

# ISSUE BRIEF

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## 2017 NDAA: Define the Goldwater–Nichols Problem Before Trying to Solve It

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The House and Senate have passed versions of the National Defense Authorization Act for fiscal year (FY) 2017. Both versions contain major provisions aimed at reforming and improving Department of Defense (DOD) policy and procedures. In particular, both bills contain sections focused on Goldwater–Nichols reform. Congress should continue constructive reforms that will improve the DOD, focusing on clearly defining problems and developing appropriate solutions.

### What Is Goldwater–Nichols?

The Goldwater–Nichols Department of Defense Reorganization Act of 1986 was a landmark bill that significantly altered the organization and operation of the Department of Defense and its military components.<sup>1</sup> The bill, which was signed into law by President Reagan, was the result of almost five years of effort and analysis by Congress and the Pentagon, and was primarily focused on improving interoperability, or “jointness,” amongst the military services at an operational level.

The Act made a number of significant structural changes to the DOD, including streamlining the military’s chain of command and requiring that officers have joint experience in order to be promoted into

senior positions. But all the specific provisions of the bill were aimed at solving one problem: “the inability of the military services to operate effectively together as a joint team.”<sup>2</sup>

This clear problem resulted in part from at least two major military failures in the years leading up to Goldwater–Nichols.

1. Operation Eagle Claw (or Desert One) was the mission to rescue American hostages in Tehran in 1980. Eight service members were killed and significant equipment was lost, all without making contact with the enemy.
2. Operation Urgent Fury was the U.S. military operation to rescue Americans in Grenada in 1983. Although the mission was largely effective, serious operational problems became clear after the fact, especially in communications and coordination between the various service components involved.

The common problem in these incidents was an inability of the military services to operate together effectively. Once Congress and Pentagon leaders had defined that inability as the problem, they were able to work toward a solution. The success of the Goldwater–Nichols Act shows that a solution to a poorly defined or misidentified problem is no solution at all.

### Goldwater–Nichols Reform Today

The current debate about the Goldwater–Nichols reform has invoked a wide range of topics, such as:

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- Strategy development process,
- DOD organizational structure,
- Military chain of command, and
- National Security Council roles and responsibilities.

However, the debate has yet to clearly define distinct problems. In fact, the wide range of opinions about potential problems with Goldwater–Nichols is itself a primary problem that Congress needs to solve before moving to reform the Pentagon.

In contrast with the debate held in the 1980s over this same issue, the current debate has not produced clear examples of systemic failure. American defense and foreign policy in the last decade includes many failures, but it is not clear that these failures are the result of organizational or systemic issues. National security policy failures are sometimes the result of bad decisions or bad leadership—individual problems unlikely to be fixed by systemic change or overhaul. Bad decision makers produce bad results, no matter how good the system may be.

While Congress can adjust many of the national security systems and organizations, with the Senate playing a crucial role in ensuring that qualified people are placed in important positions, Congress cannot guarantee better national security outcomes simply by mandating processes or organizational designs.

### **Congressional Action on Goldwater–Nichols**

While Congress does not have a clear problem statement, it is nonetheless taking steps on the issue. In a summary of the House version of the NDAA,

Representative Mac Thornberry (R–TX) suggested reforms to Goldwater–Nichols were a response to threats that “have become more trans-regional, multidomain, and multi-functional, which compels Congress to build on this legislation.”<sup>3</sup> Senator John McCain (R–AZ) has talked about an array of threats and that his reforms are aimed at what he perceives as a lack of “strategic integration.”<sup>4</sup>

While the analysis of global threats may be correct, the lack of specific examples of U.S. national security failures makes it hard to determine whether the lack of “strategic integration” is an organizational problem or is the result of bad decisions by senior leaders.

Senator Tim Kaine (D–VA), a Member of the Senate Armed Services Committee, raised this concern about defining the problem in supplemental views he included in the committee report:

Despite the numerous hearings and countless witnesses, the only theme was that reform was needed with only conceptual suggestions. To date, no study has proposed the legislation contained within this bill. No civilian or military officials offered their views for consideration.

In the absence of a study, independent investigative work or views from outside stakeholders on these provisions due to the embargoed nature of the mark, I am just not sure whether these changes are the right ones or not.<sup>5</sup>

### **Congress Should Use the NDAA as a First Step**

In the absence of a clear problem statement, Congress should exercise caution in proceeding with major structural reforms. All too often, Congress imposes major changes that are either unsuc-

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1. Goldwater–Nichols Department of Defense Reorganization Act of 1986, Public Law 99–433.

2. Sam Nunn, preface to James R. Locher III, *Victory on the Potomac: The Goldwater–Nichols Act Unifies the Pentagon* (College Station, TX: Texas A&M Press, 2002) p. xii.

3. “The National Defense Authorization Act For Fiscal Year 2017: Summary,” Committee on Armed Services, U.S. House of Representatives, p. 8, [https://armedservices.house.gov/sites/republicans.armedservices.house.gov/files/wysiwyg\\_uploaded/FY17%20NDAA%20Summary.pdf](https://armedservices.house.gov/sites/republicans.armedservices.house.gov/files/wysiwyg_uploaded/FY17%20NDAA%20Summary.pdf) (accessed July 5, 2016).

4. Senator John McCain, “New Demands on the Military and the 2017 National Defense Authorization Act,” remarks at the Brookings Institution, May 19, 2016, [http://www.brookings.edu/~media/events/2016/05/19-defense-authorization/20160519\\_mccain\\_defense\\_transcript.pdf](http://www.brookings.edu/~media/events/2016/05/19-defense-authorization/20160519_mccain_defense_transcript.pdf) (accessed July 5, 2016).

5. “National Defense Authorization Act for Fiscal Year 2017: Report to Accompany S. 2943,” Committee on Armed Services, U.S. Senate, pp. 637–638, <https://www.congress.gov/114/crpt/srpt255/CRPT-114srpt255.pdf> (accessed July 5, 2016).

cessful or inflict harm as the result of unintended consequences.

The 2017 NDAA should not be seen as the solution to reforming Goldwater–Nichols, but rather the foundation upon which substantive reform can be built if needed. Instead of focusing on tweaking the system, which may or may not improve results, Congress should focus on two things:

- 1. Supplying a clear definition of the national security problems that need to be solved.** If the threats today are “trans-regional” and “multidomain” and the U.S. struggles with “strategic integration,” the problem may very well be beyond the walls of the Pentagon. The original Goldwater–Nichols reform included a multi-year process of honing in on the key problems. Congress and the Administration need to work together to identify current problems and what solutions might need to be enacted.
- 2. Strengthening Congress’s ability to affect national security outcomes.** Even if Congress were able to create a better national security infrastructure, bad decision makers will still produce bad national security outcomes. In order to guard against bad policy outcomes, Congress should better educate itself on national security issues, including the honest views and security assessments of senior Administration officials.

Senator McCain’s proposal to replace the Quadrennial Defense Review with an annual “presentation of defense strategy” in classified form could help Congress educate itself on the issues facing national security decision makers and highlight areas where policy and implementation decisions rather than processes and organizational structures appear to have a decisive impact on outcomes.

Congress should also strengthen its ability to provide alternative options for national security decisions. Representative Thornberry’s Commission on National Defense Strategy is one way that Congress can provide a counterbalance to key national security decisions from the executive branch.

Congress should use its tools of oversight, lawmaking, and funding more aggressively to proactively influence the Administration to make the right decisions on national security, rather than just reacting to bad decisions already in force.

## Conclusion

The 2017 NDAA is an opportunity to lay the groundwork for long-term national security reform, but a rush to enact major national security reforms in this bill is misguided. Without a clear definition of the problem, proposed changes are unlikely to be helpful in improving national security outcomes for the United States. Congress is right to be concerned about vital national security issues, but should respond with deliberate analysis of the problems before jumping to legislative conclusions. Instead of enacting major reforms, Congress should work to define the problems and strengthen its own ability to affect national security decisions in the future.

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