flexibility on Sequestration.

Two, at the same time, through language in authorization and appropriations legislation, Congress is restricting the Air Force's ability to divest itself of capabilities such as the A-10 and U-2 or reduce funding in lower-priority programs in order to apply savings to meet operational requirements set forth in the DSG. Sequestration forced across-the-board cuts on the services, leaving it up to the Secretary of Defense, the service Secretaries, and service Chiefs to determine how to achieve those savings. Yet, when the Air Force announced through the FY 2015 PBR exactly how it will play its part in reducing defense spending, Congress fought back.

Here emerges the struggle between doing what is right for national security versus doing what is right for parochial or constituent interests. Supporters of the A-10, including Senators, Representatives, and vocal organizations outside the military services are fighting to keep the aircraft in service. The same thing is happening with the U-2. The rationale for maintaining both platforms may vary, but ultimately it comes down to one or both of the following factors. The first factor relates to state and congressional district politics. Former Speaker of the House Thomas "Tip" O'Neill was commonly quoted as saying, "all politics is local," which still rings true today.²⁹ For example, for many of the House and Senate proponents of the A-10, retaining the aircraft in the Air Force inventory means the continued flow of defense dollars to the states and congressional districts currently home to A-10 bases, contractors, and depot maintenance facilities. For some Representatives and Senators, saving the A-10 equates to jobs for the affected communities. As a result, this local persuasion may ultimately trump national security concerns.

²⁹<http://www.pbs.org/wgbh/americanexperience/features/biography/carter-oneill/>

The second factor revolves around perceived national security needs. Senators, representatives, and other proponents of the A-10 and U-2 argue that America needs both capabilities to win today's and tomorrow's fight. It is quite possible America would benefit from retaining both platforms, but this debate goes beyond the scope of this examination. The important point is this—the Air Force's desire to divest itself of the A-10 and the U-2 is a funding issue.

The Air Force has stated it would prefer to keep the A-10 for its unique close-air-support capabilities. In addition, the Air Force would like to have both the U-2 and the Global Hawk Block 30 in its inventory. In today's fiscal environment, however, the Air Force just cannot afford to retain these legacy systems when other platforms are equally capable of performing the missions. When asked by Senator Roger Wicker if more flexibility in the sequestration rules would help the Air Force deal with the funding cuts, General Welsh remarked,

Senator, I think all of us understand that our services in the department [have] to be part of the debt solution for the nation. The things that we would need, though, with any kind of reduced levels of funding, as we've been looking at, is stability and predictability in funding over time. And then the ability to make the decision that will let us shape our services to operate at those funding levels that are less than predicted. But without the ability to make those decisions, we will continue to be stuck, not sure of where we're going in the future.”³⁰

In addition to dealing with the inflexibility in how and where it can make sequestration cuts, the DoD risks facing severe cuts again in FY 2016. As the DoD, the Air Force, and its sister services embark on the FY2016 defense-budget-and-appropriations-process, the nation's national security umbrella faces the threat of severe across-the-board sequestration cuts again. As explained in the Department of Defense

³⁰ US Senate. Senate Armed Services Committee (SASC) Holds Hearing on Budget Control Act and Sequestration. Washington, DC: CQ Transcriptions, January 2015.

“2014 Estimated Impacts of Sequestration-Level Funding” document, any cuts implemented in FY 2016 will be in addition to many reductions the DoD has already absorbed. According to the DoD estimated impacts report:

Over the past several years, planned DoD spending has been significantly reduced by the following actions:

(1) To comply with the original discretionary spending caps in the BCA, FY2012 enacted appropriations and the FY2013 President’s Budget reduced DoD funding by \$487 billion compared with the ten-year plan in the FY2012 President’s Budget.

(2) The March 2013 sequestration reduced base budget FY2013 DoD funding by an additional \$32 billion. (3) Consistent with the revised caps in the BBA, FY2014 enacted appropriations reduced DoD funding by \$31 billion compared with the President’s Budget request.³¹

As the dust settled around the relief the BBA provided with respect to the BCA 2011 cap levels, the FY2015-enacted appropriations were slightly less than requested in the PBR—the PBR requested \$484.3 billion while the final bill enacted into law provided DoD with \$483.7 billion.³²

Nevertheless, another round of cuts will reverse the little recovery the Air Force and the other services made in the last two years. During the 28 January SASC hearing on the BCA and Sequestration, Chairman Senator John McCain drove home this point when he stated, “if we continue with these arbitrary defense cuts, we will harm our military’s ability to keep us safe.”³³ He even expressed his frustration with the need to carry out such a hearing by reiterating a quote made by then

³¹. Department of Defense, *Estimated Impacts of Sequestration-Level Funding*, April 2014.

³² Towell, Pat. *Defense: FY2015 Authorization and Appropriations*. Washington, DC: Library of Congress, Congressional Research Service, 28 January 2015, Introduction.

³³ US Senate. *SASC Hearing Transcript*, January 2015.

Deputy Secretary of Defense Carter during a similar hearing in January 2013,

What is particularly tragic is that sequestration is not a result of an economic emergency or a recession. It's not because discretionary spending cuts are the answer to our nation's fiscal challenge. Do the math. It's not in reaction to a change to a more peaceful world. It's not because passive revenue growth and entitlement spending have been explored and exhausted. It's purely the collateral damage of political gridlock."³⁴

Unless the President and the current 114th Congress find a long-term, more sustainable way to balance the budget, it appears the DoD will be forced to return to the BCA funding levels, severely impacting Air Force missions including ISR/C2, nuclear, space, cyber, mobility, aerial refueling, and readiness—all vital elements in executing the current DSG.³⁵ As stated in General Welsh's prepared remarks to the SASC members, "a return to sequestration levels of funding in FY16 will reverse any progress we made in addressing our infrastructure and facility maintenance and exacerbate our problems with readiness and modernization. It will also make it impossible for us to meet the operational requirements of the Defense Strategic Guidance."³⁶

Additionally, General Welsh explained to the committee that the 2012 DSG was executable under the FY 2012 budget, which projected out five years through FY2016 providing \$21billion more per year than Air Force funding at BCA levels.³⁷ In his prepared testimony, he further elaborated, "in FY12, when the Air Force originally forecast its requirements to meet the Defense Strategic Guidance, the Service planned a FY16 topline of \$134 billion. Today—as enacted in FY15, and

³⁴ US Senate. SASC Hearing Transcript, January 2015.

³⁵ HQ Air Force 28 January SASC Sequestration Impacts Hearing Prep slides, 2015.

³⁶ Welsh, Presentation to the Senate Armed Services Committee, 5.

³⁷ SASC Testimony, Welsh 28 Jan 2015

so requested in the FY16 PB—that topline has decreased \$122 billion. In aggregate, the loss across those five years is \$64 billion” (see Figure 6).³⁸

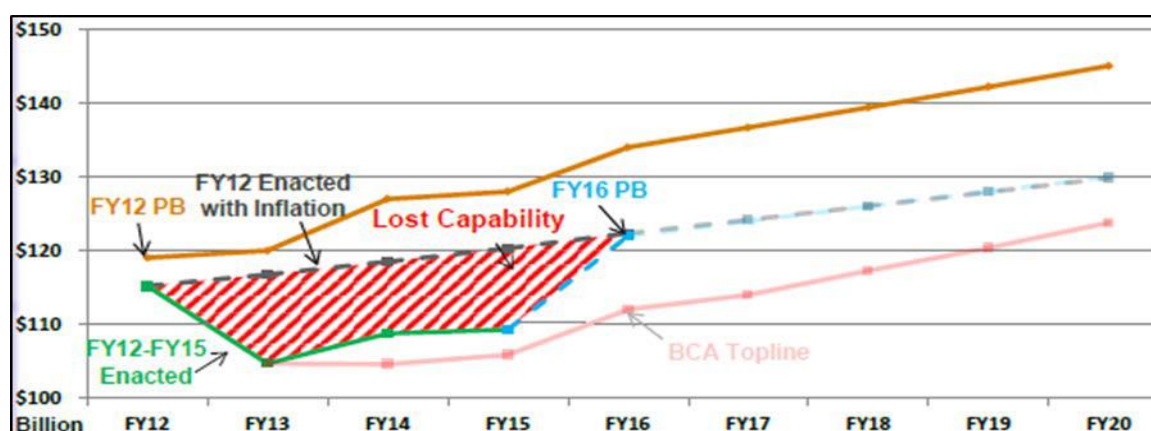


Figure 6. FY12-FY16 Presidential Budget Request vs. 2011 BCA-Level Funding
Source: FY 2016 Posture Statement chart page 5.

He further explained that if sequestration continues in FY2016, the Air Force is looking at slashing \$21 billion a year, requiring “some very tough decisions to be made, some very hard and unpopular decisions to be made.”³⁹

It is not lost on the military services, including the Air Force, that fiscal restraint is also a defense responsibility. In light of current budget uncertainty and a need for fiscal restraint, the Air Force’s FY16 PBR was the result of “difficult, purposeful, strategy-based resourcing decision made to meet obligations set in the Defense Strategic Guidance.”⁴⁰ As a result, the budget request aligns with the Department of Defense and Air Force 30-year strategies to ensure American airpower continues to retain the unrivaled success it has had over the past 70 years.⁴¹ Yet, as explained by Secretary of the Air Force Deborah Lee James and General

³⁸ Department of the Air Force, “Fiscal Year 2016 Air Force Posture Statement,” 25 February 2015, 5.

³⁹ Senate Armed Services Committee (SASC) Holds Hearing on Budget Control Act and Sequestration. Washington, DC: CQ Transcriptions, 2015.

⁴⁰ Department of the Air Force, “Fiscal Year 2016 Air Force Posture Statement,” 25 February 2015, 8.

⁴¹ Department of the Air Force, “Fiscal Year 2016 Air Force Posture Statement,” 25 February 2015, 8.

Welsh maintained in the 2015 Air Force Posture Statement, a budget request, alone, does not guarantee future airpower success.⁴² Rather,

it is a point of departure for future years' stable committed investment in global airpower for America. A return to sequestration-level funding will devastate readiness and modernization; it will force the Air Force to depart from a long-term strategic planning framework in favor of one that triages only those things absolutely required in the short-term. It will reverse incremental progress made over the past two years in the recovery from FY13's sequestration-level funding and will make it impossible to meet current operational requirements or execute the Defense Strategic Guidance."⁴³

In General Welsh remarks before the SASC, he expanded upon the above,

Your Air Force is fully engaged. All the excess capacity is gone, and now more than ever, we need a capable, fully ready force. We simply don't have a bench to go to, and we can't continue to cut the force structure as we've been doing for the last few years to pay the costs of readiness and modernization or we will risk being too small to succeed in the task we've already been given. But, BCA-level funding will force us to do exactly that.⁴⁴

Gen Welsh then explained the impact of BCA-level funding if implemented in FY 2016:

- The Air Force will need to consider divestiture of the KC-10 tanker fleet, the U-2 fleet, the Global Hawk Block 40 fleet, and portions of the airborne command and control fleet;
- The Air Force would also need to look at reducing the MQ-1 and MQ-9 remotely piloted ISR platform fleet by 10 orbits incurring significant impacts on current operations;

⁴² Department of the Air Force, "Fiscal Year 2016 Air Force Posture Statement," 25 February 2015, 8.

⁴³ Department of the Air Force, "Fiscal Year 2016 Air Force Posture Statement," 25 February 2015, 8.

⁴⁴ US Senate. SASC Hearing Transcript, January 2015.

- 50 percent of the high-altitude ISR missions flown today would no longer be available and commanders would lose 30 percent of their ability to collect intelligence and targeting data against moving vehicles on the battlefield;
- Sequestration would reverse the combat squadron readiness gained under the FY2014 and FY2015 reprieve from cuts. Squadrons would be grounded, readiness rates would plummet, red and green flag training exercises would have to be canceled, and air crew members' families frustration and their families frustration will rise again, just as the major airlines begin a hiring push expected to target 20000 pilots over the next 10 years—we risk losing them;
- Infrastructure that has been intentionally underfunded in order to fund individual and unit readiness will continue to suffer—the bills for training ranges, test ranges, space launch infrastructure, simulation infrastructure, any nuclear infrastructure are coming due now but BCA caps will make it impossible to fund;
- Modernization of air, space, and cyber capabilities is necessary; BCA levels will make this more difficult.⁴⁵

General Welsh punctuated his remarks with a gut-punch, “the Air Force will no longer be able to meet the operational requirements of the Defense Strategic Guidance. We will not be able to simultaneously defeat an adversary, deny a second adversary, and defend the homeland.”⁴⁶

As evidenced throughout this chapter, concerns regarding the DoD’s ability to carry out the requirements set forth in the 2012 DSG—the Defense Strategic Guidance discussed in Chapter Two—has peppered the remarks of congressmen and senators as well as the statements of military leaders over the course of this six-year budget battle. As such, it is worth delving into the reason for the concerns expressed in this study. The 2012 DSG outlines how the DoD will go about supporting the

⁴⁵ US Senate. SASC Hearing Transcript, January 2015.

⁴⁶ US Senate. SASC Hearing Transcript, January 2015.

objectives of America's NSS. In light of the protracted debt ceiling and balanced- budget debate preceding the release of the 2012 DSG, the document rightfully acknowledges that meeting the expectations it sets forth for the military services requires a "balance between available resources and our security needs."⁴⁷ What the DSG does not fully account for, however, is the increasingly and rapidly shifting threat environment America faces today. General Welsh drives this home in his prepared statement for the SASC hearing,

What have changed are the global operational environment and the demand signals created for the Air Force and other services; the level of effort in Iraq and Syria that is much greater than planned; the continuing requirement for Air Force support in Afghanistan; a resurgent and aggressive Russia and the need for U.S. military presence to assure allies and deter further aggression; an unraveling Libya and Yemen; an increase in counterterrorism activity on the African continent; an increasing domestic terrorism concern that has already manifested itself in Europe; and technological advance by both Russian and China that could dramatically narrow capability gaps between our Air Force and any air force using their new systems.⁴⁸

This global environment is one that is keeping the Air Force continually involved in operations around the globe, 24/7—and Air Force that is the smallest it has ever been since its inception in 1947.⁴⁹ To expand on this point, General Welsh explained to the SASC members,

"When we deployed to Operation Desert Storm in 1990, the Air Force had 188 fighter squadrons. Today, we have 54, and we're headed to 49 in the next couple of years. In 1990, there were 511,000 active duty airmen alone. Today, we have 200,000 fewer than that. And as those numbers came down, the operational tempo went up. Your Air Force is fully engaged. In addition, and its Airmen are

⁴⁷ US Department of Defense, *Sustaining U.S. Global Leadership: Priorities for 21st Century Defense* (2012 Defense Strategic Guidance), January 2012.

⁴⁸ Welsh, Presentation to the Senate Armed Services Committee, 2.

⁴⁹ US Senate. SASC Hearing Transcript, January 2015.

conducting operations with the oldest aircraft fleet it has ever held.⁵⁰

General Welsh continued to explain that the Air Force's smaller aircraft fleet is also older than it has been in history and stated, "if World War II's venerable B-17 Bomber had flown in the first Gulf War, it would have been younger than the B-52, the KC-135, and the U-2 today." As a result, modernization is imperative.⁵¹

Sequestration, however, levied rapid, substantial budget cuts and restrictions on how to make those cuts without any reduction to operational requirements. This all comes at a time when the Air Force and its sister services are fully engaged in contingency operations around the globe and the nation is continually asking more of its military than ever before. As the FY2016 defense-budget process unfolds, only time will tell if the sequestration across-the-board cuts will be imposed in the next fiscal year and beyond—potentially further impacting the Air Force and its sister services' ability to fulfill their national security requirements as outlined in the DSG.

⁵⁰ US Senate. SASC Hearing Transcript, January 2015.

⁵¹ US Senate. SASC Hearing Transcript, January 2015.

Chapter 5

Conclusion

*"[Congress] is the branch of government most responsible for the character and the contours of our military."*¹

HASC Chairman Thornberry

*The nation must acknowledge the serious disconnect between the Air Force it expects, the Air Force it has today, and the Air Force it is funding for the future.*²

General Mark A. Welsh, CSAF

The US Constitution unequivocally states that Congress is responsible for providing for the common defense. Evidence shows, however, that Congress, through political subterfuge, is shirking its responsibility to serve as an agent for the people of the United States. As a result, Congress is failing to provide timely and adequate funding for the nation's military.

Peter D. Fever, in his book *Armed Servants*, describes the interaction between the civilians and the military as a "principle-agent" relationship.³ In this construct, the civilian leadership is the principle and the military serves as the agent.⁴ Throughout the course of this relationship, the civilian expects the military to act in one of two ways. The agent "works" by doing something to the principal's satisfaction or more specifically, putting forth a good-faith effort to represent the principal's interests, or "shirks" by not doing something to the principals satisfaction.⁵

¹ Thornberry, The Honorable Mac. "Remarks to the American Enterprise Institute." Washington, DC, 20 January 2015.

² "Fiscal Year 2016 Air Force Posture Statement," 25 February 2015, 8.

³ Feaver, Peter D. *Armed Servants: Agency, Oversight, and Civil-Military Relations*. New York: Harvard University Press, 2005, 60

⁴ Fever, *Armed Servants*, 60.

⁵ Fever, *Armed Servants*, 60-61.

Just as the military will either work or shirk, one can say the same of civilian leadership with respect to its responsibilities to the American people. United States citizens (principal) have a reasonable expectation that their elected civilian leadership (agent)—from the President down to locally elected officials—will work in a way that their interests are satisfied. Unfortunately, there is also a reasonable expectation that, at times, civilian leadership will also shirk.

In deference to parochial, partisan issues, Congress is shirking its responsibility to fully execute the yearly budget process, including the defense-budget process. In lieu of setting aside partisanship to participate in real democratic debate on America's budget and appropriation matters, Representatives and Senators take the easy way out, defaulting to funding government agencies under repeated and lengthy CRs.

For the Air Force, this dysfunctional process, in its sixth fiscal year in a row, creates funding uncertainty that delays long-term plans to purchase capabilities required for today and tomorrow's fight. The result is higher costs when the Air Force is finally authorized to pay for items it was previously unable to fund. In addition, in many cases, CRs force the Air Force to pay for services it no longer requires, simply because Congress authorized and funded the programs in the previous fiscal year. As expressed by former Chief of Staff of the Air Force, General T. Michael Moseley, "CRs and sequestration are no way to plan."⁶

Operating under CRs costs the federal government more, not just in dollars wasted, rather, in America's prestige as a global superpower. If the Air Force is unable to rely on consistent budgets to steadily fund its investment in technology, training, infrastructure, and personnel, it cannot fulfill what the nation asks of it through the DSG. This not only damages America's national security, but also its ability to project power

⁶ Former Chief of Staff of the Air Force General T. Michael Moseley, interviewed by author.

in support of its allies across the globe.⁷ As stated by Jim Thomas from the Center for Strategic and Budgetary Assessments, “there’s perception of American weakness right now in the world and that perception, I think, is growing.”⁸ The BCA and the continuation of sequestration caps risk exacerbating this perception.

Rather than reaching across the aisle to develop compromise legislation to cut government funding, the sequestration provision of the BCA of 2011 essentially became a way for Congress to abdicate its responsibilities for legislative debate and tough decisions on what discretionary funding absolutely needs reduction, especially with respect to America’s national security programs. Instead, the Department of Defense bears the brunt of the across-the-board cuts and, to make matters worse, the Department bears the responsibility to decide what to cut. Congress essentially removed itself from ensuring that the next ten years of defense budgets would support the end-state objectives of America’s DSG.

If Congress is not going to eliminate uncertainty and meet defense budgeting timelines, then it might just be necessary for the President and Congress to reassess what they ask the nation’s Air Force and other military services to do. America may not longer have the ability to serve as the world’s policeman. This, unfortunately, is an unlikely proposition given America’s current engagement across the globe. There are, however, other ways to make Congress more responsive to America’s national security needs—to ensure they are “working” for its citizens and not shirking its responsibility to provide for the common defense. The final chapter of this examination offers and discusses three recommendations for consideration.

⁷ “U.S. Air Force Key Talking Points: Fiscal Year 2016 Air Force Posture Statement (Supplement),” 2015.

⁸ Bennett, T., John. “Issue Tracker: Advice for Hawks.” *Defensenews.com*, February 25, 2015.

Chapter 6

Recommendations

*The nation's most pressing security threat is
coming from the capital itself.¹*

Former Defense Secretary Leon Panetta

The political divide has been decades in the making—and it is not concentrated within the halls of Congress or the fault of one party over another. First, there is a growing political chasm within the American populace as evidenced in a Pew Research Center study, “Political Polarization in the American Public.”² Second, in addition to the political divide between the two parties in the House and Senate, there is a growing chasm within the Republican party—that between the Republican defense hawks and the budget hawks.³ Making matters worse are the internal workings of Congress itself. The institution’s political culture is a significant contributing factor exacerbating the political divides and compounding the dysfunction witnessed today. Despite this, there are numerous Representatives and Senators on both sides of the aisle determined to do what is best for America’s national security while working within today’s fiscal constraints.⁴ Defense hawks,

¹ Gass, Nick. “Leon Panetta Blasts ‘Total Dysfunction in Washington.’” *Politico.com*, February 15, 2015.

² Pew Research Center <http://www.people-press.org/2014/06/12/political-polarization-in-the-american-public/>

³ Herb, Jeremy. “Defense Hawks Strike Back on Budget.” *PoliticoPro.com*, March 1, 2015.

⁴ The International Encyclopedia of the Social Sciences defines political culture as the set of attitudes, beliefs, and sentiments, which give order and meaning to a political process and which provide the underlying assumptions and rules that govern behavior in the political systems. It encompasses both the political ideals and the operating norms of a polity...[and] is the product of both the collective history or a political system and the life histories of the members of that system, and this it is rooted equally in public events and private experiences.

such as Senator McCain (R-AZ), Senator Jack Reed (D-RI), Representative Jim Cooper (D-TN) and Mac Thornberry (R-TX) believe that forcing the Air Force and the rest of DoD to operate in a world of uncertainty through CRs and sequestration is wrong. Representative Trent Franks (R-AZ), a member of the House Armed Services Committee, drove this point home when he stated, “the first purpose of this government is to defend the national security of this country, and at the present time the sequestration is impeding that to a dangerous degree.”⁵ Nevertheless, it is apparent Congress as a whole is more concerned with doing right by party interests and personal reelection bids than with doing what is good for domestic and national security matters.

Political partisanship is a mainstay of America’s democratic system. History demonstrates that when balanced with cooperation across the party aisles, political partisanship has its place and value. Yet, it is seemingly spinning out of control and leading to inaction on significant national matters, including the future of America’s national security structure. While political partisanship will never go away, there may be ways to lessen its adverse impact on domestic and national security fiscal matters. What follows are three recommendations intended to get Congress back to its constitutionally prescribed role of legislating. The steps may lead to increased bi-partisan cooperation that will mitigate or eliminate the partisan gridlock on budgetary matters. Specifically, the recommendations include (1) the reinstitution of congressional earmarks, (2) reforming rules to re-balance the power disparity between party and committee leadership, and (3) increasing terms for the House of Representatives.

Reinstitution of Congressional Earmarks

As discussed in Chapter One, the use of earmarks (a.k.a. pork)

⁵ Herb, “Defense Hawks Strike Back on Budget.”

exploded in the early 1990s and early 2000s. The study attributed the increase in earmarks to two factors. One, “with narrow partisan divisions in the House and Senate, party and committee leaders used earmarks to attract the votes they needed to pass priority legislation.”⁶ Two, earmarks gave party leadership a way to help House and Senate members facing tough electoral races at home.⁷ According to former Representative James T. Walsh (R-NY) who served on the Appropriations committee from 1993-2009⁸, “when Republicans took control of the chamber in 1995 they spread the wealth, or “democratized the earmark process,” by making it available to everyone, Republican or Democrat, leader or rank-and-file member alike.”⁹ As a result of perceived “wasteful and unnecessary”¹⁰ earmarks in fiscally austere times, the “corrupt connection between earmarks and campaign contributions,”¹¹ and outcry from watchdog groups and House and Senate members savvy to questionable earmarks, the use of earmarks eventually declined after 2006.¹²

Today, as discussed in chapter one, Congress operates under an earmark ban. While a gallant effort to reign in federal spending on special projects directed to specific states or congressional districts, most analysts argue that the recent ban on earmarks is actually contributing

⁶ Davidson, Roger, Walter Oleszek J., Frances E. Lee, and Eric Schickler. *Congress and Its Members*. 13th ed. Washington, D.C: CQ Press, 2011, 406.

⁷ Davidson, Walter, Lee, and Schickler. *Congress and Its Members*, 406.

⁸ <http://usafmc.org/about-fmc/leadership/james-t-walsh/> (accessed on 15 May 2015)

⁹ Dinan, Stephen. “Earmarks End for One Year, but Perk Still Potent on Hill.” *Washington Times*, 10 February 2011.
<http://www.washingtontimes.com/news/2011/feb/9/earmarks-end-for-one-year-but-perk-still-potent-on/?page=all>.

¹⁰ Davidson, Walter, Lee, and Schickler. *Congress and Its Members*, 406.

¹¹ Davidson, Walter, Lee, and Schickler. *Congress and Its Members*, 406.

¹² Davidson, Walter, Lee, and Schickler. *Congress and Its Members*, 406.

to partisan gridlock.¹³ While earmarks may have benefitted a state or a House district, in many cases, House and Senate members abused earmarks to funnel money anonymously to questionable projects.¹⁴ Yet, when allowed under revised earmark rules that provide complete transparency and are limited to the requesting member's district or state, earmarks serve a greater purpose.¹⁵

As explained by former Members of Congress Martin Frost (D-TX) and Tom Davis (R-VA), "eliminating earmarks takes away the incentive for the parties to cooperate to pass appropriations bills on time."¹⁶ In their 8 February 2015 op-ed piece on earmarks, they argue "instead, for weeks and months after the start of each fiscal year on Oct 1, much of the government is left operating on a continuing resolution. When a number of representatives and senator's have "skin in the game," they'll make sure a spending bill gets passed."¹⁷

In addition, earmarks provide House and Senate leadership a degree of leverage over rank-and-file members who help keep the budget and appropriations process running in a timely fashion. Today the Republicans and Democrats find it difficult to pass legislation that is in the national interest.¹⁸ Removing earmarks from the appropriations process has compounded this problem, giving members little to no incentive to support and pass bills on time. As explained by Tom Daschle, the former Democratic Senate Majority Leader in an interview with US News and World Report, "earmarks create opportunities for a personal commitment to legislation that goes beyond just supporting the

¹³ Frost, Martin, and Tom Davis. "How to Fix What Ails Congress: Bring Back Earmarks." *L.A. Times.com*, February 8, 2015.

¹⁴ Frost and Davis, "How to Fix What Ails Congress: Bring Back Earmarks."

¹⁵ Frost and Davis, "How to Fix What Ails Congress: Bring Back Earmarks."

¹⁶ Frost and Davis, "How to Fix What Ails Congress: Bring Back Earmarks."

¹⁷ Frost and Davis, "How to Fix What Ails Congress: Bring Back Earmarks."

¹⁸ Frost and Davis, "How to Fix What Ails Congress: Bring Back Earmarks."

bill.¹⁹ According to Schick, “when funds are scarce, pork is prized because it may be the only benefit that members can bring home.”²⁰ Knowing that a bill contains funding for a special project in their state or district provides greater incentive for a Member to support and help pass appropriations measures, especially those in America’s national security interest. Daschle further explains, “I believe it’s one of the reasons why Congress is as dysfunctional as it is...legislators no longer feel as invested in the bills as they used to.”²¹

This recommendation is certainly not an appeal for the return to a free-for-all explosion of earmarks in appropriations measures. Rather, it is a call for the return of earmarks in a controlled manner under similar procedures implemented during the 110th and 111th Congresses. As explained by Davidson et al, the “procedures required public disclosure of the lawmaker requesting an earmark; the name and location of the intended recipient; the purpose of the earmark; and certification that neither the requesting lawmaker nor his or her spouse had a financial interest in the earmark.”²²

In essence, these rules will provide greater transparency and accountability in the earmark process. Jason Grumet, founder and president of the Bipartisan Policy Center in Washington, DC says it best, “we want members of Congress to take tough votes to prioritize the nation over their electoral interests, and if we refuse them the ability to show their constituents anything beneficial resulting from their time in

¹⁹ Schlesinger, Robert. “Grease the Wheels: The Staggering Abuse of Earmarks Brought a Broad Ban--Both Went Too Far,” January 6, 2015. <http://www.usnews.com/opinion/articles/2015/01/06/to-help-break-gridlock-congress-should-bring-back-earmarks>.

²⁰ Schick, Allen. *The Federal Budget: Politics, Policy, Process*. 3rd ed. Washington, D.C: Brookings Institution Press, 2007, 249.

²¹ Schlesinger, “Grease the Wheels.”

²² Davidson, Walter, Lee, and Schickler. *Congress and Its Members*, 406-407.

office, they don't have a lot of margin to take those tough votes.”²³ Re-instating the use of earmarks is just one approach available to help break the gridlock that resulted in the growing use of CRs and the implementation of sequestration budget caps to control federal spending. In order to influence greater change in an institution set in its ways, one must also look at changing the Congressional culture through various House and Senate reform initiatives.

House and Senate Reform: Party vs. Committee Power Structure

Since World War II, Congress has undergone some semblance of reform whether it was major reform such as the Legislative Reorganization Acts of 1946 and 1970, targeted efforts such as the 1989 Ethics in Government Act, or simple House and Senate rules or party-caucus rule changes.²⁴ One reform effort that occurred over 30 years ago is exacerbating the current hyper-partisanship within Congress today—the Legislative Reorganization Act of 1970, specifically the committee and sub-committee reforms that occurred throughout the 1970s.²⁵

According to an historical overview of the Congressional reforms, the 1970 act “marked a turning point in the reform movement, signaling an end to an era when committee chairmen and senior members were considered autonomous with little constraint and the beginning of nearly a decade of change.”²⁶ Over the course of the 1970s, the House and Senate gradually chipped away at the power of the committee chairs,

²³ Schlesinger, “Grease the Wheels.”

²⁴ Wolfensberger, Donald. “A Brief History of Congressional Reform Efforts.” Bipartisan Policy Center and The Woodrow Wilson Center, 22 February 2013, iv.

²⁵ Wolfensberger, A Brief History of Congressional Reform Efforts, 2.

²⁶ <http://archives.democrats.rules.house.gov/Archives/jcoc2c.htm> (accessed 10 May 2015.)

shifting more power to the House and Senate party leadership.²⁷ In the House, the issues peaked in the 1990s when the Republicans captured the majority for the first time in 40 years during the 1993 elections.

In his new leadership role, Speaker Gingrich and the Republicans began execution of the Republican Party's "Contract with America," which included a congressional-reform effort. The Republican reforms further eroded the power of the House committees by "banning proxy voting in committees, opening all committee meetings to broadcast coverage, cutting committee staff by one-third, imposing three-term limits on committee and subcommittee chairmen, and the Speaker."²⁸ Essentially, the additional reforms eliminated seniority as a brokering tool.²⁹ Between the 1970's reform efforts in the House and Senate and the changes implemented in the House in 1995, no longer would seniority within the committees allow Congressmen or Senators with power to enforce decisions and wield a heavy hand on major issues.

House and Senate bipartisan committees made the reforms of the 1970s and 1980s. In subsequent years, however, the majority party initiated changes that created partisan institutional reforms.³⁰ As a result, power is now concentrated in the leadership, essentially making it impossible for rank-and-file members to have a voice in decision-making, weakening their ability to do what they want for their constituents. According to Donald R. Wolfensberger of the Bipartisan Policy Center, "the majority party would now take full responsibility for shaping the rules and procedures of the House and running it. It alone would be solely accountable for its successes or failures."³¹

²⁷ <http://archives.democrats.rules.house.gov/Archives/jcoc2c.htm>

²⁸ Wolfensberger, A Brief History of Congressional Reform Efforts, 9.

²⁹ Correspondence with Department of Defense (DoD) staff member, 15 March 2015.

³⁰ Wolfensberger, A Brief History of Congressional Reform Efforts, 9.

³¹ Wolfensberger, A Brief History of Congressional Reform Efforts, 9.

As one Washington, DC insider explained when discussing this new reality, by taking away committee level seniority, “you just have atomized politics which are vulnerable to partisanship.”³² The rules have changed the way things get done, or do not get done, in Congress.

“Sam Nunn could marshal his committee and make the right thing happen for America. Seniority had real bite. Now, it doesn’t, so anybody can follow their own agenda without sanctions. That’s why we can’t cut anything—because everyone has a veto. It is about the rules—the rules of the Senate and the House. If they could re-write the rules to gain seniority and its sanctions, we’d start to re-establish national security.”³³

It is time that Congress looks inward and seriously considers changing its committee and party-rule structure. Rules reform should ensure that rank-and-file members have more of a reason to participate, compromise, and legislate. Doing so will realign Congress with the true intent of the US Constitution—that Members of Congress would be empowered to act on behalf of their constituents rather than party leaders wielding a heavy hand controlling the legislative agenda.

4-year Terms for the House of Representatives

Finally, it may be time for America and Congress to reconsider the constitutionally mandated two-year term for the House of Representatives. Adding two more years to the House of Representatives term may not rid Congress of gridlock or its apparent dysfunction. Four-year terms, however, may give House members the time to cultivate the relationships necessary for bi-partisan cooperation on tough issues, especially national security matters. Just as important, a longer term may allow House members to develop a more nationally oriented mindset, much like that demonstrated by their comrades in the Senate.

³² Correspondence with DoD Staff Member.

³³ Correspondence with DoD staff member.

Longer terms of service are by no means a novel idea—historical and contemporary efforts demonstrate the merits in such a proposition.

As the Founding Fathers drafted the Constitution, the Federalists and anti-Federalist factions passionately debated the length of term a Representative should serve in the House. The anti-Federalists argued for annual elections as a way for House members to remain responsive to the popular will.³⁴ James Madison and the Federalists, in contrast, argued for a longer term (at least three years) for reasons described in Federalist #53,

“No man can be a competent legislator, who does not add to an upright intention and a sound judgment a certain degree of knowledge of the subjects on which he is to legislate. A part of this knowledge may be acquired by means of information, which lie within the compass of men in private, as we public stations. Another part can only be attained, or at least thoroughly attained, by actual experience in the station which requires the use of it.”³⁵

The compromise resulted in what we have today—a two-year term. Our forefathers did not anticipate the circumstances faced today by members of the House of Representatives when settling on a two-year term. Representatives today serve a larger and significantly more complex nation than the one faced during the drafting of the Constitution:

- Rapidly growing volume of legislation: “In the first Congress 142 bills were introduced resulting in 108 public laws.”³⁶ In the 113th

³⁴ S.M. “Throw the Bums Two More Years.” TheEconomist.com. *Democracy in America*, 10 January 2013.
<http://www.economist.com/blogs/democracyinamerica/2013/01/house-representatives>.

³⁵ Hamilton, Alexander, John Jay, James Madison, George Wescott Carey, and James McClellan, eds. *The Federalist*. Gideon ed. Indianapolis: Liberty Fund, 2001, 278.

³⁶ Johnson, Lyndon B. Special Message to the Congress Proposing Constitutional Amendments Relating to Terms for House Members and the Electoral College System, 20 January 1966. Washington, DC:

Congress (2013-2014), 809 bills were introduced and only 223 were passed into law.³⁷

- Vast array of complex domestic and foreign issues that results in a greater number of bills introduced requiring Members to know the pros and cons regarding large number of topics;³⁸
- Longer sessions in Congress required to deal with the growing number of issues and legislative business associated with the bills introduced;³⁹
- “The increasing cost of campaigning that biennially impose [sic] heavy burdens on those who represent vigorously contested districts, and that magnify the influence of large contributors, pressure groups, and special interests.”⁴⁰

The above conditions created by a two-year term have larger, secondary affects that lend themselves to the ineffective Congress America sees today. For one, the reforms of the 1970s gave more and more power to party leaders, politicizing legislative functions. This then created an environment where civil discourse is continually diminishing. There is petty partisan bickering and party leadership discourages cross-party fraternization.⁴¹

In addition, according to a working group created to examine the

<http://www.presidency.ucsb.edu/ws/index.php?pid=27582> (accessed 12 May 2015.)

³⁷ Brookings Vital Statistics

http://www.brookings.edu/~media/Research/Files/Reports/2013/07/vital-statistics-congress-mann-ornstein/Vital-Statistics-Chapter-6--Legislative-Productivity-in-Congress-and-Workload_UPDATE.pdf?la=en

³⁸ Johnson, Special Message to Congress.

³⁹ Johnson, Special Message to Congress.

⁴⁰ Johnson, Special Message to Congress.

⁴¹ Wolfensberger, Donald. *Getting Back to Legislating: Reflections of a Congressional Working Group*. Washington, DC: The Democracy Project, Bipartisan Policy Center and The Woodrow Wilson Center, 27 November 2012, 10.

current culture of Congress in an effort to pin-point just how to “fix” Congress, there is an “ongoing condition of uncivility [sic] which is marked by a passive rudeness or failure to regard members of the other party as worthy of respect both for their personal character and political views.”⁴² The working group attributed the hostile nature between members of opposing parties to the fact that they no longer move their families to D.C., so they no longer socialize with each other on weekends.” Robust transportation options make it easier for members to return home once congressional business is complete to visit their families, meet with constituents, and ultimately, campaign for re-election.

The two-year term for members of the House of Representatives is not conducive to the demands placed on them today. From personal experience, this author knows that the legislative workload and political party demands are such that many members hardly ever read through the legislation they vote on, such as the defense budget or appropriation bills, to ensure they understand the content and vote in line with national security needs. In addition, the two-year cycle has them in a never-ending campaign mode where they are continually in a race to raise funds to secure their congressional seat, detracting from their ability to focus on fulfilling their constitutional responsibility to represent the people.

This dilemma prompted President Lyndon B. Johnson to propose a longer term for House members in his 1966 special message to Congress. In his message he stated, “I believe that in the interest of progress and sound modern government--and to nourish and strengthen our creative Federal system--we must amend our Constitution, to provide a four-year term of office for Members of the House of Representatives.”⁴³ President Johnson believed that four-year terms would,

⁴² Wolfenberger, *Getting Back to Legislating*, 10.

⁴³ Johnson, *Special Message to Congress*.

- provide for each Member a sufficient period in which he can bring his best judgment to bear on the great questions of national survival, economic growth, and social welfare;
- free him from the inexorable pressures of biennial campaigning for re-election,
- reduce the cost—financial and political—of holding Congressional office, and
- attract the best men in private and public life into competition for this high profile office.⁴⁴

Despite the gender insensitivity attributed to the times, the recommendations offered are just a snap-shot of ways Congress may be able to find its own way out of the dysfunctional, politically extremist vortex in which it is currently trapped. It would be easy to say that, essentially, the only way to fix Congress is for Congress to decide to fix itself. In reality, to change the current political culture requires pressure not only from inside Congress but also from outside its chamber doors—from various entities including think tanks, interest groups, and especially, the electorate.

If the Founders saw the world we live in today and then stepped into the halls of Congress, they would likely be appalled at what they witness. The institution they so carefully crafted through the United States Constitution is seemingly imploding. As it is imploding, Congress is taking America's national security apparatus with it with little regard for the strategies it expects the military to execute, the level of funding required to sustain our military might, or consideration for the Allies we promised to help defend.

The federal agencies, especially the DoD, the Air Force and its sister services, cannot keep running effectively on CRs and sequestration. As demonstrated in this examination, America's Air Force has been on life support since the Gulf War, while the nation asks that it

⁴⁴ Johnson, Special Message to Congress.

continue operating today, 24/7, around the world. So far, the Air Force has been able to answer the call of our nation and Allies, operating against threats around the world. Yet, Former Secretary Panetta is right—the biggest national security threat the nation faces today is the United States Congress.

Article 6, clause 3 of the U.S. Constitution requires members of Congress take an oath of office before carrying out their elected duties.⁴⁵ At the start of each new Congress, in January of every odd-numbered year, the entire House of Representatives and one-third of the Senate recite the oath of office,

I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.⁴⁶

The oath of office taken by U.S. Senators and Representatives is the very same oath taken by America's military officers—an oath to support and defend the U.S. Constitution. Nowhere in the congressional oath of office does it say parochial politics, constituent interests, or institutional dysfunction trump fulfilling constitutional obligations to address national security matters. The time has come for Congress to put aside all that has prevented it from properly funding America's military and do what is constitutionally right for the nation—provide for the common defense

⁴⁵ *Our American Government*. 1993 ed. vols. Washington, DC: U.S. Government Printing Office, 1993, 89.

⁴⁶

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