

# WebMemo



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## Fiscal Year 2010 Defense Authorization Bill: Conference Issues and Recommendations

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Last week, the Senate passed S. 1390, the National Defense Authorization Act, for fiscal year (FY) 2010, and Members from both chambers will now begin conference negotiations in order to send a final bill to President Obama this fall. Within a shrinking defense budget topline, the House and Senate Armed Services Committees produced legislation that seeks to fill several gaps identified in the President's budget request. In order to realize such improvements, the House and Senate conference should:

- Keep reporting requirements on the feasibility, cost, industrial base implications, and benefits of F-22 sales to trusted allies;
- Retain funds for nine additional F/A-18E/Fs above the President's budget request and authorize a multi-year contract for EA-18Gs Growler electronic warfare planes;
- Provide advance procurement for two additional *Virginia*-class submarines each year after FY 2011 to achieve a long-sought two-per-year production rate and preserve language expressing the sense of Congress that a 313-ship Navy is an essential and important goal;
- Accept the House-passed language establishing an independent National Defense Panel (NDP) to review the 2010 Quadrennial Defense Review (QDR) and strike provisions requiring an independent panel appointed primarily by the secretary of defense; and
- Restore funding for 44 ground-based midcourse defense interceptors in Alaska and California and accelerate sea-based missile defense.

Members of both committees should ensure these critical programs and reports are maintained in the final defense authorization legislation for FY 2010.

### **More Should Be Done:**

*Establish an Independent NDP to Assess the QDR.* Earlier this year, Secretary of Defense Robert Gates indicated that the forthcoming QDR would inform cancellations, delays, and cuts to major programs in the FY 2011 budget request. In the absence of rigorous analysis, public debate, congressional oversight, or any guiding foreign policy strategy from the White House, such broad shifts in the U.S. defense posture have raised legitimate concerns over the transparency of this year's QDR.

These actions—along with the lack of a Future Years Defense Plan, a 30-year shipbuilding plan, or a long-term aviation plan—have rightly fueled congressional fears that too many permanent defense decisions are being made too quickly without proper debate.

A bipartisan, independent NDP tasked with reviewing the assumptions, risks, and recommendations of the QDR would provide Congress with an essential alternative assessment to guide its

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oversight of the Department of Defense and hedge against one-track thinking in the Pentagon.<sup>1</sup>

**Require the Pentagon and State Department to Report on F-22A Foreign Sales.** The House and Senate produced similar language demanding a report from the secretaries of defense and state on the feasibility, costs, and strategic implications of potential foreign sales of an allied variant of the F-22A Raptor.

Primary candidates for F-22A sales are Japan and Australia, the United States' two most supportive and influential allies in the Pacific. Studying, and ultimately permitting, the sale of a modified version of the F-22A would strengthen America's defense posture in the region and reassure these and other allies that America's commitment to the Pacific remains strong.<sup>2</sup>

**Move toward Two Virginia-Class Submarines per Year in FY 2011.** The U.S. Navy's requirement for its undersea fleet is 48 nuclear attack submarines (SSNs); however, the backbone of this fleet, the *Los Angeles*-class boat, is aging quickly, while overall SSN numbers are projected to drop to the low 40s by the 2020s.<sup>3</sup>

The final defense bill should maintain provisions to reverse the declining trend in Navy force structure by allocating \$3.4 billion for one *Virginia*-class boat in 2010 and providing advanced procurement for two SSNs per year beginning in FY 2011.

This is particularly important given that the U.S. submarine fleet has declined by 41 percent in just a decade. Only by upholding the long-held SSN standard and moving to a two-per-year built rate by the next fiscal year will the Navy's submarine fleet meet combatant commander requirements that have only increased since 9/11.

**Authorize Funding for More F/A-18s and a Multi-Year Contract for EA-18G Growlers.** Recognizing the urgent need to alleviate the Navy's looming strike fighter gap, the conference committee should maintain funding for the purchase of nine additional F-18s above the President's budget request and authorize a multi-year procurement contract to fund 22 EA-18Gs. Congress is right to be concerned about the fighter gap and should seek to replace America's aging legacy fighters.

**What Is Still Missing.** Presented to Congress earlier this year, President Obama's budget blueprint calls for significant defense budget cuts over the next 10 years.<sup>4</sup> Further, President Obama's budget projections throughout the next decade also propose a declining defense budget, beginning with 3.81 percent of gross domestic product in 2010 and dropping to a startling 3.01 percent in 2019.

Such cuts leave too many gaps in the defense budget. Therefore, despite an inadequate defense budget topline, Members of Congress should identify suitable offsets and restore select missile defense and F-22 funding during conference negotiations.

**Expand Sea-Based Missile Defense with a System to Protect U.S. Coastal Areas.** In the near term, nations with inferior missile capacity could nevertheless attack American territory by launching a short-range Scud missile from a container ship off the U.S. coast. In order to counter this threat, Congress could direct the Navy to deploy the existing Standard Missile-2 Block IV interceptors—which were successfully tested earlier this year—on *Aegis*-equipped ships. Further, Congress should provide the necessary funding to create an East Coast test range for ballistic missile defense.<sup>5</sup>

While funding was not restored for 44 ground-based midcourse interceptors during debate, Sen-

1. Mackenzie Eaglen and Eric Sayers, "Create a National Defense Panel to Independently Judge the Pentagon's QDR," Heritage Foundation *WebMemo* No. 2500, June 23, 2009, at <http://www.heritage.org/Research/NationalSecurity/wm2500.cfm>.
2. Mackenzie Eaglen and Eric Sayers, "Congress Should Support the Development of an Allied Variant of the F-22A," Heritage Foundation *WebMemo*, No. 2540, July 13, 2009, at <http://www.heritage.org/Research/NationalSecurity/wm2540.cfm>.
3. Mackenzie Eaglen and Eric Sayers, "USA: A 21st Century Maritime Posture for an Uncertain Future," *Defense Industry Daily*, March 23, 2009, at <http://www.defenseindustrydaily.com/USA-A-21st-Century-Maritime-Posture-for-an-Uncertain-Future-05342/> (August 2, 2009).
4. Mackenzie Eaglen, "The \$64,000 Question: Is President Obama Actually Increasing the Defense Budget?" Heritage Foundation *Web Memo* No. 2411, April 27, 2009, at <http://www.heritage.org/Research/NationalSecurity/wm2411.cfm>.

ator Mark Begich (D-AK) successfully included provisions in the Senate bill that would continue production of ground-based interceptors and forestall premature closing of Missile Field 1 at Fort Greeley, Alaska. Members should keep these provisions intact in the final bill.

*Sustain F-22A Production to Meet the Air Force's Requirement.* Over a decade ago, the U.S. Air Force decided to build two complementary fifth-generation fighter aircraft. The F-22A, with its advanced super-cruise and thrust-vectoring technologies, would provide air dominance, while the F-35 Joint Strike Fighter would be optimized for ground attacks.

Air Force Chief of Staff General Norton Schwartz recently said that only 243 F-22s would place the Air Force at moderate risk during future conflicts, while only 183 F-22s would result in “moderate to high” risk. This reduced fleet size—in addition to ensuring that the service life of operational F-22s will expire much more quickly than originally anticipated—is insufficient to maintain the Air Force's effective conventional deterrent force in the decades ahead. Indeed, the Chinese and Russians are continuing to acquire large numbers of new generation fighter aircraft.

**The Future of U.S. Defense: In the Hands of Congress.** As the House and Senate conference the FY 2010 defense authorization bill, Members should consider the long-term impact and the potential consequences their decisions as a whole may have for national security far into the future. Pentagon analysis and budget justifications that drove many defense decisions this year have been grossly lacking throughout this year's defense budget debate. National security threats and needs—not arbitrary budgetary constraints—should be the driving force behind Congress' force planning decisions.

The Administration has not provided enough information or overarching foreign policy strategy to even allow a fair congressional debate about the fundamental shift in defense priorities currently underway. It is now up to Congress to provide careful and long-overdue oversight.

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5. Baker Spring, “Obama Missile Defense Plan Puts America at Risk,” Heritage Foundation *Backgrounder* No. 2292, June 29, 2009, at <http://www.heritage.org/Research/NationalSecurity/bg2292.cfm>.