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By Josh Rogin and
John M. Donnelly, CQ Staff

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Lawmakers on both sides of the battle over the Air Force's new refueling tanker aircraft cautiously welcomed the Defense Department's decision to rebid the contract Wednesday.

Defense Secretary Robert M. Gates' decision to hold a new competition to award the \$35 billion contract may hold at bay some of Congress' fiercest critics of the original deal, as scores of members pledged to await the details before trying to influence the process legislatively.

But supporters of Boeing Corp., primarily from the Washington and Kansas delegations, pledged that if the Defense Department's new plan for the competition isn't fair in their view, the fight over the massive award would continue.

Throughout Congress there was praise for Gates' decision that officials in his office, not the Air Force, would make the call on which firm would get the contract, though the Air Force would still execute the program.

"After further review, the Pentagon will replay fourth down using a new quarterback," said Rep. Ike Skelton, D-Mo., chairman of the House Armed Services Committee.

The Armed Services Air and Land Forces Subcommittee will hear testimony Thursday from Pentagon officials and representatives of the Government Accountability Office (GAO).

The \$35 billion contract to develop and build up to 179 tankers was awarded in late February to a consortium made up of Northrop Grumman Corp. and the North American division of the European Aeronautic Defence and Space Co., or EADS, rather than to Boeing. Boeing filed a protest with the GAO, which recommended June 18 that the competition be redone.

John Young, the Pentagon's top acquisition official, said a draft request for proposals would be issued later this month or in early August to begin the process anew, with the goal of awarding the contract again by year's end.

He said the new solicitation would retain basically the same requirements for the tanker plane.

That comment prompted concerns by Boeing supporters in Congress, who are worried that the new solicitation will favor Northrop's plane, which is significantly larger than the Boeing submission.

"I am concerned that the department is trying to find a new way to justify selecting the larger Airbus tanker again," said Rep. Norm Dicks, D-Wash., "even though there is no current operational requirement for a larger refueling tanker." Dicks is a veteran member of the Defense Appropriations Subcommittee.

"The devil is in the details," said Sen. Patty Murray, D-Wash. "If the RFP is just being rewritten so that it just gives more weight to an EADS bid, to me that's not a fair competition."

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Boeing supporters were also disappointed that issues not addressed by the GAO would also not be addressed in the new competition. These include concerns that the foreign makeup of the Northrop plane might prove to be a security vulnerability down the line.

"With every contract we send overseas, we lose our capacity to build for our own military. This concern of outsourcing our national security remains at the forefront," said Nancy Boyda, D-Kan.

Sen. Sam Brownback, R-Kan., was displeased that the Northrop-EADS team would get the same consideration as Boeing, considering that the Bush administration is involved in a World Trade Organization case accusing EADS of receiving illegal subsidies. "It seems odd to me that one arm of the

government would be suing [EADS] for unfair subsidization while the other arm would be considering taking a bid for the same plane that we're suing them on," said Brownback.

To be sure, there will be legislative efforts to favor the Boeing bid. Republicans Todd Tiahrt in the House and Pat Roberts in the Senate — both from Kansas, where Boeing would do much of the work — have written companion bills (HR 6426, S3203) to rewrite Pentagon acquisition rules to favor domestic suppliers generally and Boeing's tanker bid in particular. But those bills have netted little support so far.

Similarly, the House-passed defense authorization bill (HR 5658) would bar Pentagon contracts for foreign companies alleged to have received illegal subsidies. The Senate for now appears unlikely to back such measures while in the middle of a new tanker competition, assuming it is by all appearances fair.

Timing Concerns

Meanwhile, members of the Alabama and Mississippi delegations, whose states would play a large role in producing the Northrop plane, praised the limited scope of the changes announced by Gates and Young. "Some of my colleagues wanted to start this competition over from square one. The urgency of the need simply does not allow time for that to happen," said Rep. Jo Bonner, R-Ala.

Sen. Jeff Sessions, R-Ala., said their strategy would be to try to keep Congress from interfering in the process in any way. "This is a competition and by its very nature the best bidder should win. Politics should not enter into it," Sessions said.

House Defense Appropriations Subcommittee Chairman John P. Murtha, D-Pa., said he would support full funding for the new competition.

"I'm hopeful that a decision can be made by December of this year, and once the competition is complete, the subcommittee's goal will be to build 24 to 36 Air Force refueling tankers per year," Murtha said.

But several lawmakers expressed doubt that the Pentagon could meet that deadline, despite unanimous agreement that there is a critical need for the planes.

"There is no guarantee that the Department of Defense will meet the December timeline set for deciding the contract award, and there is no guarantee that there will not be another protest," said Sen. James M. Inhofe, R-Okla.

