

January 19, 1995

H.R. 7—THE NATIONAL SECURITY REVITALIZATION ACT: CONGRESS'S DEFENSE CONTRACT WITH AMERICA

INTRODUCTION

The American voters on November 8 gave the new majority in the U.S. House of Representatives a mandate to address a variety of urgent national priorities as outlined in the Republican Contract With America. Among the ten specific items of legislation that comprise the Contract is H.R. 7, The National Security Revitalization Act, which promises to improve America's military strength and enhance its overseas credibility. Speaker of the House Newt Gingrich has committed the Republican majority to voting on this and the other items in the Contract within the first 100 days of the 104th Congress, or by April 14, 1995.

The National Security Revitalization Act (NSRA) addresses many of the issues that have led to the public perception of Bill Clinton as a weak and even inept foreign policy President. The Administration's recent agonizing over the release of the Army aviator shot down in North Korea is the latest example of the vacillation and indecision that have characterized American foreign policy for the past two years. By passing the NSRA, Congress will take an important first step toward changing this image and restoring America's reputation as a superpower that will defend—independently, if necessary—its national security interests around the world.

The legislation is substantial, and passage as it stands would mark an immediate improvement in U.S. foreign and defense policy. Specifically, the Act:

- ① **Acknowledges** the decline in American military readiness that has occurred since 1992.
- ② **Restricts** future participation by U.S. troops in United Nations military operations.
- ③ **Commits** the United States to developing defense against ballistic missile attack, which is the most serious threat facing the nation.

- ④ **Pledges** continued American leadership of the North Atlantic Treaty Organization (NATO), reaffirming support for eventual expansion of the alliance.

The House International Relations and National Security Committees will begin marking up the legislation in late January. Both committees should use that opportunity to strengthen some provisions and clarify others. Before passing the National Security Revitalization Act, Congress should consider amendments that would:

- ✓ **Repeal the War Powers Resolution of 1973.** Democratic and Republican Presidents alike have considered this Watergate-era legislation an encroachment on their constitutional authority as Commander in Chief.
- ✓ **Prohibit the appropriation of Department of Defense funds for non-defense purposes.** Nearly \$5 billion was spent in 1994 from the Pentagon's budget for activities clearly unrelated to defense, including \$50 million for the Kaho'olawe Island Trust Fund and \$10 million for Los Angeles Youth Programs. This insidious practice, which has increased by over 300 percent in the past five years, threatens to consume the defense budget from within. Congress should seek every legislative tool to end it.
- ✓ **Impose a moratorium on negotiations to revise the 1972 Anti-Ballistic Missile (ABM) Treaty.** The Clinton Administration is negotiating with Russia and other republics of the former Soviet Union to restrict research, development, and testing of missile-defense systems not covered in the original treaty. Reaching an agreement in these negotiations would frustrate an expressed objective of the Contract With America: to develop effective missile defenses.
- ✓ **Refocus and reconstitute the Commission on Roles and Missions of the Armed Services.** Established by the 103rd Congress to reassess the fifty-year-old division of labor among the armed services, the Commission is required to report to Congress by May 1995. But it is encumbered by a hodgepodge of some 25 objectives, including a review of Pentagon health care benefits and supply procedures, that go well beyond an examination of service roles and missions. Moreover, its membership was determined by the former Democratic majority in Congress. Of the five civilian commissioners, three are former Carter Administration officials; former Clinton Secretary of Defense Les Aspin is one of the other two civilians.

THE CONTRACT'S NATIONAL SECURITY REVITALIZATION ACT

The National Security Revitalization Act calls on Congress to take action in four broadly defined areas of foreign and defense policy.

ISSUE #1: Military Readiness and Defense Spending

The legislation commits Congress to reversing "the downward spiral of defense spending."¹ It determines that the Clinton Administration has projected defense reductions of over \$156 billion through 1999—more than twice as much as Clinton promised when he was campaigning for office in 1992. A standard element of his stump speech when trying to demonstrate his "new Democrat" cre-

dentials was that he would cut defense spending by just \$60 billion more than President Bush had proposed in his last five-year defense plan.

At the same time, the NSRA criticizes the Administration for creating the conditions for a return to the “hollow force” of the 1970s, when the force looked impressive “on paper” but was in fact poorly trained and equipped. The legislation cites “one-third of the units in the Army contingency force and all of the forward-deployed and follow-on Army divisions...reporting a reduced state of military readiness” because of “the significantly increased pace of...operations,” particularly U.N. peacekeeping.² It also finds that the tempo of operations is such that U.S. troops are not maintaining the standard respite between overseas deployments.

In addition, the Act cites a 12.8 percent gap between military pay and comparable civilian pay that has resulted in as many as 17,000 active duty personnel and their families becoming eligible to receive U.S. government food stamps. This is just one indication of a bigger problem of Pentagon underfunding. The legislation refers to a General Accounting Office estimate that the force outlined in the Clinton five-year defense plan could be short by as much as \$150 billion.

The National Security Revitalization Commission. The House Contract specifically calls for assessing “the adequacy of the current...defense plan in fully funding” the Clinton force structure, outlined in the Administration’s 1993 “Bottom-Up Review.”³ The Contract acknowledges the General Accounting Office conclusion that there is a funding shortfall of as much as \$150 billion; the new majority in the House of Representatives commits itself to confirm the shortfall and determining a method of “maintain[ing] adequate funding for military readiness...without sacrificing modernization programs.”⁴

The House Republican alternative budget developed by Representative John Kasich (R-OH) in 1994 provides for some \$60 billion of that amount, or nearly one-third. To determine how best to allocate that amount and to restore the remaining shortfall, the NSRA will establish a 12-person commission, consisting of four members appointed by the President, Speaker of the House, and President Pro Tem of the Senate. The chairman of the commission will be designated jointly by the Speaker and Senate majority leader.

The commission will have until January 1996 to “conduct a comprehensive review of the long-term national security needs of the United States.”⁵ It will be the commission’s responsibility to, among other things, review the Clinton Administration’s National Security Strategy, which affirms U.S. commitment to global peacekeeping operations while ostensibly calling for sufficient forces to fight in two major overseas wars “nearly simultaneously.” It is precisely these

1 National Security Revitalization Act, Title I, Sec. 103 (1).

2 *Ibid.*, Sec. 101(6).

3 *Ibid.*, Title III, Sec. 303(a)(8).

4 *Ibid.*, Sec. 303(b)(3).

5 *Ibid.*, Sec. 303(a).

ambitious objectives that the General Accounting Office has determined to be underfunded by as much as \$150 billion.⁶

In addition to considering the merits of such a strategy, the commission will be charged with defining new policies for the assignment of U.S. troops to peacekeeping and other non-traditional missions. It also will be tasked with developing a defense budget strategy that restores balance between near-term readiness and longer-term modernization through research and development. The Clinton Administration has paid for its expanded peacekeeping responsibilities and other immediate requirements by purchasing fewer new weapons systems and spending less on research and development. This must stop, or American forces will lose their technological superiority against potential future adversaries. The new majority in Congress understands this. The commission will be charged with developing “a new funding system to avoid diversions from military readiness accounts to pay for peacekeeping and humanitarian deployments such as Haiti and Rwanda.”⁷

ISSUE #2: The U.S. and the United Nations

The second major area of U.S. foreign policy that the Contract addresses is the relationship between the United States and the United Nations. Much of the discomfort Americans have had with the Clinton foreign policy stems from the Administration’s involvement in military operations of the world body that have gone awry in Somalia, Haiti, and elsewhere.

The Contract criticizes the Clinton Administration’s expansion of U.S. military commitments, noting that at the end of 1994 “[o]ver 70,000 United States troops were serving in such regions as Iraq, Bosnia, Macedonia, the Adriatic Sea, Rwanda, and the Caribbean Sea for missions involving Haiti and Cuba.” It also notes that “[t]he United States is assessed 31.7 percent of annual United Nations costs for peacekeeping and other United Nations missions. The next highest contributor, Japan, only pays 12.5 percent.”⁸

No U.S. Troops Under U.N. Command. The Contract With America seeks to remedy these problems in a variety of ways. First, it places significant restrictions on the President’s ability to subordinate U.S. troops to foreign control. It does so by restricting the funding that would be required for U.S. forces engaged in such activity. Flexibility is allowed the Commander in Chief, though, if he certifies to the Congress that putting U.S. troops under U.N. command “is necessary to protect vital national security interests of the United States.”⁹

6 For a full discussion, see Lawrence T. Di Rita, “Clinton’s Bankrupt National Security Strategy,” Heritage Foundation *Backgrounder* No. 1000, September 27, 1994.

7 National Security Revitalization Act, Title III, Sec. 303(b)(6).

8 *Ibid.*, Title I, Sec. 101(4) and (5).

9 *Ibid.*, Title IV, Sec. 401(a).

But in a clear indication that the new majority in Congress is skeptical about U.N. military operations in general, the Contract also would require the President to explain—even before certifying that a particular operation is in the national interests of the U.S.—“why the placement of elements of [U.S.] Armed Forces under the command...of a foreign national acting on behalf of the United Nations does not violate the Constitution.”¹⁰

The legislation also makes the sensible recommendation that the cost to the United States of any U.N. peacekeeping activities be applied as a credit toward the annual U.N. assessment of dues from the United States. Such a scheme would blunt substantially the unfair criticism that the U.S. is a “deadbeat” in paying its U.N. dues, a charge belied by the significant amount the U.S. pays in peacekeeping costs that is not credited toward its dues. Moreover, the Contract would impose a cap on U.S. support for U.N. peacekeeping activities. If passed, the legislation would restrict the U.S. from paying more than 25 percent of the total U.N. peacekeeping bill, down from the current 31.7 percent but still more than double the next-largest contributor.

Dramatic Budgetary Reforms. The Contract also imposes a limitation on the use of Pentagon funds for U.N. peacekeeping. According to the legislation, “[n]o funds available to the Department of Defense shall be available for payment of any United States assessed or voluntary contribution for United Nations peacekeeping activities.”¹¹ Such activities often have as much to do with diplomacy as with military might. It therefore makes sense that the State Department and other agencies—which in the Clinton Administration have been strong proponents of peacekeeping, often against military opposition—should have to bear more of the financial burden.

Finally, the Contract ties U.S. financial support to the U.N., including U.N. peacekeeping activities, to significant management reforms. The President will be required to certify annually that “the United Nations has an independent office of Inspector General to conduct and supervise objective audits, inspections, and investigations relating to programs and operations of the United Nations.”¹² Specific additional responsibilities of the Inspector General position—which does not now exist—are identified, with the objective of improving the budgetary and management activities of the U.N.’s bloated and wasteful bureaucracy.¹³

The Contract puts teeth behind these requirements. Pending the President’s annual certification that this aggressive position has been created and is carrying out the duties expected by Congress, 20 percent of the general U.N. assessment and 50 percent of the peacekeeping assessments will be withheld.

10 *Ibid.*, Sec. 402(b).

11 *Ibid.*, Title V, Sec. 508(a).

12 *Ibid.*, Sec. 511(a).

13 For a full discussion, see Andrew J. Cowin, “Setting Priorities at the United Nations,” Heritage Foundation *Backgrounder* No. 952, July 26, 1993.

ISSUE #3: Ballistic Missile Defense for the United States

The new majority in Congress has an approach to ballistic missile defense that is manifestly different from that of the Clinton Administration. The NSRA states that “[i]t shall be the policy of the United States to...deploy at the earliest possible moment an antiballistic missile system that is capable of providing a...defense of the United States against ballistic missile attacks.”¹⁴

This is in sharp contrast to the policies of the Clinton Administration, which has cut funding for ballistic missile defense by some 80 percent from the amount projected by the Bush Administration in its last defense budget. At the same time, the Administration has embraced the 1972 Anti-Ballistic Missile (ABM) Treaty, seeking to expand its provisions to the point that, according to the House Contract, the U.S. would be prohibited “from testing or deploying our most effective missile defense systems.”¹⁵

To reverse this trend, the NSRA requires the Secretary of Defense to submit to Congress within 60 days of its enactment “a plan for deployment of an antiballistic missile system.”¹⁶ The Secretary also would be required to intensify efforts to provide so-called theater missile defense for U.S. allies and American forces deployed overseas.

ISSUE #4: NATO Expansion

The NSRA reaffirms the importance of continued U.S. leadership of a strong Atlantic Alliance to guarantee “the security, freedom, and prosperity of the United States....”¹⁷ But it also acknowledges that, with the defeat of the former Soviet Union in the Cold War, there is a “fundamentally changed security environment” in Europe.¹⁸ Thus, while the new majority in Congress sees NATO as the best means of defending vital U.S. interests, it also recognizes that the organization must adapt to the reality of post-Cold War Europe. As a result, the NSRA commits the U.S. to work with its European allies to expand the alliance.

The legislation focuses on the so-called Visegrad countries of Poland, the Czech Republic, Hungary, and Slovakia. These countries have made the most progress reforming their economies and political systems. Therefore, they are in the best position to “contribute to the security of the North Atlantic area” in the foreseeable future.¹⁹ The NSRA, recognizing this, seeks to encourage the deeper integration of these countries into the West by bringing them into NATO.

14 National Security Restoration Act, Title II, Sec. 201(1).

15 *Ibid.*, Title I, Sec. 101(10).

16 *Ibid.*, Sec. 203(a).

17 *Ibid.*, Title VI, Sec. 602(1).

18 *Ibid.*, Sec. 603(2)(A).

19 *Ibid.*, Sec.603(4).

The House Contract calls for the gradual expansion of the alliance to include these countries by no later than January 1999. The legislation authorizes the President to facilitate this integration with a program of security assistance that includes, among other things, 1) the transfer of excess U.S. defense-related, non-lethal equipment; 2) support for international military education and training, and financing for arms purchases; and 3) joint planning, training, and military exercises. The legislation further allows the President to designate other countries to receive such assistance if he can certify that they have made the same type of progress toward democratic capitalism as have the Visegrad countries.

The Contract With America's provisions regarding NATO draw heavily on the NATO Participation Act. This legislation has many of the same objectives as the Contract provision and passed the 103rd Congress by overwhelming margins late last year. Significantly, the chief sponsor of the bill in the House was Representative Ben Gilman (R-NY), now Chairman of the House International Relations Committee, which will take a lead in marking up the NSRA of 1995 for the 104th Congress. In the Senate, a bipartisan coalition led by Senators Hank Brown (R-CO) and Paul Simon (D-IL) sponsored the NATO Participation Act for the 103rd Congress. Given the margin of victory last session, expanding NATO is expected to be the least contentious element of the Contract With America.

STRENGTHENING THE CONTRACT WITH AMERICA

The NSRA is a serious and responsible effort to restore American strength and credibility. The House of Representatives will begin reviewing this element of the Contract in late January. Before bringing the Act to the floor for a vote, the Chairmen of the House International Relations and National Security Committees will have the opportunity to clarify some provisions and strengthen others. As they do so, these committees should consider modifying the NSRA to:

✓ **Repeal the War Powers Resolution of 1973.**

Among other things, the War Powers Act requires the President to obtain congressional permission for the use of force within 60 days of deploying American troops. This restriction was imposed by Congress as a backlash against the unpopularity of the Vietnam war.

The War Powers Resolution diminishes the President's ability to deal with foreign policy crises and enables Congress, through mere inaction, to interfere with the discharge of the President's constitutional responsibilities as Commander in Chief. The Constitution gives the President the inherent authority to respond to attacks on U.S. citizens and property and to resist armed aggression against the U.S. and its allies. The War Powers Resolution incorrectly assumes that any use of the U.S. military invariably amounts to waging war and thus requires congressional consent.

On the first day of the 104th Congress, Senate Majority Leader Robert Dole (R-KS) introduced a bill that would repeal the War Powers Resolution. That legislation, the Peace Powers Act of 1995, includes many of the same restrictions as

the House Contract With America regarding the commitment of U.S. troops to United Nations peacekeeping operations and subordinating them to foreign command. It thus draws a distinction between the commitment of U.S. troops to trouble spots in defense of vital national interests and the participation by American forces in vaguely defined operations at the behest of a global body not subject to the U.S. Constitution.

In the first instance, the Constitution provides guidance on the "war powers" of each branch of government, and additional legislation is unnecessary and confusing. In the case of U.N. peacekeeping, where U.S. troops may find themselves in combat unrelated to American interests, the Constitution offers scant guidance, and the proposal outlined in both the Contract and the Peace Powers Act provides much-needed clarification.

For example, the President's authority to defend American lives and property with force is inherent in the Constitution, and he should be free to discharge this authority without having to ask Congress to declare war or otherwise approve of the action. It is less clear that this authority extends to protecting Haitian lives and property as part of a U.N. peacekeeping mission. Under such circumstances, it is appropriate that Congress consider in advance the wisdom of sending American troops to perform such a mission. The House should consider amending the NSRA to include repeal of the War Powers Resolution, harmonizing its legislation with that introduced in the Senate.

✓ **Prohibit the appropriation of Department of Defense funds for non-defense purposes.**

The new majority in Congress will find no task more difficult to execute than restoring additional spending to the Department of Defense. This promise is contrary to the bulk of the Contract, which calls for reducing government through dramatic budget cuts.

One way to begin restoring American military readiness without appropriating a single new dollar would be to eliminate the pork in the Pentagon's budget. The money saved could be redirected to legitimate defense requirements. For example, the fiscal 1995 budget for the Army contained \$150 million for breast cancer research. While this is a worthy cause, it should not be the business of the U.S. Army. Breast cancer research does not contribute to U.S. national security and should not be in the defense budget. Sponsors of such programs should be forced to justify them on their own merits, rather than hide them in a defense budget they believe is too large for detailed scrutiny.

✓ **Impose a moratorium on negotiations to revise the 1972 Anti-Ballistic Missile (ABM) Treaty.**

The NSRA provisions regarding missile defense will be moot if the Clinton Administration agrees with Russia to extend the ABM Treaty to cover many of the very systems addressed in the legislation. These include the theater missile defense systems designed to defend American troops overseas, even though the architects of the original treaty never intended that such systems be restricted. Key members of the House, including Speaker Gingrich, National Security Committee Chairman Floyd Spence (R-SC), and Appropriations Committee Chairman

Bob Livingston (R-LA), expressed their skepticism about extending the treaty in a letter to President Clinton on January 4, 1995. They noted their concern about the negotiations and asked him to delay final agreement "until the new Congress has had an opportunity to examine these questions with care."

The NSRA will be improved if the House includes a provision that directs the Administration not to participate in negotiations with the Russians that lead to any substantive modification of the ABM Treaty. Such modification would include any restriction on research, development, testing, or deployment of anti-missile systems designed to counter theater ballistic missiles, such as the Scud-C missiles used by Saddam Hussein in the Gulf War.

The House also should consider amending the Contract to express its view that imposing new restrictions on theater defense is contrary to the national security interests of the United States. During the moratorium Congress can enact new goals for the negotiations with Russia and other nations on missile defense, which the Administration will be required to honor.

✓ **Refocus and reconstitute the Commission on Roles and Missions of the Armed Services.**

Former Chairman of the Joint Chiefs of Staff General Colin Powell conducted a review of service roles and missions in 1992. His study resulted in a number of initiatives to streamline the joint activities of the armed forces and reduce some redundancy, particularly regarding training for common activities such as aviation. But to many, including then-Senate Armed Services Committee Chairman Sam Nunn (D-GA), Powell's reforms did not go far enough. Nunn established the Commission on Roles and Missions (CORM) to determine what additional reforms can be accomplished.

The CORM has been meeting since mid-1994 and is required to report its findings by May 1995, but it has become bogged down by trying to do too much. In addition to considering such questions as which service should be responsible for combat aviation, strategic mobility, and space systems, the CORM is venturing far afield from roles and missions to examine such issues as the Pentagon's health benefits and the organization of "foreign constabulary forces."²⁰

Many of these subsidiary issues are important and deserve consideration. Indeed, by streamlining Pentagon purchasing procedures and eliminating bureaucratic waste, they could lead to substantial cost-savings that will make the new Congress's job of restoring America's defenses without breaking the budget much easier. But its limited mandate and impending deadline in only five months make the CORM an unlikely body to conduct a review of these issues. The House should reaffirm the limited objectives of the Commission on Roles and Missions and extend its reporting deadline to the end of the current fiscal year on September 30. At the same time, the National Strategy Revitalization Commis-

20 Commission on Roles and Missions of the Armed Forces Fact Sheet, October 7, 1994.

sion established in the Contract With America should be tasked with examining some of the issues withdrawn from the Roles and Mission Commission's agenda.

Finally, the new majority in Congress should reconstitute the Commission on Roles and Missions. The CORM is chaired by former Carter Administration Assistant Secretary of Defense John White and includes members identified with many of the ideas repudiated by the voters in November. In fact, Clinton's former Secretary of Defense, Les Aspin, is a Commissioner. If the CORM's report is to have merit, Congress—which commissioned the study in the first place—should ensure its membership more accurately reflects the results of last November's elections.

CONCLUSION

The 104th Congress is poised to "reinvent government" in ways never envisioned when the term became fashionable two years ago. One critical element of the mandate the people gave to Congress last November is to restore America's military strength and credibility abroad. The American people hold President Clinton accountable for his failure to lead on the global stage. Passing the National Security Revitalization Act is a credible first step toward imposing this accountability and guaranteeing American safety and prosperity at the dawn of the new millennium.

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