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Key Questions for Incoming Senior Department of Defense Nominees

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The United States Senate will soon render its advice and consent on the nomination of William Lynn for deputy secretary of defense, Robert Hale for under secretary of defense (comptroller), Michèle Flournoy for under secretary of defense (policy), and Jeh Johnson for general counsel at the Department of Defense.

It is clear that all four candidates have enjoyed successful public and private careers and are exceptionally qualified. While Defense Secretary Robert Gates will continue to serve for the foreseeable future, these four individuals will certainly perform leadership roles in policy formation and implementation at the Pentagon. In giving their advice and consent, Senators should explore the views of these nominees on issues ranging from force structure and nuclear modernization to defense acquisition reform and cyber security. Most importantly, the nominees' views on the level of resources necessary to meet the many ongoing national defense priorities should be carefully examined in pursuit of the government's fundamental responsibility to provide for the common defense of the American people.

As part of this process, the Senate should consider these preliminary questions:

Question #1: 4 Percent for Freedom

America is now reaching a decision point on the appropriate level of defense funding similar to the one President Reagan faced in 1981. Many defense experts have advocated that the United States continue to spend at today's levels of 4 percent of Gross Domestic Product (GDP) on defense to ensure a

modern and recapitalized military of appropriate size. *Do you support funding defense at a minimum of 4 percent of the nation's GDP for the next several years to meet current military requirements to field trained and ready forces, conduct ongoing operations, and modernize simultaneously?*

Answer: The volunteer force is a proven, mature, and successful model. However, due to decisions over the last 15 years, the current U.S. military force is too small and too old relative to the requirements of the official national military strategy. Without a substantial increase in procurement spending, the U.S. will be unable to modernize its forces to the degree necessary to preserve its security within the necessary margin of safety.¹ The world today is, on balance, at least as dangerous as it was at the end of the Cold War: America is engaged in a war against terrorism that will last for years, the danger of a rogue missile attack is greater than ever, China is emerging as a peer competitor much faster than expected, and Russia's brief experiment with democracy is failing.² A commitment to maintaining today's levels of defense spending throughout the Obama Administration's four-year term would send the clearest possible message to America's friends and enemies that, whatever happens in Iraq,

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America will remain a force to be reckoned with. This solution would also have a positive impact on the U.S.'s long-term fiscal position, thereby focusing debate about the deficit squarely on domestic entitlement programs. Assuring sufficient funding for defense would promote more efficient use of defense dollars and better long-term planning. Finally, American power is an important stabilizing force in the world. By reassuring the financial markets that America will remain strong, a commitment to providing the current level of resources for the next several years would help reduce risk within the international economy and promote economic growth at home and abroad.

Question #2: Military Readiness

U.S. military personnel have served unflinchingly in combat over the past seven years despite the immense strain the wars in Iraq and Afghanistan have placed on them and their families. *Given that a protracted war requires an "operational reserve" to succeed, how best should Congress update the corresponding statutes, doctrine, training, education, organization, and equipment for America's National Guard and reserves? Because maintaining a professional, all-volunteer force is expensive, what types of reform would you propose to make the military compensation system more flexible and thereby able to keep uniformed personnel and their families in service?*

Answer: While the U.S. government can never truly pay military personnel enough for their achievements and sacrifices, internal reforms can make it possible to pay an all-volunteer force more effectively.³ The current compensation system is too heavily skewed toward non-cash and deferred benefits. Up-front cash benefits are undoubtedly more effective for recruiting and retention because the value of non-cash benefits is not easily recognized by personnel, and a system that favors cash benefits

would enhance the freedom of each service member to decide how best to use his or her benefits. Moving toward majority cash compensation will also help to attract recruits who want to serve without making the military a career and are therefore less influenced by the alleged lure of in-kind benefits. Ensuring that the all-volunteer force remains a thriving institution will require the services to modernize the salary system while capping the spiraling manpower costs. The biggest hurdle to such reform may be Congress, whose Members must first recognize that today's system is simply unaffordable and unsustainable.⁴ Finally, the National Guard and reserves must be large enough to maintain some units on active duty at all times for rapid response and sufficient to support missions at home and abroad.⁵ When growing America's ground forces, Congress should not forget the reserve components.

Question #3: The U.S. Nuclear Force

Gates has described the future prospects for the U.S. nuclear force as "bleak." It is clear the U.S. nuclear force has been atrophying since the end of the Cold War, and as a result the U.S. must take significant steps to modernize it. *Do you believe that the U.S. nuclear force must be militarily effective, as well as reliable, safe, and secure—in other words, do you believe it must be modernized?*

Answer: Today, the nation's nuclear weapons infrastructure is atrophying largely due to an erroneous assumption that U.S. nuclear forces fielded during the Cold War—including delivery systems—are capable of meeting today's strategic needs. While the number of nuclear weapons in the U.S. arsenal is being reduced from Cold War levels, the U.S. must modernize its smaller nuclear arsenal.⁶ The first step in remedying the problem of nuclear weapon atrophy is to establish a plan for modernizing U.S. nuclear forces in accordance with

1. Jim Talent, "More: The Crying Need for a Bigger U.S. Military," Heritage Foundation *Commentary*, February 20, 2007, at <http://www.heritage.org/Press/Commentary/022007b.cfm>.
2. *Ibid.*
3. Mackenzie Eaglen, "Paying for America's All-Volunteer Military: Reform Is Not a Dirty Word," Heritage Foundation *Backgrounder* No. 2144, June 17, 2008, at <http://www.heritage.org/Research/NationalSecurity/bg2144.cfm>.
4. *Ibid.*
5. James Jay Carafano, "Assessing Plans to Deploy U.S. Military on the Homeland Security Front," Heritage Foundation *WebMemo* No. 2156, December 5, 2008, at <http://www.heritage.org/Research/HomelandSecurity/wm2156.cfm>.

the Nuclear Posture Review. The incoming President should quickly issue a directive on strategic targeting policy and order U.S. Strategic Forces Command to identify a worldwide list of targets the U.S. military needs to hold at risk as part of the damage-limitation strategy.⁷

Question #4: Rising Costs

The cost of many defense programs continues to increase while production rates keep falling to inefficient levels. *What role should Congress play in reforming the defense acquisition process? Given that the usual inclination for Congress is to act, would it be beneficial if Congress instead learned to exercise some level of restraint?*

Answer: The Defense Department must be allowed to break free from the risk-averse behavior patterns that undermine innovation, slow the acquisition process, and result in inefficiency and inevitable cost overruns. Congress, with its propensity to both second guess the Department of Defense on procurement management and intervene in the acquisition process with funding restrictions and earmarks, is a major contributor to this problem. Congress must also resist the temptation to conduct show hearings unless a hearing can reveal shortcomings in the acquisition process that will help initiate legislative change.⁸ Overregulation is another problem that has created entry barriers to the defense market. An effort to deregulate would make it easier to enter the market, increasing competition and improving overall efficiency and cost savings.⁹

Question #5: Nuclear Disarmament

The Strategic Posture Commission's interim report states that the goal of zero nuclear weapons is

“extremely difficult to attain and would require a fundamental transformation of the world political order.” *Do you agree that it would be unwise to manage the strategic posture of the U.S.—including the nuclear force—on the assumption that nuclear disarmament will necessarily materialize? Would it be irresponsible to pursue a policy of global nuclear disarmament through steps to unilaterally degrade the U.S. nuclear force through active neglect? Given the commission recommendation to obtain the capabilities and flexibility required to maintain a credible nuclear deterrent without nuclear explosive testing, would it not be premature to resubmit the Comprehensive Test Ban Treaty (CTBT) to the U.S. Senate at this time? Do you agree that missile defenses provide a stabilizing role?*

Answer: U.S. conventional superiority is inconsistent with the proposition of global nuclear disarmament, because other nuclear-armed states will insist on retaining nuclear weapons to offset U.S. conventional advantages as long as these advantages persist. A U.S. policy that seeks global nuclear disarmament would require the U.S. to simultaneously jettison its conventional advantages.¹⁰ Nuclear disarmament is less a strategy than a sentiment, a mere hope that if the U.S. disarms, other nuclear-armed states and any states or non-state actors that join the nuclear club will follow suit. And it is on such flights of fancy that some are gambling the physical survival of the United States. U.S. embracement of the disarmament fantasy along with ratification of the CTBT and the treaty's entry into force would jeopardize the vital national security interests of the United States by undermining its nuclear deterrent.¹¹ The shortcomings of the CTBT that the Senate found in 1999 persist today. The U.S.'s security

6. James Jay Carafano, Baker Spring, and Mackenzie Eaglen, “Providing for the Common Defense: What 10 Years of Progress Would Look Like,” Heritage Foundation *Backgrounder* No. 2108, February 19, 2008, at <http://www.heritage.org/Research/NationalSecurity/bg2108.cfm>.

7. *Ibid.*

8. Baker Spring, “Congressional Restraint Is Key to Successful Defense Acquisition Reform,” Heritage Foundation *WebMemo* No. 1885, October 19, 2005, at <http://www.heritage.org/research/nationalsecurity/bg1885.cfm>.

9. Baker Spring, “Congress Should Not Permit Negative GAO Report to Curtail Weapons Programs,” Heritage Foundation *Backgrounder* No. 2160, July 11, 2008, at <http://www.heritage.org/Research/NationalSecurity/bg2160.cfm>.

10. Baker Spring, “Congressional Commission Should Recommend ‘Damage Limitation’ Strategy,” Heritage Foundation *Backgrounder* No. 2172, August 14, 2008, at <http://www.heritage.org/Research/NationalSecurity/bg2172.cfm>.

11. Baker Spring, “Ratifying the Comprehensive Test Ban Treaty: A Bad Idea in 1999, a Worse Idea Today,” Heritage Foundation *WebMemo* No. 1533, June 29, 2007, at <http://www.heritage.org/Research/HomelandDefense/wm1533.cfm>.

continues to require a nuclear arsenal that is safe, reliable, and militarily effective—preserved by the option to conduct explosive tests of the weapons already in the arsenal for the purpose of developing new weapons to meet new requirements.¹²

Question #6: Aging Military Equipment

The U.S. military has been continuously at war for the past seven years. As a result, the military's equipment is worn out and weapons platforms for all the services have aged dramatically due to war-time usage rates. Military leaders have repeatedly testified before Congress that repairing old equipment and buying newer, more technologically advanced equipment will be a top priority for the Department of Defense for years following the cessation of major hostilities in Iraq and eventually Afghanistan. *Do you agree that defense leaders must commit to maintaining current acquisition plans to robustly equip our forces and replenish depleted stocks?*

Answer: The services are in a crucial phase of recapitalization and scheduled to field new platforms that will anchor U.S. security for the next generation. America can afford the necessary upgrades. Yet in recent years, spending on today's forces has tended to crowd out investment in tomorrow's forces. The funding for operations and support activities has taken an increasing share of the overall defense budget while spending on modernization has received an increasingly smaller share—largely the result of the Clinton Administration's "procurement holiday" in the 1990s. The recovery from this unwise choice is still incomplete.¹³

The war-related bills will come due for years after a majority of U.S. forces are withdrawn from Iraq, yet supplemental spending bills will disappear. In the long term, continuing to underfund defense and then allowing wild fluctuations in defense budgets during times of war will only cost the country more and compromise security at home and on the battle-

field, including reducing the defense industrial base to an unacceptably low level. An undercapitalized base is less competitive, which serves to increase costs for the government and U.S. taxpayers.¹⁴ Over the long term, federal spending should be reformed to provide adequate funding for current defense needs, and the shape of the U.S. military should continue to evolve to reflect future threats. Rather than arbitrarily reducing defense spending, the next President and future Congresses should commit to providing today's levels of defense budget resources for the next several years while ensuring that those resources are spent well through necessary acquisition and compensation reforms.¹⁵

Question #7: Hit-to-Kill

President-elect Obama has stated that he favors so-called proven missile defense systems. The kinetic energy ("hit-to-kill") intercept technology has intercepted target missiles in tests 37 times out of 47 attempts since 2001. This is the technology behind the Patriot PAC-3 system, the Terminal High Altitude Area Defense system, the Ground-Based Midcourse Defense system, the Standard Missile 3 sea-based interceptor, the Multiple Kill Vehicle program and the Network Centric Airborne Defense Element system. *Is the hit-to-kill missile defense technology then proven? Given the "system of systems" design for missile defense, do you recognize that we first have to build component systems of the broader system in order to test them?*

Answer: A rigorous testing program for missile defense cannot follow traditional acquisition procedures because ballistic missile defenses constitute a complex arrangement of systems. Traditional Department of Defense acquisition procedures require operational testing prior to procurement, but this approach is impossible for ballistic missile defense and some other weapons systems because the arrangement of systems has to be built in order to permit testing for operational effectiveness.

12. *Ibid.*

13. Baker Spring, "The FY 2009 Defense Budget Request: The Growing Gap in Defense Spending," Heritage Foundation *Background* No. 2110, February 25, 2008, at <http://www.heritage.org/Research/NationalSecurity/bg2110.cfm>.

14. Mackenzie Eaglen, "Balancing Strategy and Budgets," *Armed Forces Journal*, October 2008, at <http://www.armedforcesjournal.com/2008/10/3666455> (January 13, 2009).

15. Carafano, Spring, and Eaglen, "Providing for the Common Defense."

Therefore, ballistic missile defense must proceed by incremental fielding and concurrent testing steps. Further, any attempt to use the testing regime to demonstrate a perfect defense will give potential enemies more time to exploit current U.S. vulnerabilities.¹⁶ President-elect Obama has stated that fielded missile defense systems' technology must first be proven: The Missile Defense Agency (MDA) ballistic missile defense test regime is meeting that challenge, using kinetic-energy kill vehicles technologies in an array of interceptors that have been tested on numerous occasions with a 75 percent success rate. Incoming defense officials should acknowledge the continuing progress on kinetic-energy missile defense technology and continue to invest in and field the missile defense interceptors that incorporate this technology.¹⁷ As missile defense systems mature, they should be put into the hands of the military services that will operate them—including the transfer of procurement funding for these systems—while the MDA retains responsibility for the development and testing of new systems and for ensuring that the disparate elements of the broader missile system may be tied together into an integrated whole through the command-and-control network that will cut across service lines.¹⁸

Question #8: Asymmetric Threats

By law, two of the highest priorities of incoming defense officials will be to craft the incoming Obama Administration's National Security Strategy and the next Quadrennial Defense Review (QDR) once a fiscal policy has been determined. The QDR is designed to establish a 20-year defense program that is clear and consistent. Events of the past two decades have placed an increased emphasis on irregular military operations as America's enemies have sought to challenge our nation through asymmetric means. Conventional weapons platforms of the Cold War appear to have given way to the socio-

political demands of counterinsurgency and peace-keeping missions. *How should the military plan and build its force structure to deal with the threats we currently face and challenges we may encounter?*

Answer: The annual budget calendar cannot be ignored by any Administration and will undoubtedly consume the new one. President-elect Obama should first seek to identify a buffer against having the budget process drive defense policy by immediately announcing that his Administration will carry over the Bush Administration's defense policies and budgets for an interim period. The explicit message of such an announcement would be that U.S. defense policy and budget changes will be the product of the pending National Security Strategy and subsequent QDR. Next, the President's budget request for fiscal years 2010 through 2014 should be considered solely as a placeholder until the completion of the QDR permits the fashioning of a coherent future defense plan. Such a delay is required because strategy always changes faster than force structure. When demands change, strategy can be modified, but it may take years to field forces adequate to implement abrupt changes. In the meantime, the cost of being unprepared is often measured in the lives of men and women in the armed forces and the national security of the nation put at risk. Because every potential threat cannot be predicted and because procurement cycles typically take decades to field a particular system, the U.S. military must plan its forces around a grand strategy and hedge with specific capabilities to meet any future requirement.

Question #9: Private Contractors

The forthcoming Commission on Wartime Contracting promises to address the controversial issue of contractors in combat. No doubt, serious difficulties have plagued private contracting; however, this service remains an essential component of ongoing

16. Baker Spring, Peter Brookes, and James Jay Carafano, "Moving Forward with Ballistic Missile Defense: A Memo to President-elect Obama," Heritage Foundation *Special Report* No. 26, December 3, 2008, at <http://www.heritage.org/Research/BallisticMissileDefense/sr26.cfm>.

17. Baker Spring, "Successful Missile Defense Test Shows Technology Not 'Unproven,'" Heritage Foundation *WebMemo* No. 2161, December 9, 2008, at <http://www.heritage.org/Research/BallisticMissileDefense/wm2161.cfm>.

18. Spring, Brookes, and Carafano, "Moving Forward with Ballistic Missile Defense."

defense operations. *How can congressional oversight of contracting be strengthened and reformed?*

Answer: The reduction in the Defense Department's acquisition workforce, coupled with the increase in private-sector service contracts (a 72 percent increase from 1996 to 2005), has ensured that adequate oversight is unavailable to guarantee taxpayer dollars are being used appropriately. To improve acquisition oversight, the Commission on Army Acquisition and Program Management in Expeditionary Operations recommended that the Army increase the stature, quantity, and career development of its contracting personnel. As part of this effort, the committee suggested, among other things, expanding the number of civilian and military personnel in the contracting workforce by 1,000 and 400, respectively, and ensuring that Army contracting personnel start their careers much earlier than is normally the case. To ensure proper oversight in contracting, the Army and Congress should work together to implement these recommendations in a timely manner and commit to maintaining the amount and quality of acquisition personnel in the future.

Question #10: Cybersecurity

As demonstrated by actions taken against the governments of Estonia and Georgia as well as recent intrusions into Defense Department computer networks, cyberspace is developing into a central element of warfare. *What steps may be taken by the next Administration to ensure that our nation's government achieves a high level of competency on cybersecurity and cyberwarfare issues?*

Answer: The initiatives that will likely best serve the United States and its friends and allies in the cyber conflicts of the 21st century will be those derived from the private-sector experience, coupled with emerging military and intelligence capabilities

to conduct information warfare and law enforcement measures to combat cyber crime. What is required is a national framework that builds on these capabilities, encouraging them to collaborate and reinforce one another. They should form the cornerstone of smart strategies for fighting and winning against the cyber threats of the future.¹⁹ Initiating a professional-development, cyber-strategic leadership program to begin training future leaders in the complexities of the cyberspace arena is imperative to the future security of America's cyber infrastructure.²⁰

New Team, Same Concerns. Although President-elect Obama's Defense Department selection will form the nucleus of the new leadership at the Pentagon, the breadth of challenges they face will be no different from those of their predecessors. Military personnel costs continue to expand at an unsustainable rate, our nuclear forces have atrophied to the point where the reliability of our nuclear deterrent is evermore in question, the costs of defense programs continues to rise while the number of these systems we procure only declines, and we have only grown more vulnerable to cyber attack by state and non-state actors.

While the seriousness of these issues and others is no doubt a concern for the nominees, the types of answers they provide to these pending questions will determine the course the Defense Department will chart in the years ahead. Respectfully challenging the nominees to ensure their policy contentions match their credential and the best interests of the security of the United States is, thus, an imperative.

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19. James Jay Carafano and Richard Weitz, "Combating Enemies Online: State-Sponsored and Terrorist Use of the Internet," Heritage Foundation *Background* No. 2105, February 8, 2008, pp. 3–4, at <http://www.heritage.org/Research/nationalSecurity/bg2105.cfm>.

20. James Jay Carafano and Eric Sayers, "Building Cyber Strategic Leadership for the 21st Century," Heritage Foundation *Background* No. 2218, December 16, 2008, at <http://www.heritage.org/Research/NationalSecurity/bg2218.cfm>.