

Congressman Questions Navy's Delay in Super Hornet Contract



PHILIPPINE SEA (March 21, 2023) An F/A-18F Super Hornet from the "Mighty Shrikes" of Strike Fighter Squadron (VFA) 94 approaches for an arrested landing aboard the aircraft carrier USS Nimitz (CVN 68). Nimitz is in U.S. 7th Fleet conducting routine operations. U.S. 7th Fleet is the U.S. Navy's largest forward-deployed numbered fleet, and routinely interacts and operates with Allies and partners in preserving a free and open Indo-Pacific region. (U.S. Navy photo by Mass Communication Specialist 2nd Class Justin McTaggart)

WASHINGTON – The delay in the Navy's award of a contract for the service's final procurement of 20 F/A-18E/F Super Hornet strike fighters is exacerbating the service's strike fighter shortage, a congressman said, and is reducing the Navy's future warfighting capacity.

Rep. Mike Garcia, R-California, a former Navy F/A-18 pilot and a member of the House Appropriations Committee's defense subcommittee (HAC-D), questioned Navy Secretary Carlos Del Toro about the delay in a March 29 hearing.

Garcia said the Navy currently is, "effectively two air wings short [of strike fighters] over the next 10 years" which will not be resolved until 2031.

The congressman noted that the [12 Super Hornets approved in fiscal 2022](#) and the eight approved in fiscal 2023 are not yet on contract. He noted that there are discussions between the Navy and [Boeing, the Super Hornet's manufacturer](#) regarding the technical data package for the aircraft.

Data Package Negotiations

“The Department of the Navy is committed to putting on contract those 20 additional F/A-18E/Fs,” Del Toro said. “In fact, we’ve extended an RFP [Request for Proposal] to the Boeing Corporation. They have told us that they will come back to us with a proposal sometime in the June time frame. In the meantime, what we’re trying to actually do is to ensure that Boeing does deliver to us the data rights are essential for us to be able to in the future maintain and repair those aircraft.

“And what I’m most concerned about, Congressman, is that if we do actually get into a conflict with China, we’re not going to be able to send those aircraft back to the continental United States to get repaired at a manufacturing plant,” he said. “We’re going to have to repair those things ourselves. Which means the government – we need on behalf of the American people and our service members the data rights – the full data package that we paid for and deserve to have in order to be able to repair and sustain those aircraft in combat. That’s our major concern. [...] Our engineers are meeting with their engineers to get the full definition of what the data package actually calls for.”

Del Toro also said he instructed the respective general counsels to meet to have parallel discussions on the issue.

Get the Jets Delivered

Garcia noted his own experience on the warfighting side and the defense contracting side and that he has read Super Hornet contracts specifically.

“I would submit that I agree with you the Navy has a requirement to maintain and repair and the tech data package to support that, not to manufacturing, and there is a clear bifurcating line there,” he said. “You are calling right now an IP [intellectual property] that is not within the

government's domain. Boeing has been very supportive in the SLM [F/A-18E/F Service-Life Modernization] projects and making sure that the FRCs [Fleet Readiness Centers] – the 0-level depot maintenance is actually functional.

“And I would submit that the IP that you're calling for right now – the manufacturing know-how, which is not only Boeing but their entire supply chain is not nearly as valuable in closing the strike fighter as the 20 jets,” Garcia said. We have mandate – it's not formal, but we should – to be ready for something in 2025. Closing the gap in 2023 (sic) would be interesting, but your gap by that point will be significantly higher because our carriers will be schwacked, our air wings will be missing, and our warfighters will be dead.

“I think this conversation between the lawyers and the contracting officers is screwing the customer,” Garcia said. “The customer is the warfighter, the customer is the taxpayer, and I implore you sir, with all the power and levers at your disposal, to compartmentalize this IP conversation, get these jets so they can get delivered. They're already going to be late. I don't know if we're going to get 20 for the amount of money that we allocated at this point.”