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Create a National Defense Panel to Independently Judge Pentagon's Quadrennial Defense Review

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On May 5, The Heritage Foundation argued that “it is absolutely vital that Congress establish an independent National Defense Panel to draw its own assessments and offer its own separate conclusions” on the Pentagon’s 2009 Quadrennial Defense Review (QDR).¹ During the recent markup of the National Defense Authorization Act for Fiscal Year 2010 (H.R. 2647), the House Armed Services Committee wisely agreed and established a National Defense Panel (NDP).²

Congressional authorization for an NDP is an important step toward forcing a transparent public debate regarding how America’s military should be organized for the future. An NDP—made up of an independent, bipartisan group of national defense experts—is the only mechanism to judge and test the assumptions and recommendations of the QDR. As the Senate Armed Services Committee (SASC) begins its mark-up of the FY 2010 defense authorization bill this week, they should follow the House Armed Services Committee’s lead and establish an independent NDP.

A Strong Start. Title 10, Section 118 of the U.S. Code requires the secretary of defense to conduct the QDR process. Most agree that this strategy review has become an expensive, time-consuming analysis that largely rubber stamps a secretary of defense’s preconceived defense agenda. Consequently this strategy can potentially restructure the defense posture of the U.S. in accord with the views and wishes of a single person: the secretary of defense.

The far-reaching impact the QDR stands to have on defense planning and budgeting prompted Congress to insert subsection (f) of section 118, which directs the defense secretary to “establish a panel to conduct an assessment of the quadrennial defense review...including the recommendations of the review, the stated and implied assumptions incorporated in the review, and the vulnerabilities of the strategy and force structure underlying the review.”

Consistent with Title 10, the House Armed Services Committee (HASC) defense authorization bill establishes an NDP to “review the national defense strategy, the national military strategy, the secretary of defense’s terms of reference, and any other materials providing the basis for, or substantial inputs to, the work of the Department of Defense on the 2009 quadrennial defense review.”

The House version of the defense bill contains two particularly strong guidelines for the NDP. First, it directs the panel to “conduct an assessment of the assumptions, strategy, findings, costs, and risks of the report of the 2009 QDR, *with particular attention paid to the risks described in that report*” (emphasis added). Secretary Gates has argued that America must “be prepared for the wars we are most likely to

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fight” and directed his QDR team “to be realistic about the scenarios where direct U.S. military action would be needed.” With Gates’s more narrow view of future military requirements and assumptions about what types of conflict in which the U.S. military will most likely be engaged, it is imperative that the risks the secretary is likely to propose be meticulously challenged through independent analysis

Secondly, House bill H.R. 2647 directs the panel to submit “an independent assessment of a variety of possible force structures of the Armed Forces, including the force structure identified in the report of the 2009 QDR” and provide estimates for the “funding required by fiscal year, in constant fiscal year 2010 dollars, to organize, equip, and support the forces contemplated under the force structures assessed in the assessment.”

Instead of a defense strategy that helps guide future defense spending, the QDR has largely been used as a means to simply justify planned defense budgets. Indeed, those working on the QDR are operating under the assumption of a flat (which, in reality, is really a declining) defense budget topline. Analyzing force structure and the funding necessary to support that force is an important way to measuring the strengths and limitations of the 2009 QDR and assessing the desirability of alternative visions.

A Truly Transparent Review. In addition to making the case for establishing an NDP, The Heritage Foundation previously made three specific recommendations on how such a panel should be structured:

1. *As in the past, this panel should consist of a range of defense analysts with opposing views.* The House language establishes a 12-person panel. However, six of these individuals would be chosen by the Democratic leadership of the HASC and SASC, and two are to be chosen by Defense Secretary Gates. The four remaining positions are delegated for the ranking Republican members of the HASC and SASC. This will leave the

panel with eight individuals nominated by congressional Democrats or the Administration and only four by Republicans. To be truly “bipartisan,” as the bill text directs and as The Heritage Foundation has recommended, the panel would ideally consist of an equal number of Republican and Democratic appointees. Even if Democratic leadership is not willing to accept such a balanced outcome, the current 2:1 ratio of Democratic appointees to Republican is well beyond what could be determined to be “bipartisan.”

Additionally, the Senate may want to consider if its Members want the secretary of defense to play any role at all in the panel appointees. Although the originally NDP in 1997 gave the secretary the power to appoint panel members pending consultation with the committees’ leadership, the QDR legislation does not stipulate the guidelines for how this process should occur. If the panel is to be truly independent from the ongoing QDR process, then only the chairman and ranking members of the SASC and HASC should be designated the power to appoint members to the panel.

2. *Like the original panel in 1997, the current NDP review should be written as a complete report that will require the consensus of the entire group.* H.R. 2647 mandates that two reports, the product of the full panel, be published and submitted to the congressional defense committees and the secretary of defense. An interim report is due no later than April 15, 2010, and the final report is due January 15, 2011. Any report that is structured to be a consensus document will allow for a much more cohesive assessment of the QDR. Like the recent and successful Commission on the Prevention of Weapons of Mass Destruction report, a bipartisan analysis will prove more compelling and valuable to Congress.
3. *The panel should also be convened during the QDR process and scheduled to be released after*

1. Mackenzie Eaglen and Eric Sayers, “Independent Panel Needed for Alternative Views to the Pentagon’s Quadrennial Defense Review,” Heritage Foundation WebMemo No. 2425, May 5, 2009, at <http://www.heritage.org/Research/NationalSecurity/wm2425.cfm>.

2. National Defense Authorization Act for Fiscal Year 2010, H.R. 2647, 111th Cong., 1st Sess., at http://www.rules.house.gov/111/LegText/111_hr2647_armedsvc.pdf (June 22, 2009).

the QDR so that it may address the major findings of this strategy. The timeline established for the two reports mandated in H.R. 2647 is similar to the one conducted during the 1997 QDR process. However, because the 2009 QDR is now being fast-tracked by Secretary Gates (to be largely completed by early August and published later this year), it is critical the NDP report be submitted in a timeframe that will allow its findings to be considered alongside the QDR as the FY 2011 budget process commences.

By law, the NDP must be submitted no later than three months after the QDR is published. Instead of conducting both an interim report and a final report, the Senate should follow the original law and require the NDP to publish just one full report, due no later than three months after the QDR is published. This will allow the report to have the most impact possible on the

public debate following the release of the Pentagon's QDR.

National Defense Panel 2009. The HASC's decision to establish an NDP to independently assess the findings of the 2009 QDR is the right decision. When the SASC marks up its version of the FY 2010 defense authorization bill this week, Members should also establish an NDP with the same duties assigned by the House. Because the NDP is designed to be a bipartisan review of the QDR process, SASC Members should also take steps to ensure the panel is truly bipartisan and more responsive to the FY 2011 budget process.

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