

# THE DEFENSE MONITOR

PROJECT ON GOVERNMENT OVERSIGHT



U.S. NAVY PHOTO BY CHIEF MASS COMMUNICATIONS SPECIALIST KEITH DEVINNEY/RELEASED

DOT&E helped identify important deficiencies in the P-8A Poseidon and worked with the Navy to improve operational tests.

There is ample evidence, however, which demonstrates that rigorous operational testing actually *reduces* the overall time and money needed to get usable weapons into the field—and saves lives in war.

Dr. J. Michael Gilmore, the current director, addressed operational testing's detractors at a National Defense Industrial Association (NDIA) conference in July: "When people claim that testers are driving billions of dollars of costs into programs, the facts just simply don't support that claim." Gilmore has backed this assertion with a 65-page briefing detailing more than a dozen recent programs—ranging from mine resistant vehicles to nuclear submarines—where independent operational testing identified serious combat suitability shortfalls early enough to allow for fixes before the weapons failed in combat.

One example from DOT&E's briefing is the P-8A Poseidon, a newly developed maritime reconnaissance and anti-submarine aircraft based on Boeing's 737-800 commercial airframe. A DOT&E review rejected the Navy's proposed original operational test plan because it did not evaluate the P-8A's two primary combat missions: anti-submarine detection and reconnaissance. Instead, the Navy simply wanted to test the aircraft's engineering requirements; that is, its ability to fly a specific distance with a

## Independent Weapons Testing: Under Fire Again

BY ETHAN ROSENKRANZ, POGO NATIONAL SECURITY POLICY ANALYST

**Sometimes, history has an odd way of repeating itself.**

In 1983, Congress mandated that operational testing—the crucial final tests done by combat troops, not engineers—be protected permanently from the pressures of the Pentagon's procurement bureaucracy. That law (P.L. 98-94), establishing an independent Director of Operational Test and Evaluation (DOT&E) who reports directly to the Secretary of Defense and Congress, was the most significant reform to military procurement over the past forty years.

The defense industry, through its numerous allies in Congress, fought desperately then—and is still fighting desperately now—to stymie the law's intent. Their main argument is that independent weapons testing causes massive cost increases and schedule delays. This specious argument has spearheaded recurring congressional and industry assaults on independent operational testing in the decades since the creation of DOT&E—most recently just a few months ago in the National Defense Authorization Act (NDAA) for Fiscal Year 2015.

## PROJECT ON GOVERNMENT OVERSIGHT

### STAFF

Danielle Brian, Executive Director  
Scott Amey, General Counsel  
Lydia Dennett, Investigator  
Danni Downing, Editor & COTS Director  
Abby Evans, Donor Relations Manager  
Ned Feder, M.D., Staff Scientist  
Andre Francisco, Online Producer  
Neil Gordon, Investigator  
Liz Hempowicz, Public Policy Analyst  
David Hilzenrath, Editor-in-Chief  
Lynn Mandell, Finance Manager  
Johanna Mingos, Data Specialist  
Joe Newman, Director of Communications  
Chris Pabon, Director of Development  
Ethan Rosenkranz, National Security Policy Analyst  
Keith Rutter, Chief Operations Officer & CFO  
Pam Rutter, Web Manager  
Michael Smallberg, Investigator  
Mia Steinle, Investigator  
Peter Stockton, Senior Investigator  
Winslow Wheeler, Director of the CDI  
Straus Military Reform Project  
Adam Zagorin, Journalist-in-Residence  
Jessica Murphy, Intern

### BOARD OF DIRECTORS

David Hunter, Chair  
Lisa Baumgartner Bonds, Vice Chair  
Dina Rasor, Treasurer  
Ryan Alexander  
Henry Banta  
David Burnham  
Andrew Cockburn  
Michael Cavallo  
Mickey Edwards  
Janine Jaquet  
Morton Mintz  
Nithi Vivatrat  
Anne Zill  
Charles Hamel, Board Emeritus

Newsletter design for POGO by:  
Drop Cap Design  
[www.dropcapdesign.com](http://www.dropcapdesign.com)

© Copyright by the Project On Government Oversight. POGO encourages quotation and reprinting of any of the material, provided POGO is credited. POGO requests a copy of such use.

specific payload. DOT&E insisted on a test that exercised enemy submarine detection and attack as well as ocean reconnaissance under realistic combat conditions. The Navy's operational testers agreed that such combat testing was essential.

When these tests were conducted as part of realistic fleet exercises, they revealed "important deficiencies" in surveillance and in the aircraft's ability to hunt and destroy submarines, all due to problems with the P-8A's sensor systems. Gilmore's subsequent evaluation report concluded that the P-8A was "not effective for the intelligence, surveillance and reconnaissance mission and is not effective for wide area anti-submarine search." As a result, the Navy is now working to address these serious problems and will do follow-on operational testing to ensure that this \$35 billion program actually delivers combat-effective aircraft.

### The Assault on DOT&E Independence

Naturally, the defense industry is opposed to realistic, independent operational evaluation and reporting because test failures can lead to program cutbacks or cancellation. Big companies have become adept at spreading subcontracts out across as many congressional districts as possible in order to secure congressional allies. One manifestation is the recurring effort by these allies to undermine the independence of DOT&E and the rigor of its testing.

Reflecting the misguided view that DOT&E—rather than mismanagement and shoddy contractor performance—is to blame for unprecedented overruns and schedule slippages, the House Armed Services Committee included language in this year's NDAA intended to weaken the independence of operational testing.

The bill, as passed by the House,

requires DOT&E to:

"Consider the potential for increases in program cost estimates or delays in schedule estimates in the implementation of policies, procedures, and activities related to operational test and evaluation, and to take appropriate action to ensure that the conduct of operational test and evaluation activities do not unnecessarily impede program schedules or increase program costs."

This language opens the door for the acquisition bureaucracy to pressure DOT&E to pare back thorough operational testing, despite demonstrated cost savings and improved combat effectiveness.

The House's NDAA also includes biased instructions to the Government Accountability Office (GAO) to evaluate DOT&E's causing of "unnecessary" costs and delays:

"To help inform the committee's understanding of how operational test and evaluation processes and activities may unnecessarily increase schedule and cost of major defense acquisition programs, the committee directs [GAO] to review operational test and evaluation processes and activities."

What is actually unnecessary is yet another GAO study on DOT&E's effect on cost and schedule. GAO produced exactly such a study in October 1997 and concluded that operational testing in fact saves money and time in fielding successful weapons—nothing has happened since to change these conclusions.

In response to the House's outrageous claims of unnecessary cost and schedule increases caused by testing, the Project On Government Oversight (POGO) sent a letter to the Senate committee before it marked up its own version of the NDAA pointing out that, "Clearly, these claims do not consider even larger—by far—

offsetting long-term cost increases and longer production stretch outs associated with insufficiently tested, flawed hardware that has to be fixed at great expense and only after still more delay.”

Following POGO’s letter, the Senate included NDAA report language stating DOT&E helps ensure that weapons are “suitable and effective in combat.” Unfortunately, the language requires GAO to study the extent to which “major weapon systems have been required to conduct operational testing in excess of levels necessary to demonstrate compliance with program requirements”—once again reflecting the industry campaign to limit operational testing to only the requirements written into the contract by the acquisition bureaucracy, not what the combat user deems essential for war.

Both versions of the NDAA demonstrate a regrettable ignorance of how and why Congress created the independent DOT&E in the first place, and of the ensuing three decades of repeated industry-incited battles to undo the office’s major contributions to stronger defense.

### **Bipartisan Inception and Early Congressional Opposition**

In 1981, a small group of reform-oriented staffers within the Pentagon and Congress, working with liberal Senator Gary Hart (D-CO) and conservative Representative William Whitehurst (R-VA), initiated the Congressional Military Reform Caucus. It soon grew to include more than 150 House and Senate members. Early on, the new caucus focused on the need for more combat-realistic weapons testing *before* funding production.

In 1983, with strong support from the Reform Caucus, a GAO review found that many new weapons were deployed “without having fully dem-

onstrated their capabilities under representative combat conditions.” Furthermore, GAO found that Pentagon weapons testers were ineffective and may have had conflicts of interest with the defense contractors that developed the weapons under evaluation.

Soon after, the Deputy Inspector General of the Department of Defense testified before Congress that the Pentagon was developing and testing systems at the same time (known as concurrency), was not testing weapon systems in realistic combat situations, and was relying too heavily on defense contractors during testing. The media’s coverage of testing inadequacies and associated weapons failures grew rapidly, significantly aided by detailed factual material unearthed by POGO’s predecessor, the Project on Military Procurement.

In 1983, the most active members of the Reform Caucus, led by Senators David Pryor (D-AR), William Roth (R-DE), Nancy Kassebaum (R-KS), and Charles Grassley (R-IA), introduced the Operational Testing and Evaluation Act to create an independent director overseeing the operational tests of all four services and reporting directly to the Secretary of Defense and Congress.

Winslow Wheeler, director of POGO’s Straus Military Reform Project, writes in his book *Military Reform: An Uneven History and an Uncertain Future*,

“If [Pryor’s] bill were to become law and take hold, no longer would laboratory tests under cooperative conditions be substituted for combat realistic tests in dirt, mud, and confusion, and using regular soldiers as operators. No longer would the manufacturer be able to design or score the tests. No longer could the weapon system’s advocates write the

reports on the tests of the weapons they sought to protect.”

Despite the strong opposition of Senate Armed Services Committee chairman John Tower (R-TX), as well as other industry-friendly members working closely with senior Pentagon officials, Pryor’s bill secured the co-sponsorship of twenty-two Senators, both Democrat and Republican. Pryor’s bill language, introduced as an amendment to the defense authorization bill, was approved overwhelmingly by a vote of 91 to 5 and subsequently signed into law.

Over the course of the next decade, DOT&E’s work improving operational testing won strong praise, including from former Secretary of Defense Dick Cheney—a very active former member of the Reform Caucus—who remarked, according to the Congressional Record from December 6, 1995, that DOT&E saved more lives during Operation Desert Storm than any other initiative.

Despite this strong bipartisan support, industry’s congressional allies attempted to eliminate the office in the FY 1996 defense authorization bill, leaning heavily on a March 1993 report by a Department of Defense acquisition panel of industry and government acquisition executives, which, unsurprisingly, found DOT&E unnecessarily impeding acquisition.

After strenuous objection from Senators Pryor and Roth, as well as the Deputy Inspector General of the Department of Defense, the proposal to eliminate DOT&E was eventually dropped. DOT&E and its supporters would live on to fight another day.

### **Current Efforts**

The alleged hardship of living within a sequestered budget—one exceeding Vietnam and Reagan spending—provides a convenient excuse for cur-

rent congressional attempts to cut the testing budget. This is clearly the opposite of fiscal prudence: when you're short of money, nothing could be worse than cutting the testing that tells you where funds are being wasted. It is also fiscally imprudent—not to mention dangerous—to cut the one activity that will discover design flaws early enough in the process to avoid not only astronomically expensive but also possibly fatal mistakes.

Now, both the House and Senate committee reports accompanying their versions of the FY 2015 NDAA guide the GAO review of DOT&E processes and activities toward a hostile point of view. These negative instructions to GAO are, unfortunately, unlikely to be undone. However, the two NDAA bills themselves still have to go to conference. That final conference bill and report should include a more constructive mandate for a separate GAO review of specific funding and organizational steps needed to strengthen the realistic and independent operational testing needed to quickly deliver better weapons to our troops in combat.

Beyond that, if Congress truly is concerned about the real causes of today's hundreds of billions of dollars of cost overruns and unending schedule delays, then it should require that operational testing and evaluation always take place *before* production begins.

Nothing else will eliminate the ever-worsening concurrency malpractice that has resulted in such disastrous recent programs as the F-35 Joint Strike Fighter, Littoral Combat Ship, ballistic missile defense, Joint Tactical Radio System, and *Ford*-class carrier. ■

# Up or Out

## How a Promotion System is Undermining America's Air Power

*This article has been excerpted from a longer piece titled "Reforming America's Overhyped Airpower," which you can read at <http://www.pogo.org/our-work/straus-military-reform-project/military-reform/2013/reforming-america-overhyped-airpower.html>*

BY ROGER THOMPSON, MA, FRSA

In 1986, audiences across the United States flocked to see the new Tom Cruise movie, *Top Gun*, which was produced with the full cooperation—and censorship—of the U.S. Navy. At the beginning of the film, a caption appeared on-screen to give the audience some background information on the Top Gun school. It read: *"On March 3, 1969 the United States Navy established an elite school for the top one percent of its pilots. Its purpose was to teach the lost art of aerial combat and to insure that the handful of men who graduated were the best fighter pilots in the world. They succeeded. Today, the Navy calls it Fighter Weapons School. The flyers call it: Top Gun."* The film made millions and encouraged a new generation of Americans to become naval aviators. There was only one problem: It was all hype. Rather than being unique, *Top Gun* taught tactics developed a dozen years earlier by the Air Force's Fighter Weapons School—and in Vietnam the school's graduates proved to be less than the best in the world. *Top Gun* was a Pentagon propaganda film designed to make

the U.S. Navy look a lot better than it really is.

Sad as this is, the film was hardly the first time Americans were exposed to propaganda masquerading as entertainment (or education) to make their country's airmen look like unequaled supermen. Not by a long shot.

During World War I, America entered the war at the last moment, and was in need of heroes. But not just any kind of hero. No, they wanted a superhero, and so they created one—his name was Captain Eddie Rickenbacker, a fighter pilot. Rickenbacker was credited with twenty-six kills and became a national celebrity.

Rickenbacker was a very good pilot, but he was not especially great when you compare him to other allied aces. As historian Pierre Berton observed, an allied pilot named Donald MacLaren had his first dogfight on the very same day that Rickenbacker did, in February 1918, but MacLaren went on to get forty-eight kills, nearly twice as many as Rickenbacker.<sup>1</sup> Moreover, historian Dan McCaffery noted that "By the war's end, Canada, with a population of

only eight million people, had produced four super aces with fifty or more kills each. Germany, by contrast, had three and France and England just two each.”<sup>2</sup> Rickenbacker would obviously not be able to compete with these gentlemen.

Fast forward to the Korean War, in which American pilots claimed a kill ratio of approximately 11 to 1 against enemy fighters. Established aviation historians Robert Dorr, Jon Lake, and Warren Thompson have found that the real ratio appears to be closer to 2 to 1.<sup>3</sup> Skepticism about America’s true kill ratio is supported by the fact that we now know that Soviet pilots, many of them experienced veterans of WWII air combat, flew covertly in the Korean War. They, too, contest the American boasts. Keep in mind that the Soviet Union claimed 52 aces in the Korean War, whereas America can only claim 41.<sup>4</sup> It appears that the top two aces of the war were Soviet pilots, and Soviet MiG-15 pilots themselves say they achieved a ratio of 4 to 1 against allied aircraft—nowhere near America’s claimed

tending to understate their own losses. The historians’ most consistent finding is that the skills of individual pilots, as opposed to aircraft technical performance, were always the critical factor.

The American claim of mastery of the skies during the Korean War becomes even more dubious when one looks at the poor performance of USAF and USN pilots in exercises with NATO air forces in the 1950s and 1960s. Up through the mid ‘60s, U.S. pilots flying the latest supersonic fighters routinely lost dogfights to Canadian pilots flying the subsonic F-86s (albeit these were the hottest performing of all F-86 models, the Canadair Sabre Mk VI). Like the Soviet pilots the Americans faced in Korea, the Canadian Sabre pilots had long years of dogfight experience and flew a truly great aircraft. In 1959, for example, a time when many American pilots still had jet combat experience, the USAF was defeated at a competition in Cadeaux, France. In competition against British, French, Belgian, Canadian, and Dutch pilots,

the Canadians won, while the team from USAF Central Europe, the only U.S. team in the competition, finished in last place.<sup>7</sup> If the USAF could deal with Soviet MiG pilots so easily in Korea, why not French, Canadian, British, Belgian, or Dutch pilots six years later?

What accounts for the higher number of allied aces in WWI, the much higher kill scores of German aces in WWII, the better scores of Russian aces in Korea, and the lopsided dogfight victories of Canadian, French, and other countries’ pilots over Americans in post-Korean NATO exercises? The common thread is simple: the high scores and the victories went to the pilots with the most dogfight experience and the longest tours in the fighter cockpit. Thus American pilots were hamstrung in war by being forced into far shorter combat tours than enemy pilots. And they began to have less and less dogfighting experience—by 1966 the dogma in the USN and the USAF was that beyond-visual-range missiles had made dogfighting obsolete.

***The Up-or-Out promotion system breeds mindless careerism: promotion becomes a higher priority than being a great fighter pilot.***

kill ratio.<sup>5</sup> Furthermore, they argue that their procedures for confirming kills were far more rigorous than the Americans’.<sup>6</sup>

All this is consistent with the pioneering work by air historians like Jeffrey L. Ethell who have examined in dogfight-by-dogfight detail the conflicting air combat claims of both sides in WWII, Korea, and Vietnam. Their evidence is overwhelming: all air forces exaggerate their air-to-air (and ground target) kill claims, while



Col. Matthew Molloy presents a T-38 Talon at Langley Air Force Base, Va., on April 1, 2011. The T-38, from Holloman AFB, N.M., was at Langley to help train F-22 Raptor pilots. Colonel Molloy is the 1st FW commander.

U.S. AIR FORCE PHOTO: AIRMAN 1ST CLASS KAYLA NEWMAN

Even worse, in peacetime American fighter pilots became victims of their military bureaucracy's longstanding obsession with the "Up-or-Out" promotion system. That system mandates that every USAF and USN pilot must get promoted on schedule or face early separation from the service. Even the cream of the fighter jocks, those who want to do nothing but fly and fight, must rotate out of the cockpit into generalist jobs every four years or less in order to get promoted and avoid termination. This in turn breeds mindless careerism: promotion becomes a higher priority than being a great fighter pilot.

The resulting deficient skills of American fighter pilots became painfully clear in early Vietnam combat. Air-to-air losses were excessive and victories all too rare. Both Navy and Air Force crews performed poorly in combat against antiquated North Vietnamese MiGs because, like the French, the top North Vietnamese pilots stayed in the cockpit without rotating to other jobs—and clearly knew how to dogfight. Actual combat quickly forced the Americans to adopt visual identification as an ironclad rule of engagement, particularly after several early beyond-visual-range missile engagements resulted in friendly losses.

Desperately seeking a solution to their poor performance against the MiGs, the Navy launched their Top Gun school in 1969, and the kill ratio supposedly went up to 12 to 1 in the final battles of the war. Note however that several aviation experts researching North Vietnamese air force records, including Ethell and Dorr, found evidence that the North Vietnamese MiG-21 pilots actually did quite well against the Americans despite the launching of Top Gun. Dorr believed that "... the MiG-21 did score an almost 2 to 1 kill ratio

against us in air-to-air combat but that the MiG-17 did less well, even though North Vietnamese pilots preferred the MiG-17."<sup>8</sup>

In any event, Top Gun did not live up to the hype. Even the USAF's school, founded much earlier in 1954 and home to John Boyd's revolutionary energy-maneuverability tactics, did not solve the fundamental problem: Up-or-Out. USN and USAF pilots simply had to spend too much of their time out of the cockpit getting "their boxes checked" for the next promotion rather than putting in the years and years of intense air combat training required to become world-beating pilots.

Up-or-Out was imposed by General George C. Marshall at the end of WWII in an attempt to produce younger senior commanders and to have in place a large cadre of multi-skilled officers ready to lead a rapid draft mobilization for the next world war. That Up-or-Out promotion system (locked into law by the 1947 Officer Personnel Act and further bureaucratized by the 1980 Defense Officer Personnel Management Act) may have seemed promising at its inception, but has now produced an officer corps lacking in deep combat skills, top-heavy with at least 50 percent more generals than necessary, and obsessed with promotions. Promotions are based on pristine personnel files rather than character, leadership, and war-fighting capabilities. The fitness report system favors those easiest to lead—the careerists—over those superbly skilled at their profession. And the constant rotations out of combat units into generalist slots means it is rare to find an American officer with 15 years of flying fighters, leading tank units, or commanding at sea. This is what is wrong with the Up-or-Out promotion system. The resulting careerism

breeds a desire to get promoted at the expense of developing operational expertise.<sup>9</sup>

But this does not have to be the case. As one USAF pilot who served on exchange in Canada once said: "Most of the [Canadian] pilots I ran into were more concerned about being professional pilots, and weren't consumed by 'careerism'.... They did not appear to be constantly looking for the next rung on the ladder as so many of my USAF peers seemed to be.... Probably as a group, they were the best collection of pilots I came across."<sup>10</sup> If America dropped the Up-or-Out system, it is arguable that its pilots could, in fact, become the best in the world. Rather than focusing on the next promotion, they could instead focus on perfecting essential combat skills and wouldn't have to pause training for years on end to ride a desk. In every first-rate air force around the world, particularly those facing immediate threats, a pilot's main responsibility is to become and remain proficient in combat, not to protect his career. There is no good reason American pilots cannot be allowed to do the same.

#### **Four Proposals for Reform**

It is clear now that most American pilots do not match the manufactured image that surrounds them. These days, USAF F-22, F-35, and F-16 pilots are only getting eight to ten flying hours a month, and USN F-18 pilots are down to eleven hours. No simulator will compensate for such inadequate training time.<sup>11</sup> The American military and public should consider the following suggestions so that American pilots can finally live up to the praise and accolades they receive in popular culture:

1. Within a year, double monthly

CONTINUED ON PAGE 11 – UP OR OUT

# A Ray of Light from Senator Durbin's Defense Subcommittee: Will It Brighten or Fade?

BY WINSLOW WHEELER, DIRECTOR, STRAUS MILITARY REFORM PROJECT

When Members of Congress show even faint signs of departing from their habitual abuse of the public purse, it merits attention.

Senators and Representatives have worked hard to earn the public's contempt. Some of their worst work is inflicted on the defense budget: They plead poverty even when Pentagon spending rivals the peak of the Ronald Reagan spend-up; they pack military spending bills with pork while pretending there is none; they proclaim "support for the troops" while stripping out money from already-inadequate training budgets and from huge repair backlogs of broken and poorly maintained weapons and vehicles. Meanwhile, they shovel money in billion-dollar chunks at unaffordable, underperforming hardware boondoggles and then praise themselves for being pro-defense.

However, this year there are three thin rays of hope flickering through Congress's shadowy, usually deceptive handiwork on defense bills.

The pleasant surprises come from the Defense Subcommittee of the Senate Appropriations Committee: specifically, its 2015 Department of Defense Appropriations bill (HR 4870) and the Committee Report that accompanies it. The Chairman of the Subcommittee, Richard J. Durbin (D-IL), has clearly had a positive impact, even if modest, on the output of his Defense Subcommittee.

The three rays of light are:

- 1) Not all the earmarks in the bill appear to be gratuitous, hypocritical trash,
- 2) There were fewer hidden raids on badly needed programs to help American forces fight effectively, and
- 3) A significant—but sadly transient—step was taken to strip billions of dollars in unnecessary programs out of the bill, and at least one badly needed weapon system was added back in.



## Pork

To be sure, the Durbin Defense Subcommittee larded its bill with pork. Just flipping the pages of the committee's report reveals earmark after earmark:

- The subcommittee urges additional spending for an unrequested Cold Weather Protective Equipment Program, and advocates a Generator and Rail Equipment Center for Hill Air Force Base in Utah. There are many more such examples.
- The Army Operation and Maintenance budget (O&M) pushes money for "Industrial Preparedness" for body armor, new Junior (high school) ROTC programs, an Automated Biometrics Identification System, and at least seven other programs unrequested by the Pentagon.
- There are many more earmarks in the rest of O&M, which is the spending account typically ignored by congressional porkers.

CONTINUED ON PAGE 8

The Procurement and the Research and Development (R&D) sections of the report are heavily populated with earmarks, and there are yet more in the Overseas Contingency Operations (OCO) account for war spending. Even the General Provisions section is larded with them.

Subcommittee Chairman Durbin is quite aware that his bill contains many expensive earmarks. Indeed, he proclaims some of them. In a July 17 press release titled “Defense Appropriations Bill Makes Critical Investments in Illinois Priorities,” he takes credit for adding \$1.7 billion to fund “Illinois defense installations and priorities.”

Despite what appears to be several billions of dollars in earmarks, there are two characteristics to the Durbin Subcommittee’s work that raise the subcommittee above the more crass and hypocritical behavior of the House Armed Services and Appropriations Committees.

First, the Durbin Subcommittee made a significant effort in the Defense Health Program (DHP) section of its report to direct additional medical research to health effects of the wars in Iraq and Afghanistan. The subcommittee’s DHP earmarks include spending for Traumatic Brain Injury Psychological Health, Orthotics, and Prosthetics Research; mental health professionals for veterans and their families; Reconstructive Transplantation; Trauma Research; and expanded, more effective treatment for combat experience-related respiratory, epilepsy, melanoma, sleep, and other problems. The subcommittee’s DHP earmarks were clearly consciously directed toward the many health problems stemming from combat service in the wars since September 11, 2001.

However, it remains impossible to discern if all these earmarks were

decided on merit, rather than the personal influence of individual Senators. While many of these earmarks were designated for peer review, there is no requirement for a third party, such as the Government Accountability Office (GAO), the Congressional Research Service (CRS), or the Congressional Budget Office (CBO), to review the cost and effectiveness of the medical earmarks—or of the much larger number of other earmarks spread throughout the rest of the report. Such a third party review of all earmarks by an independent and competent entity would do much to clean up Congress’s still rampant earmarking of defense bills.

The Durbin Subcommittee also deserves credit for exercising less hypocrisy than the House Armed Services and Appropriations Committees, which exploit a loophole in House Rules to assert, quite disingenuously, that there are no earmarks in their bills. The Durbin Subcommittee makes no such false claim.

#### **A Few Non-Arbitrary Cuts**

All four congressional defense committees have made themselves notorious for proclaiming they “support the troops” with spending for military readiness (such as for training, weapons maintenance, and facility repairs) while they simultaneously employ arbitrary (“across-the-board”) reductions to cut spending for those very purposes. They also typically have written committee reports that fail to justify or even explain what they have done. The House Armed Services and Appropriations Committees’ bills for 2015 are typical of this duplicitous practice. They extract huge (multi-billion-dollar) cuts in various Military Personnel and O&M accounts, and they use ambiguous technical jargon to note what they are doing without

offering any real explanation or justification.

Two favorite notations are cuts labeled “Unexpended Obligations” and “Under-Execution [or Over-Estimation] of Civilian Workforce [or Employees].” The former term seeks to imply there is excess money in DOD accounts, and the latter implies there are unjustified civilians in the DOD payroll budget. The committees routinely fail to explain exactly where they found the excess program dollars or civilian workers. The former might actually be justified money that simply has not been spent yet, and the latter could simply be a discrepancy between DOD’s poor record keeping for how many civilian workers are on hand versus the number in a manpower budget request.

What the committees are really doing is using vague jargon to justify cuts, especially in the O&M budget, so that favored programs can be added while keeping total spending in the bill at or just below congressional budget caps. The military services are left with the problem of figuring out how and where to make the cuts. Robbing the very readiness (“Support the Troops”) accounts that Congress proclaims it is backing—sometimes even increasing—is the inevitable result.

Commendably, the staffers of the Durbin Subcommittee specified how, where, and why to make cuts that were specifically targeted. The Durbin Subcommittee’s work on the Defense-Wide portion of the O&M budget contains seven individual cuts (varying from \$3 million to \$18 million) in specific program activities, justified as having to do with “Overestimation of civilian full-time equivalent targets.” Moreover, the committee report’s text explains the actions in an informative discussion.

Unfortunately, however, such

quality staff work did not extend to the subcommittee's handling of other O&M accounts. The report's entries for the Army, Navy, and Air Force contain the usual across-the-board cuts (designated as "undistributed") for "Overestimation of Civilian Full Time Equivalent Targets": for the Army, \$70 million; for the Navy, \$84 million; and for the Air Force, \$200 million. The military services are left to sort it out by themselves; their usual remedy has been to cut each budget activity by a proportionally equal amount.

In Section 8076 of the bill's General Provisions, the subcommittee also made an extremely problematic \$300 million cut across the entire bill for "savings due to favorable foreign exchange rates." That cut is made up to 14 months in advance of actual currency exchange rates; it is a virtual guess, well beyond what foreign currency exchange experts would dare predict. Moreover, this action—incredibly—is described in the report as follows: "Section 8076. Grants. Retains and modifies a provision carried in previous years." The text of the bill reveals the real effect of these "Grants."

### **"\$11.7 Billion in Unnecessary Funding"**

Senator Durbin proclaimed up front in his press release on the bill that his subcommittee "removes \$11.7 billion in unnecessary funding." Every long journey needs a first step, and that two percent reduction in a \$549.3-billion appropriations measure should be considered a token of just how much fluff can be identified in a Pentagon budget request. On the other hand, Durbin and his subcommittee immediately reversed their frugality and added back into the bill almost as much as they cut out.

The selections the Durbin subcommittee made in their add-ons

are revealing. \$8.6 billion of the \$11.6 billion put back into the bill was for hardware in the Procurement and R&D accounts. These add-ons for contractors included \$1.3 billion for 12 unrequested EA-18G "Growler" electronic warfare aircraft. The Growler is made by Boeing; Boeing is headquartered in Chicago; the aforementioned Durbin press release on pork for his state of Illinois emphasized this specific add-on.

Another major add was \$800 million for a *San Antonio*-class amphibious transport dock; it happens to be produced in Mississippi; the "Vice-Chairman" of the Defense Subcommittee is Republican Thad Cochran, from—of course—Mississippi. One can trace many more of the re-added hardware programs to members of the Defense Subcommittee and the full Appropriations Committee.

The Durbin Subcommittee also added \$2.9 billion back in to the O&M portions of the bill. The ratio of hardware versus O&M re-adds was almost 3 to 1 in favor of hardware. That ratio can be taken as an indicator of the Senators' priorities for questions of buying hardware versus military readiness.

In another act of business as usual, the Durbin Subcommittee also funded the Pentagon's budget request for the F-35 Joint Strike Fighter with over \$8 billion. That such a controversial, problem-plagued, unaffordable program can be so fulsomely supported with even more production, years before its test program will be completed, demonstrates that the political momentum of the program still outweighs concerns about "acquisition malpractice" among the majority of the Durbin Subcommittee.

On the other hand, the subcommittee did add money to save one extremely important program. In multiple accounts in O&M and Mil-

itary Personnel, it earmarked a total of \$339 million to retain the A-10 "Warthog" in the Air Force inventory for 2015. This is easily one of the most pro-defense decisions the subcommittee made. The A-10 has distinguished itself in all of America's wars since Operation Desert Storm in 1991. The Durbin Subcommittee's financial support for the A-10 should be considered one of the highlights of its work.

### **In Conclusion**

There is much in the work of the Durbin Subcommittee that raises real concerns: too often opaque decision-making enables a self-serving spending agenda and a decaying defense at increasing cost.

And yet, there are also signs that a constructive, new pro-defense mentality is emerging. Some earmarks address real defense concerns, elements of the staff work on reductions show real professionalism, and certain of the subcommittee's program spending cuts and add-ons are helpful and promising.

What remains to be seen is whether these positive elements can grow under Senator Durbin's leadership. Three practical questions for future work from the Durbin Subcommittee will tell us if business as usual or real reform is prevailing:

- Will there be comprehensive evaluation of earmarks from objective, independent entities such as GAO, CRS, and/or CBO to separate the greasy pork from the legitimate add-ons?
- Will more spending cuts reflect specificity and professionalism, or will unexplained, arbitrary raids on readiness continue?
- Will spending for programs like the F-35 and the A-10 be decided by politicians or demonstrated war-fighting needs? ■



DOD PHOTO: TECH. SGT. ANDY DUNAWAY

# Time to Rein in the Pentagon's Mysterious Slush Fund

The following piece was first published in August 2014 in the Los Angeles Times. It has been excerpted and updated, and is presented here with permission of the Los Angeles Times' editor. The original can be found at <http://www.latimes.com/opinion/op-ed/la-oe-hartung-pentagon-slush-fund-20140815-story.html>

BY WILLIAM D. HARTUNG

As if monitoring the Pentagon's enormous budget were not difficult enough, every year Congress also has to deal with a separate war budget. Known in Washington-ese as the Overseas Contingency Operations, or OCO, account, it is submitted separately. It was originally meant to cover the costs of the wars in Iraq and Afghanistan, but it has grown into an all-purpose funding mechanism for almost anything the Pentagon wants.

It's a bad idea to allow the OCO budget to remain an open-ended account that can be used to pay for the Pentagon's pet projects or to start new wars.

Although the OCO budget request is lower than last year's, the administration has made no secret of its desire to keep funds available well beyond what's needed to wind down the U.S. presence in Afghanistan. In

a mid-July congressional hearing, Deputy Secretary of Defense Robert O. Work and vice chairman of the Joint Chiefs of Staff Admiral James A. Winnefeld Jr. gave the administration's most detailed accounting yet of what is in its proposed fiscal year 2015 war budget. And yet, it left a great deal to the imagination.

Two large chunks of money—\$11 billion for “operations and force protection” in Afghanistan and \$4 billion to fund the Afghan military and police forces—are clearly Afghan-war related. The same can be said for only a fraction of the remain-

*The Overseas Contingency Operations account has grown into an all-purpose funding mechanism for almost anything the Pentagon wants.*

ing \$43 billion in the Pentagon's OCO request. Nearly half of that \$43 billion is earmarked “to carry out the entire array of support activities by units and forces operating in the Central Command area outside of Afghanistan, including...the Arabian Gulf region.”

The Overseas Contingency Operations account has grown into an all-purpose funding mechanism for almost anything the Pentagon wants. This includes an astonishing range of potential activities and locales, some of which could be the building blocks for wars anywhere from Iran to Iraq to Somalia. For example, the Obama administration has indicated that it plans to pay for the current military operation in Iraq with OCO funds, despite calls from many in Congress that it seek separate authorization for this action.

Although there is no question that some U.S. military assets in the Persian Gulf and Indian Ocean provide logistics and combat support for U.S. troops in Afghanistan, many of them do not. The Pentagon needs to come up with a much more specific justification for this part of the OCO budget. The Defense Department should also explain whether it contemplates reducing some of these supporting units and activities once the war in Afghanistan is over.

Another dubious OCO budget item—for the not insubstantial sum of \$9.2 billion—is the “repair or replacement of equipment, including small sums for equipment still returning after service in Iraq.”

The truth is that with the Army as a whole scheduled to be reduced by about one-quarter in the next five years, and with a trillion dollars in new or upgraded equipment purchased during the 2000s, there is no need to repair or replace very much of what was destroyed or damaged in Iraq or Afghanistan. Besides, according to Army and Air Force officials, the Pentagon intends to leave large quantities of equipment in Afghanistan, trimming whatever transportation costs might otherwise have been required as part of pulling out of that country.

The ultimate proof that the OCO budget is threatening to become a permanent repository for unneeded projects and bad ideas is this item: the President’s proposed \$5-billion Counterterrorism Partnerships Fund, \$4 billion of which would go to the Pentagon to “support increased partner capacity building...and increase the department’s flexibility in responding to emerging crises.” It’s hard to find a broader definition than that.

For once, Congress is paying attention. Members of the House Armed Services Committee from both parties have denounced the administration’s OCO request as a slush fund. And Representative Austin Scott (R-GA) and others have questioned whether the Counterterrorism Partnerships Fund will make it too easy for the president to go to war. In keeping with these concerns, Congress should scale back the war budget and demand clearer justifications for the requested money. It’s time to rein in the Pentagon’s slush fund. ■

CONTINUED FROM PAGE 6 – UP OR OUT

pilot training hours to a minimum of 20, and within five years raise that to 40 hours (the tried and tested minimum for achieving first-class tactical skills). Such hours are unachievable with F-22s or F-35s because of their maintenance burdens and costs—well above \$65,000 per hour for either plane. To provide the needed flying hours for F-22 and F-35 pilots, back up each F-22 or F-35 squadron with 6 to 12 refurbished T-38s (the best air-to-air trainer in USAF history).

**2.** Drop the Up-or-Out promotion system and let pilots focus their careers on flying skills.

**3.** Consider decreasing the active/reserve ratio because reserve units, particularly Air National Guard units, have demonstrated greater unit cohesion, experience, skills, and continuity than have regular air units. Moreover, reserves are readily deployable, as proven in ongoing wars. Other important benefits would include, as Chuck Spinney showed twenty-four years ago, the possibility of reducing USAF- and USN-wide organizational overhead and command bloat while permitting a substantial reduction in excess base capacity without changing the number of combat coded aircraft available to the operational commanders. The result would be a more economical, rational, and capable USAF and USN—and, I might add, air forces less polluted by careerism and more in tune with the wars the 21st century is likely to bring.<sup>12</sup>

**4.** Learn from other nations on how to train, train, train—and how to get the best results from people.

That last point, about people, bears repeating. As the late Colonel John Boyd put it, “Machines don’t

fight wars, people do, and they use their minds.” That means that people, in this case pilots, must be allowed to focus on their combat skills above all else. When this happens, the Pentagon will not need a massive propaganda machine to build hype for America’s airmen; they will become true warriors instead of careerists, and writers like Tom Clancy, now deceased, will no longer be needed. ■

My thanks to Winslow T. Wheeler, Chuck Spinney, Pierre M. Sprey, Don Vandergriff, and Robert F. Dorr for their assistance in researching this article.

#### END NOTES

- 1 Pierre Berton, *Marching as to War: Canada’s Turbulent Years 1899-1953* (Anchor Canada: Toronto, 2002), p. 241.
- 2 Dan McCaffery, *Air Aces: The Lives and Times of Twelve Canadian Fighter Pilots* (Toronto: Lorimer, 1990), p. 3.
- 3 Robert F. Dorr, Jon Lake, and Warren Thompson, *Korean War Aces* (Osprey: Oxford, 1995), p. 87.
- 4 Leonid Krylov and Yuriy Tepsurkaev, *Soviet MiG-15 Aces of the Korean War* (Osprey: Oxford, 2008), p. 86.
- 5 *Heavy Metal: MIG 15: RUSSIAN STEALTH*. Documentary on the History Channel, 2002.
- 6 Yefim Gordon, *Mikoyan-Gurevich MiG-15* (Surrey: Aerofax, 2001), p. 66.
- 7 Larry Milberry, *The Canadair Sabre* (Toronto: CANAV Books, 1986), p. 177.
- 8 Robert F. Dorr, email to the author, August 22, 2013.
- 9 Donald E. Vandergriff, *Path to Victory: America’s Army and the Revolution in Human Affairs 2nd Edition*, (NY: Amazon.com, August 2013), pp. 131-136, 151, and 155.
- 10 David L. Bashow, *Starfighter: A Loving Retrospective of the CF-104 Era in Canadian Fighter Aviation* (Stoney Creek, ON: Fortress Publications. 1991), p. 110.
- 11 *United States Air Force Aircraft Accident Investigation Board Report: F-16C, T/N 87-0315, 194TH FIGHTER SQUADRON, 144TH FIGHTER WING, FRESNO ANGB, CALIFORNIA* 27 December 2012, p. 13. <http://usaf.aib.law.af.mil/ExecSum2013/F-16C,%20Near%20Fresno,%20CA,%2027%20Dec%2012.pdf>
- 12 Chuck Spinney, “Shape Up and Fly Right: How to Build a Better Air Force for Less Money,” *The Washington Post*, April 16, 1989. (Also reprinted in the *Air Force Times*). <http://pogoarchives.org/strauss/shpae-up-and-fly-right-spinney-19890416.pdf>



NONPROFIT ORG.  
US POSTAGE  
PAID  
Suburban, MD  
Permit No. 1400

PROJECT ON GOVERNMENT OVERSIGHT'S  
Center for Defense Information  
1100 G Street, NW, Suite 500  
Washington, DC 20005  
Tel: 202.347.1122 / Fax: 202.347.1116



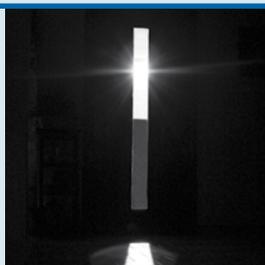
# THE DEFENSE MONITOR

The Project On Government Oversight is a nonpartisan independent watchdog that champions good government reforms. POGO's investigations into corruption, misconduct, and conflicts of interest achieve a more effective, accountable, open, and ethical federal government.

## INSIDE



**4**  
Up or Out:  
How a Promotion  
System is  
Undermining  
America's Air  
Power

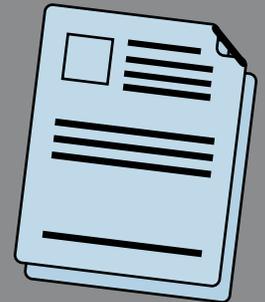


**7**  
A Ray of Light  
from Senator  
Durbin's  
Subcommittee:  
Will it Brighten or  
Fade?



**10**  
Time to Reign in  
the Pentagon's  
Mysterious Slush  
Fund

### Annual Report Available



The Project On Government Oversight works hard to bring transparency and accountability to the federal government. And we practice what we preach. In that light, we're happy to announce that our 2013 Annual Report is available. You can view it, and all our past annual reports, online at

[www.pogo.org/about/annual-reports/](http://www.pogo.org/about/annual-reports/)

If you would like to receive a print copy call Danni Downing at (202) 347-1122