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Impact of the 2014 Midterm Elections on Defense

Election Outcomes

On November 4th, Americans went to the polls to vote in the 2014 midterm elections. In a widely anticipated outcome, the Senate flipped from Democratic to Republican control. At the time of this writing, Republicans held 52 seats, with Republican candidate Dan Sullivan leading Democratic incumbent Mark Begich by roughly 8,000 votes in Alaska. Democrats claimed 44 seats, with a runoff between Democratic incumbent Mary Landrieu and Republican challenger Bill Cassidy scheduled in Louisiana for December 6th. Independent Senators Bernie Sanders (I-VT) and Angus King (I-ME) are expected to caucus with the Democrats.

Meanwhile, in the House of Representatives, Republicans clinched their largest majority since World War II. While seven races had yet to be called at the time of this writing, Republicans hold 244 seats and were leading in three outstanding races, while Democrats hold just 184 seats and led ongoing vote counts in four other districts.

The midterm elections will certainly influence dynamics in the new Congress, with notable impacts on defense policymaking:

- First, due to both retirements and incumbent losses, there will be new leadership on the committees and subcommittees with jurisdiction over defense. Additionally, the new Republican majorities in both houses will require an adjustment of committee ratios.
- Second, the new Republican caucuses in both the House and Senate are likely to be ideologically divided on federal spending. For this reason, it will likely be an uphill battle to achieve further sequestration relief for the Department of Defense (DOD). This is despite the fact that traditionally Republican-led Congresses have bolstered the defense industry, and despite the election of at least 22 veterans from the wars in Iraq and Afghanistan.
- Lastly, at the time of the elections, the American public was more closely watching defense and foreign policy issues, such as the U.S. military engagement against the Islamic State of Iraq and the Levant (ISIL), unrest in Eastern Europe, and the launch of Operation United Assistance to combat the Ebola crisis in West Africa. These high visibility issues are likely to influence the legislative agenda in the Lame Duck and early into the new Congress.

Musical Chairs

Senate Armed Services Committee: In the 114th Congress, Senator John McCain (R-AZ) is expected to chair the Senate Armed Services Committee. Senator James Inhofe (R-OK), who currently serves as Ranking Member, is expected to become Chairman of the Senate Environment and Public Works Committee. Senator McCain has a reputation for being highly critical of large weapons systems procurement programs at DOD. He has also been a critic of the Obama Administration's approach to foreign policy.

The most senior Democrat currently serving on the Committee, Senator Carl Levin (D-MI) will retire at the end of the 113th Congress. Senator Jack Reed (D-RI) is widely expected to assume the Ranking Member slot, although he is also next in line to become Ranking Member on the Banking, Housing, and Urban Affairs Committee, following the retirement of current Chairman Tim Johnson (D-SD). In the unlikely scenario that Senator Reed opts for the top spot on the Banking Committee, Senator Claire McCaskill (D-MO) would become Ranking Member on the Armed Services Committee. Like Senator McCain, Senator McCaskill has also been an advocate for cutting waste, fraud, and abuse in the defense budget.

Also worth noting are members of the Committee who will not be returning in the new Congress. Both Senator Mark Udall (D-CO), who currently chairs the Subcommittee on Strategic Forces, and Senator Kay Hagan (D-NC), who currently chairs the Subcommittee on Emerging Threats and Capabilities, lost in tight races. In addition, Senator Saxby Chambliss (R-GA) will retire at the end of 2014, creating at least one vacancy on the panel's Republican roster. This will have broader implications for Subcommittee leadership.

First, there will be new leadership for the Seapower Subcommittee, as it is currently led by Senators Reed and McCain. It is rumored that Senators Jeanne Shaheen (D-NH) and Kelly Ayotte (R-NH), who currently serve as the top Democrat and Republican, respectively, on the Readiness Subcommittee, could move over to the Seapower panel. There could also be additional openings pending the broader Committee choices made by Senator Jeff Sessions (R-AL), who is currently at the helm of the Strategic Forces Subcommittee, but may give up his Subcommittee chairmanship to become chair of the full Senate Budget Committee. Senators Richard Blumenthal (D-CT) and Roger Wicker (R-MS), who currently lead the Airland Subcommittee, could move to the Seapower Subcommittee, or else hold their current positions. Senator Deb Fischer (R-NE) is also likely to chair a subcommittee. She currently leads the Emerging Threats and Capabilities Subcommittee, a post she could continue to hold if she does not opt for the Readiness or Strategic Forces Subcommittees.

Also worth noting, Senate Armed Services Committee staff has predicted that newly elected Senators Tom Cotton (R-AR), Joni Ernst (R-IA), and Thom Tillis (R-NC) are likely to fill vacant Republican slots on the Committee created by Senator Chambliss's retirement, as well as changing Committee ratios.

House Armed Services Committee: Current House Armed Services Committee Chairman Buck McKeon (R-CA) is also retiring. Chairman McKeon has endorsed Representative Mac Thornberry (R-TX) to serve as his successor. While it is widely believed that Representative Thornberry will claim the gavel, Representative Randy Forbes (R-VA) has indicated he will pose a challenge for the chairmanship. Similar to Chairman McKeon, Representative Thornberry is expected to strive to lead the panel in a relatively bipartisan fashion. On the Democratic side, Representative Adam Smith (D-WA) will continue to serve as Ranking Member.

On the House Armed Services Committee, there are both Republicans and Democrats who are currently serving on the panel, but who will not return in the 114th Congress. On the Republican side, in addition to Chairman McKeon, Representative Jon Runyan (R-NJ) will not serve in the new Congress. On the Democratic side, Members not returning in the new Congress include Representatives Mike McIntyre (D-NC), Colleen Hanabusa (D-HI), Carol Shea-Porter (D-NH), Dan Maffei (D-NY), William Enyart (D-IL), and Pete Gallego (D-TX). Additionally, Representatives Ron Barber's (D-AZ) race has yet to be called.

The Committee will also see changes in Subcommittee leadership. For example, if Representative Thornberry becomes chair, there will be a vacancy in the most senior position of the Intelligence, Emerging Threats, and Capabilities Subcommittee. In addition, Representative Mike Turner (R-OH),

who currently chairs the Tactical Air and Land Forces Subcommittee, has his sights set on the House Oversight and Government Reform Committee chairmanship. If successful in that contest, Representative Turner would likely give up his Armed Services Subcommittee gavel. Current Personnel Subcommittee Chairman Joe Wilson (R-SC) is term-limited, which will likely lead him to seek the chairmanship of a different Subcommittee. While Seapower and Project Forces Subcommittee Chairman Forbes, Strategic Forces Subcommittee Chairman Mike Rogers (R-AL), and Readiness Subcommittee Chairman Rob Wittman (R-VA) could foreseeably hold their current posts, this outcome will be largely dependent upon changes in leadership of other Subcommittees.

On the Democratic side, current Seapower Subcommittee Ranking Member McIntyre is the only Subcommittee leader not returning in the new Congress. This might create an opportunity for Representative Susan Davis (D-CA), who currently serves as Ranking Member on the Personnel Subcommittee, to move to the most senior Democratic slot on the Seapower Subcommittee. If not, Congressman Joe Courtney (D-CT) has expressed interest in serving as Ranking Member of the Seapower panel. The remaining Subcommittee Ranking Members are all expected to maintain their current positions, including: Representative Loretta Sanchez (D-CA) on the Air and Land Subcommittee, Representative Jim Cooper (D-TN) on the Strategic Forces Subcommittee, Representative Jim Langevin (D-RI) on the Intelligence, Emerging Threats, and Capabilities Subcommittee, Representative Madeleine Bordallo (D-Guam) on the Readiness Subcommittee, and Representative Niki Tsongas (D-MA) on the Oversight Subcommittee.

Defense Issues in the Lame Duck

National Defense Authorization Act (NDAA): Congress has passed a defense authorization bill for the past 53 consecutive years, so conventional wisdom says the NDAA is likely to pass in some form during the Lame Duck. This particular NDAA might also be considered a legacy item for retiring Senate Armed Services Committee Chairman Levin and retiring House Armed Services Committee Chairman Buck McKeon. The full House of Representatives passed its FY15 NDAA in May. While the Senate Armed Services Committee reported its bill in May, it has yet to be considered by the full Senate. Prior to adjourning for the elections, House and Senate Armed Services Committee leadership initiated pre-conference negotiations to prepare for final action in the Lame Duck. The House is expected to pass the “light,” or stripped down, pre-conferenced bill first. The Senate is then expected to pass the bill with consideration of relatively few, if any, amendments. The “big four” – Senate Armed Services Committee Chairman Levin and Ranking Member Inhofe and House Armed Services Committee Chairman McKeon and Ranking Member Smith – are expected to meet later this week to chart the course forward.

Spending Bill/FY15 Overseas Contingency Operations (OCO) Funding: Before leaving Washington to campaign in September, Congress approved a short-term Continuing Resolution (CR) funding the Federal government at FY14 levels through December 11th. Before the CR expires, Congress will likely pass either: 1) another short-term CR running through February or March 2015; 2) a long-term CR for the remainder of the fiscal year ending on September 30, 2015; or 3) an Omnibus appropriations bill setting new spending levels for FY15. In the next FY15 spending bill (either a CR or an omnibus), the Lame Duck Congress is likely to take advantage of this opportunity to address OCO funding. The FY15 NDAA passed by the House authorized the \$79.4 billion placeholder figure for OCO operations. In June, the White House adjusted its OCO figure to \$58.6 billion. On Friday, President Barack Obama announced plans to amend that request to include an additional \$5.6 billion in OCO funds for the fight against ISIL once Congress reconvenes. Of this \$5.6 billion, about \$3.4 billion would cover the cost of operations against ISIL and about \$1.6 billion would support the Iraqi training-and-equipping mission. The OCO request came as the White House announced the deployment of an additional 1,500 troops to Iraq. The next spending bill is also expected to address emergency funding for the U.S. Government response to the Ebola crisis, and possibly some elements of an assistance package for Ukraine.

Authorization for Use of Military Force (AUMF): The short-term spending bill passed in September included an authorization for the Obama Administration to train and equip the moderate Syrian opposition as part of its approach to fighting ISIL. Like the spending bill, that authorization will expire on December 11th. This issue, as well as a broader AUMF for U.S. military activities in Iraq and Syria, is likely to be debated in the Lame Duck, but it remains unclear if any AUMF proposal will see a floor vote in this Congress. Following the midterm elections, President Obama indicated he is planning to submit an AUMF proposal to the Lame Duck Congress for consideration, but he too acknowledged the debate

may carry over into the New Year. Senate Foreign Relations Committee Member Tim Kaine (D-VA) has also been developing an AUMF proposal, which Ranking Member Corker (R-TN) has indicated he might allow to pass on the FY15 NDAA. However, with house defense leaders, notably Armed Services Committee Chairman McKeon calling for an extended debate in this and the next Congress on the use of ground troops in Iraq and Syria, it is likely that a Senate Foreign Relations Committee AUMF could be marked up in the Lame Duck, but never advance to floor consideration.

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