

Stopping the Streak

The annual Pentagon policy bill has been enacted annually for 54 straight years, an undeniably impressive track record that no other major piece of legislation can claim. But this year—thanks to partisan rancor and a compressed congressional calendar—that streak might come to an abrupt end.

To be sure, the leaders of the House and Senate Armed Services committees are pushing hard to get the Fiscal 2017 defense authorization bill through Congress before the clock ticks down to the end of the year. The lengthy summer and fall recesses, a feature of any election year, aren't helping their efforts.

Both chambers have already passed their versions of the measure, overcoming divisive spats ranging from funding levels to the fate of the military's detention facility at Guantanamo Bay, Cuba. Now, Armed Services leaders are trying to resolve dozens of substantial policy differences in the two bills and draft a compromise measure.

While some of those negotiations, such as whether to require women to register for the Selective Service, will certainly be contentious, the two chambers will no doubt come to an agreement. After all, they do so every year.

But a wide-ranging veto threat hangs over the bill, and lawmakers seem almost certain to run headlong into it.

President Barack Obama demonstrated last year he isn't afraid to veto the defense bill, which was saved thanks to a last-minute budget agreement raising spending levels that ultimately paved the way for an authorization measure the White House could accept.

No such budget agreement is likely in the postelection lame-duck session. And with little time left in his presidency, Obama has nothing to lose.

The bill expires at the end of this congressional session, and it's unlikely the next Congress and the next Administration would want to restart work on the bill when they have Fiscal 2018 to worry about.

So what happens if the must-pass measure isn't enacted? The bill itself doesn't actually contain any funding—it just prescribes spending levels. But it is chock-full of policy provisions, some more important to the Pentagon than others.

President Obama has previously asserted he has the authority under current law to give the military a pay raise, but the department still needs Congress to authorize combat pay, hardship duty pay, special pay for nuclear-qualified

members of the military, and many bonuses and incentive payments for members of the military.

Without the policy bill, the military would be lacking necessary authorizations for new military construction projects—something lawmakers with military installations in their districts take seriously—as well as cost-saving multiyear procurement contracts for several large weapons programs.

For Fiscal 2017, that would affect Army efforts to buy new Black Hawk and Apache helicopters at reduced prices.

Meanwhile, school districts across the country rely on the

authorization bill to ensure they receive supplemental aid for educating the children of military personnel. Other potentially affected areas include any expiring authorizations that the bill extends, including the Commanders' Emergency Response Program.

The House and Senate Armed Services committees would perhaps be the biggest losers, in the event the authorization bill lapses this year. The

Republican chairmen of both committees—Sen. John McCain of Arizona and Rep. Mac Thornberry of Texas—have touted their legislation to make wholesale revisions to how the Pentagon is organized and how it buys goods and services.

Provisions, including those that stand down the Pentagon acquisition, technology, and logistics office and would eventually eliminate the joint program office for the F-35 strike fighter, would simply fall by the wayside.

But the panels would lose more than those provisions. Much of their power stems from their ability to get the bill done, so they risk losing their clout on Capitol Hill and within the Pentagon if they fail.

And if the military survives a year without a defense authorization bill without too much heartache, the must-pass nature of the legislation, and the considerable amount of floor time it consumes, particularly in the Senate each year, will almost certainly be called into question.

For his part, McCain insists the committee's streak will not be broken on his watch without a fight. The two panels will resolve their differences and get to a final bill, he says. McCain acknowledged the looming veto threat, saying he would be "greatly surprised" if this was the year the bill didn't get done, but he left the door open to it.

"I wouldn't discount any possibility," he said. 



Goodbye to the F-35 joint program office?

Megan Scully is a reporter for CQ Roll Call.