

[H.A.S.C. No. 112-129]

**TESTIMONY FROM MEMBERS ON THEIR
NATIONAL DEFENSE PRIORITIES FOR
THE FISCAL YEAR 2013 NATIONAL
DEFENSE AUTHORIZATION BILL**

COMMITTEE ON ARMED SERVICES
HOUSE OF REPRESENTATIVES

ONE HUNDRED TWELFTH CONGRESS

SECOND SESSION

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CONTENTS

CHRONOLOGICAL LIST OF HEARINGS

2012

	Page
HEARING:	
Tuesday, April 17, 2012, Testimony from Members on Their National Defense Priorities for the Fiscal Year 2013 National Defense Authorization Bill	1
APPENDIX:	
Tuesday, April 17, 2012	35

TUESDAY, APRIL 17, 2012

TESTIMONY FROM MEMBERS ON THEIR NATIONAL DEFENSE PRIORITIES FOR THE FISCAL YEAR 2013 NATIONAL DEFENSE AUTHORIZATION BILL

STATEMENTS PRESENTED BY MEMBERS OF CONGRESS

Boren, Hon. Dan, a Representative from Oklahoma	11
Chu, Hon. Judy, a Representative from California	21
Connolly, Hon. Gerald E., a Representative from Virginia	3
Cravaack, Hon. Chip, a Representative from Minnesota	9
Crawford, Hon. Eric A. "Rick," a Representative from Arkansas	30
Davis, Hon. Danny K., a Representative from Illinois	8
Graves, Hon. Sam, a Representative from Missouri	14
Guthrie, Hon. Brett, a Representative from Kentucky	12
Hanna, Hon. Richard L., a Representative from New York	2
Herrera Beutler, Hon. Jaime, a Representative from Washington	23
Holt, Hon. Rush D., a Representative from New Jersey	5
Honda, Hon. Michael M., a Representative from California	32
Huelskamp, Hon. Tim, a Representative from Kansas	7
Latham, Hon. Tom, a Representative from Iowa	25
McKeon, Hon. Howard P. "Buck," a Representative from California, Chairman, Committee on Armed Services	1
Murphy, Hon. Tim, a Representative from Pennsylvania	27
Neugebauer, Hon. Randy, a Representative from Texas	15
Pierluisi, Hon. Pedro R., a Resident Commissioner from Puerto Rico	19
Stivers, Hon. Steve, a Representative from Ohio	32
Walsh, Hon. Joe, a Representative from Illinois	17

APPENDIX

PREPARED STATEMENTS:

Altmire, Hon. Jason, a Representative from Pennsylvania	84
Boren, Hon. Dan	79
Chu, Hon. Judy	88
Cravaack, Hon. Chip	95
Crawford, Hon. Eric A. "Rick"	98
Davis, Hon. Danny K.	46
Dent, Hon. Charles W., a Representative from Pennsylvania	80
Farr, Hon. Sam, a Representative from California	42
Fitzpatrick, Hon. Michael E., a Representative from Pennsylvania	91

IV

	Page
PREPARED STATEMENTS—Continued	
Gowdy, Hon. Trey, a Representative from South Carolina	107
Graves, Hon. Sam	51
Guthrie, Hon. Brett	86
Hanna, Hon. Richard L.	108
Herrera Beutler, Hon. Jaime	109
Holt, Hon. Rush D.	48
Honda, Hon. Michael M.	55
Huelskamp, Hon. Tim	111
Kinzinger, Hon. Adam, a Representative from Illinois	123
Latham, Hon. Tom	43
McKeon, Hon. Howard P. “Buck”	39
McMorris Rodgers, Hon. Cathy, a Representative from California	82
Mulvaney, Hon. Mick, a Representative from South Carolina	124
Murphy, Hon. Tim	57
Neugebauer, Hon. Randy	77
Petri, Hon. Thomas E., a Representative from Wisconsin	41
Pierluisi, Hon. Pedro R.	129
Stivers, Hon. Steve	126
Stutzman, Hon. Marlin A., a Representative from Indiana	90
Walsh, Hon. Joe	127
DOCUMENTS SUBMITTED FOR THE RECORD:	
Genitourinary Trauma in the Military, Department of Defense Report to Congress, submitted by Hon. Brett Guthrie	135
H.R. 3985, the Building Better Business Partnerships Act of 2012, sub- mitted by Hon. Judy Chu	144
WITNESS RESPONSES TO QUESTIONS ASKED DURING THE HEARING: [There were no Questions submitted during the hearing.]	
QUESTIONS SUBMITTED BY MEMBERS POST HEARING: [There were no Questions submitted post hearing.]	

TESTIMONY FROM MEMBERS ON THEIR NATIONAL DEFENSE PRIORITIES FOR THE FISCAL YEAR 2013 NATIONAL DEFENSE AUTHORIZATION BILL

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
Washington, DC, Tuesday, April 17, 2012.

The committee met, pursuant to call, at 10:05 a.m., in room 2118, Rayburn House Office Building, Hon. Howard P. “Buck” McKeon (chairman of the committee) presiding.

**OPENING STATEMENT OF HON. HOWARD P. “BUCK” MCKEON,
A REPRESENTATIVE FROM CALIFORNIA, CHAIRMAN, COMMITTEE ON ARMED SERVICES**

The CHAIRMAN. The committee will come to order.

Good morning. The House Armed Services Committee meets today to receive testimony from Members of Congress on their national defense priorities for the fiscal year 2013 National Defense Authorization Act [NDAA].

As we begin the process of crafting our legislation it is essential that this committee seek input from all Members of the House to better enable us to fulfill Congress’ Article I, Section 8 constitutional mandate to provide for the common defense.

We all share the responsibility to provide the best possible resources for our warfighters, and we look forward to hearing from this group of our fellow Members of Congress on their proposals for how best to carry out our mandate.

A quick note on our format for today—in consultation with the ranking member, we will depart from our regular questioning process. Each witness will have 5 minutes to testify, followed by a 5-minute round of clarifying questions from the committee.

Members of the committee may seek recognition by raised hand and will be granted 2 minutes apiece, up to the 5-minute limit. This will ensure we can hear from all our witnesses today in a timely fashion.

As this hearing is intended to be a listening session, it is not my intent to engage in extended debate or colloquy with our witnesses. We look forward to today’s testimony and thank the participating Members for the advocacy on behalf of our troops.

Ranking Member Smith.

[The prepared statement of Mr. McKeon can be found in the Appendix on page 39.]

Mr. SMITH. Thank you, Mr. Chairman. I have no opening statement. I look forward to the testimony from the witnesses.

The CHAIRMAN. We now recognize the gentleman from New York for 5 minutes, Representative Richard Hanna.

**STATEMENT OF HON. RICHARD L. HANNA, A REPRESENTATIVE
FROM NEW YORK**

Mr. HANNA. Thank you, Chairman and Ranking Member Smith. Appreciate it. Good morning.

As you work through the 2013 National Defense Authorization Act, I am here to request the committee provide sufficient funding for our 21st century defense initiatives.

The 2013 Department of Defense [DOD] budget proposed by the Administration does not provide ample funding for cybersecurity defenses or advanced research projects. Such proposals are essential to our maintaining our technological edge. They have been unreasonably cut in the Administration's budget proposal.

If the Department of Defense budget figures remain, key program areas that are vital to our Nation's infrastructure would be vastly undercut. For example, over \$1 billion in funding would be cut from the Air Force's total funding levels for research, development, test and evaluation programs.

Of greater concern are the 17 percent cuts that the Air Force's science and technology cyber fund would face. There are many agencies that would be adversely affected as a result of these unwise cuts. Some of these agencies include STRATCOM [U.S. Strategic Command], the Air Force's Air Combat Command and intelligence agencies, including National Security Agency and the Defense Intelligence Agency.

These cuts hurt the ability of our agencies to act and leverage on external funding. This would multiply the damage done to our ability to maintain the technology edge that our forces demand and deserve.

I have seen the type of innovative projects that are being worked on by Air Force research laboratories, such as Rome Labs, New York. For example, Rome Labs was the first to initiate computer network attack and exploitation as a formal science discipline. Rome Lab is also a leader in command and control operations, reverse engineering, and several other next generation science and technology advancements.

Our economy, our armed services, our daily lives are dependent on accessibility to safe information technology. We must protect our networks by providing the funding levels necessary to do just that. The National Defense Authorization Act presents the best opportunity to show that we understand the value of these programs.

I believe that we run risk of falling behind if this Administration's budget figures stand.

I know that our national security and the importance of prioritizing our information technology and cyber defense programs are recognized by the members of this committee. It is my hope that these programs will be provided with sufficient funding levels that they require to keep us ahead.

Therefore, I would like to formally ask my colleagues on the committee to review the Air Force Research Lab Information Directorate programs in order to provide fair and realistic funding for our Nation's 21st century cyber defenses within the fiscal year 2013 National Defense Authorization Act.

Thank you for your consideration and thank you for your time.

[The prepared statement of Mr. Hanna can be found in the Appendix on page 108.]

The CHAIRMAN. Thank you very much. And your comments are very timely. We, as we go through this budget, have major cuts in the defense budget. \$487 billion, roughly, was the amount that we are dealing with as we go through the budget process, and then, when the sequestration hits, that is another \$500 billion or \$600 billion over the next 10 years. So it is going to be devastating to many programs.

Next week, we have several bills on the floor dealing with cyber, and I think today there is a briefing for the Members of Congress that I would encourage all Members to attend, because this is a very, very important issue. And we will definitely give every consideration we can as we go through the drafting of the bill to take into account the things that you have mentioned.

Mr. HANNA. Thank you, Chairman McKeon.

The CHAIRMAN. Anyone else wish to—any questions or comments?

Thank you very much.

We will now recognize the gentleman from Virginia, Mr. Gerry Connolly, for 5 minutes.

**STATEMENT OF HON. GERALD E. CONNOLLY,
A REPRESENTATIVE FROM VIRGINIA**

Mr. CONNOLLY. Thank you, Mr. Chairman and Ranking Member Mr. Smith and distinguished members of the committee. Your committee's annual work on the NDAA is a model of bipartisan inclusivity. We should strive to follow that more often in Congress. I appreciate the committee's ongoing commitment to providing essential support services and the equipment for the men and women who served in our Armed Forces and their families.

The committee has also consistently fostered a strong partnership with the defense industrial base, which supports the services and equipment on which our troops and families rely.

Thanks for considering my language to implement a pilot program for growing small businesses, sometimes referred to as "mid-tier," which have outgrown their size standard. I also appreciate the consideration of the committee of language to ensure that size standards promulgated by the Small Business Administration [SBA] accurately reflect industry profiles and promote small business growth.

These proposals address concerns your committee identified through the Shuster-Larsen Panel on Business Challenges Within the Defense Industry. In addition, I look forward to opportunities to improve energy security for the armed services, building on your leadership to address this critical issue.

As part of the committee's efforts to strengthen the industrial base, Congressmen Shuster and Larsen led the panel on business challenges, which highlights challenges small businesses can face when contracting within the Defense Department. As the report on that panel recognized, growing small businesses are being squeezed out of contracts to the detriment of the industrial base.

In order to strengthen the industrial base and protect small business competition, I have had the privilege of working with a bipar-

tisan group of Members to address the challenge faced by those small businesses which have outgrown their size standard. Congressman Mike Rogers of Alabama and I participated in a hearing recently convened by Chairman Graves in the Small Business Committee to discuss these very challenges.

We heard testimony that many successful military and civilian contractors outgrow their size standards under the North American industrial classification system. As a result of their not having adequate resources to compete with larger contractors, they often wind up with the untenable choice of either selling their company or, frankly, going out of business.

As the Center for Strategic and International Studies documented, this market dynamic has led to declining market share for growing small businesses, which leads to decreased competition and a weaker industrial base.

Conversely, if we ensure that growing small businesses have a chance to compete, then we will strengthen our industrial base and protect taxpayers by increasing the number of contractors who can bid on projects.

Chairman Graves, Congressman Mike Rogers and I developed bipartisan language to implement a pilot program to allow small businesses that have outgrown their size standard. This program protects investments we have made through the 8(a) service-disabled, veteran-owned small businesses and other small programs. It creates a new level of consideration for competition among these mid-tier or growing small businesses before a project is put up for consideration by the general contracting community.

The bipartisan language will strengthen the industrial base, while promoting competition, and I thank you for considering our language in the base text of the NDAA. I may add, Mr. Chairman, a number of members of this committee have been cooperating on that, and I know Mr. West and his staff have been working with us on this language as well.

I also appreciate the consideration of bipartisan language to ensure that Small Business Administration size standards are accurate, based on legislation Congressman Joe Walsh of Illinois and I introduced. As you know, the SBA is required to update the code size standards regularly to reflect changing conditions in different industrial sectors. Unfortunately, in the past, their administratively promulgated size standards have been inaccurate.

For example, SBA inexplicably issued a size standard for architectural and engineering firms which deemed 98 percent of all firms to be small. This size standard effectively negated small business incentives by including very large businesses in the grouping. There is a difference between an architectural firm and an engineering firm.

By incorporating the legislation Congressman Walsh and I introduced, you would ensure that the SBA size standards are based on real market conditions. Like the language on growing small businesses, this provision would strengthen our industrial base by promoting competition and small business growth. It marries recommendations 2.2 from the Shuster-Larsen report.

Finally, I look forward to working with you to build on your committee's past achievements to promote energy security. You, Mr.

Chairman, and the ranking member and your staffs, have led the way in creating an Assistant Secretary of Defense for Operational Energy Plans and Programs, and in developing numerous provisions to improve the flexibility and lethality of our armed services.

Thanks to your leadership, we have reduced our vulnerabilities related to fuel convoys, improved the agility and security of forward-operating bases, and saved taxpayer money in the process.

I thank you and your staff for your bipartisan approach and I thank you for this opportunity to testify before the committee.

The CHAIRMAN. Well, thank you for your kind comments, and this has been an ongoing problem that we have dealt with for a number of years on trying to open up the opportunities for small business. And we will, of course, take into consideration your comments and the other Members that are working on this as we go through writing the bill.

So thank you very much.

Mr. CONNOLLY. I thank you, Mr. Chairman.

The CHAIRMAN. Keep in touch—

Mr. CONNOLLY. I will.

The CHAIRMAN [continuing]. And help us through the process. Thank you.

Mr. CONNOLLY. Thank you so much.

The CHAIRMAN. We now recognize the gentleman from New Jersey, Mr. Rush Holt, for 5 minutes.

**STATEMENT OF HON. RUSH D. HOLT, A REPRESENTATIVE
FROM NEW JERSEY**

Mr. HOLT. I would like to make four points if I may, beginning with the scandal at the Dover Port Mortuary.

About a year after Sergeant First Class Scott Smith was killed by an IED [improvised explosive device] in Iraq in 2006, his wife, my constituent, Lynn Smith, learned that not all of his remains had been included in his funeral. After years of her persistent questioning, she learned from a military official that her husband's additional remains had been cremated, mixed with medical waste, and unceremoniously sent to a Virginia landfill.

About a year ago, his widow asked me to help her find out whether other soldiers had suffered her husband's fate. After months of delay, the Pentagon finally revealed that at least 274 soldiers were desecrated in this way. Because of whistleblowers at Dover, what we now know that—and what Lynn Smith discovered—was only one of many scandalous acts of desecration of the remains of our fallen.

Since last fall, through additional letters and meetings with senior Pentagon officials, I have continued to press for the release of all relevant information on this matter and for real reforms so we can prevent these outrages from ever being repeated. I anticipate that my own investigation of these incidents will continue for some time.

However, one thing has become clear. Our military families are not sufficiently integrated into the decisionmaking processes of casualty notifications and remains dispositions. The services appear to be resistant to our suggestions that civilians, including families,

clergy and civic leaders, be included in an influential advisory committee.

I believe it is important that this committee include directive language in the NDAA requiring the Pentagon to create an OSD [Office of the Secretary of Defense]-level Family Mortuary Affairs Advisory Committee. Multiple military reviews over the last decade gave ample opportunity for these practices at Dover to be exposed, to be challenged, to be stopped. They clearly were inconsistent with public standards of morality and decency, but they were not stopped.

Existing Pentagon advisory boards do not provide the kind of forum necessary for ensuring that these ideas and suggestions and concerns of bereaved family members make their way to the Secretary. A directive from your committee would be very helpful.

I also ask the committee to conduct an aggressive, probing oversight investigation of what happened at Dover. We now know the panel chaired by General Abizaid did not conduct nearly as comprehensive an examination of the problems at Dover as the situation warrants.

Until the full scope of what happened at Dover is brought to light and appropriate remedial and disciplinary action taken, the public and our military families cannot have the confidence that this episode and these episodes will not be repeated in the future.

Second, I would like to revisit an issue that we have discussed before and that is on all of our minds, and that is the epidemic of suicide among our service members and veterans. I want to thank you and my other colleagues for your support in last year's defense and military affairs and construction appropriations bills, each of which contained \$20 million in increased funding for suicide prevention.

Besides conducting oversight to ensure that the funds are spent effectively, another oversight task I think requires urgent attention. One of the great problems in preventing suicide is the hand-off, the transfer of separating service members from the DOD to the VA [U.S. Department of Veterans Affairs], particularly those who were Individual Ready Reservists or individual mobilization augmentees or inactive Guard members. The veterans in these three categories are unknown to the VA.

The VA has told me and has told the press that they have no easy way of tracking down and reaching out to these veterans. Recently, I learned that an IRR [Individual Ready Reserve] airman who had separated from the 514th Air Mobility Wing at Joint Base McGuire-Dix subsequently took her life. It is exactly those kinds of service members and veterans about whom I am most concerned. Determining their location and status is an urgent matter that the committee should address to ensure that we prevent other casualties from occurring, so I ask your help in that.

The CHAIRMAN. The gentleman's time has expired.

If you could give us the other items that you wanted for the record, we will for sure look into these—

Mr. HOLT. I appreciate that. I would like to talk about the National Foreign Language Coordination Council and finally about the constitutional matter of indefinite detention of American citizens.

I thank you very much for your time and would be happy to work with you on all of these issues.

[The prepared statement of Mr. Holt can be found in the Appendix on page 48.]

The CHAIRMAN. Thank you very much.

We now recognize the gentleman from Kansas, Mr. Tim Huelskamp, for 5 minutes.

STATEMENT OF HON. TIM HUELSKAMP, A REPRESENTATIVE FROM KANSAS

Mr. HUELSKAMP. Thank you, Mr. Chairman and members of the committee. Ranking Member Smith, thank you for the opportunity, allowing me to come and testify. Inviting Members not on this committee to present their ideas and thoughts about the next defense authorization bill is a great reflection of the open Congress that the Speaker has promoted, so I am glad to join you here today.

And I am here to respectfully request that my bill, H.R. 3828, the Military Religious Freedom Protection Act, be included as a part of the fiscal year 2013 NDAA.

The bill does two things, very simply. Number one, it ensures the right of conscience for everyone in the military to express their deeply held religious or moral beliefs regarding homosexual behavior. And number two, it prohibits the use of military facilities for the performing of same-sex ceremonies.

The new training documents issued after the repeal of “Don’t Ask, Don’t Tell” require full endorsement of homosexual behavior. It says, and I quote from the document, “Our leadership and personal commitment to implementation must be visible and unequivocal.”

No one is permitted to speak out against the new policies or homosexual behavior in general. There are several reports of situations where service members have been punished for saying anything negative even in private conversations.

I know one story where one chaplain was threatened with early retirement and then was moved to an assignment where he could, quote—“be supervised” because he merely forwarded an e-mail to his subordinates that was a thought reflection on the military’s former “Don’t Ask, Don’t Tell” policy. And there are numerous other examples we can provide to the committee.

Memos issued by the Department of Defense are attempting, in my opinion, to do an end-around the Defense of Marriage Act by permitting chaplains to perform same-sex marriages and allowing DOD facilities to be used for same-sex ceremonies. My bill would help restore compliance with both the spirit and the letter of our Defense of Marriage Act.

This bill, Mr. Chairman, has over 45 cosponsors today, including several members of this committee, for which I am thankful, and has been endorsed by more than 40 outside groups including the Chaplain’s Alliance for Religious Liberty, the Alliance Defense Fund, and the National Organization for Marriage.

Again, I thank you for the opportunity to testify today, Mr. Chairman, and I welcome any questions the committee might have.

[The prepared statement of Mr. Huelskamp can be found in the Appendix on page 111.]

The CHAIRMAN. Thank you very much.

Anyone have questions?

Okay, then we will of course look at this and as we go through the process keep in touch with us and we will work through it.

We now recognize the gentleman from Illinois, Danny Davis, for 5 minutes.

**STATEMENT OF HON. DANNY K. DAVIS, A REPRESENTATIVE
FROM ILLINOIS**

Mr. DAVIS. Thank you Chairman McKeon and Ranking Member Smith for allowing me to testify in support of a language request to establish a partnership to support the work of the National Museum of Health and Medicine to expand its operations to satellite museum campuses around the country.

The authorizing language request before the committee will amend title 10, United States Code, to authorize the establishment of a nonprofit organization to support the National Museum of Health and Medicine.

The purpose of the foundation is, one, to carry out medical research and education projects under the cooperative arrangements with the museum; secondly, to serve as a focus for the interchange between military and civilian medical personnel; and thirdly, to encourage the participation of the medical, dental, nursing, veterinary, and other biomedical sciences in the work of the foundation and the museum for the mutual benefit of military and civilian medicine.

The establishment of the foundation and its subsequent activities are planned to be funded entirely through private donations at no cost to the Federal Government.

The bill is necessary to formalize the relationship between the National Museum of Health and Medicine [NMHM], a Department of Defense museum established in 1862, sited in Silver Springs, Maryland, and a new non-partisan not-for-profit foundation which has been established to work with and support the museum in its research and educational missions, and to expand the Nation's access to current and cutting-edge information which will foster better understanding of the past, present, and future of health and medicine across the United States.

The legislation will also facilitate the relationship between the NMHM and a new, cutting-edge branch museum located in Chicago, which will become the first of a series of privately funded satellite locations across the Nation. These satellite museums will collectively form the central online repository for the DC museum's digital collections, archives, and computational resources, and, as such, will help the DC museum share its extensive collections digitally with a much broader audience. This mutually beneficial relationship will also provide the DC museum with regional anchors to a broader across-the-country audience and access to non-governmental source of support outside of the Capital.

The museum will feature interactive exhibits where visitors can explore biomedical information in new ways. It will also act as a home for a team of information scientists who will advance the museum's research initiatives.

In the area of education, the museum would create an online community for student, parents, educators, and others to explore health science information while interacting with others in social networks formed across the topics in the health and medical sciences.

For clinicians, the museum will provide an environment for social networking within knowledge-based affinity groups among health care workers globally. It will also give health care workers a powerful interactive online interface to the museum's vast historical repositories.

The National Museum of Health and Medicine satellite museum programs represents a synergistic coverage of efforts to advance the state-of-the-art in several areas: science education, museum design, information science, technology innovation, community outreach, and human health.

We are currently working with the House Armed Services Committee staff and the Department of Defense to get an official response to the support of the satellite museum project.

In addition, Chicago was chosen as a site due to its vast medical district consisting of 3 teaching hospitals and over 20 full-service and safety-net hospitals. You will be pleased to know that we don't anticipate any cost to the taxpayer, and are working with CBO [Congressional Budget Office] for verification.

Again, Mr. Chairman, we thank you for your time, and would be pleased to respond to any inquires.

[The prepared statement of Mr. Davis can be found in the Appendix on page 46.]

Mr. MILLER [presiding]. Mr. Davis, thank you very much for your testimony. We will take your proposal into consideration as proceedings continue forward with drafting our authorization bill. Does any committee member have any questions of Mr. Davis?

Mr. Smith?

The witness is dismissed.

Thank you very much.

Mr. DAVIS. Thank you, Mr. Chairman.

Mr. MILLER. Next I would like to recognize the gentleman from Minnesota, Mr. Cravaack.

You are recognized for 5 minutes.

STATEMENT OF HON. CHIP CRAVAACK, A REPRESENTATIVE FROM MINNESOTA

Mr. CRAVAACK. Thank you very much. I would like to thank Chairman McKeon, and also I would like to thank Ranking Member Smith for holding today's important legislative hearing.

And I thank the committee for kindly allowing the Members of Congress to testify on our national defense priorities of fiscal year 2013 National Defense Authorization Act.

Mr. Chairman, the national defense issue that I would like to bring to your attention today pertains to NORAD's [North American Aerospace Defense Command] proposed reduction of the 24-hour alert mission requirement of two aerospace control alert [ACA] sites in the continental United States.

It is my understanding that the proposal was submitted in line with the President's budget request for fiscal year 2013 and the

U.S. Air Force decision to make future structure changes. The 148th Fighter Wing of Minnesota's Air National Guard, known as the Bulldogs, operates out of Duluth, Minnesota, is one of the two proposed ACA sites to have its 24-hour alert mission eliminated.

I think we can all agree that the ACA mission plays a crucial role in defending the sovereignty of the United States airspace. In fact, the Bulldogs have performed this mission to the highest degree protecting our Nation from air threats that date back before the terrorist attacks on September 11, 2001.

For its noteworthy contributions, the 148th was selected for the Raytheon trophy, formally known as the Hughes trophy, which is awarded for outstanding performance of an Air National Guard fighter unit within the mission of our air defense.

In fact, the director of the Air National Guard, Air Force Lieutenant General Harry M. Wyatt III, announced just this week that the 148th Fighter Wing was selected for the 2012 Air Force Association Outstanding Air National Guard Flying Unit.

Therefore, I have great concerns that narrowing the mission of a unit nationally recognized for its high performance leaves our Nation more vulnerable to attack. Specifically, there will be virtually no U.S. armed force protection for our country's northern border between Madison, Wisconsin, and Portland, Oregon.

My greater concern, however, is that the proposed decision will reduce the 24-hour alert mission to these two ACA sites was based on analysis that could not adequately balance risk with target budgeted reductions. Military commanders were forced to make painful decisions that jeopardized the military readiness responding to what I consider draconian budget cuts.

These cuts have and will directly affect our national security and the security of our citizens. In January 2012 the GAO [Government Accountability Office] produced a report titled, "Homeland Defense: Continued Action Needed to Improve Management of Air Sovereignty Alert Operations," that reviewed NORAD's 2010 analysis on whether it could change the number and location of its fighter sites without affecting the military's ability to defend the country against airborne attack.

This report found that NORAD did "not identify the potential cost savings that could result from eliminating a given number of sites." This finding, among others, led GAO to conclude that "should NORAD, DOD, or Congress consider modifying the number and location of ACA sites in the future, without an analysis that balances both risk and cost, decision makers will be unable to fully make informed decisions about whether the potential cost savings (or increase) warrants the corresponding increase (or decrease) in risk."

I recognize that our country's current fiscal reality necessitates the Department of Defense to look for efficiencies and tightens its belt and look for ways to do more with less. However, I think it is imperative that these decisions that directly affect our Nation's ability to defend itself should be made on the basis of risk management principles that balance risk and cost.

Therefore, I support the NDAA draft language that Mr. LoBiondo has been working on with the committee with the direct Secretary of the Defense to maintain at our Nation's existing 18 ACA sites

until the Secretary submits a report that shows a cost benefit analysis and risk based assessment on how future ACA changes would affect the DOD budget and force structure.

Thank you again to Chairman McKeon, Ranking Member Smith, and all members of this distinguished committee for allowing me the opportunity to testify before you today on my concerns regarding this critical piece of our Nation's defense system.

And I and my staff stand ready to assist your committee in maintaining the constitutional mandate of maintaining our country's security.

Thank you and I yield back.

[The prepared statement of Mr. Cravaack can be found in the Appendix on page 95.]

Mr. MILLER. Mr. Cravaack, thank you very much for your testimony. As we have said to everybody, we will take your proposal into consideration as we proceed with the drafting of our defense authorization bill this year.

I would ask if any other Member has any questions.

Mr. Smith?

No questions.

Mr. Cravaack, you are excused. Thank you, sir.

Mr. CRAVAACK. Thank you, sir, for your time.

Mr. MILLER. Now recognize the gentleman from Oklahoma.

Mr. Boren, thank you for appearing before this committee. You are recognized for 5 minutes.

**STATEMENT OF HON. DAN BOREN, A REPRESENTATIVE
FROM OKLAHOMA**

Mr. BOREN. Thank you, Chairman Miller.

Also Ranking Member Smith, members of the committee.

Thank you for the opportunity to speak before you to discuss an issue that is critical to the space industrial base.

I was recently made aware of efforts by the Defense National Stockpile to sole-source contracts for a critical space technology, germanium wafers, used in the production of solar cells for our defense satellites.

I believe the Department of Defense should support competition wherever we can find it to preserve valuable taxpayer resources and to develop American industry.

Currently, the Defense Stockpile is limiting the production of germanium wafers used in solar cells on defense satellites to one company. I am concerned both the qualified supplier of these materials for the last decade and the U.S. subsidiary of that company are prohibited from competing to supply these materials, the former because their facility is located outside the United States and the latter because the Air Force Research Lab has not yet supported qualification.

I support the efforts of the stockpile to provide the materials needed for our national defense and understand its desire to utilize a U.S. supplier. However, I cannot understand actions that prohibit another U.S. company from competing. Moreover, I am concerned that its decisions related to germanium wafers takes an approach that stifles competition instead of taking advantage of competitive sources of supply that would grow the space industrial base.

Mr. Chairman, I seek your assistance in requiring the stockpile to comply with its obligations to support all U.S. industry equally. I intend to submit a letter requesting a provision in the defense authorization bill for fiscal year 2013 that requires the stockpile to maximize competition for germanium wafers in the larger space industrial base.

The administrator of the stockpile has stated that he is committed to competition and developing multiple sources of supply for this critical material. The provision I am requesting will prevent sole-sourcing of this material unless the administrator certifies in writing to the House and Senate Armed Services Committees that it is in the national interest to do so.

Mr. Chairman, I appreciate your consideration of this important issue. It is also wonderful to be back in my old committee, and I see where I would have been sitting there right by Mr. Larsen; so good to be back.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Boren can be found in the Appendix on page 79.]

Mr. MILLER. It is as if you never left.

Thank you, Mr. Boren, for your testimony. We will keep your testimony in consideration.

I would ask if any of my colleagues have any questions.

Mr. Smith?

No questions. Thank you, Mr. Boren. We appreciate you being here today. You are dismissed.

Next we have the gentleman from Kentucky, Mr. Guthrie.

Mr. Guthrie, thank you for being here before the Armed Services Committee today. You are recognized now for 5 minutes to discuss your legislation.

**STATEMENT OF HON. BRETT GUTHRIE, A REPRESENTATIVE
FROM KENTUCKY**

Mr. GUTHRIE. Thank you. Good morning, Chairman Miller and Ranking Member Smith and distinguished members of the House Armed Services Committee.

I am before you today as both a Member of Congress and a former Army officer to thank you for your past support of a priority issue for wounded warriors; and to ask that you continue to pursue needed work on the subject.

In the 2011 Defense Authorization Act, report language included by this committee directed the Secretary of Defense to, quote—"review the current state of medical training and research for genitourinary trauma within the Department of Defense to determine if there are deficits with regard to care that can be provided in combat zones."

As you may know, genitourinary trauma, or simply urotrauma, is a class of wounds that literally hit below the belt. Urotrauma accounts for wounds to the kidneys, reproductive organs and urinary tract organs. These injuries are some of the most common and debilitating suffered by our veterans from IED detonations and have long-lasting physical and psychological impacts.

Urotrauma is one of the signature wounds of the IED and now accounts for one-eighth of all injuries suffered by our troops in Af-

ghanistan. Unfortunately, the most recent data available suggests that this figure is still rising, even after nearly doubling in incidence between 2009 and 2010.

DOD's report to Congress titled "Genitourinary Trauma and the Military" highlights the size and complexity of this problem, and I would ask unanimous consent it be submitted for the record.

Mr. MILLER. Without objection.

[The information referred to can be found in the Appendix beginning on page 135.]

Mr. GUTHRIE. According to this DOD report, urotrauma incident rates on the modern battlefield exceed the historical average of all prior conflicts by at least 350 percent. This means that the proportion of all wounded warriors who suffer from urotrauma injuries sustained in Iraq and Afghanistan is at least three and a half times greater than that of any prior war.

And yet the DOD Under Secretary for Personnel and Readiness concedes that, quote—"Urotrauma injury is not part of the standards of pre-deployment training for U.S. military surgeons and nurses," and that the existing infrastructure for tracking these casualties, quote—"is not sufficient to assess the long-term prognosis of G.U. trauma injuries."

DOD makes it clear that the current state of care isn't good enough and that we don't have an adequate plan or database to help these wounded warriors cope with their injuries throughout their lifetime.

Let me now draw attention to the conclusions of the DOD report, which is what brings me here today. To summarize DOD's needs for urotrauma care, the Under Secretary states that, quote—"The recommended action plan for research is that the military form interservice and interagency relationships to facilitate aggressive, innovative and relevant translational and outcomes-based clinical research."

I could not agree more with the Under Secretary's conclusion. We must move forward and build upon the research already collected by military and civilian personnel. That is why I have introduced H.R. 1612 to form the Interagency Urotrauma Commission to do exactly that.

H.R. 1612 would bring together DOD, the VA, HHS [U.S. Department of Health & Human Services], the surgeon generals of each of our Armed Forces, and civilian expertise to create a plan to care for these wounded warriors from the point of injury to their final resting place decades from now.

This is a bipartisan bill with 23 cosponsors, many who represent military communities like Fort Knox, which is in my district. These communities understand the frequency and severity of these wounds at a human level and a professional one. Let me say in closing that the miracles of modern medicine, combined with the devotion of our military medical corps, have allowed many of these wounded warriors to live a long life rather than perishing in the line of duty.

However, giving these service men and women the ability to survive is not enough. We have a responsibility to do what we can to ensure they can live as full a life as possible. That is a debt we owe to those who defend our freedom.

I urge this committee to continue the work it has already done to further our care for these wounded warriors suffering the effects of urotrauma, and I urge the adoption of H.R. 1612 into this year's defense authorization.

Mr. Chairman, I yield back my time.

[The prepared statement of Mr. Guthrie can be found in the Appendix on page 86.]

Mr. MILLER. Thank you very much, Mr. Guthrie. We appreciate your testimony today.

I would ask if any of my colleagues have questions for Mr. Guthrie.

Mr. Smith?

Thank you very much. Thank you. You are dismissed.

Next we would like to recognize the gentleman from Missouri, Mr. Graves.

Thank you for being here to testify. You are recognized for 5 minutes.

**STATEMENT OF HON. SAM GRAVES, A REPRESENTATIVE
FROM MISSOURI**

Mr. GRAVES. Thank you, Mr. Chairman, Ranking Member and the rest of the members of the committee.

Given the Federal Government spends over \$0.5 trillion each year through contracts, the Federal procurement market is incredibly important for all small businesses. Improving small business opportunities for Federal contracts is a triple play. Small businesses win more contracts, workers win as the small business creates jobs, and taxpayers win because the small business brings competition, innovation and lower prices, it saves the Government money and improves the health of the industrial base.

Over the past year, the Small Business Committee has held 10 hearings on the Federal procurement process, which has resulted in 8 bills being introduced, each of which has been voted on by the committee with bipartisan support.

The package of reforms has been supported by over 20 trade associations, including the National Defense Industrial Association, the Association of General Contractors, Chamber of Commerce, the Financial Services Roundtable, the Minority Business Roundtable and Women Impacting Public Policy, and many, many others.

At the same time that the Small Business Committee was developing legislation, this committee's Panel on Business Challenges in the Defense Industry was holding hearings and roundtables addressing many of the very same issues under the leadership of Mr. Shuster and Mr. Larsen. I was pleased to be a part of those roundtables with Mr. West and Mr. Shuster.

The panel's final report, issued just last month, and the legislation marked up by the Small Business Committee complement each other and reflect a common understanding of issues facing small business participation in the industrial base.

Therefore I am here today to support the inclusion of the eight small business contracting bills in this year's National Defense Authorization Act.

As I discussed in detail in my written statement, each of these bills ties to the panel's report, including raising the government-

wide small business contracting goal from 23 to 25 percent; including the level of responsibility for small business advocates embedded within each Federal agency; addressing fraud and abuse and eliminating the deceptive practice of pass-throughs; improving mentor-protégé programs and the size-standard review process; and lastly, addressing unjustified contract bundling.

Each of the bills received bipartisan support in the committee, each supports the intentions, if not specific recommendations of the panel report produced by this committee, and most importantly, each bill provides more opportunity to small businesses to create jobs at a price that is in the best interest of the taxpayers.

I am very pleased that our two committees were able to work cooperatively, and I hope that this language can be incorporated in this year's national defense authorization.

And with that, Mr. Chairman, I would yield back.

[The prepared statement of Mr. Graves can be found in the Appendix on page 51.]

Mr. MILLER. Thank you, Mr. Graves, for your testimony.

Any questions?

Mr. Schilling, you are recognized.

Mr. SCHILLING. Mr. Chairman, really no comment.

I just wanted to thank Chairman Graves.

As a small businessman, I just wanted to thank him for all of his hard work and dedication to the small businesses across America and for really making the Small Business Committee a very effective voice for small businesses.

So I just want to thank you for your dedication, sir.

Mr. GRAVES. Thank you very much.

Mr. SCHILLING. Yield back.

Mr. MILLER. Mr. Smith.

Mr. SMITH. Thank you, Mr. Chairman. I want to thank Mr. Graves as well for his work on the SBIR [Small Business Innovation Research] programs last session. It was, you know, yeoman's work over a lot of years, and we were happy to be able to work with you on that and get that out in the NDAA bill.

Thanks for getting that done. I know it wasn't easy and it was a long time coming. So thanks for your work on that.

Mr. GRAVES. Thank you.

Mr. MILLER. Any other Members?

Thank you very much, Mr. Graves, again, for your testimony. You are dismissed.

Now I would like to invite Mr. Neugebauer, the gentleman from Texas, forward to testify on his legislation.

Mr. Neugebauer, you are recognized to testify for 5 minutes.

**STATEMENT OF HON. RANDY NEUGEBAUER,
A REPRESENTATIVE FROM TEXAS**

Mr. NEUGEBAUER. Thank you, Chairman Miller and Ranking Member Smith and other members of the Armed Services Committee. Thank you for providing me this opportunity.

For the last 9 years I have had the honor and privilege of representing the men and women of Dyess Air Force Base in Abilene, Texas. This is home of the 7th Bomb Wing and the 317th Airlift Group, as well as Guard and Reserve units.

In between these missions, our service members have been playing a daily role in the fight against terrorism.

I want to highlight a couple of important things that have happened. For example, the C-130 milestone that happened at the 317th Airlift Group marked 3,000 days of continuous deployment, a streak dating back to December of 2003. During this time over 7,000 members of this group were in harm's way.

As you know, air mobility mission is an important mission in our modern military. Operations that used to take weeks and months now take days and hours.

The 317th has often been labeled the busiest C-130 group in the Air Force, and this current deployment streak is another honored mark in a long history of Dyess airlifters.

The B-1 milestone was another important milestone. Also, earlier this year, the B-1 flew its 10,000th combat mission since it first entered service in 1985.

The B-1 has been transformed into the workhorse of the bomber fleet. In Afghanistan, for example, the B-1 has seen daily use and dropped almost 70 percent of the precision-guided munitions.

At 75,000 pounds, the B-1 actually carries the largest payload of any of our bombers, even more than the B-52 Stratofortress.

But the B-1 is not just about large payloads. To quote General Petraeus, the B-1 also, and I quote, "has very good ISR [intelligence, surveillance and reconnaissance] capabilities... [It] can loiter for a good time when it's not being used to drop bombs" and it "is almost like having another unmanned aerial vehicle in terms of full-motion video and so forth."

So it is not just a case of a very capable bomber just boring holes in the sky and waiting to open the bomb bay doors. Mr. Chairman, the B-1 is not just all brawn and no brains. It can simultaneously deliver firepower and intelligence support to our troops. And it can stay in the area for and sustain these efforts for significant periods of time.

Under the President's new defense strategic guidance, the attributes are even more important for future conflicts. The tyranny of distance and the uncertainty of allied support changes the long-range bomber's role from important capability to a critical capability for our Nation's defense.

I would like to thank the committee, including my West Texas colleagues, Mr. Thornberry and Mr. Conaway, and Congresswoman Noem for their work to address last year's B-1 retirement proposal.

While I feel strongly that we should keep the current fleet size at 66 to address our changing national security priorities, but by spacing these 6 retirements over 5 years, we can carefully study and assess the impact that these retirements may have.

Soon the Air Force will only have 156 bombers in its fleet. More than half of those will be over 50 years old. While a new bomber is still probably 10 to 15 years away, we must proceed cautiously in making decisions regarding this extremely valuable and limited resource.

In closing, I would like to urge the committee to continue to follow this issue closely and ensure that the spirit and the letter of its efforts from last year are followed. I would also like to urge the

committee to support the current B-1 sustainability improvement efforts in this year's budget.

Thank you for inviting me to testify here today. I would offer this postscript. I know a number of people have been out watching the shuttle do a fly-over, and that is a great sensation, but I would tell you that experiencing a B-1 fly-over is an even more exhilarating sensation as well. And in fact, a lot of times in the theater, the B-1 has been called in really not to necessarily drop a bomb but, you know, just to fly over at a close range and, you know, a lot of times sends our enemy to scatter.

But, anyway, the B-1 is an extremely important asset. And as we look at strategic needs in the future, I hope that the committee will carefully weigh our bomber options and continue to support the B-1.

With that, Mr. Chairman, I would take any questions.

[The prepared statement of Mr. Neugebauer can be found in the Appendix on page 77.]

Mr. MILLER. Thank you, Mr. Neugebauer, for your testimony and your continued fight for your congressional district. I look forward to coming to your district. Maybe we can go see one of those B-1s while we are out there.

I would ask if any Members have any questions they would like to ask?

Mr. Smith? Thank you, sir.

Mr. SMITH. Thank you, Mr. Chairman.

Mr. SHUSTER. Mr. Chairman, if I could just be recognized for a quick moment to make a comment?

Mr. MILLER. You are late and you want to talk?

[Laughter.]

Mr. MILLER. You are recognized, Mr. Shuster.

Mr. SHUSTER. I came to see Chairman Graves' testimony because I wanted to thank him for working—

Mr. MILLER. You missed it.

Mr. SHUSTER [continuing]. With us. I know I did. But I just wanted to go on record as saying I appreciate what the Small Business Committee is doing and also to publicly thank Ranking Member Smith for he and Chairman McKeon setting up the business panel, and I appreciate you doing that. And hopefully, these recommendations will move forward with the help of the Small Business Committee and the leadership of the committee. So thank you very much.

Mr. MILLER. Thank you, Mr. Shuster.

Mr. SHUSTER. Sorry for being late, Mr. Chairman.

Mr. MILLER. Are you going to stay?

Okay. Thank you very much.

The gentleman from Illinois, Mr. Walsh, thank you for being with us today, and you are recognized for 5 minutes.

**STATEMENT OF HON. JOE WALSH, A REPRESENTATIVE
FROM ILLINOIS**

Mr. WALSH. Thank you, Mr. Chairman.

I am no Sam Graves, but we will do the best we can.

Thank you, Mr. Chairman. Thank you, Ranking Member Smith and members of the committee.

The first hearing I chaired as chairman of the Small Business Committee's Subcommittee on Economic Growth, Tax and Capital Access examined the Small Business Administration's definitions of small business.

What I learned during that hearing and over the past year inspired H.R. 3987, the Small Business Protection Act of 2012, which I introduced with Mr. Connolly and which was marked up last month. During that same period, your own Panel on Business Challenges in the Defense Industry also explored issues with the SBA's size standards.

As you know, the Small Business Act defines a small business as one that is independently owned and operated and not dominant in its field of operation. It then allows SBA to implement industry-specific size standards accordingly.

SBA, however, is currently decreasing the number of size standards it will permit for the 1,100 industries in the North American industrial classification system from about 40 to 16.

At the same time, it is combining many of these industries together into new common groups under a single size standard.

While SBA appears to be examining the right factors when establishing size standards, both the Small Business Committee and your panel seem troubled by the way SBA is applying these factors.

Most troubling is this decision of SBA's to combine related industries into common groups with one size standard. While they claim that this simplifies the process, what it really does is hurt legitimate small businesses.

Let us look at architecture and engineering firms. SBA's own metrics show that architecture firms should have a size standard of \$7 million and engineering firms of about \$25.5 million. Yet, SBA has decided to combine them into a common group with a size standard of \$19 million, which is completely inappropriate for either.

In the one instance, it forces legitimate small firms to compete against much larger firms, and in the other it completely excludes legitimately small firms from competing for small-business contracts.

Excluding legitimate small businesses limits growth and harms the defense industrial base. Panel Recommendation 2.2 stated that Congress should amend the Small Business Act to end the practice of combined size standards, stop placing artificial limits on the number of size standards and better define what factors should be considered when size standards are proposed.

In doing so, it reinforced my Small Business Protection Act because this is exactly what the bill does. It requires additional specificity in the rule-making process and directs SBA to both stop these unwarranted combined size standards and focus on having the right size standards, rather than a fixed number of size standards.

In short, it ensures that we do not abandon legitimate small businesses seeking to compete for Federal contracts.

Both the panel and I believe these changes will also benefit the Department of Defense. It will ensure that the right size standards are in place, which will assist the Department as it works on the health of the industrial base. I want to thank you all for working collaboratively with us on the NDAA and for looking at the many

bipartisan measures the Small Business Committee marked up for inclusion in this year's bill.

I want to especially thank you for considering including the Small Business Protection Act in the NDAA. With over \$500 billion in Federal contracts being awarded each year and 70 percent of those dollars being awarded by the Department of Defense, it is important for us all to realize that we can better serve the taxpayer and our service members by ensuring that small businesses can compete for these contracts.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Walsh can be found in the Appendix on page 127.]

The CHAIRMAN [presiding]. Thank you very much.

This, as I have mentioned earlier, is an ongoing problem that we have been dealing with for a period of time, but we will continue. Mr. Shuster, with his panel this year, has moved the ball, and it will be very helpful as we go through and do the bill.

Did you have something?

Mr. SHUSTER. Yes, I think I just want to commend the gentleman for moving forward with your legislation. And it is difficult, as we found over the last 6 months. You know, nobody was really sure where they were, and so you putting that forward that there is no rule-making unless they go through a period, I think, is very good.

I want to continue to work with you and the Small Business Committee because we found the challenges are huge out there for the small and medium-size companies when they are dealing with the Department of Defense.

So, again, thank you for your work, Mr. Walsh.

Mr. WALSH. Thank you.

The CHAIRMAN. Thank you very much.

We now recognize the gentleman from Puerto Rico, Representative Pedro Pierluisi, for 5 minutes.

**STATEMENT OF HON. PEDRO R. PIERLUISI, A RESIDENT
COMMISSIONER FROM PUERTO RICO**

Mr. PIERLUISI. Thank you, Chairman McKeon, members of the committee. Thank you for the opportunity to testify about my priorities for the NDAA. I would like to focus my testimony on the importance of robust funding for DOD counter-drug activities.

I have worked hard to raise awareness in the Federal Government about drug-related violence in Puerto Rico and the U.S. Virgin Islands [USVI] and to urge the Federal Government to dedicate the resources and personnel necessary to address this problem.

Violent crime in Puerto Rico and the USVI has been on the rise for over a decade, even as violent crime nationwide has decreased substantially. The homicide rate in each territory is about six times the national average and almost three times higher than any State.

Puerto Rico has nearly the same number of annual murders that Texas does, even though Texas is home to 25 million people and Puerto Rico is home to just 3.7 million U.S. citizens. About three-quarters of the murders in Puerto Rico and the USVI are linked to the drug trade.

As the U.S. Government has, to its credit, increased resources along the southwest border, drug trafficking organizations have

adapted, turning back to well-established routes in the Caribbean to get their products to market.

This is a problem of national scope. Over 70 percent of the cocaine that enters Puerto Rico, which has 700 miles of coastline, is then transported to the 50 States. Because Puerto Rico is within the U.S. Customs zones, once drugs enter the island, they can easily be delivered to the States on airlines and ships without having to undergo heightened scrutiny. And once in the States, those drugs destroy lives and communities, just as they do in Puerto Rico. In order to reduce drug-related violence in Puerto Rico and the USVI, and to make the territories a less attractive transshipment point for drug trafficking organizations seeking to supply the U.S. market, Puerto Rico Governor Luis Fortuño, a Republican, and I, a Democrat, have proposed that the Administration establish a Caribbean Border Initiative. Our Nation has a Southwest Border Initiative, a Northern Border Initiative, but it has no counter-drug strategy for our maritime border in the Caribbean.

The consequences of this non-strategy are clear: the violent deaths of tens of thousands of American citizens. I cannot escape the conclusion that if this level of violence were occurring in any state, it would be treated as a national emergency requiring immediate Federal action.

DOD has requested \$1.6 billion in fiscal year 2013 for counter-drug activities, nearly \$200 million below the fiscal year 2012 enacted level. I want to discuss two ways in which Puerto Rico will be adversely affected in the absence of positive steps from Congress and this committee.

First, DOD has requested an appropriation of \$105 million for the National Guard Counterdrug Support Program, which is \$123.9 million below the fiscal year 2012 enacted level. This request was made despite the fact that in last year's defense appropriations bill, Congress provided a \$50 million plus-up to this account, stating, and I quote—"The Department of Defense consistently has failed to provide adequate resources for state plans in its budget requests. Congress repeatedly has demonstrated its recognition of the value the National Guard capabilities bring to counter-drug efforts."

The NGB [National Guard Bureau] is implementing a threat-based resource model whereby funding will be allocated among the National Guards in 54 jurisdictions based on the severity of the narcotics threat faced by each jurisdiction as measured by over 20 criteria. In the abstract, the model makes good sense, but in practice, it has completely failed for Puerto Rico because the Federal Government does not collect statistics to the same degree in the U.S. territories as it does in the states.

Currently, the Puerto Rico National Guard receives \$5.5 million annually to provide counter-drug support to Federal and local law enforcement agencies. However, under the new threat-based model, our Guard is slated to receive less than \$850,000. This is an 85 percent cut.

Actually, it just makes no sense. It is pretty much outrageous, given the threat, given what is happening in the Caribbean these days. It is a matter of record. It is in *The Washington Post*, in *The Wall Street Journal*, *New York Times*. How can you make a cut of 85 percent there?

If this cut is realized, it would destroy the counter-drug program in the jurisdiction that has perhaps the single worst drug-related violence problem in the Nation, and it would be a tragic result. My office has been working with NGB to determine precisely where the process broke down. But it is clear that the data collection effort in Puerto Rico was inadequate.

Therefore, I respectfully ask the committee to work with me to ensure that total funding for the National Guard Counterdrug Support Program is increased, and in particular to ensure that Puerto Rico receives its fair share of whatever funding is allocated. One option I hope the committee will consider is a provision in the NDAA stating that the territories should receive an appropriate portion of any plus-up that the Appropriations Committee provides to this account in fiscal year 2013.

The second problem for Puerto Rico involves the Tethered Aero-stat Radar System program known as TARS.

The CHAIRMAN. The gentleman's time has expired.

Mr. PIERLUISI. And I will be glad to submit my statement in writing—my full statement for the record of this committee, Mr. Chairman.

[The prepared statement of Mr. Pierluisi can be found in the Appendix on page 129.]

The CHAIRMAN. Thank you very much. We will include that in the record and we will take it into consideration as we prepare the bill. And thank you very much.

Mr. PIERLUISI. Thank you, Chairman.

The CHAIRMAN. We now recognize the gentlelady from California, Representative Judy Chu, for 5 minutes.

**STATEMENT OF HON. JUDY CHU, A REPRESENTATIVE
FROM CALIFORNIA**

Ms. CHU. Good morning.

Before I begin, I ask unanimous consent to submit an extension of my remarks into the record for this hearing, asking to include the Building Better Business Partnership Act, a bipartisan bill that Representative Robert Schilling and I introduced as a provision in this year's National Defense Authorization Act.

The CHAIRMAN. No objection?

So ordered.

[The information referred to can be found in the Appendix beginning on page 144.]

Ms. CHU. But my primary reason for being here is to discuss how the Armed Services Committee through this year's NDAA can help prevent military hazing. This month marks the year anniversary of the death of my nephew, Marine Lance Corporal Harry Lew. It was on April 3rd, 2011, in response to hours of physical abuse and torture at the hands of his peers that Harry took his own life.

At the time, I didn't know how common this tragedy was—how many other service members had suffered as he did, but the letters started pouring in day after day, week after week. Mothers, friends and service members themselves wrote in excruciating detail about what they and their loved ones endured.

And so I came to both of you, Chairman McKeon and Ranking Member Smith, and told you Harry's story. I asked for your sup-

port to prevent another young man or woman from having to suffer like Harry did. You helped me monitor Harry's case. You met with top officials in the Marines. And last month, there was the first hearing on military abuse since 1979. In fact, it might have been the first official hearing on hazing in every branch of the service in congressional history, and I thank Congress Member Wilson for holding the hearing and Congressman Coffman for being there.

But at the March hearing, I heard every branch say that they have hazing under control; that their policies are working. If that were true, why is Harry dead; Danny Chen, Brushaun Anderson? Why do their abusers continue their military careers and get promoted? And why have I received so many letters and calls from as far away as Germany asking me to stand up against hazing?

I am here today to ask your help again because we have much more work to do. At the hearing, I was shocked to learn that some services don't even have a policy expressing the prohibition of hazing. Others don't offer anti-hazing training. Most of the services do not track the number of hazing incidents. And those that have a tracking system do not analyze or use the data to improve their practices.

So I ask: How can the military claim that they are doing everything perfectly if they don't have anti-hazing policies or training? How can they know that they are doing everything perfectly if they don't know how many people are being hazed? They can't. That is why I ask you to include the following language in the NDAA to help eradicate hazing in the military.

First, we should make hazing a crime in the Uniform Code of Military Justice. This would help provide a strong disincentive against hazing. It would be an important tool to prosecute perpetrators. Currently, 31 states define hazing as a crime. In the March hearing, both representatives from the Marine Corps and the Army expressed interest in creating a statutory definition of hazing in the military code. This would make it easier for them to track the number of hazing incidents.

Second, we should institute a national hazing database that tracks incidents of hazing. By creating such a database, similar to the Database for Sexual Assault, the military, Congress and the public would be able to improve the military's hazing practices and ensure better oversight.

The database should be comprehensive and include the number of hazing allegations, the number of substantiated cases, and the penalties imposed on the perpetrators, including non-judicial punishment and court-martials. The military could then use this data to provide an annual report to Congress.

Third, we need an objective GAO study on hazing. Every branch of the armed services has different policies, training and procedures regarding hazing and harassment. We need a more thorough understanding, an objective analysis of hazing in the military and what more can be done to prevent it.

Hazing has no place in our military. It undermines our military readiness and deeply scars those volunteers forced to endure it. So thank you for all that you have done so far. I look forward to continuing to work with you to ensure that the military truly has a zero-tolerance hazing policy at every level, from the Pentagon to

the smallest COB [contingency operating base] on the most remote base in Afghanistan.

Thank you.

[The prepared statement of Ms. Chu can be found in the Appendix on page 88.]

The CHAIRMAN. Thank you very much, and we will continue to work with you as we go through the writing of the bill.

Mr. Smith.

Mr. SMITH. Yes, Ms. Chu, if I could just quickly, before you depart.

First of all, thank you for your work on this. And second of all, I don't know if you know we had a small roundtable discussion yesterday with Secretary Panetta and General Dempsey talking about sexual assault. And General Dempsey made the point unasked, you know, what are they looking to do in terms of to make the force look better, and he said, "Well, the cornerstone of everything is trust." And he said the two biggest things that are undermining the trust right now is the sexual assault problem, and he mentioned hazing as the second.

So certainly at the very top of the Joint Chiefs, they are aware of the problem and would welcome your help and assistance, as this committee will, in trying to find ways to solve it. Because if, you know, basically if you can't trust as a member of the military that the people in the military have got your back, the trust goes away and the entire system doesn't work.

So you have made a difference. You are getting people's attention and we will continue to work on the problem. And I thank you very much for your work on it.

Ms. CHU. Thank you so much.

Mr. SMITH. Thank you, Mr. Chairman.

Mr. WILSON. Mr. Chairman.

The CHAIRMAN. Yes, Mr. Wilson.

Mr. WILSON. Thank you, Mr. Chairman.

I would like to commend Congresswoman Chu for your leadership on this issue. You have really conducted yourself in such a professional manner, an extraordinary reflection on your family. And we do share your concern, and thank you so much for raising the issue of hazing. And I join back.

Ms. CHU. Thank you.

The CHAIRMAN. Thank you very much.

We now recognize the gentlelady from Washington, Representative Jaime Herrera Beutler, for 5 minutes.

**STATEMENT OF HON. JAIME HERRERA BEUTLER,
A REPRESENTATIVE FROM WASHINGTON**

Ms. HERRERA BEUTLER. Thank you, Mr. Chairman and Ranking Member Smith, for having me today.

I was grateful to hear this committee produce findings last month highlighting many of the issues that Mr. Schrader and I are attempting to address with H.R. 3980, the Small Business Opportunities Act. And that is why I am here today. I want to support the inclusion of this bipartisan bill's language in the NDAA, along with other bipartisan reforms proposed by the Small Business Committee.

This bill, along with a few others, are jobs bills. In my corner of southwest Washington we are approaching our 38th straight month of double-digit unemployment, yet we have more than 900 small businesses and small business contractors in my district alone who could benefit from this bill. And small businesses are the ones who create 7 out of 10 new jobs, or at least they have for the last 20 years. I would like to see that continue.

The Small Business Opportunity Act seeks to improve acquisition planning, training and the roles of the procurement center representatives, or PCRs, all of which were addressed in the bipartisan panel on business challenges.

The panel, led by Mr. Shuster, made several recommendations that can be addressed by this bill; first, improved coordination between senior acquisition officials and small business advocates.

The Small Business Opportunities Act involves small businesses and small business advocates from the beginning of the acquisitions process. Under this improved system these advocates can begin removing barriers to small business participation early in the planning process. Currently these advocates aren't consulted until the very end and it is really hard to unscramble an egg.

Secondly, the Panel Recommendation 3.9 states that the Secretary of Defense should make small business programs an emphasis item when training the acquisition workforce. Currently, contracts that are best suited for small businesses are frequently handled by lower level contracting personnel who are not adequately trained. This problem is not unique to the Department of Defense. It happens government-wide.

And my bill would improve this by providing training to all contract specialists on small business contracting programs. And the result is a well-educated workforce and clearer roles for small business advocates who will no longer have to spend as much time providing training. This way, they will be better able to assist small businesses.

Finally, the Small Business Opportunities Act sharpens and modernizes the job description of PCRs. PCRs work in agencies throughout the Federal Government. Their role is to review acquisition plans with an eye toward increasing small business participation.

Mr. Chairman, small businesses across the country are eager to compete for these Federal contracts, and the byproduct will be jobs created across this Nation. Therefore, I want to thank you for considering including this language in the NDAA, and I offer my support for the inclusion of this bill and the other procurement reforms proposed by the Small Business Committee.

I thank Ranking Member Smith and Chairman Graves and Ranking Member Velazquez of the Small Business Committee for their help in this effort, and my partner Kurt Schrader, and I yield back the remainder of my time.

[The prepared statement of Ms. Herrera Beutler can be found in the Appendix on page 109.]

The CHAIRMAN. Thank you very much. I am sure that—

Mr. SHUSTER. Yes, just a brief comment.

I just wanted to thank Congresswoman Beutler for putting this forward. We found going through our process over the last 6

months this is one of the—it has a significant problem for small business and a lot of folks don't even want to do business because of just this, because nobody understands they are a smaller business. So I think this is incredibly important, that we include this in the NDAA as we move forward.

So, again, I commend the gentlelady for her efforts.

Ms. HERRERA BEUTLER. Thank you.

The CHAIRMAN. We now recognize the gentleman from Iowa, Mr. Tom Latham, for 5 minutes.

**STATEMENT OF HON. TOM LATHAM, A REPRESENTATIVE
FROM IOWA**

Mr. LATHAM. Thank you very much, Chairman McKeon, for giving Members the opportunity to bring their priorities and concerns to the committee in this open process.

As you know, in order to meet the requirements of the Budget Control Act, the Air Force intends to substantially cut its force structure, with the majority of cuts coming from the Air National Guard.

Like you have expressed, I am also concerned that changes are being recommended to Congress based purely on meeting the right budget number in the short term and not based on the national security environment or the finding a more cost-effective force structure.

I am greatly concerned that just one F-16 unit out of the entire Air Force, the Air National Guard 132nd Fighter Wing in Des Moines, was singled out for elimination under the plan, with no justification given. When I asked a senior Air Force leader why this unit was chosen, I was told that it was simply a judgment call.

Obviously, I am concerned about the economic impact in Iowa and the future of those airmen, but I also am most concerned that it appears that the decision was made using nonstrategic criteria and that the greater cost-effectiveness of relying on Air Guard units was completely ignored.

I believe the decision would have three significant national security implications. First, eliminating these multi-role fighters and nearly 500 positions would be an irreversible decision. It takes at least 10 years to achieve the average level of experience of Guard pilots and maintainers.

At the same time, in order to manage uncertainty about the future strategic environment, Secretary Panetta's new military strategy released in January insists on reversibility in any reduction of capabilities, ensuring they can be quickly regenerated if the need arises.

Secondly, the Air National Guard will be flying F-16s for many years, even decades into the future, indefinitely in fact, since the Air Force has yet to submit a long-range plan for them, and most incoming F-35 aircraft will be flown by active components. So the Guard will need to maintain expertise in operating F-16s for a very long time.

Third, having the most advanced aircraft is important, but adequate numbers of airframes also matter, because an aircraft and its pilot cannot be in two places at the same time. We currently have the smallest and oldest Air Force in our history, which is a signifi-

cant challenge given the new military strategy places renewed focus on the Asia-Pacific region.

According to the American Enterprise Institute, quote—“No matter how capable weapon systems might be on an individual level, the Asia-Pacific domain demands adequate numbers of key platforms.”

The concern is that enormous distances between bases and potential targets in the region could spread aircraft too widely, limit dwell times over targets and limit fighter coverage.

I agree with Senator Graham who recently said on the Senate floor concerning the Air Force plan that, quote—“Keeping the active duty first approach will mean smaller and smaller forces that are stretched thinner and thinner and cannot respond where and when we need them to.”

Finally, there is the issue of making the most of each taxpayer dollar, which is precisely what Congress should be doing and what the American people expect in response to budget constraints. Air Guard F-16s bring greater experience and lower operating costs, both personnel and infrastructure, yet the Air Force ignores the cost effectiveness of the Guard as a way to achieve additional cost savings. They have relied upon what many believe is a flawed costing model, which compares deployed members only and concludes that reservists cost more than Active Duty members.

As for infrastructure efficiencies, the Air National Guard has access to \$5.9 billion in community airport infrastructure for \$20,600 per year, the equivalent of renting a \$300,000 house for \$87 a month.

The Department of Defense and GAO are currently conducting a new study on comparative cost effectiveness mandated in last year's defense bill. The study will also examine what mix of forces could carry out the range of missions anticipated under the national military strategy.

The results of the study are due to the committee June of this year. Before we allow the Air Force to shift the Active Duty/Reserve Component mix back to the Cold War ratio of the 1990s, we need to have these results.

We face a very challenging defense budget. Let us work to minimize cuts to capabilities we need in the long term. I believe that the members of the committee understand the seriousness of this issue and I know they will do what is best for the future of our Nation's defenses.

And I thank the gentleman very much for the opportunity to testify today.

[The prepared statement of Mr. Latham can be found in the Appendix on page 43.]

The CHAIRMAN. Thank you very much. You have pointed out very well the problem that we have facing us, that we were given a budget by the President and that was built off of a speech that he gave a little over a year ago that we needed to cut another \$400 billion out of defense because it was such a big target.

And then instead of picking what our needs are, what our risks are, and then devising a budget to meet that, we have backed into solving our risks to meet the smaller budget. And what that does, then, is increase the risk.

So I appreciate you pointing this out. And we will definitely look at this as we go through the process. It is going to be tough working all of these things out. But I think that people need to really understand how serious this is. I was sitting down at the Pentagon a few months ago and our top military leader told me at the end of that meeting, "I have been in this business for 37 years and this is the most serious I have ever seen our situation our Nation is in."

So I think that we really need to take all of that into consideration as we go through this process. Thank you very much.

Mr. LATHAM. I thank the chairman very much for opportunity.

The CHAIRMAN. We now recognize the gentleman from Pennsylvania, Mr. Murphy, for 5 minutes.

**STATEMENT OF HON. TIM MURPHY, A REPRESENTATIVE
FROM PENNSYLVANIA**

Mr. MURPHY. Thank you, Mr. Chairman. I would like to submit additional data about the bases and the offer for additional land from the Allegheny County Airport Authority for the record, as I talk.

[The information referred to can be found in the Appendix beginning on page 60.]

Mr. MURPHY. Mr. Chairman, members of the committee, in particular Mr. Shuster, and thank him for personal efforts on this issue, I thank you for your time and efforts in service to our Nation's defense, our soldiers and military families, and I am grateful for the opportunity to share with you the deep concerns southwestern Pennsylvania has about Air Force plans to close the 911 Air Reserve Station, which houses C-130 Hercules transport planes, and the transfer of four KC-135 refueling tankers from the 171st Air National Guard station.

These facilities, which are located in Moon Township near Pittsburgh, in Pennsylvania's 18th Congressional District, are both located at the Pittsburgh International Airport. The 911th and the 171st are two of the most accomplished, cost effective, and decorated installations in the country.

They possess unique value to our Nation's military, and I fear the Pentagon is proceeding with an irreversible course that is misguided, misinformed, and mistaken. It is a present-day version of the \$400 hammer and the \$200 toilet seat; cut in haste, pay in the long run. And over the past 2 months I have been pushing the Air Force to provide documentation justifying these actions.

The report which I recently received confirms what I have suspected all along. The Air Force is making a quick and easy decision, rather than an economical one. They are doing what they think they can instead of what they should.

The Air Force analysis relies on two flawed premises. First, they believe the 911th has the oldest and costliest C-130s, and indeed they do, but they were given those old C-130s when they took their newer planes from them.

Number two, the decision to close the 911 doesn't require congressional approval, another flawed assumption. First, I said the 911th has older aircraft because the Air Force sent the new ones off to combat. They gave the 911th older high maintenance models.

Second, the Air Force falsely believes the 911th has fewer than 300 authorized personnel, which means that no congressional approval would be need for the closure. However, that base actually has more than 300 civilian employees, but the Air Force is using different accounting methods for that.

Now I dispute the numbers of the Air Force, and I believe the 911 is the victim of its own success—should also note that by sharing expenses with nearby bases and the Pittsburgh International Airport, the 911 has fewer personnel for the low cost of \$20,000 per year. The Pittsburgh Airport, which has four 10,000-foot runways, takes care of snow removal, fire and safety security, and control tower all given to the air base at next to nothing charges.

By sharing all these expenses, and by having fewer personnel, the irony is that if the 911th was less efficient and costly to operate the Pentagon wouldn't have the power to close it.

Ironically, as I say the airport authority did not offer those personnel. It would cost the U.S. Air Force about \$40 million over 10 years, instead of \$200,000 over 10 years. And there you have your \$400 hammer again.

I am confident that once you review the data, I am sure you agree that these bases must remain fully operational.

First, a little background; the 911th and the 171st are highly decorated. Now stop and think also, a base called 911. Few dates are etched in the minds of Americans with more patriotic emotion than 911. Imagine other places such as Pearl Harbor, Valley Forge, or Gettysburg being cited for dismantling.

I also should say the 171st was handpicked to serve as a lead unit for combat support missions enforcing the Libya no-fly zone. The 171st executed more mission hours in the last 2 years and had the lowest total non-mission capable rate for maintenance among all KC-130 Guard units. It would be like an NFL coach told to cut its roster by removing the first string so they could save some money.

But beyond the accolades are strategic reasons why these bases must remain open. The 911th and the 171st offer joint training with other units, and regularly work with local emergency responders and Federal law enforcement. As part of the military disaster preparedness responsibilities, few places have the assets of Pittsburgh, which is located within 2 hours flying time of 70 percent of the U.S. population.

And, the region's world-class medical system offers a unique combination of supportive operations, and a readily accessible air lift. This included in the national disaster medical system which trains nurses and doctors to respond to disaster stricken zones and therefore be ready if problems should happen again of an attack from terrorists.

End strength at both bases is extremely high because commanders recruit from a unique talent pool, trained and working commercial aviation. And it is one of the highest recruiting units.

I am deeply worried that these structure changes will cost the Air Force a great deal more. And for all these reasons, the Pentagon is making sizeable investments. I should say they spent more

than \$58 million dollars in the last 5 years on new buildings, some yet to reopen; new security gates; new medical facilities; and newly rehabbed buildings.

I am troubled that they are relying on faulty assumptions about the acreage. The Air Force says the 911th can't house any more than 10 C-130 aircraft. This is untrue. And it has been offered additional space from the county airport authority of 20 acres; they can go up to 20 more airports.

Finally—

The CHAIRMAN. Gentleman's time has expired and without objection your full statement will be included in the record.

Mr. MURPHY. Thank you.

[The prepared statement of Mr. Murphy can be found in the Appendix on page 57.]

The CHAIRMAN. I especially like your analogy of getting rid of the first string on any professional team to save money. That looks to me exactly like what we are going to be doing with our defense.

Mr. Shuster.

Mr. SHUSTER. Well thank you Mr. Chairman. I have grave concerns about closing 911 also, and just a couple of questions for Mr. Murphy. Just recently I was out there and visited and I want to make sure that we stress here. Maybe you can just talk a little bit about the jointness out there, what is coming because I don't know if you mentioned that in your testimony.

The Navy's building there now—

Mr. MURPHY. The Navy is about to break ground. A new facility, they are going to invest about \$14 million. That was also meant to share cost with the 911 base and reduce their cost.

They also have a joint training facility of a gun range. There also is a new commissary being built, the Defense Commissary Agency about to spend \$17 million on that. A new exchange out there as well.

So all these investments are taking place to the tune of close to \$100 million.

Mr. SHUSTER. And the Marines are considering moving out?

Mr. MURPHY. Marines are considering moving out there too, because as the Navy closes their base and Marines are considering—a great joint forces training opportunity.

Mr. SHUSTER. And not only is this jointness which we should be promoting, but also the Department of Defense needs to realize that they are not doing these in a vacuum, they are part of the U.S. Government and there are other agencies, the U.S. Marshals, if I am not mistaken; they are looking at moving back there.

It is going to save us tremendous amount of money by taking other government agencies, locating on a secure military base, where they can do their functions. And save us money by not having to secure buildings. Are there other agencies that are looking to move there?

Mr. MURPHY. Well, we know the Air Marshals are considering it. We also know that the Air Force has not done a cost comparison. And this is where your committee can have valuable impact.

They talked about moving these planes and therefore saving money. Well those planes are going to be moved anywhere, but to

compare the Pittsburgh airport where they get four 10,000-foot runways, and all these other things for \$20,000 a year versus other bases where the Air Force has to provide all the cost. It is just a ridiculous lack of accounting.

Mr. SHUSTER. It says "bargain" all over it. And that is what we have to be looking for as we are saving money as you mention—four 10,000-foot runways, \$20,000—they can house 20 planes there without any—

Mr. MURPHY. My rotary club can do a fundraiser and cover that cost.

Mr. SHUSTER. Well I thank you gentleman for being here and advocating for 911. And I yield back.

Mr. MURPHY. Thank you.

The CHAIRMAN. Thank you very much, and we will certainly look into this as we move forward. Thank you.

We now recognize the gentleman from Arkansas, Mr. Rick Crawford, for 5 minutes.

**STATEMENT OF HON. ERIC A. "RICK" CRAWFORD,
A REPRESENTATIVE FROM ARKANSAS**

Mr. CRAWFORD. Thank you Mr. Chairman.

Good morning, and thank you Ranking Member Smith. And distinguished members of the committee, I thank all of you for what you do to preserve the security of our great Nation and for allowing me the opportunity to testify to the full committee regarding explosive ordnance disposal, or EOD, priorities for the fiscal year 2013 National Defense Authorization Act.

As none of the services have a three-star EOD flag officer with a legislative affairs staff, it is my honor to represent the interests of this critical component of our fighting force in their stead. I myself served in the Army as an EOD tech, and I am proud to be a co-founder along with committee member Susan Davis, who is here today, of the House EOD caucus.

Explosive ordnance disposal soldiers, sailors, airmen, and marines are the military's preeminent team of explosive experts. They are trained, equipped, and integrated to attack and defeat explosive and associated insurgent networks across all operational environments.

The military's EOD mission [is] to defeat the global improvised explosive device [IED]; chemical, biological, radiological, nuclear, and high-yield explosives; and weapons of mass destruction threats. The EOD tech protects our military and innocent civilians from explosive threats, and supports our Armed Forces by providing relevant and ready explosive experts in full spectrum military operations, joint and interagency operations, and national security objectives.

EOD forces have proven to be game changers in attacking and dismantling terrorist cells and associated networks. EOD forces will continue to be indispensable assets for the foreseeable future supporting counterterrorism operations, building the capacity of partner nations, and routinely conducting homeland defense missions in support of civil authorities.

It is vital that we continue to preserve the EOD force structure and maintain the EOD technical chain of command, and control

structure, and full spectrum capabilities to ensure success in a wide range of contingencies as directed by the Secretary of Defense's strategic guidance on 21st century policies, the Quadrennial Defense Review, and as specifically emphasized in Homeland Security Presidential Directive 19 entitled, "Combating Terrorist Use of Explosives in the United States" and its implementation plan.

I have concerns with the Administration's budget request for military EOD. In the fiscal year 2012 NDAA House report, the committee required the Secretary of Defense to submit a report on the services EOD force structure planning and the consolidated budget—budget justification for EOD programs to include research, development, testing, evaluation, operations and maintenance and procurement. These reports were due by March 1st of this year to the committee and neither of these reports were provided by the Secretary.

Additionally I see a troubling and continuing trend of heavy reliance by the services on overseas contingency operations [OCO] funding for EOD as evidenced by OCO funding levels of 27 percent in fiscal year 2012, 59 percent in fiscal year 2011, and 29 percent in fiscal year 2010. Instead of including this EOD funding in the OSD [Office of the Secretary of Defense] and services baseline budget, I urge that we reallocate this OCO funding into the services baseline budget for EOD and fiscal year 2013.

After discussion with fellow EOD caucus members, members of your committee, and with EOD warriors during events such as the EOD Day on the Hill, I found that funding we envisioned to support EOD forces in many instances never made it to them.

For example, Members of Congress that I talked with logically assumed that funding in the amount of approximately \$100 million was allocated to the Joint IED Defeat Organization, or JIEDDO, to specifically support rapid solutions for EOD forces. It was not. In fact, the Office of the Secretary of Defense program that actually supports this effort is the EOD/Low-Intensity Conflict program, which is inadequately funded at a level of only \$8 million for its fiscal year 2013.

Appropriately, funding EOD-specific programs at levels commensurate with the dangers faced by EOD forces will save lives and allow these brave men and women to continue to combat the threat of IEDs. I look forward to working with the committee in the near future to craft legislation that supports the critical joint explosives ordnance disposal forces in their mission to defend the homeland and our interests abroad. I remain available to the committee for further assistance on EOD matters and I thank you for your consideration.

[The prepared statement of Mr. Crawford can be found in the Appendix on page 98.]

The CHAIRMAN. Thank the gentleman for his comments. And we will certainly take those into account as we continue to draft the bill.

Any other questions?

We will now recognize the gentleman from Ohio, Mr. Steven Stivers, for 5 minutes.

**STATEMENT OF HON. STEVE STIVERS, A REPRESENTATIVE
FROM OHIO**

Mr. STIVERS. Thank you Mr. Chairman.

I want to thank Chairman McKeon and Ranking Member Smith for allowing Members who are not on the committee to testify on the 2013 National Defense Authorization Act.

I am testifying today about a bill that I am sponsoring, H.R. 4341, the TRICARE for Kids Act. But first I want to thank my co-sponsors, Representative Bobby Schilling and Representative Susan Davis, for working with me on this really important legislation that will be supportive of our military families.

Mr. Chairman, the goal of this bipartisan legislation is to help the Department of Defense shape its policies and practices of the TRICARE benefits to account for the specific health care needs of children.

My TRICARE for Kids legislation brings together experts representing the military, children's health, military families, and it places them in a working group convened by the Department of Defense.

The TRICARE for Kids working group would be tasked with analyzing TRICARE policies, practices and resources that involved children's health care.

The TRICARE for Kids bill was drafted under the guidance of the Congressional Budget Office [CBO] and is estimated to have no impact on direct spending or revenues. And the CBO estimated it will have minimal cost and it requires no offset.

The bottom line is that this legislation can help the Department of Defense as it works to support our military families and address the health needs of children covered by TRICARE.

I urge my colleague to consider supporting this important legislation by including it in the 2013 National Defense Authorization Act. Again, I appreciate the ability to testify today before you and look forward to working with you to try to get this bill enacted.

Thank you very much.

[The prepared statement of Mr. Stivers can be found in the Appendix on page 126.]

The CHAIRMAN. Thank you. And thank you for your thoughtfulness on this, and we will look at this as we go through the process.

Mrs. Davis?

Thank you.

Mr. STIVERS. Thank you, Mr. Chairman, and thank you, Ranking Member.

The CHAIRMAN. We now recognize the gentleman from California, Mr. Mike Honda, for 5 minutes.

**STATEMENT OF HON. MICHAEL M. HONDA,
A REPRESENTATIVE FROM CALIFORNIA**

Mr. HONDA. Good morning. And I want to thank Chairman McKeon, Ranking Member Smith, and my colleague also, Mrs. Davis, and Mr. Coffman for being here and taking our testimony. The—and allowing me to testify in support of my priority for the fiscal year 2013 National Defense Authorization Act, which means the hazing and harassment prevention in the U.S. military.

From recent tragic cases such as Lance Corporal Harry Lew and Private Danny Chen, I believe that the U.S. military has fallen into a culture that is blind to the damages that hazing and harassment cause to our own service members. Their tragic deaths are urgent calls to action.

The crucial issue of hazing and harassment in the military must be addressed immediately and the culture that tolerates them must be reversed.

The brave men and women of our armed services must be able to serve within a system that guarantees their protection and ensures their family's trust in their superiors.

I am grateful to the Subcommittee on Military Personnel for recognizing the important need to address hazing in the military by recently holding a hearing regarding this concern.

As an invited Member, I was glad to hear the witnesses representing each service denounce hazing and harassment and give broad overviews of the services' preventative safeguards.

Yet these safeguards apparently are not adequate. And hazing and harassment occurs, as evident by the recent incidents of Private Danny Chen and Lance Corporal Harry Lew.

In fact, Secretary Panetta issued an anti-hazing directive during his holiday message in December. What I found extremely troubling from the testimony is the lack of actual statistics on hazing and harassment.

How can anyone be convinced that a problem does not exist or current prevention policies are working if there is no method of monitoring or evaluating it?

Furthermore, a definition of hazing and harassment is either lacking or inconsistent within the services.

For these reasons, many of my colleagues and I are convinced substantial efforts are needed to eradicate hazing and harassment in the military.

In a letter to the committee dated April 3, 2012, the Tri-Caucus requested your committee's consideration of the following: statutory definition of hazing in the Uniform Code of Military Justice; a Government Accountability Office study on each of the services' hazing prevention policies, and the prevalence and consequences of hazing over the last 5 years; a national hazing database that tracks incidents of hazing and an annual report to Congress on the military's progress in responding to hazing.

I know from meeting with Harry Lew's parents, my constituents, how much it meant to Harry to serve his nation in uniform. We must act now to ensure that the Department of Defense has effective and continuous training for all ranks, proper oversight by and access to leadership, including expectation of responsibility at the lowest level of command to the highest and stricter enforcement policies to guarantee that our service members, no matter their background, are able to safely and honorably defend the citizens and the Constitution of the United States.

And I want to thank you again for your consideration of our requests.

[The prepared statement of Mr. Honda can be found in the Appendix on page 55.]

The CHAIRMAN. Thank you very much.

Any questions? Comments?

Mr. HONDA. Thank you, Mr. Chairman.

The CHAIRMAN. We will look at your comments very closely as we go through the writing of the bill.

Mr. HONDA. I appreciate it very much.

The CHAIRMAN. Thank you very much.

And now, without objection, I would like to request that the written testimony of those Members that have spoken and additional Members who could not be here today be entered into the record.

[The information referred to can be found in the Appendix beginning on page 41.]

The CHAIRMAN. Without objection; so ordered.

This hearing stands adjourned.

[Whereupon, at 11:42 a.m., the committee was adjourned.]

A P P E N D I X

APRIL 17, 2012

PREPARED STATEMENTS SUBMITTED FOR THE RECORD

APRIL 17, 2012

OPENING REMARKS OF CHAIRMAN McKEON

April 17, 2012

Good morning. The House Armed Services Committee meets today to receive testimony from Members of Congress on their national defense priorities for the Fiscal Year 2013 National Defense Authorization Act.

As we begin the process of crafting our legislation, it is essential that this Committee seek input from all members of the House to better enable us to fulfill Congress' Article 1 Section 8 constitutional mandate to provide for the common defense. We all share the responsibility to provide the best possible resources for our warfighters and we look forward to hearing from this group of our fellow Members of Congress on their proposals for how best to carry out our mandate.

A quick note on our format for today. In consultation with the Ranking Member, we will depart from our regular questioning process. Each witness will have five minutes to testify, followed by a five minute round of clarifying questions from the Committee. Members of the

Committee may seek recognition by raised hand and will be granted two minutes a piece up to the 5 minute limit. This will ensure we can hear from all our witnesses today in a timely fashion. As this hearing is intended to be a listening session it is not my intent to engage in extended debate or colloquy with our witnesses.

We look forward to today's testimony and thank the participating members for their advocacy on behalf of our troops.

Congress of the United States
Washington, DC 20515

March 28, 2012

The Honorable Howard P. "Buck" McKeon
Chairman
House Committee on Armed Services
2120 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Adam Smith
Ranking Member
House Committee on Armed Services
2120 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman McKeon and Ranking Member Smith:

As the Committee takes up DOD authorization legislation, we are writing to respectfully request your support for a provision to clarify that direct use of solar energy is considered a renewable energy source for the purpose of the requirement that DOD obtain 25% of its facility energy from renewable sources by 2025, as per Section 2911(e) of Title 10, U.S.C. A similar provision was included in the House NDAA bill for FY 2012 but unfortunately was not included in the final conference agreement with the Senate.

Direct use solar energy technology channels solar energy (in the form of sunlight) into a building to provide interior light that would otherwise be generated by electricity and is similar to other types of direct use renewable energy technology – including geothermal heat pumps and solar thermal devices – that DOD can already use to meet the renewable goal. Geothermal heat pumps and solar thermal devices were added by the National Defense Authorization Act for Fiscal Year 2010.

Specifically, we are supporting amending subparagraph (7)(A) of Section 2924 of Title 10 U.S.C. so that it reads: "Solar, including electricity and direct solar renewable energy, as defined in section 605 of the Energy Independence and Security Act of 2007 (P.L. 110-140)".

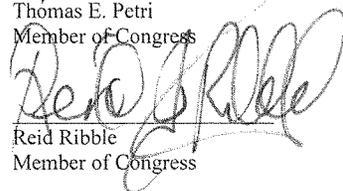
This change will provide DOD with a way to meet its requirements more quickly, in a more cost-effective way, and in a way that will help us cut the defense budget over the long term.

Our offices are happy to work with your staff as needed to answer any questions. We appreciate your consideration of this request.

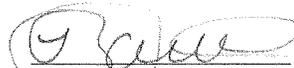
Sincerely,



Thomas E. Petri
Member of Congress



Reid Ribble
Member of Congress



Roscoe Bartlett
Member of Congress



Hank Johnson
Member of Congress

SAM FARR
17TH DISTRICT, CALIFORNIA

COMMITTEE ON APPROPRIATIONS
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Congress of the United States
House of Representatives
Washington, DC 20515-0517

1126 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-0517
(202) 225-2861

100 WEST AUBURN
SALINAS, CA 93901
(831) 424-2229

701 OCEAN STREET
ROOM 318
SANTA CRUZ, CA 95060
(831) 429-1976

www.farr.house.gov

April 10, 2012

The Hon. Howard P. "Buck" McKeon
Chairman
House Armed Services Committee
United States House of Representatives
2120 Rayburn House Office Bldg.
Washington, DC 20515

The Hon. Adam Smith
Ranking Member
House Armed Services Committee
United States House of Representatives
2120 Rayburn House Office Bldg.
Washington, DC 20515

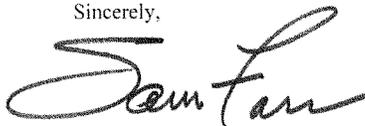
Dear Mr. Chairman and Ranking Member:

I respectfully request that House Armed Services Committee include report language in the FY13 National Defense Authorization Act that addresses the foreign language aspect of the U.S. Cyber Command mission. U.S. Cyber Command is responsible for directing activities to operate and defend the Department of Defense and achieved full operational capability in late 2010. Only in March 2012 did U.S. Cyber Command designate its first Senior Language Authority. We can no longer approach cyber security as an Information Technology issue because it crosses many disciplines. There is an inherent foreign language component to the cyber mission, and I applaud U.S. Cyber Command for recognizing the value of foreign language skills by designating a Senior Language Authority. Now U.S. Cyber Command must properly train and equip its cyber analysts with foreign language skills.

Recommendation for insertion in the National Defense Authorization Act:

The U.S. Cyber Command Senior Language Authority shall conduct a task analysis to determine its foreign language needs to meet mission requirements. Within 180 days after the date of the enactment of this Act, it shall report to Congress its plan for addressing foreign language needs of the mission; language proficiency levels; and, how it will incorporate foreign language training in the career development strategy for its personnel. In addition, the plan should include how it will leverage existing foreign language training facilities and resources already in use by the Department of Defense.

Sincerely,



SAM FARR
Member of Congress

TESTIMONY OF CONGRESSMAN TOM LATHAM (R-IA)
ON NATIONAL DEFENSE PRIORITIES
BEFORE THE HOUSE ARMED SERVICES COMMITTEE
APRIL 17, 2012

Chairman McKeon, thank you for giving members the opportunity to bring their priorities and concerns to the committee in this open process. As you know, in order to meet the requirements of the Budget Control Act the Air Force intends to substantially cut its force structure, with a majority of the cuts coming from the Air National Guard.

Like you have expressed, I am also concerned that force structure changes are being recommended to Congress based purely on meeting the right budget number in the short term and not based on the national security environment or on finding a more cost-effective arrangement. I am greatly concerned that just one F-16 unit out of the entire Air Force, the Air National Guard's 132nd Fighter Wing in Des Moines, was singled out for elimination under the plan – with no justification given. The unit's performance is highly rated and it has won numerous awards. Its pilots average more than four combat tours and its skilled maintainers average a decade of experience. When I asked senior Air Force leaders why this unit was chosen, I was told simply that it was a "judgment call." Obviously I am concerned about the economic impact in Iowa and the future of those airmen, but I am most concerned that it appears the decision was made using non-strategic criteria, and that the greater cost effectiveness of relying on Air Guard units was completely ignored.

The decision would have three significant national security implications. First, eliminating these multi-role fighters and nearly 500 positions would be an irreversible decision. It takes at least 10 years to achieve the average level of experience of Guard pilots and maintainers. At the same time, in order to manage uncertainty about the future strategic environment, Secretary Panetta's new military strategy released in January insists on "reversibility" in any reduction in capabilities, ensuring they can be quickly regenerated if the

need arises. We must carefully consider whether to eliminate this expertise, because it will not be possible to reverse course as the security environment unfolds.

Second, the Air National Guard will be flying F-16s for many years, even decades into the future – indefinitely in fact, since the Air Force has yet to submit a long range Total Force structure plan and most incoming F-35 aircraft will be flown by the active components. So the Guard will need to maintain expertise in operating F-16s for a very long time.

Third, having an adequate number of fighter aircraft available now and in the future is critically important. Having the most advanced aircraft is important, but sheer numbers of airframes also matter, because an aircraft and its pilot cannot be two places at the same time and can only carry a limited number of weapons. We currently have the smallest and oldest air force in our history, which is a significant challenge given that the new military strategy places renewed focus on the Asia-Pacific region. In reference to the Air Force restructuring plan, according to the American Enterprise Institute, “No matter how capable weapons systems might be on an individual level, the Asia-Pacific domain demands adequate numbers of key platforms.” According to AEI, the considerable distances between bases and potential targets could spread aircraft too widely, limit dwell time over targets and limit fighter coverage. I agree with Senator Graham, who said recently on the Senate floor concerning the Air Force plan, that “keeping the ‘active duty-first’ approach will mean smaller and smaller forces that are stretched thinner and thinner, and cannot respond where and when we need them to.” Indeed, I worry that a continuous cycle of budget cuts targeting aircraft and personnel assigned to the Air National Guard would pose an unacceptable national security risk by limiting our ability to surge large numbers of aircraft.

Finally, there is the issue of making the most of each taxpayer dollar – which is precisely what Congress should be doing, and what the American people expect in response to the budget constraints. Air Guard F-16s bring greater experience and lower operating costs, for both personnel and infrastructure. Yet the Air Force proposal ignores the cost-effectiveness of the Guard as a way to achieve additional cost savings. They have relied upon what many believe is a flawed costing model, which compares deployed members only, and concludes that reservists cost more than active duty members. In contrast, the Air National Guard has developed a different costing method known as the airman cost effectiveness (ACE) model, which has been

used to show that Guard personnel are less costly at all stages of war. While costs are similar during a deployment surge, the Guard is drastically less costly than active duty forces during non-surge and post-surge periods – even at the ideal deploy-to-dwell times in each of those scenarios. For example, at post-surge deployment rates an Air Guard member can meet the same requirement for about one third of the cost, or about \$500,000 versus \$1.5 million in the active component over a ten year period. As for infrastructure efficiencies, the Air National Guard has access to \$5.9 billion in community airport infrastructure for \$20.6 million per year – the equivalent of renting a \$300,000 house for \$87 per month.

It is difficult for me to understand that there is serious disagreement on the issue of cost-effectiveness of the Guard and Reserve among our military professionals, but I believe it is something that must be worked out in order for us to make sound force structure decisions. The Department of Defense and GAO are currently conducting a new study on comparative cost-effectiveness mandated in last year's defense bill. The study will also examine what mix of forces could carry out the range of missions anticipated under the national military strategy. The results of the study are due to this committee in June of this year. Before we allow the Air Force to shift the active duty/reserve component mix back to the Cold War ratio of the early 1990s, we need to have these results.

There are alternatives to eliminating the 132nd Fighter Wing and to carrying out many of the other proposed reductions in the Guard. As you may know, the Council of Governors has suggested a series of detailed alternatives to the Air Force that would achieve the same cost savings through a more equitable distribution of reductions, and others have suggested alternatives such as reassigning more active duty fighters to the Guard. As we face a very challenging defense budget, let's work to minimize cuts to capabilities we need in the long term. I believe that the members of the committee understand the seriousness of this issue and I know they will do what is best for the future of our nation's defenses. Thank you.

DANNY K. DAVIS
7th District, Illinois
WASHINGTON OFFICE
2150 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-5006
(202) 225-5641 (text)



Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT
AND GOVERNMENT REFORM
SUBCOMMITTEES:
RANKING MEMBER, HEALTH CARE, DISTRICT OF
COLUMBIA, CLERKS AND THE NATIONAL ARCHIVES
FEDERAL WORKFORCE,
POSTAL SERVICE AND LABOR POLICY
COMMITTEE ON
HOMELAND SECURITY
SUBCOMMITTEES:
TRANSPORTATION SECURITY
OVERSIGHT, INVESTIGATIONS, AND MANAGEMENT

Tuesday, April 15, 2012 – 10:20AM

Rep. Danny K. Davis Statement before the House Armed Services Committee
RE: The National Museum of Health & Medicine Foundation Authorization Bill

Good Morning,

Thank you Chairman McKeon and Ranking Member Smith for allowing me to testify in support of a language request to establish a partnership to support the work of the National Museum of Health & Medicine (NMHM) to expand its operations to satellite museum campuses around the country.

The authorizing language request before the committee will amend title 10, United States Code, to authorize the establishment of a nonprofit organization to support the National Museum of Health & Medicine.

The purpose of the Foundation is (1) to carry out medical research and education projects under cooperative arrangements with the Museum, (2) to serve as a focus for the interchange between military and civilian medical personnel, and (3) to encourage the participation of the medical, dental, nursing, veterinary, and other biomedical sciences in the work of the Foundation and the Museum for the mutual benefit of military and civilian medicine.

The establishment of the Foundation, and its subsequent activities, are planned to be funded entirely through private donations, at no cost to the federal government.

The bill is necessary to formalize the relationship between the National Museum of Health & Medicine (NMHM), a Dept. of Defense museum established in 1862, sited in Silver Spring, MD, and a new nonpartisan not-for-profit foundation which has been established to work with and support the museum in its research and educational missions, and to expand the nation's access to current and cutting edge information which will foster better understanding of the past, present and future of health and medicine across the United States.

This legislation will also facilitate the relationship between the NMHM and a new, cutting edge branch museum located in Chicago, which will become the first of a series of privately funded satellite locations across the nation. These satellite museums will collectively form the central online repository for the DC museum's digital collections, archives and computational resources and, as such, will help the DC museum share its extensive collections digitally with a much broader audience. This mutually beneficial relationship will also provide the DC museum with regional anchors across the country and access to non-governmental sources of support outside of the capital.

The museum will feature interactive exhibits where visitors can explore biomedical information in new ways. It will also act as a home for a team of information scientists who will advance the museum's research initiatives. In the area of education, the museum will create an online community for students, parents, educators, and others to explore health science information

while interacting with each other in social networks formed around topics in the health and medical sciences. For clinicians, the museum will provide an environment for social networking within knowledge-based affinity groups among health care workers globally. It will also give health care workers a powerful interactive online interface to the museum's vast historical repositories and collections. Finally, the satellite museum network will also provide a rich online medical information resource for decision makers in local, state, and federal governments.

The National Museum of Health & Medicine satellite museum program represents the synergistic convergence of efforts to advance the state-of-the-art in several areas: science education, museum design, information science, technology innovation, community outreach, and human health.

We are currently working with the House Armed Services committee staff and the Department of Defense to get an official response to the support of the satellite museum project. In addition, Chicago was chosen as a site due its vast medical district consisting of three teaching hospitals and over 20 full service and safety net hospitals. You will be pleased to know that we don't anticipate any cost to the taxpayer and are working with CBO for verification.

Thank you again for your time and I look forward to working with you for full support of this initiative.

Testimony of Rep. Rush Holt
before the
House Committee on Armed Services
April 17, 2012

Chairman McKeon, Ranking Member Smith, members of the committee—thank you for this opportunity to share my priorities and views regarding the Fiscal Year 2013 National Defense Authorization Act. Let me begin by addressing an issue that the committee—and our entire country—is well aware of: the scandal at the Dover Port Mortuary.

About a year after SFC Scott Smith was killed by an IED in Iraq in 2006, his wife and my constituent, Lynn Smith of Frenchtown, New Jersey, learned that not all of his remains had been included in his funeral. After years of persistent questioning, she learned from a military official that her husband's additional remains had been cremated, mixed with medical waste, and unceremoniously sent to a Virginia landfill.

In May 2011, Lynn asked me to help her find out whether other soldiers had suffered her husband's fate. After months of delay, the Pentagon finally revealed that at least 274 soldiers were desecrated in this way. Because of whistleblowers at Dover, we now know that what Lynn discovered was only one of many scandalous acts of desecration of the remains of our fallen. Since the autumn of 2011, through additional letters and meetings with senior Pentagon officials, I have continued to press for the release of all relevant information on this scandal and for real reforms that will prevent these outrages from ever being repeated. My staff is continuing to interview witnesses familiar with what transpired at Dover over the last two decades, and I anticipate that my own investigation of these incidents will continue for some time. However, one thing has already become clear: our military families are not sufficiently integrated into the decision making processes of casualty notification and remains disposition. The services appear to be resistant to our suggestions that civilians, including families, clergy, and civic leaders be included in an influential advisory committee.

I believe it is important that this committee include directive language in the FY13 NDAA requiring the Pentagon to create an OSD-level Family Mortuary Affairs Advisory Committee. My constituent, and others like her with whom she has spoken, do not feel that existing Pentagon advisory boards provide the kind of forum necessary for ensuring that the ideas, suggestions and concerns of bereaved family members make their way to the Secretary of Defense. A directive from the committee in this area would be extremely helpful.

Additionally, I again ask the committee to conduct an aggressive, probing oversight investigation of what transpired at Dover. As we now know, the panel chaired by General John Abizaid did not conduct nearly as comprehensive an examination of the problems at Dover as the situation warrants. My own investigation has established that key former mortuary staff with direct knowledge of the problems at Dover were not interviewed by the Abizaid panel, despite their making availability known. Until the full scope of what happened at Dover is brought to light and appropriate remedial and

disciplinary action taken, the public and our military families cannot have confidence that this episode will not be repeated in the future.

Second, I want to revisit an issue that I know is on all our minds: the continuing suicide epidemic among our servicemembers and veterans.

I want to thank my colleagues for their support of last years Defense and Military Affairs & Military Construction appropriations bills, each of which contained a \$20 million increase in suicide prevention funding that I pushed for. Besides conducting oversight to ensure the funds are spent effectively, another oversight task requires urgent attention. One of the great problems we have in preventing suicides is the hand-off of separating servicemembers from DoD to VA, particularly those who were Individual Ready Reservists, Individual Mobilization Augmentees, and Inactive Guard members. The veterans in those three categories are completely unknown to the VA. VA has told me and the press that they have no easy way of tracking down and reaching out to those veterans. Recently, I learned that an IRR airman who had separated from the 514th Air Mobility Wing at Joint Base McGuire Dix subsequently took her life. It is exactly those kinds of servicemembers and veterans about whom I am most concerned. Determining their location and status is an urgent matter the committee must address to ensure we prevent other casualties from occurring, and I ask for your help in providing directive language to DoD to locate affirmatively such former IRR/IMA/ING members.

Third, I would ask the committee to include parallel language to that offered last year by Senator Akaka regarding the creation of a presidentially appointed National Foreign Language Coordination Council and National Language Advisor to develop and implement a national foreign language strategy. The Council would identify crucial priorities, increase public awareness of the need for foreign language skills, coordinate cross-sector efforts, and monitor the foreign language activities of the federal government.

According to the National Research Council report, "a pervasive lack of knowledge about foreign cultures and foreign languages in this country threatens the security of the United States as well as its ability to compete in the global marketplace." The proposed National Foreign Language Coordination Council and National Language Advisor would help us overcome our nation's foreign linguist deficit.

Fourth, and finally, let me address a critical constitutional matter: the use of our military to indefinitely detain American citizens. I want to reiterate my strong opposition to the indefinite detention language included in last year's bill and ask that it be repealed via this year's legislation.

Last year's bill reaffirmed the language and broadened the scope of the original Authorization for the Use of Military Force (AUMF) passed in a fearful response to the 9/11 attacks. That language makes the President of the United States the sole determiner of who is a member of Al Qaeda, or who may have "supported" Al Qaeda, etc. Since there is no way to immediately challenge the President's determination of

who is a terrorist, there is no way to ensure that innocent Americans will not be charged falsely with having committed terrorist acts, or with having alleged terrorist associations.

No American president should ever be granted the kind of unilateral detention power provided by last year's bill. The existing language allows, and may even encourage, the kind of oppressive governmental actions we condemn in other countries. Republicans and Democrats join in calling for repeal of this language. My hope is that the committee will work in a bipartisan way to do just that.

My thanks again to the Committee for giving me this chance to share my requests with you today, and I would be happy to answer any questions you might have for me.

SAM GRAVES, MISSOURI
CHAIRMAN

NYDIA M. VELAZQUEZ, NEW YORK
RANKING MEMBER

Congress of the United States
U.S. House of Representatives
Committee on Small Business
2301 Rayburn House Office Building
Washington, DC 20515-0515

Testimony of Chairman Sam Graves,
Committee on Small Business
Before the House Committee on Armed Services
National Defense Priorities from Members for the FY 2013 National Defense
Authorization Act
April 17, 2012

Thank you, Chairman McKeon, Ranking Member Smith, and members of the Committee.

Given that federal government spends over half a trillion dollars each year through contracts, the federal procurement market is incredibly important for small businesses. Improving small business opportunities for federal contracts is a triple play – small businesses win more contracts; workers win as the small businesses create jobs; and taxpayers win because small business bring competition, innovation and lower prices to save the government money and improve the health of the industrial base.

Recognizing that this is a crucial area for small businesses, over the past year the Small Business Committee has held ten hearings or subcommittee hearings on federal procurement issues. These have resulted in 8 bills introduced by the majority, each of which has been voted out of Committee with bipartisan support. This package of reforms has been supported by over twenty trade associations, including the National Defense Industrial Association, the Associated General Contractors, the Chamber of Commerce, the Financial Services Roundtable, the Minority Business Roundtable, the U.S. Black Chamber, Women Impacting Public Policy, and many others.

At the same time that the Small Business Committee was holding its hearings and developing legislation, the House Armed Services Committee's Panel on Business Challenges in

the Defense Industry was holding hearings and roundtables addressing many of the same issues. I was pleased to be part of one of these roundtables with Mr. West and Mr. Shuster. The Panel's final report, issued last month, and the legislation marked up by the Small Business Committee complement each other nicely and reflect common understanding of issues facing small business participation in the industrial base.

Therefore, I am here today to support the inclusion of the eight small business contracting bills in this year's National Defense Authorization Act. Each of them ties directly to at least one of the Panel recommendations, and I will discuss each of them very briefly.

First, H.R. 3850, the Government Efficiency Through Small Business Contracting Act of 2012, is a bill I introduced with Congressman Owens and Congressman Schilling to increase contracting opportunities for small businesses. The bill does this by increasing the small business prime contracting goal from 23% to 25%, instituting a governmentwide subcontracting goal, and holding agencies accountable. This bill is directly linked with Panel Recommendation 2.1, which states that Congress should consider increasing the DOD's small business prime contract and subcontract procurement goals, and increase accountability in the achievement of the procurement goals, and with Recommendation 2.7, which addressed having senior executives take responsibility for meeting these goals.

Recommendation 2.1 also stated that Congress should amend the job descriptions for small business advocates – Procurement Center Representatives and Offices of Small and Disadvantaged Business Utilization. H.R. 3851, the Small Business Advocate Act of 2012, does this for the Offices of Small and Disadvantaged Business Utilization, making sure these advocates have the clout to be effective advocates for small business concerns, and that they focus their resources in a way that helps small businesses compete for contracts. H.R. 3980, the Small Business Opportunity Act of 2012, does the same for Procurement Center Representatives. H.R. 3980 also addresses Panel Recommendation 3.9, which advocates for better training of contracting officers on the small business programs, and the Panel Recommendation 3.7 on improving small business consideration in acquisition planning.

H.R. 3893, the Subcontracting Transparency and Reliability Act addresses several of the Panel Recommendations. First, it Recommendation 2.9 says that Congress should ensure that

work being reserved for small business performance is actually performed by small businesses. The problem is that some bad actors hide behind small businesses and have work passed through to them. H.R. 3893 addresses this problem by increasing transparency into who performs small business contracts, while simultaneously reducing small business paperwork and encouraging small business teaming.

This bill also addresses Recommendation 2.6, which deals with tracking small businesses working as subcontractors. Currently, any contract over \$650,000 awarded to a large business must have a subcontracting plan detailing how small businesses will be used. H.R. 3893 improves reporting on these plans to make the data more meaningful, and does so without adding new paperwork requirements.

H.R. 3985, the Building Better Business Partnerships Act of 2012, introduced by Mr. Schilling and Ms. Chu, doesn't directly relate to the Panel's recommendations, but it is in keeping with the spirit of the recommendations. Throughout the Panel Report, the Department of Defense's Mentor-Protégé program receives credit for assisting small businesses. Mr. Schilling's bill attempts to do the same for small businesses operating in the civilian agencies by improving the other mentor-protégé programs the government offers to small businesses.

Panel Recommendation 2.2 was that Congress end the practice of combined size standards, keep SBA from placing artificial limits on the number of size standards, and better define what factors should be considered when size standards are proposed. H.R. 3987, the Small Business Protection Act of 2012, introduced by Mr. Walsh and Mr. Connolly, does exactly that. As I understand that both Mr. Walsh and Mr. Connolly are appearing before you today, I won't discuss this bill any further, except to say that I support its inclusion.

Panel Recommendation 2.10 addresses one of the most important issues for small business – unjustified contract bundling. The Panel recommended that bundling processes be clarified and improved to better identify work likely to be suitable for small businesses, capture construction contracting, and improve transparency. H.R. 4081, the Contractor Opportunity Protection Act of 2012, which I introduced with Mr. West, does exactly these three things – it streamlines the current processes, better defines justified bundling, and increases transparency into bundling decisions. I want to emphasize that I think this is one of the most important areas

where we can work if we want to help small businesses compete and save taxpayers money. I urge you to include it in the NDAA.

Finally, while all of these efforts are important, if we allow fraud to go unchecked in the small business contracting programs, we will not reap the expected benefits. Therefore, I also encourage you to include H.R. 4206, the Contracting Oversight for Small Business Jobs Act of 2012, introduced by Mr. Coffman. When fraud occurs in the small business programs, legitimate small businesses lose opportunities, we all lose out on the job-creating potential those small businesses bring, and we are entrusting important work to fraudulent companies. This bill will make it easier for legitimate small businesses to comply with the rules, provide a safe harbor to those making a good faith effort to comply, and punish bad actors.

Each of the bills I've just discussed received bipartisan support in Committee. Each supports the intentions, if not specific recommendations, of the Panel Report produced by this Committee. I am pleased that our two Committees are working so cooperatively, and hope that this language will be incorporated into this year's National Defense Authorization Act.

Thank you. I'd be happy to answer any questions.

**House Armed Services Committee
Members Hearing for the FY 2013 National Defense Authorization Act
April 17, 2011**

Testimony of Congressman Michael Honda (CA-15)

I want to thank Chairman McKeon, Ranking Member Smith, and the distinguished members of the House Armed Services Committee for allowing me to testify in support of my priority for the Fiscal Year 2013 National Defense Authorization Act - hazing and harassment prevention in the U.S. military.

From recent tragic cases such as Lance Corporal Harry Lew and Private Danny Chen, I believe that the U.S. military has fallen into a culture that is blind to the damages that hazing and harassment cause to our own service members. Their tragic deaths are urgent calls to action. The crucial issue of hazing and harassment in the military must be addressed immediately and the culture that tolerates them must be reversed. The brave men and women of our armed services must be able to serve within a system that guarantees their protection and ensures their families' trust in their superiors.

I am grateful to the Subcommittee on Military Personnel for recognizing the important need to address hazing in the military by recently holding a hearing regarding this concern. As an invited member, I was glad to hear the witnesses representing each service denounce hazing and harassment and give broad overviews of their service's preventative safeguards. Yet, these safeguards apparently are not adequate and hazing and harassment occurs, as evident by the recent incidents of Private Danny Chen and Lance Corporal Harry Lew. In fact, Secretary Panetta issued an anti-hazing directive during his holiday message in December.

What I found extremely troubling from the testimony is the lack of actual statistics on hazing and harassment. How can anyone be convinced that a problem does not exist or current prevention policies are working if there is no method to monitor and evaluate it? Furthermore, a definition of hazing and harassment is either lacking or inconsistent within the services.

For these reasons, many of my colleagues and I are convinced substantial efforts are needed to eradicate hazing and harassment in the military. In a letter to the Committee dated April 3, 2011, the Tri-Caucus requested your committee's consideration of the following:

1. Statutory Definition of Hazing in the Uniform Code of Military Justice
2. Government Accountability Office (GAO) study on each of the services' hazing prevention policies and the prevalence and consequences of hazing over the last five years.
3. National hazing database that tracks incidents of hazing and an annual report to Congress on the military's progress in responding to hazing.

I know from meeting with Harry Lew's parents, my constituents, how much it meant to Harry to serve his nation in uniform. We must act now to ensure that the Department of Defense has

effective and continuous training for all ranks, proper oversight by and access to leadership, and stricter enforcement policies to guarantee that our service members – no matter their background – are able to safely and honorably defend the citizens and the Constitution of the United States. I thank you for your consideration of my requests.

Congressman Tim Murphy
Remarks Before the House Armed Services Committee
(as prepared for delivery)
National Defense Authorization Act of 2013
Tuesday, April 17, 2012

Mr. Chairman, I would like to submit additional data about the bases and the offer for additional land from Allegheny County Airport Authority for the record.

* * *

Mister Chairman and Members of the Committee,

Thank you for your time and efforts in service to our nation's defense, our soldiers, and military families. I am grateful for the opportunity to share with you the deep concerns of Southwestern Pennsylvanians about Air Force plans to close the 911th Air Reserve Station, which houses C-130 Hercules transport planes, and the transfer of four KC-135 refueling tankers from the 171st Air National Guard station. These facilities, which are located in Moon Township in Pennsylvania's 18th congressional district, are two of the most accomplished and cost-effective installations in the country. They possess unique value to our nation's military, and I fear the Pentagon is proceeding with an irreversible course that is misguided, misinformed, and mistaken.

Over the past two months, I have been pushing the Air Force to provide documentation justifying these actions. The report, which I recently received, confirms what I've been saying all along – the Air Force is making the easy decision rather than the economical one.

The Air Force's analysis relies on two points: 1) the 911th has the oldest and costliest C-130s, and (2) the decision to close the 911th doesn't require congressional approval. First, the 911th has older aircraft only because the Air Force took the newer models from the 911th in 2007. Second, the Air Force believes the 911th has fewer than 300 authorized personnel, which means no congressional approval is needed for closure. If true — and I dispute those numbers — the 911th is a victim of its own success. By sharing expenses with nearby bases and the Pittsburgh International Airport, the 911th has fewer personnel. The irony is if the 911th was less efficient and costlier to operate, the Pentagon wouldn't have the power to close it.

* * *

I am confident that once you review the data I have seen you will agree that these bases must remain fully operational.

First, a little background. The 911th and 171st are highly decorated. The 911th has won numerous honors and the 171st was handpicked to serve as the lead unit for combat

support missions enforcing the Libya “no-fly zone.” The 171st executed more mission hours in the last two years, and had the lowest total non-mission capable rate for maintenance, amongst all KC-135 guard units.

Beyond the accolades are strategic reasons why these bases must remain open. The 911th and 171st offer joint training with other units, and regularly work with local emergency responders and federal law enforcement. As part of the military’s disaster preparedness responsibilities, few places have the assets of Pittsburgh, which is located within two hours’ flying time of seventy percent of U.S. population. And, the region’s world-class medical system offers a unique combination of supportive operations and a readily accessible airlift hub.

End-strength at both bases is extremely high because commanders recruit from a unique talent pool trained and working in commercial aviation at the Pittsburgh International Airport. The 911th, which is one of the top three highest-manned units in the Air Force Reserve, is at 122% of end-strength.

I am deeply worried that the FY13 structure changes relocate aircraft to less populated regions lacking the physical capacity to service aircraft, let alone recruit technicians and reservists. The Air Force would have to spend millions on building new C-130 maintenance facilities and on recruitment and training.

Moreover, no other reserve or guard station can claim to have all-weather access to non-congested airspace and four ten thousand foot runways at a fixed cost of only \$20,000 per annum. Other reserve stations pay millions for runway maintenance, air traffic control, and emergency response. These benefits make the cost-per-flying-hour significantly lower at the 911th, and save taxpayers an estimated \$10 million annually.

For all of these reasons, the Pentagon is making sizable investments at the 911th. Since 2004, more than \$58 million has been spent on renovations and new lodging facilities at the 911th. It’s practically a brand new base. And, it’s growing. The Navy Reserve will build a \$14M joint operations center, the Pentagon breaks ground in July on a new \$17.2M commissary, and an expanded Post Exchange is in the works.

* * *

I am also troubled that the Air Force relied on faulty assumptions about the 911th’s acreage. The Air Force says the 911th can house no more than ten C-130 Hercules aircraft. This is untrue, and has been discredited by 1995 and 2005 BRAC reports. The 911th can support 20 C-130s. I am submitting an offer from Allegheny County Airport Authority to make additional land available to the Air Force for expansion as well.

* * *

On behalf of the 168,000 active duty soldiers, reservists, guardsmen, and veterans who call Southwestern Pennsylvania home, I seek your assistance.

Congressman Tim Murphy (PA-18)
Murphy.House.Gov/911th
@RepTimMurphy | Facebook.com/RepTimMurphy

First, I urge you to include in the National Defense Authorization Act my bill — H.R. 3911 — that would stop the Air Force from transferring any planes from the 911th until Congress reviews the matter. Today, the Pentagon seeks to close down the 911th in my district without congressional approval. Tomorrow, it could be a base in your district. Congress has an obligation to make sure these hugely impactful decisions are done fairly and impartially.

Second, I request a full and accurate cost-benefit analysis of the Air Force's decision that: compares the 911th and 171st against installations with similar missions; calculates cost savings due to resource sharing with the Pittsburgh International Airport and nearby bases; accounts recent investments at the base; considers the offer from Allegheny County for additional land; and examines the potential impact on recruiting.

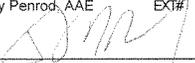
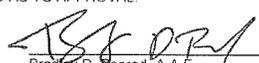
Decisions of this magnitude should be made in the best interest of the taxpayers and the military – not because it's the easy option. Again, I thank you for your time and am happy to answer any questions.

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ALLEGHENY COUNTY AIRPORT AUTHORITY
OFFICIAL REQUEST FOR ADMINISTRATIVE ACTION

BOARD EXECUTIVE DIRECTOR

ACTION NUMBER
206-12

DEPARTMENT OF <u>-Executive Office-</u>		EST COST:	Funding _____ FAA _____ State _____ Authority _____ Other _____
CONTACT: Bradley Penrod, AAE	EXT# 3510	EST REVENUE:	
SIGNATURE: 	CEO/Executive Director	CHECK APPROPRIATE BOX: Grant <input type="checkbox"/> Capital <input type="checkbox"/> Operating <input type="checkbox"/>	
DATE RECEIVED BY SR. MANAGER-PROCUREMENT <u>4/12/12</u>		INDEX CODE: PROJECT #: EXP. SUB OBJ CODE:	
		INCLUDED IN BUDGET: YES <input type="checkbox"/> NO <input type="checkbox"/>	
SUMMARY: Authorization for Board to ADOPT ATTACHED RESOLUTION regarding additional land to be made available for Air Force Reserve 911 th Airlift Wing and further, to authorize Chairman of the Board, CEO/Executive Director and the CFO/CAO to execute any and all Transaction Documents that may become necessary to effectuate this RESOLUTION			
EXPLANATION: Authorization is respectfully requested for the Board to ADOPT ATTACHED RESOLUTION allowing the Airport Authority to make additional land available for aircraft parking apron to meet current and future demands and needs of the Air Force Reserve 911 th Airlift Wing @ PIT as stated within the document and further to authorize the Chairman of the Board, the CEO/Executive Director and the CFO/CAO to execute any and all Transaction Documents that may become necessary to effectuate this RESOLUTION.			
COMMITTEE RECOMMENDATION: <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DENIED _____ INITIAL _____		<input type="checkbox"/> NOT REQUIRED <small>EXEC. DIR. ACTION ONLY</small>	
BOARD AUTHORIZATION: <input checked="" type="checkbox"/> APPROVED AS SUBMITTED <input type="checkbox"/> DENIED		CERTIFIED AS TO APPROVAL:	
DBE PARTICIPATION _____ %		 Bradley D. Penrod, A.A.E. Executive Director	
DBE COMMENTS:		APPROVAL DATE: <u>APR 13 2012</u>	

Allegheny County Airport Authority

A Resolution

WHEREAS, The Allegheny County Airport Authority, an authority duly organized and established pursuant to the Pennsylvania Municipality Authorities Act, Act 22 of 2001, 53 Pa. C.S.A. §§5601 et seq. (the "Authority"), holds the Air Force Reserve 911th Airlift Wing in high regard as a tenant and great community and national security asset;

WHEREAS, the Authority desires to make additional land available for aircraft parking apron to meet the current and future demands and needs of the Air Force Reserve 911th Airlift Wing;

WHEREAS, the property is approximately 26 acres located adjacent to and north of the current 911 AW apron. Prior to 1973, this property was primarily undeveloped land that served as the approach to former runway 23 at the former Greater Pittsburgh International Airport. In the late 1970s and early 1980s, runway 23 was decommissioned and this area was filled and paved as part of the construction of the extension to an existing commuter aircraft apron and parking area. The use of this parcel as a commuter aircraft parking area has essentially remained unchanged since completion of construction in 1985-86;

WHEREAS, the Air Force Reserve Command (AFRC) and 911th Airlift Wing (911 AW) Pittsburgh International Airport Air Reserve Station are pursuing the acquisition by lease of an approximately 26 acre parcel of property ("T-Ramp") owned by the Allegheny County Airport Authority (ACAA) at the Pittsburgh International Airport (PIT) in Moon Township, Pennsylvania. The T-Ramp is a secured, predominantly paved area located on the PIT airfield adjacent to and north of the current 911 AW apron (**Figures 1 & 2**).

WHEREAS, a Phase I EBS has already been completed on the T-Ramp property by the 911AW; document titled *Environmental Baseline Survey Report, Additional Acreage from Allegheny County*, dated July 5, 1996;

WHEREAS, a final Description of Proposed Action and Alternatives (DOPAA) for the Lease Acquisition of T Ramp Property from Allegheny County Airport Authority Air Force Reserve Command (AFRC) and 911th Airlift Wing (911 AW) Pittsburgh International Airport Air Reserve Station was completed on January 25, 2012.

WHEREAS, the Air Force Reserve 911th Airlift Wing has utilized this property since 1993 under a Memorandum of Agreement with the ACAA. This property provides space for the 911th AW to relocate C-130 aircraft for parking purposes during construction activity on the 911th AW aircraft apron. The property also provides additional apron space for the 911th AW for visiting military aircraft, including Air Force One and supporting aircraft. This property also provides for an expanded C-130 aircraft operation and parking needs along with the ability to be converted to another aircraft fleet type. The expanded C-130 aircraft space requirements and alternative aircraft fleet type is shown on **Figures 3-7**. Further, this additional space has proven greatly beneficial for space assistance during periods of construction on the 911th AW.

NOW, THEREFORE, BE IT RESOLVED, that the Authority is hereby authorized to enter into the Transaction Documents described to meet the demands of an expanded presence of Air Force Reserve 911th Airlift Wing aircraft;

BE IT FURTHER RESOLVED, that the Authority is hereby authorized to enter into such Transaction Documents and such other agreements and related documents as the Executive

Director of the Authority shall deem necessary or desirable with respect to an expanded demand of the Air Force Reserve 911th Airlift Wing;

BE IT FURTHER RESOLVED, that the Executive Director, the Chief Financial & Administrative Officer and/ or the Chairman of the Authority be, and each of them are hereby, authorized to execute and deliver (i) each of the Transaction Documents and any amendments or modifications thereto and any other agreements, documents or instruments necessary or desirable in connection with the Air Force expansion, in the name and on behalf of the Authority and if necessary or advisable under its seal (which may be attested by the Secretary or any Assistant Secretary or the equivalent thereof of the Authority) or otherwise in the form previously presented to the Authority (with such changes, not inconsistent with the intent of these resolutions as the Executive Director, Chief Financial & Administrative Officer and/ or Chairman of the Authority, as evidenced by their execution thereof, shall deem necessary or desirable) and (ii) such other agreements and documents as are contemplated by the Air Force;

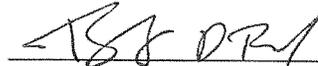
BE IT FURTHER RESOLVED, that the Executive Director, Chief Financial & Administrative Officer and/ or Chairman of the Authority and its Solicitor be, and each of them hereby are, authorized to take all such further actions, to execute and deliver such further instruments and documents in the name and on behalf of the Authority and if necessary or advisable under its seal (which may be attested by the Secretary or any Assistant Secretary or the equivalent thereof of the Authority) or otherwise to fully carry out the purposes of the foregoing resolutions; and

BE IT FURTHER RESOLVED, that all actions previously taken or that will be taken by any officer or the equivalent thereof, employee or agent of the Authority in connection with or related to the matters set forth in or reasonably contemplated by the foregoing resolutions be, and each of them hereby is, adopted, ratified, confirmed and approved in all respects as the acts and deeds of the Authority.



Witness

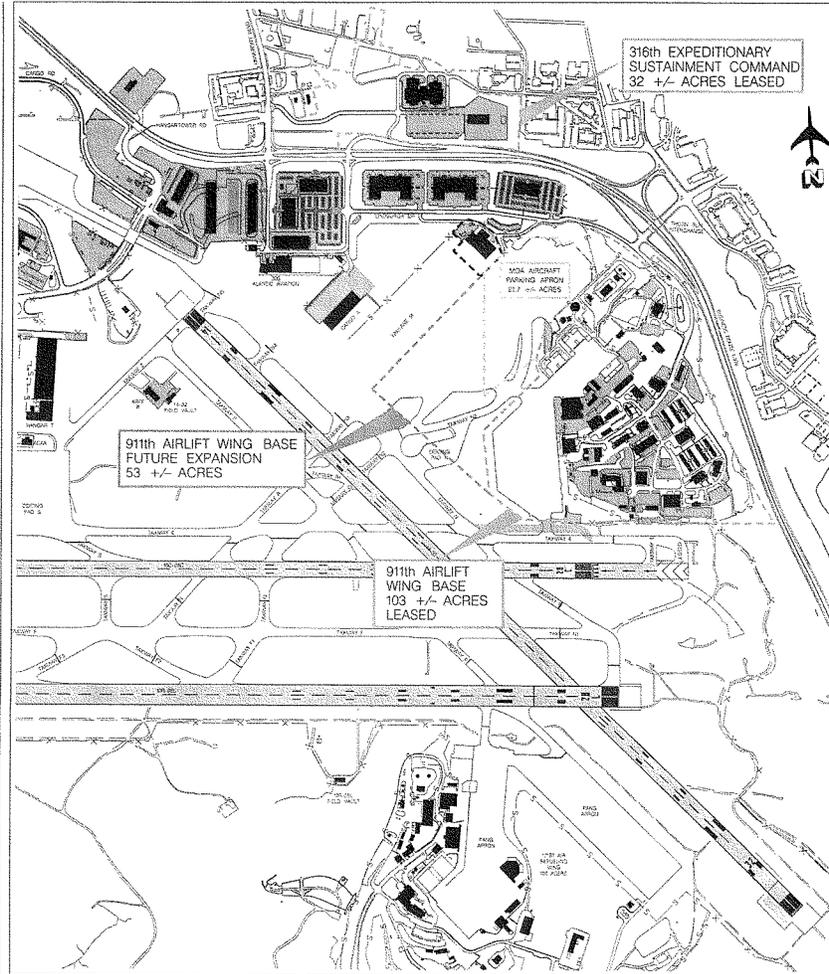
ALLEGHENY COUNTY AIRPORT
AUTHORITY



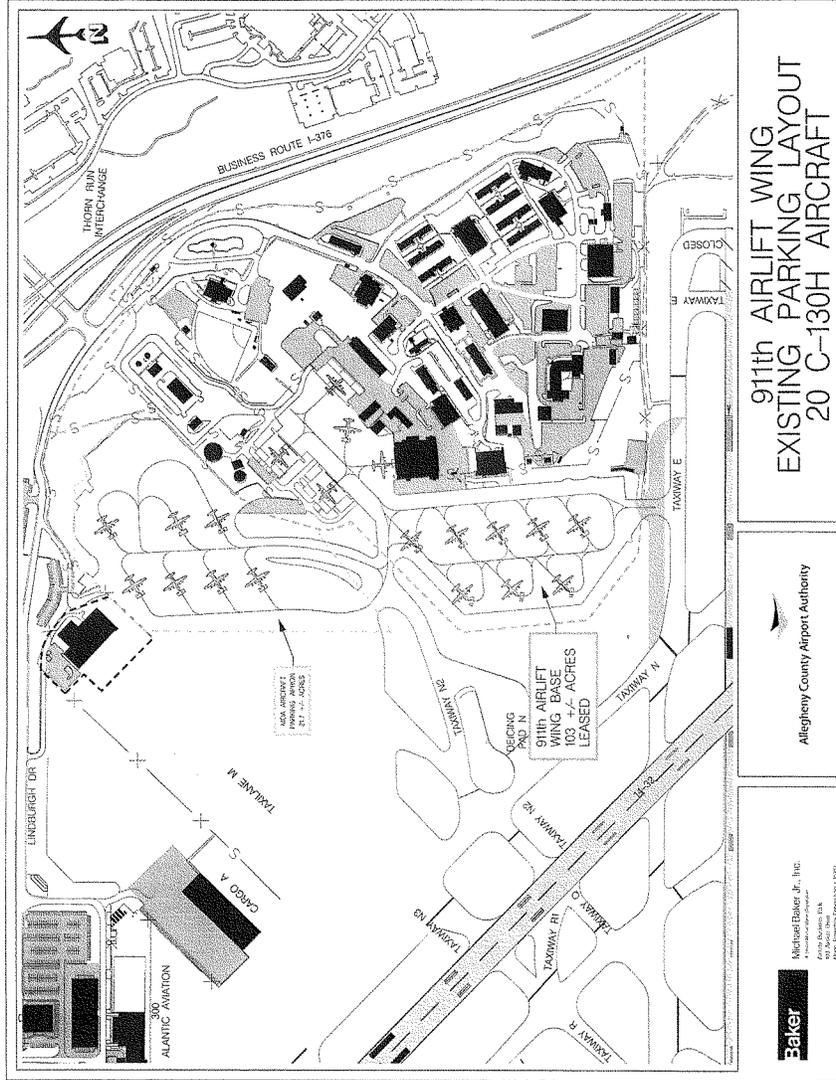
Bradley D. Penrod, A.A.E.
Executive Director/CEO

Date:

APRIL 13, 2012



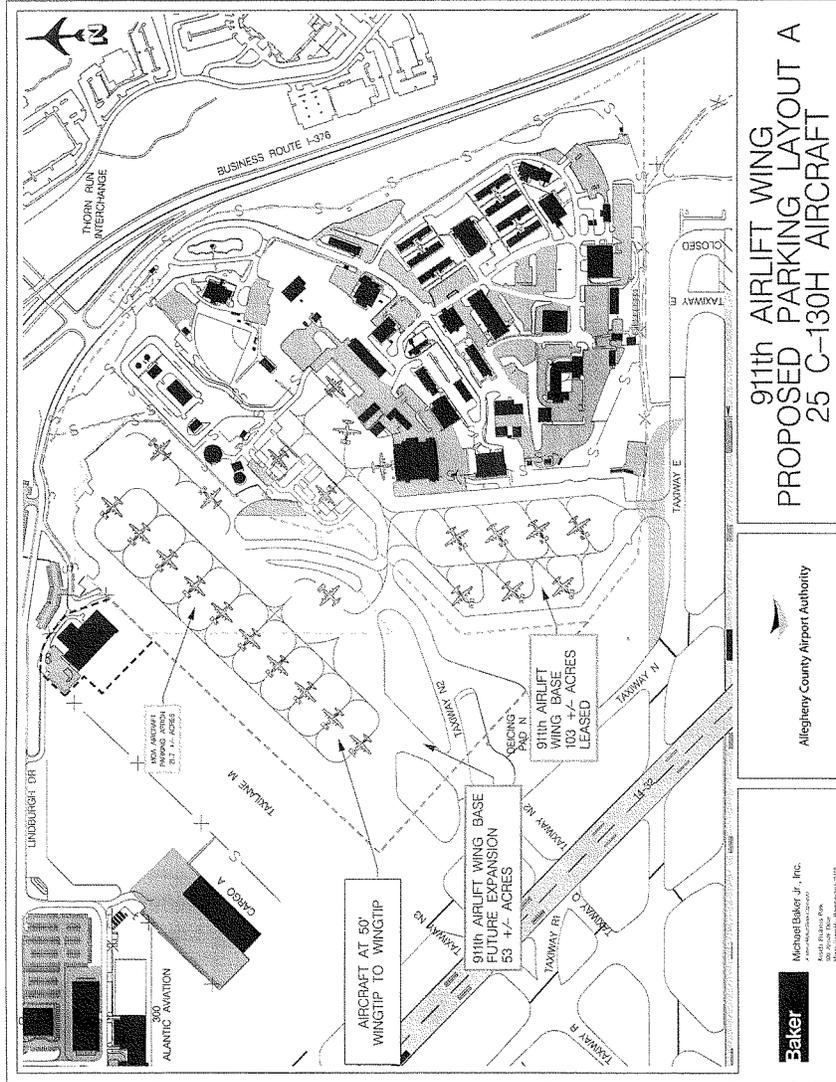
	<p>Michael Baker Jr., Inc. A subsidiary of Baker Corporation 1000 North Main Street 100 North 2nd Street Morgantown, West Virginia 26505</p>		<h1>MILITARY FACILITIES</h1>
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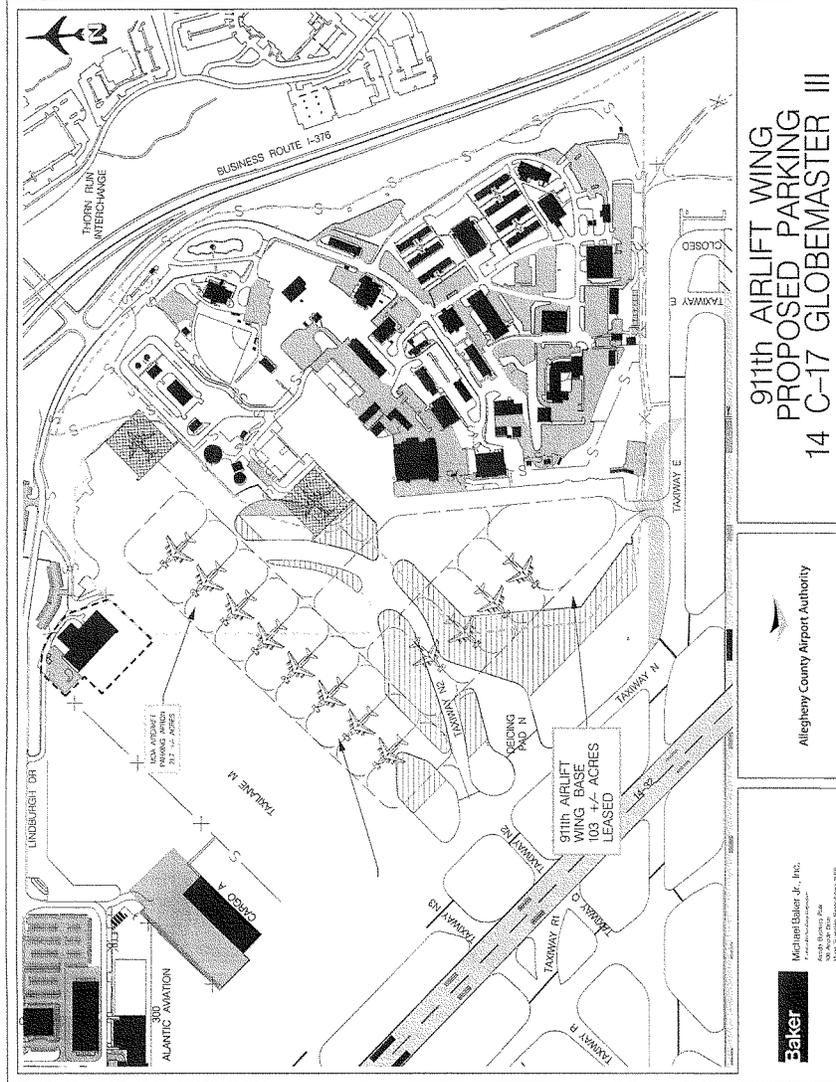


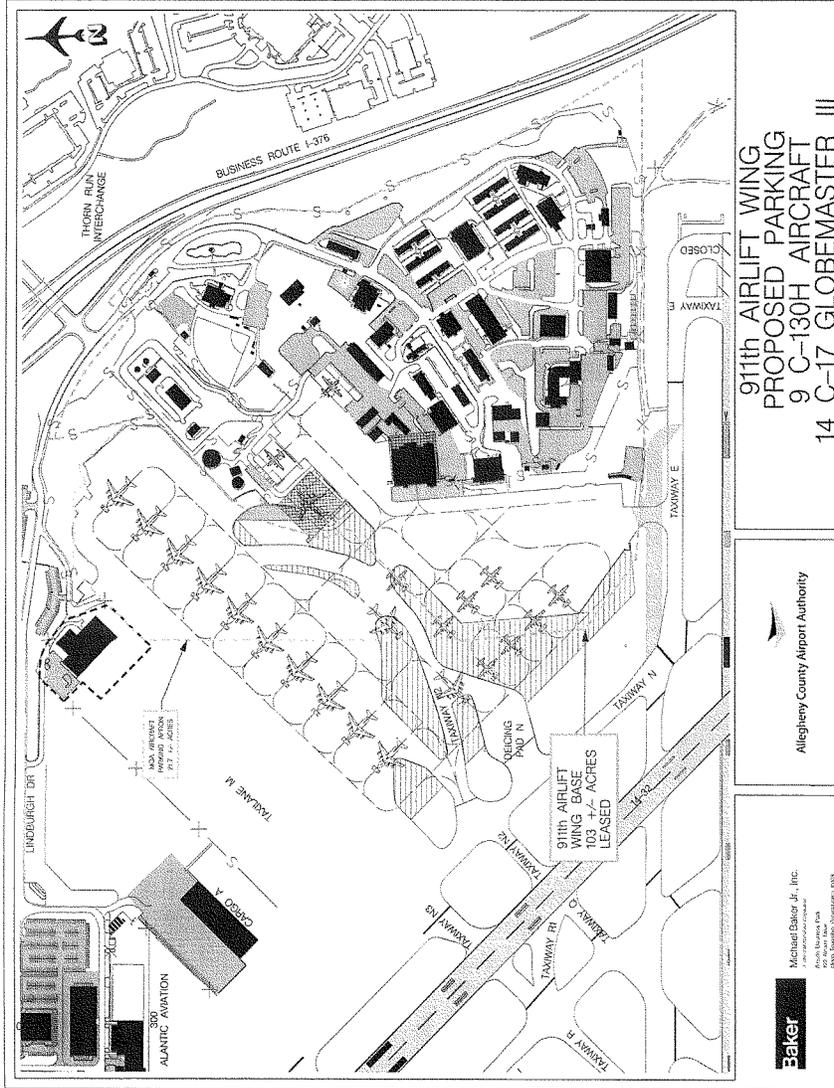
91st AIRLIFT WING EXISTING PARKING LAYOUT 20 C-130H AIRCRAFT

Allegheny County Airport Authority

Baker
Michael Baker, Jr., Inc.
Aerial, Building, EITC
1000 Pennsylvania Avenue, N.W.
Washington, D.C. 20004







3/31/2012

PITTSBURGH INTERNATIONAL AIRPORT "WHITE PAPER" / TALKING POINTS
911TH AW AND 171ST ARW

1. HISTORY OF BASE ATTEMPTED CLOSURES AND DOWNSIZINGS
 - a. 1995 Base Realignment and Closure Commission (BRAC) rejected the Department of Defense (DOD) proposal to close the base when the W PA Coalition discovered that the wrong numbers were used in determining the base cost effectiveness and it went from being most costly to the least costly AF Reserve Base.
 - b. In 2004 the Air Force removed four KC135 aircraft from the 171st ARW.
 - c. 2005 BRAC again rejected the DOD proposal to close the base when the W PA Coalition proved that the DOD claim that the base had no land available for future expansion as a possible Joint Base was false. The Pittsburgh Airport's offer for additional land at no cost had been turned down multiple times by the Air Force since 1993. The W PA Coalition also proved once again that the DOD used inaccurate operating cost figures for the base. The 911th AW was actually THE MOST COST EFFECTIVE OF ALL RESERVE BASES.
 - d. In 2007 the Air Force removed the C130H2 model aircraft from the 911AW, which they had received new from factory and replaced them with C130H2 aircraft that were the oldest in the AF Reserve fleet.
 - e. 2012 the Air Force proposal to close the 911AW and reduce the 171ARW is not based on any data at all that could be provided by the AF to a Congressional request. The closure attempt appears to be an unsubstantiated circumvention of Title 10 US Code Section 2687 in an attempt to avoid Congressional intervention. The coalition has shown that the basis for this attempt is invalid and a full BRAC study must be accomplished under this law.

2. DOD IGNORES US LAWS IN ATTEMPTING BASE CLOSURE WITHOUT A BRAC
 - a. The AF is wrongly interpreting Title 10 Section 2687 of the US Code to exclude certain categories of DOD employees when determining that less than 300 civilian personnel are authorized to be employed at Pittsburgh ARS (911th Airlift Wing)
 - b. Civilian Personnel not assigned to the 911th AW but to other DOD components that work on the base full time were overlooked by the AF in calculating the actual number of employees.
 - c. Non-appropriated fund employees working on base were overlooked by the AF (DOD Joint Publication 1-02, Department of Defense Dictionary of Military and Associated Terms. Definition; Department of Defense civilian — A Federal civilian employee of the Department of Defense directly hired and paid from appropriated or non-appropriated funds, under Permanent or temporary appointment)
 - d. The total of funded, unfunded, over hire and non-appropriated fund full time civilian employees of the DOD far exceeds the "300 civilian employees authorized to be employed" threshold in 10 USC 2687. The AF ignores some of these positions in their interpretation of the law.

3/31/2012

3. PITTSBURGH AIR RESERVE STATION PERSONNEL NUMBERS DO NOT JUSTIFY DOD CLOSURE WITHOUT A CONGRESSIONALLY MANDATED BRAC.
 - a. 1383 authorized part time Air Force Reservists
 - b. 311 authorized Civilian full time employees of DOD
 - c. 39 Active Guard and Reserve Military full time employees of DOD
 - d. 36 Non-Appropriated Fund full time civilian employees of the DOD
 - e. 102 Contractor full time civilian employees on base but hired by contractor to DOD
 - f. 6 Civilian full time employees on base but hired by off base employer
 - g. 54 Active Duty military full time on base
 - h. 549 full time personnel and 1383 part time reservists lose their jobs here if 911AW closes

4. PUBLIC LAW THAT WAS ADOPTED BY CONGRESS AFTER THE 2005 BRAC WAS TOTALLY IGNORED BY THE DOD AND DHS IN NEVER DEVELOPING A REGIONAL JOINT READINESS CENTER (RJRC) AT THE 911AW:
 - a. The RJRC under public law is to provide civil-military operations, homeland security and community based medical support to DOD and Department of Homeland Security (DHS).
 - b. The 911th to be realigned as an enclave on which a Regional Joint Readiness Center (RJRC) would be established
 - c. The law directed the DOD to permanently locate and operate an optimum number of C-130 aircraft as a detachment to the Pittsburgh IAP Air Reserve Station enclave in order that it may support the mission of the RJRC.
 - d. DOD has completely ignored this law and accomplished nothing toward development of a Joint Readiness Center as directed which would provide the greatest possible support to the country and have a significant impact on the state and community.

5. DOD INVESTMENT IN RECENT 911TH AW NEW CONSTRUCTION LOST BY CLOSURE WOULD BE A WASTE OF TAXPAYER MONEY.
 - a. Construction of one new lodging facility was completed in FY12 for a cost of \$12 Million Dollars,
 - b. Additional renovation of two lodging facilities in FY11 and 12 for a total cost of \$4.6 Million Dollars.
 - c. Approximately 50 Million Dollars of construction on base since the 2005 BRAC
 - d. The waste of taxpayer dollars in closing the base with all this new investment is over \$66.6 Million Dollars since 2005 and does not optimize cost efficiencies.

6. 171ST AIR REFUELING WING AND 911 AIRLIFT WING COST SAVINGS WILL BE *WASTED* BY THE DOD IN FURTHER REDUCING AND CLOSING THE WINGS
 - a. Removing four KC-135 Aircraft and Personnel provides only 25 percent of the budget savings as would accrue from the same reduction in Active Component
 - b. Removing the eight C-130 Aircraft and Personnel provides only 25 percent of the budget savings as would accrue from the same reduction in Active Component
 - c. Pay for an ANG or AF Reserve Airman averages annually 25 percent of the comparable Active Duty Airman
 - d. Removing four KC-135 Aircraft from Active Duty vice ANG would save four times the budget dollars.
 - e. Removing eight C-130 Aircraft from Active Duty vice AFR would save four times the budget dollars.

3/31/2012

- f. Title 32 US Code Section 104(c) requires that "...no change in branch, organization, or allotment of a (National Guard) unit located entirely within a State or Territory may be made without the approval of its Governor." The Governor of Pennsylvania was not consulted.
 - g. Taking eight C-130 aircraft from one of the top and most cost effective Air Force Reserve Units in the country and taking four more aircraft from one of the top and most cost effective Air National Guard Units in the country does not optimize cost efficiencies and reduces the possible support they provide to the country and the AF.
7. 911AW LAND AND JOINT USE AGREEMENTS WITH ALLEGHENY COUNTY AIRPORT AUTHORITY PROVIDE SIGNIFICANT COST SAVINGS TO THE AF AND OPTIMIZE MILITARY EFFICIENCIES HERE.
- a. \$20,000.00 is the entire fee paid annually by the Air Force for 911th AW use of all:
 - 1) Runway/Taxiway use and maintenance
 - 2) Fire Department Crash, Rescue and Structural response;
 - 3) 24 hour Control Tower operations,
 - 4) Customs and Border protection and use,
 - 5) Emergency medical response,
 - 6) Use of the over 100 acres of land to house the base.
 - b. At least \$10 Million of taxpayer's money would be saved annually by keeping the Pittsburgh Base intact, optimizing cost efficiencies, and closing any other base instead.
8. PITTSBURGH INTERNATIONAL AIRPORT'S LOCATION PROVIDES HIGH VALUE AND LOW COST TO THE AF
- a. The Allegheny County Airport Authority (ACAA) controls over 8,800 acres at Pittsburgh International Airport.
 - b. Much room for military expansion if desired by DOD.
 - c. Extra land offered to AF at no cost since 1995
 - d. Four runways available(3 parallel, 1 crosswind)
 - e. All-weather operational on all runways(CAT-III)
 - f. Airport capable of handling any aircraft in AF inventory
 - g. No restrictions on arrivals and departures due to traffic
 - h. Airport open 24/7 operation, 365 days a year
 - i. Capacity of 1,600 operations daily
 - j. Simultaneous Military and Civil operations able to be conducted with little impact on civil air traffic.
 - k. Capable of 911th and 171st simultaneous surge operation with little impact
 - l. Extremely low cost to the AF and high strategic value and support to the AF are optimized by keeping the 911AW open and the 171ARW at full capacity.
9. THE STRATEGIC LOCATION OF PITTSBURGH AND ITS MILITARY/CIVIL CAPABILITIES PROVIDE A TREMENDOUS BENEFIT TO THE COUNTRY IN THE EVENT OF A NATIONAL EMERGENCY
- a. Pittsburgh airport located within a 90 minute flight time of 70 percent of U.S. population
 - 1) This area covers six Federal Emergency Management Act (FEMA) Regions

3/31/2012

- b. Pittsburgh's three rivers make it the second busiest U.S. inland port
 - c. Pittsburgh Region is served by two Class I railroads
 - d. Pittsburgh Region is traversed by four mainline interstate highways
 - e. This location can provide the greatest possible support for the AF at minimal cost
10. 911TH AW'S EXPANSIVE TRAINING CAPABILITIES PROVIDES SIGNIFICANT SUPPORT TO THE AF MISSION
- a. 911AW operates two local Drop Zones, where many bases have none at all.
 - b. Average 800 airdrops per year split evenly between both
 - c. Consol Drop Zone (400 acres) costs only \$600 a year
 - 1) One of the largest drop zones in the northeast and allows all-weather airdrop training which is not readily available elsewhere
 - 2) Approved for Joint Precision Airdrop Delivery (JPADS), which is the only one of its type in the Northeast and the ONLY AF Reserve "owned" JPADS capable drop zone.
 - d. Starvaggi Drop Zone (180 acres) has zero costs per year to the AF (since 1977)
 - 1) Both Security Forces and Aerial Port Squadrons use this drop zone for training
 - 2) Army convoy training accomplished at this site
 - 3) Marine combat transportation units use this site for training.
 - e. These minimal cost drop zones and the training they provide for aircrews, and others, would be lost to the DOD if 911AW closes which will significantly reduce the possible support for the AF and only increase cost elsewhere.
11. W PA AND SURROUNDING STATES PROVIDE MAXIMUM SUPPORT TO THE NATION DUE TO THEIR OUTSTANDING RECRUITING HISTORY
- a. 911 AW is consistently in top three highest manned units in AF Reserve (Average of 108.9 percent of goal)
 - b. Extremely veteran friendly and veteran populated area (not restrained in area by borders or bodies of water)
 - 1) Pennsylvania north to Lake Erie and east across the state.
 - 2) Parts of Ohio, West Virginia and Maryland are all within commuting distance of the Pittsburgh International Airport.
 - c. The continued presence of Reserve and National Guard Units in the area are of significant value and support to the country and its all volunteer military. Keeping the bases intact minimizes the impacts on this very supportive state and community.
12. NAVAL OPERATIONS SUPPORT CENTER (NOSC) PRESENCE ON THE 911AW WILL PROVIDE MAXIMUM EFFICIENCY AND COST SAVINGS.
- a. NOSC headquarters being built on base as a joint tenant of 911th AW.
 - b. Groundbreaking in early June 2012
 - a. \$14 million military construction project
 - b. Navy additional personnel:
 - 1) Active Duty – 13
 - 2) Civilians – 6
 - 3) Reserve – 306
 - c. Annual cost savings to Navy: \$115,000.00

3/31/2012

- d. Navy will depend on the security and all other supporting services of the AF on the base, reducing costs and maximizing joint efficiency.
 - e. Continued operation of the 911AW as a Joint Reserve Base provides for tremendous cost savings to the DOD and maximizes efficiency of both services and reduces costs.
13. COMMISSARY AND EXCHANGE OPERATION IN THE AREA IS DEPENDENT ON THE CONTINUED MILITARY PRESENCE IN THE AREA, AS WELL AS THE EXPANSIVE VETERAN POPULATION
- a. To be built at the Pittsburgh Airport in conjunction with Air Force Reserve and Army Reserve with groundbreaking in summer 2012
 - b. Planned to replace those closed by the 2005 BRAC at Charles E. Kelly Army Support Center.
 - c. Planned with the intent of having the 1500+ Air Force Reservists and 300+ Guardsmen slated to leave as customers.
 - d. Continued construction possibly in jeopardy if 911AW is closed and 171ARW reduced.
 - e. Loss of this construction would significantly break the DOD's promises to its veterans and reduce jobs in the local community.
14. NATIONAL DISASTER MEDICAL SYSTEM (NDMS) OPERATION IN PITTSBURGH IS DEPENDENT ON THE MILITARY AIRLIFT SUPPORT FROM THE 911AW.
- a. Single system to care for large numbers of casualties from war or domestic disaster to be transferred and cared for in civilian hospital system
 - b. A cooperative effort of the U.S. Public Health Service (USPHS), Department of Veteran Affairs (DVA), Department of Defense (DOD), Federal Emergency Management Agency (FEMA), state, county and local governments along with 20 private sector agencies
 - c. Seventy of the hospitals that are part of the NDMS are in the Pittsburgh Area
 - d. Fourth largest number in the US of hospital beds set aside for this nationwide system
 - e. 911th is the reception site for incoming patients to Pittsburgh under the NDMS plan
 - f. 911th location is crucial for ease of patient transport and response time
 - g. Retention of the 911AW is vital to the DOD-NDMS capability in Pittsburgh
15. 911AW WEAPONS TRAINING RANGE PROVIDES TREMENDOUS COMMUNITY AND MILITARY SUPPORT IN THE AREA.
- a. 911AW facility provides Joint weapons training support
 - b. Utilization: (29 Agencies use range for weapons training)
 - 1) Military: 1720 – 2330 AF Reserve, Army Reserve and Guard, and Coast Guard trained
 - 2) Local Law Enforcement: 10 Departments and 940 – 1090 personnel trained
 - 3) Federal Agencies: 12 Agencies and 1580 – 1930 personnel qualified
 - 4) Police Academies: Pittsburgh and Beaver County Police Departments with 820 – 860 personnel qualified
 - c. Joint training and low cost firing range capability lost by all users if 911AW closed. The support to the DOD by continued presence is crucial and is operated at minimal cost.
16. ECONOMIC IMPACT ON STATE AND COMMUNITY FROM THE 911AW IS ENORMOUS
- a. \$114 Million per year Economic Impact on the community from the 911th
 - b. \$84.5 Million of economic impact is hard cash: salaries and contracts from the 911th

3/31/2012

- c. 609 jobs generated in the nearby civilian community whose estimated wages and salaries is roughly another \$29.2 Million from the 911th
- d. All lost to the community if 911AW is closed.

17. ECONOMIC IMPACT ON STATE AND COMMUNITY FROM THE 171ARW IS ENORMOUS

- a. \$197.2 Million per year Economic Impact on the community from the 171ARW.
- b. \$115.3 Million of economic impact is hard cash: salaries and contracts from the 171RW
- c. 644 jobs generated for the nearby civilian community whose estimated wages and salaries is roughly another \$104.1 Million from the 171ARW
- d. A large portion lost to the community if the 171ARW is reduced

18. OTHER MILITARY BASES ARE MUCH LESS STRATEGICALLY IMPORTANT AND LESS COST EFFICIENT AND SHOULD BE CONSIDERED FOR CLOSURE AND REDUCTIONS BEFORE PITTSBURGH

- a. Great Falls Air National Guard Base, Montana- losing its F-16 fighter aircraft and becoming a new C-130 base.
 - 1) Costs to build the base to house C-130 aircraft is enormous
 - 2) Manning must be increased; a local area of only 58,000 citizens is highly likely to pose recruiting challenges.
 - 3) Additional aircraft parking ramp space will have to be built at tremendous cost
 - 4) New aircraft hangers will have to be built at tremendous cost
 - 5) Cost will be extremely high while the strategic value in that area of the country is considerably low compared with Pittsburgh, which provides cost efficiency and high strategic value
 - 6) All personnel will have to be completely retrained in the new aircraft which will be extremely expensive.
- b. Dobbins Air Reserve Base, Georgia
 - 1) One runway operation owned and maintained by the AF
 - 2) Airport operating costs by the AF
 - 3) Air Traffic Control by the AF
 - 4) Electricity, Fire, Crash and Rescue, Emergency Services and Equipment maintenance all at the AF expense
 - 5) Rubber removal contract pending requires entire runway closure for one month costing \$1 to \$5 Million Dollars every 5-7 years.
 - 6) No close by drop zone support
 - 7) Heavy encroachment by the community to the end of the runway is causing community complaints and more expenditures
 - 8) Costs of maintaining this base are extremely high compared to Pittsburgh and the Base poses much less strategic value.

3/31/2012

c. Maxwell AFB, Alabama

- 1) The AF Reserve C-130 flying unit is only flying unit stationed at the base.
- 2) AF incurs all costs of operating the airfield
- 3) Closing the airstrip and the C-130 operation would save the AF millions of dollars each year.
- 4) Air National Guard located at the civilian airport only a few miles away can provide all air support needed by the base.
- 5) Only 179 civilian personnel authorized full time at the AF Reserve Wing will allow the AF to immediately close the Wing without any Congressional intervention through BRAC.
- 6) Closing the AF Reserve Wing will provide immediate savings to the AF and no loss of strategic value.
- 7) The impact to the community would be minimal because the 175 civilians could be integrated into the 11,000 people still working on the base.
- 8) Cost efficiencies and support for the Air Force are minimal at this location.

Testimony before the House Armed Services Committee
“National Defense Priorities from Members for the
FY2013 National Defense Authorization Act”

Rep. Randy Neugebauer
April 17, 2012

Chairman McKeon and Ranking Member Smith, I would like to thank you for this opportunity to testify before you today regarding our national defense priorities.

My district is home to Dyess Air Force Base in Abilene, Texas. For the last nine years it has been my honor to represent the men and women of this base and its two principle missions, the 7th Bomb Wing and the 317th Airlift Group, as well as its guard and reserve units. Between these missions, our service members at Dyess have been playing an invaluable and daily role in the fight against terror.

In fact, earlier this year, the 317th Airlift Group marked 3,000 days of continuous deployment – a streak dating back to December of 2003. In that time, more than 7,000 members of this unit have been put in harm’s way. As you all know, the air mobility mission is one of the most important missions in the modern military. Operations that used to take weeks or months now take days or hours. The 317th has often been labeled the “busiest C-130 group” in the Air Force, and this current deployment streak is another honored mark in the long history of Dyess Airlifters.^[1]

Also earlier this year, the B-1 bomber flew its 10,000th combat mission. That’s not bad for a plane that was originally designed to be a Cold War-era nuclear bomber. Since first entering service in 1985, modifications to the B-1 and the addition of precision guided munitions have turned it into the workhorse of the bomber fleet. In Afghanistan for example, the B-1 has seen daily use and dropped 70 percent of the precision guided munitions.^[2] In fact, it may surprise many members to know that at 75,000 pounds, the B-1 actually can carry the largest payload of any of our bombers – even more than the B-52 Stratofortress.^{[3][4]}

^[1] Viss, Carol. “317th AG Out-flies Every Other AMC C-130 Unit.” *Dyess Air Force Base*. 13 Jan. 2006. 7th Bomb Wing Public Affairs. 13 April 2012.

^[2] “B-1B Lancer: Overview.” *The Boeing Company*. 13 April 2012.

^[3] “Fact Sheet: B-1B Lancer.” *U.S. Air Force*. 23 Dec. 2009. Air Combat Command, Public Affairs Office. 13 April 2012.

^[4] “Fact Sheet: B-52 Stratofortress.” *U.S. Air Force*. 29 Dec. 2011. Air Combat Command, Public Affairs Office. 13 April 2012.

But the B-1 is not just about large payloads. To quote General Petraeus, the B-1 also “*has very good ISR capabilities... [It] can loiter for a good time when it’s not being used to drop bombs... [It] is almost like having another unmanned aerial vehicle in terms of full motion video and so forth... So, it’s not just a case of a very, very capable bomber just boring holes in the sky, waiting to open the bomb-bay doors.*”^[5] Mr. Chairman, the B-1 is not all brawn and no brains. It can simultaneously deliver both firepower and intelligence support to our troops, and can stay in the area to sustain these efforts for significant periods of time. Under the President’s new Defense Strategic Guidance, these attributes are even more important for future conflicts. The tyranny of distance and the uncertainty of allied support changes the long range bomber’s role from an “*important*” capability to a “*critical*” capability for our nation’s defense.

Mr. Chairman, as you know, last year the President’s budget called for the retirement of six B-1’s. I am here today to thank the Committee for the work you and your staff did last year on this issue. While I feel strongly that keeping the fleet at its current size of 66 is important to our changing national security priorities, by spacing out the six-retirements over five years, we can carefully study and assess the impact these retirements are having on the ground. After all, the Air Force only has 162 bombers – and more than half are over 50 years old. With a new bomber still 10-15 years away, we cannot proceed cautiously enough when making decisions regarding this extremely valuable and limited resource.

Dyess Air Force Base is home to the largest B-1 unit in the world, and as the B-1’s role continues to evolve and prove its worth to our military on a daily basis, I again thank the Committee for the thoughtful approach it has taken regarding the B-1. In closing I would urge the Committee to continue follow the issue closely and ensure that the spirit and letter of its efforts from last year are followed. I would also urge the Committee to support the current B-1 sustainability and improvement efforts in this year’s budget.

Thank you again for inviting me to testify here before you today. I believe this process provides members an invaluable opportunity, and I appreciate the Committee’s time and consideration.

^[5] U.S. Congress. “Nomination of General David H. Petraeus, USA, for Reappointment to the Grade of General, and to be Commander, International Security Assistance Force, and Commander, United States Forces Afghanistan.” 29 June 2010. Senate Armed Services Committee. 13 April 2012.

The Honorable Dan Boren of Oklahoma
Testimony: FY13 National Defense Authorization Act
House Committee on Armed Services
April 17, 2012

Chairman McKeon, Ranking Member Smith, members of the Committee:

Thank you for the opportunity to speak before the Committee to discuss an issue that is critical to the space industrial base.

I was recently made aware of efforts by the Defense National Stockpile to sole-source contracts for a critical space technology, germanium wafers used in the production of solar cells for our defense satellites. I believe the Department of Defense should support competition wherever we can find it to preserve valuable taxpayer resources and to develop American industry.

Currently, the defense stockpile is limiting the production of germanium wafers used in solar cells on defense satellites to one company. I am concerned because both the qualified supplier of these materials for the last decade and the U.S. subsidiary of that company are prohibited from competing to supply these materials. The former because their facility is located outside the United States and the latter because the Air Force Research Lab has not yet supported qualification.

I support the efforts of the stockpile to provide the materials needed for our national defense and understand its desire to utilize a U.S. supplier. However, I cannot understand actions that prohibit another U.S. company from competing.

Moreover, I am concerned that its decisions related to germanium wafers takes an approach that stifles competition instead of taking advantage of competitive sources of supply that would grow the space industrial base.

Mr. Chairman, I seek your assistance in requiring the stockpile to comply with its obligations to support all U.S. industry equally. I intend to submit a letter requesting a provision in the defense authorization bill for fiscal year 2013 that requires the stockpile to maximize competition for germanium wafers and the larger space industrial base.

The Administrator of the stockpile has stated that he is committed to competition and developing multiple sources of supply of this critical material. The provision I am requesting will prevent sole-sourcing of this material unless the Administrator certifies in writing to the House and Senate Armed Services committees that it is in the national interest to do so.

Mr. Chairman, I appreciate your consideration of this important issue.

Thank you.

CHARLES W. DENT
15TH DISTRICT, PENNSYLVANIA

COMMITTEE ON APPROPRIATIONS

COMMITTEE ON ETHICS

Congress of the United States
House of Representatives
Washington, DC 20515-3815

April 16, 2012

OFFICE LOCATIONS:

1003 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-6411
FAX: (202) 225-6776

3900 HAMILTON BOULEVARD, SUITE 207
ALLENTOWN, PA 18103
(610) 770-3480
FAX: (610) 770-3480

206 MAIN STREET
EAST GREENVILLE, PA 18041
(215) 541-4106
FAX: (215) 541-4109

Chairman McKeon and Ranking Member Smith:

As the Committee drafts the Fiscal Year 2013 Defense Authorization bill, I imagine the issue regarding the treatment of American citizens carrying out or suspected of acts of terror will be revisited. The animated debate Members of the House engaged in during December 2011 over the lawful arrest and detention of terror suspects (Section 1021 and 1022 of P.L. 112-81), with the explicit exclusion of United States citizens and individuals arrested on U.S. soil, certainly illustrates the reverence this institution and the overwhelming majority of our citizenry associate with being an American.

The war on terror is a conflict most believe will not end any time soon so long as there are individuals and organizations bent on altering, at the very least, the rhythm and freedoms of our daily lives in the United States. Consequently, our federal laws must reflect these 21st century challenges. I believe the conversation must go beyond Section 1021 and 1022 of the FY 2012 bill to consider how the federal government can protect our citizens against all forms of threats against the security of our homeland. Specifically, I believe it is critical for the Committee to consider ways to modernize current law to ensure the State Department has the latitude to review the actions of an American citizen or naturalized citizen if he or she has engaged in or purposefully and materially supported hostilities against the United States.

In October 2011, I introduced the Enemy Expatriation Act, with Senator Joe Lieberman (I-CT) sponsoring the companion bill in the Senate. Current federal statute, 8 U.S.C. § 1481, identifies seven categories of acts for which U.S. or naturalized citizens can lose their citizenship if it is determined they performed one of those acts "with the intention of relinquishing United States nationality." Examples of acts listed in the statute that would trigger this review are: taking an oath to a foreign state, serving in the armed forces of a foreign state, or committing acts of treason. Legislation like the Enemy Expatriation Act would only update the current statute first adopted in 1944 to clarify that any person who engages in hostilities against the United States whether or not they are formally serving in the armed forces of a foreign state may be reviewed for loss of nationality. Similar to current law, the State Department would still need to investigate the individual's actions and determine if he or she intended to renounce his or her citizenship. The individual could appeal determination in federal court if necessary. The original statute was adopted when our Armed Services were engaged with the forces of Imperial Japan and Nazi Germany. Federal law should reflect the global, asymmetric conflict the United States faces today.

When an American citizen like the late Anwar al-Awlaki – an American citizen the Obama administration allegedly placed a kill or capture order on – incited the violent overthrow of the United States and worked within terrorist networks to coordinate attacks against the American people, it is appropriate that the federal government consider their actions a voluntary relinquishment of citizenship.

While the death of Osama Bin Laden is certainly a major step forward in international efforts to dismantle terrorist organizations like Al-Qaeda, it does not signal an end to the global war on terror. We must remain dedicated to combating extremism and vigilant in working to prevent terrorist attacks in the United States and abroad.

Thank you for carefully considering engaging in this policy discussion within the framework of the FY 2013 Defense Authorization bill.

A handwritten signature in black ink, appearing to read "Charles W. Dent". The signature is written in a cursive, somewhat stylized font.

Charles W. Dent
Member of Congress

CATHY McMORRIS RODGERS
5th District, Washington
COMMITTEE:
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Congress of the United States
House of Representatives

House Armed Services Committee
National Defense Authorization Act for Fiscal Year 2013
Tuesday, April 17, 2012

2118 Rayburn House Office Building
Statement for the Record by Congresswoman Cathy McMorris Rodgers

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WHITMAN

I appreciate the opportunity to submit testimony to the House Armed Services Committee. While America finds itself at a cross-roads, our commitment to freedom, security, and to the men and women and their families who have and continue to protect our nation must remain paramount. The National Defense Authorization Act for Fiscal Year 2013 must continue these commitments despite the fiscal challenges ahead.

Afghanistan, Iran and the Middle East—along with turmoil in Asia, South America, and Africa—demonstrate the need to ensure that our total force has the tools they need to remain successful. This includes support for the Reservists and National Guard members that play an instrumental role in our nation's military strategy. We also need to translate these successes here at home—strengthening TRICARE, increasing support for spouses and children, and providing support to our veterans who have honorably served.

There is no better example of these contributions and needs than Fairchild Air Force Base. Fairchild Air Force Base is home to more than 4,000 active duty, National Guard and Reserve members and their families, and civilians. Fairchild Air Force Base also houses the 92nd and 141st Air Refueling Wings, which are responsible for supporting global military operations through air refueling, passenger and cargo airlift, and aero-medical evacuation. Additionally, Fairchild Air Force Base is home to the Air Force Survival, Evasion, Resistance and Escape (SERE) school, medical detachments, a weapons squadron and the Joint Personnel Recovery Agency.

Over the past several weeks, I have had the privilege of meeting with members of Fairchild Air Force Base, military and community stakeholders to discuss future needs. In the course of these meetings, the following key issues have been emphasized.

First, the importance of authorizing and funding the KC-46A refueling tanker program. The Air Force currently maintains two refueling tankers, the KC-135 and KC-10. A recent inventory conducted by Air Mobility Command reveals that the newest of the 414 KC-135 were delivered to the Air Force in 1965, forty-seven years ago. While we know that tankers play an integral role in our military operations, asking the current tanker fleet to support a 21st century defense operation is inappropriate.

2421 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-2006
FAX: (202) 225-3392

10 NORTH POST STREET, SUITE 676
SPOKANE, WA 99201
(509) 353-2374
FAX: (509) 353-7412

555 SOUTH MAIN
COLVILLE, WA 99114
(509) 684-3481
FAX: (509) 353-2412

29 SOUTH PALOUSE STREET
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The Air Force recognized this vulnerability and after a ten year delay, moved to update its tanker program by awarding a contract to build the KC-46A. Authorization for this program was included in the National Defense Authorization Act for Fiscal Year 2012 Conference Report. I urge the Committee to continue this program in the National Defense Authorization Act for Fiscal Year 2013 to ensure that our air mobility operations remain superior.

Second, the importance of funding the Air National Guard (ANG). The ANG has and continues to play a critical role in our air operations—particularly as it relates to national security and emergency response operations. Members of the ANG have served and continue to serve on the front lines of our military operations in Iraq and Afghanistan, at the same time responding to the needs of their local communities. If implemented, the President's budget decimates these efforts—ignoring the contribution and cost savings associated with the ANG. I would urge the Committee to restore appropriate authorization levels for the ANG.

Third, the importance of investing in the Air Force SERE school. The 336th Training Group, located at Fairchild Air Force Base, is home to the Air Force's *only* SERE school. The SERE School offers 22 different courses to 20,000 students each year.

The SERE school also houses the 36th Rescue Flight (36 RQF) which services two purposes. First, the 36 RQF provides additional training to more than 3,000 students, including live rescue hoist training, para drop demonstrations, and combat rescue procedures training for students in the basic Combat Survival Course. Additionally, an aircraft and crew are on stand-by twenty-four hours a day, six days a week to provide medical evacuation coverage for students and instructors.

The 36 RQF also supports the National Search-and-Rescue (SAR) plan by conducting SAR and medical evacuation missions in a four state region (Washington, Northern Oregon, Idaho, and Western Montana). The unit utilizes the *only* hoist-equipped aircraft and Night Vision Goggle-qualified aircrews in the Inland Northwest. Since 2001, the 36 RQF has responded to over 50 requests for assistance and has saved over 35 lives. On average, the unit responds to 15-20 calls for assistance each year and has been credited with saving over 600 lives since its inception in 1971. I urge the Committee to continue its efforts to support the SERE school and the 36 RQF.

Fourth, the importance of maintaining the ANG bands. At some point during fiscal year 2012, a decision was made to terminate six ANG bands. I believe this decision was short-sided, overlooking the important role that ANG bands play in our military's efforts. Not only do band members serve as recruiters but they boost morale and contribute to higher productivity and retention rates. Bands tell the story of what it means to be an American and the sacrifices that so many have made for our nation and our freedoms. Moreover, all members of the band are guardsman, making them an integral part of our military force. It is also worth reiterating that most military recruits come from rural America. ANG bands that perform in rural communities headline community events and are the source of community traditions. To that end, I ask that the National Defense Authorization Act of 2013 reauthorize the decommissioned slots for the ANG bands.

While I recognize the need to reduce costs, I do not believe the reduction should come at the expense of maintaining a strong national defense. I appreciate your consideration of these issues.

Statement of Congressman Jason Altmire
House Armed Services Committee
“H.R. 4310 – National Defense Authorization Act for Fiscal Year 2013”
April 16, 2012

Thank you, Mr. Chairman and members of the committee. I appreciate the opportunity to testify today on the National Defense Authorization Act (NDAA) for Fiscal Year 2013.

As you work to draft the Fiscal Year 2013 NDAA, I urge you to protect the pay and benefits that our service members have earned through their service to our country. I do not believe American heroes who have put their lives on the line should be denied what they were promised, nor should the families of our service members have to face additional burdens in the form of increased TRICARE fees and premiums.

The men and women of America’s Armed Forces, and their families, have made great sacrifices, and we have an obligation to protect the pay and benefits that they have earned. As I stated in March before the House Budget Committee, the benefits programs for our service members and veterans represent an ironclad agreement with the federal government. Reducing our budget deficit will require real sacrifices but, in doing so, these benefits and programs must be protected to ensure that we honor the promise we made to service members and their families.

We must also correct the current inequality in disability compensation for Reservists injured in the line of duty and who have been awarded the Purple Heart. Whether a service member is Active Duty or Reserve should have no bearing on their disability compensation, both were injured in service to their nation. I ask that you incorporate the Citizen Soldier Equality Act into the 2013 NDAA, which would eliminate this inequality in the calculation of disability retirement pay.

I also want to express my deepest concern over efforts by the Department of Defense (DoD) to close units and installations without going through the formal Base Realignment and Closure process. It is frustrating to learn that decisions were made without conducting a full analysis of the cost effectiveness of the installation and its operations. In western Pennsylvania, the Air Force unilaterally plans to eliminate the 91st Air Wing, which will result in the closure of the Pittsburgh Air Reserve Station (ARS). Pittsburgh ARS is one of the most successful, cost-effective bases, sharing runways and air traffic control facilities with the Pittsburgh International Airport. No other Reserve or Air Guard Station can claim to have all-weather access to four ten-thousand foot runways at a fixed cost of only \$20,000 per year. Other Reserve Stations pay runway and emergency response expenses 200 times greater than that amount. It is important to take these cost savings into account when determining which unit or installation to close.

I encourage the committee to exercise close oversight over any proposed installation or unit closures to ensure that DoD is complying with both the intent and the letter of the law, while looking at the operating costs for each facility, and providing thorough evidence to support their decision. I also ask the committee to consider incorporating into the 2013 NDAA the goals of legislation introduced by members of the Pennsylvania delegation that would prohibit the permanent relocation of C-130 aircraft assigned to the 911th and keeping this cost-effective installation open.

It is my hope that this committee will produce a bipartisan NDAA that ensures a strong national defense, while protecting the pay and benefits that our service members and their families have earned. I also hope that this committee will recognize and uphold Congressional authorities over the BRAC process. I stand ready to work with the committee to this end, and truly appreciate the opportunity to testify today.

**Testimony of
Congressman Brett Guthrie (KY-2)**

**Before the
House Armed Services Committee**
**HEARING: National Defense Priorities from Members for the FY 2013 National
Defense Authorization Act**

**Room 2118 Rayburn House Office Building
April 17, 2012**

Good morning and thank you, Chairman McKeon, Ranking Member Smith, and distinguished colleagues of the House Armed Services Committee.

I come before you today as both a Member of Congress and a former Army Officer, to thank you for your past support of a priority issue for Wounded Warriors, and to ask that you continue to pursue needed work on the subject. In the 2011 Defense Authorization Act, report language included by this committee directed the Secretary of Defense to “review the current state of medical training and research for genitourinary trauma within the Department of Defense to determine if there are any deficits with regard to care that can be provided in combat zones.”

As you may know, genitourinary trauma, or simply *urotrauma*, is a class of wounds that literally hit below the belt. Urotrauma accounts for wounds to the kidneys, reproductive organs, and urinary tract organs. These injuries are some of the most common and debilitating suffered by our veterans from IED detonations and have long-lasting physical and psychological impacts. Urotrauma is one of the signature wounds of the IED and now accounts for one-eighth of all injuries suffered by our troops in Afghanistan. Unfortunately, the most recent available data suggests that this figure is still rising, even after nearly doubling in incidence between 2009 and 2010.

DoD’s report to Congress titled “Genitourinary Trauma in the Military” highlights the size and complexity of this problem.

I would ask unanimous consent that this report be inserted into the Record.

According to this DoD report, urotrauma incidence rates on the modern battlefield exceed the historical average of all prior conflicts by at least 350%. This means that the proportion of all Wounded Warriors who suffer from urotrauma injuries sustained in Iraq and Afghanistan is at least three and a half times greater than that of any prior war. And yet, the DoD Under Secretary for Personnel and Readiness concedes that “urotrauma injury is not part of the standards of pre-deployment training for U.S. military surgeons and nurses,” and that the existing infrastructure for tracking these casualties “is not sufficient to assess the long-term prognosis of GU trauma injuries.” DoD makes it clear that the current state of care isn’t good enough and that we don’t have an adequate plan or database to help these Wounded Warriors cope with their injuries throughout their lifetime.

Let me now draw attention to the conclusion of DoD's report, which is what brings me here today. To summarize DoD's needs for urotrauma care, the Under Secretary states that, "the recommended action plan for research is that the military form inter-Service and inter-agency relationships to facilitate aggressive, innovative, and relevant translational and outcomes-based clinical research."

I could not agree more with the Under Secretary's conclusion. We must move forward and build upon the research already collected by military and civilian personnel. That is why I have introduced H.R. 1612, to form an inter-agency urotrauma commission to do exactly that. H.R. 1612 would bring together DoD, VA, HHS, the Surgeon Generals of each of our Armed Services, and civilian expertise to create a plan to care for these Wounded Warriors from the point of injury to their final resting place, decades from now.

This is a bipartisan bill with twenty-three cosponsors, many of whom represent military communities like Ft. Knox, which is in my district. These communities understand the frequency and severity of these wounds at a human level and a professional one.

Let me say in closing that the miracles of modern medicine, combined with the devotion of our military medical corps, have allowed many of these Wounded Warriors to live a long life rather than perishing in the line of duty. However, giving these service men and women the ability to survive is not enough. We have a responsibility to do what we can to ensure that they can live as full a life as possible. That's the debt we owe to those who defend freedom.

I urge this committee to continue the work it has already done to further our care for these Wounded Warriors suffering the effects of urotrauma; and I urge the adoption of H.R. 1612 into this year's Defense Authorization. Mr. Chairman, I yield back my time.

Rep. Judy Chu Testimony
House Armed Services Committee
Hearing on the National Defense Authorization Act
Room 2118, Rayburn House Office Building
4/17/2012

Good Morning. Before I begin I ask unanimous consent to submit an extension of my remarks into the record for this hearing. I was thrilled to hear the Small Business Committee and the House Armed Services Committee are working together to include the Building Better Business Partnerships Act, a bipartisan bill Rep. Robert Schilling and I introduced, as a provision in this year's National Defense Authorization Act (NDAA). I strongly support its inclusion.

But my primary reason for being here is to discuss how the Armed Services Committee, through this year's National Defense Authorization bill, can help prevent military hazing.

This month marks the year anniversary of my nephew Harry Lew's death. It was on April 3rd, 2011, in response to hours of physical abuse and torture at the hands of his peers, Harry took his own life.

At the time, I didn't know how common his tragedy was - how many other service members had suffered as he did. But the letters started pouring in - day after day, week after week. Mothers, friends and service members themselves wrote in excruciating detail what they and their loved ones endured. I knew I had to act.

And so I came to both of you, Chairman McKeon and Ranking Member Smith, and told you Harry's story. I asked for your support to prevent another young man or woman from having to suffer like Harry did. And your steadfast commitment to ensuring hazing has no place in our military was immediately clear. You helped me monitor Harry's case, you met with the top officials in the Marines on my behalf, and last month you held the first hearing on military abuse since 1979. In fact, it might have been the first official hearing on hazing in every branch the services in Congressional history. So thank you so much for everything you have done.

At the March hearing, I heard each branch say that they have hazing under control. That their policies are working. But if that were true, then why is Harry dead? Why did Danny Chen end his life rather than turn to his superiors? Why did Brushaun Anderson's abusers continue their military careers and get promoted? And why I have received so many letters and calls, from as far away as Germany, asking me to stand up against hazing?

I am here today, to ask your help again. Because it is abundantly clear - we have so much more work to do. At the hearing, I was shocked to learn that some services don't even have a policy expressly prohibiting hazing. Others don't offer anti-hazing training. Most of the services do not track the number of hazing incidents. And those that have a tracking system do not analyze or use the data to improve their practices.

So I ask – how can the military claim they are doing everything perfectly if they don't even have anti-hazing policies or training? How can they know they are doing everything perfectly if they don't even know how many people are hazed?

They can't. That's why I believe the National Defense Authorization Act should include language to help eradicate hazing in the Armed Services and ensure the military is held accountable for protecting all service members from hazing and harassment.

First – We should make hazing a crime in the Uniform Code of Military Justice (UCMJ).

This would provide a strong disincentive against hazing and would be an important tool that could be used to prosecute perpetrators of hazing. Currently 44 states have anti-hazing laws and 31 states define hazing as a crime in their criminal codes. Even the military believes it should follow suit. In the March hearing both the representatives from the Marine Corps and the Army expressed interest in creating a statutory definition of hazing in the UCMJ. This would make it easier for them to track the number of hazing incidents.

Second – We should institute a National Hazing Database that Tracks Incidents of Hazing.

With the lives and wellbeing of countless service men and women on the line, we must better understand the pervasiveness of hazing and harassment in the military. By creating a database of hazing incidents, similar to the database for sexual assault, the military, Congress and the public would be able to improve the military's hazing practices and ensure better oversight of the military's anti-hazing efforts. I believe this database should be comprehensive and include the number of hazing allegations, the number of substantiated cases of hazing and the penalties imposed on the perpetrators, including Non-Judicial Punishment and Courts Martial. The military should then use this data to provide an annual report to Congress with their analyses of the data and the military's progress in responding to hazing.

Third – We need an objective GAO study on Hazing. Every branch of the Armed Services has different policies, training and procedures regarding hazing and harassment. We need a more thorough understanding and objective analysis of the prevalence of hazing in the military, the policies in place to prevent it, the effectiveness of the training in place, and the penalties imposed on the perpetrators of hazing.

Hazing has no place in our military. It undermines our military readiness and deeply scars those volunteers forced to endure it. So thank you for all you have done so far. And I look forward to continuing to work with you to ensure the military truly has a zero-tolerance hazing policy at every level, from the Pentagon to the smallest COB on the most remote base in Afghanistan.

Congress of the United States
Washington, DC 20515

Congressman Howard P. McKeon
House Armed Service Committee, Chairman
2120 Rayburn House Office Building
Washington, DC 20515

Mr. Chairman,

The Air National Guard remains a critical component of our national air defense system. Providing 35 percent of the U.S. Air Force's capabilities for only 6 percent of the budget, the value and cost-effectiveness of the Air Guard is recognized. Forty-nine (49) of our nation's governors have called on the U.S. Air Force to reconsider its fiscal year 2013 budget request wherein the Air National Guard absorbs 59 percent of the total aircraft budget reductions and nearly six times the per capita personnel reductions. The 122nd Fighter Wing has a long, valued history in flying fighter aircraft. Since 9-11 alone, over \$100 million in facility upgrades have been spent to ensure the relevancy of the base in its support of fighter operations. Keeping fighter aircraft in the Air National Guard should remain a priority of the U.S. Air Force for savings and security.


Congressman Marlin Stutzman (IN-03)

Testimony before the House Armed Services Committee
"Testimony from Members on their National Defense Priorities for the NDAA"

Rep. Mike Fitzpatrick

April 17, 2012

I thank you Chairman McKeon and Ranking Member Smith for this opportunity to testify before you today on national defense priorities. I am confident that by using technology and innovation we can maintain our military superiority in a cost effective manner. Specific examples of programs that demonstrate this point include the Joint Air-to Ground Missile (JAGM) Program, the Department of Defense's (DOD) Chemical and Biological Defense basic research programs, the utilization of advanced dynamic flight simulators, lightweight unmanned air systems, the employment of high performance Radio Frequency Identification Tags (RFID), and the modernization of our nation's Global Positioning System (GPS). Other initiatives that I encourage the committee to consider supporting are expanding the benefits available to our nation's veterans by increasing research and treatment of Traumatic Brain Injury (TBI) and allowing the rendering of a salute during the Pledge of Allegiance and the playing of Taps for all our nation's veterans.

The first example of promising next generation technology is the Joint-Air-to-Ground (JAGM) missile program. The JAGM is a highly versatile technology that is intended to be utilized on a range of platforms across the Armed Services. This state-of-the-art missile technology provides the warfighter with the ability to neutralize a target through bad weather or in operational environments high in obscuration. The U.S. Army, Navy, and Marine Corps plan

on ordering thousands of these missiles when they become available. I think it is notable to point out that this U.S. produced technology faces stiff competition from foreign manufactures. Support for this important program would benefit American workers.

Next, I ask for the committee's support for reviewing the Department of Defense's (DOD) Chemical and Biological Defense basic research programs. It has recently been brought to my attention that the *World at Risk* report, issued in December 2008 in accordance with the 9/11 Commission Act of 2001 (P.L. 110-53), assessed the nation's capabilities to prevent the creation of weapons of mass destruction, their proliferation, and provided concrete recommendations to address these threats. The report unanimously concluded that bioterrorism was the most likely weapon of mass destruction threat to the world. In January 2010, the Commission on the Prevention of Weapons of Mass Destruction, Proliferation and Terrorism issued a Report Card assessing progress, and concluded that the most significant failure was lack of progress to build a capability to rapidly recognize, respond, and recover from a biological attack in the United States. Therefore, I urge the committee to strengthen the U.S. capability to rapidly recognize, respond, and recover from a biological attack. Additionally, I urge the committee to build on the successful track record of the research organizations currently involved in identifying countermeasures to the threats of bioterrorism.

Third, I encourage the committee to review a proposal to save the U.S. Military over \$2 billion per year, extend aircraft life, improve pilot proficiency, increase pilot safety and significantly reduce fuel and energy usage. America has the capability to implement high-fidelity "flyable" human centrifuge that combines flight simulation and high performance centrifuge technology to create an advanced dynamic flight simulator. These training systems

have a myriad of benefits, and I encourage the committee to carefully consider funding for these flight simulators for FY2013.

Another promising technology I would like to bring to your attention is known as high performance Radio Frequency Identification Devices (RFID). RFID is being utilized in commercial markets in ways ranging from grocery shopping to tracking cattle. The military is increasingly turning to RFID technology to track supply chains and equipment throughout the world and in combat zones, among other uses. This technology may have the potential to save the military money, and I encourage the committee to investigate its use across the Armed Services.

Lightweight unmanned air systems have revolutionized the way our military fights and wins wars. The President's budget prioritizes unmanned intelligence, surveillance and reconnaissance assets in almost all military missions. This technology has proven its ability to provide our warfighters with the intelligence support needed to find, fix, and eliminate the enemy in today's complex operating environment.

Additionally, I encourage the committee to support modernizing the Global Positioning System (GPS). GPS has become an essential element of the information infrastructure relied upon by major commercial networks, as well as almost every military asset. It is critically important that the NDAA continue to recognize the importance of updating and improving the capabilities of this system to ensure the U.S. remains the world's premiere space-based position, navigation, and timing system. It is my understanding that the GPS III program currently under development could potentially provide that next generation capability.

We also need to support technological innovation that will improve the lives of our wounded warriors. Modern warfare has led to an epidemic of Traumatic Brain Injury (TBI). I

encourage the study of new and cutting edge measures to treat TBI. One such promising technology is known as Hyperbaric Oxygen Therapy (HBOT), which involves breathing pure oxygen while in a sealed, pressurized chamber. This innovative treatment option has mounting evidence to show its benefits in treating TBI patients.

Finally, the 2008 Defense Authorization Act authorized veterans and members of the military, not in uniform, to render a military salute during the raising, lowering or passing of the flag. The 2009 Defense Authorization Act addressed a situation that was overlooked in 2008, that being rendering a military salute during the playing of the National Anthem. Still overlooked are the Pledge of Allegiance and the playing of Taps. These are both appropriate occasions for veterans or members of the military to salute while out of uniform.

Thank you again, Chairman McKeon and Ranking Member Smith, for the chance to provide you and the committee with some of my top defense priorities as Congress continues to debate the National Defense Authorization Act for Fiscal Year 2013.

Congressman Cravaack's HASC NDAA Testimony [Final]

Thank you Chairman McKeon and Ranking Member Smith for holding today's important legislative hearing, and I thank the committee for kindly allowing Members of Congress to testify on our national defense priorities for the FY13 National Defense Authorization Act.

Mr. Chairman, the national defense issue that I would like to bring to your attention today pertains to NORAD's proposed reduction of the 24-hour alert mission requirement at two Aerospace Control Alert (ACA) sites in the Continental United States. It is my understanding that this proposal was submitted in line with the President's budget request for FY 2013 and the U.S. Air Force's decision to make force structure changes.

The 148th Fighter Wing of the Minnesota Air National Guard, also known as the "Bulldogs," operates out of Duluth, Minnesota, in my district, and is one of the two proposed ACA sites to have its 24-hour alert mission eliminated.

I think we can all agree that the ACA mission plays a crucial role in defending the sovereignty of our nation's airspace. In fact, the Bulldogs have performed this mission to the highest degree, protecting our nation from air threats that date back to before the terrorist attacks on September 11, 2001.

For its noteworthy contributions, the 148th was selected for the Raytheon trophy, formally known as the Hughes trophy, which is awarded for outstanding performance to an Air Force or Air National Guard fighter unit with a mission in air defense.

In fact, the Director of the Air National Guard, Air Force Lt. Gen. Harry M. Wyatt III announced just this week that the 148th Fighter Wing was selected as the 2012 Air Force Association Outstanding Air National Guard Flying Unit.

Therefore, I have great concerns that narrowing the mission of a unit nationally recognized for its high performance leaves our nation more vulnerable to attack. Specifically, there will be virtually no US armed force protection of our country's northern border between Madison, Wisconsin, and Portland, Oregon.

Congressman Cravaack's HASC NDAA Testimony [Final]

My greater concern, however, is that the proposed decision to reduce the 24-hour alert mission at these two ACA sites was based on analysis that could not adequately balance risk with targeted budget reductions.

Military commanders were forced to make painful decisions that jeopardized military readiness responding to what I consider draconian budget cuts.

These cuts have and will directly affect our national security and the security of our citizens.

In January 2012, GAO produced a report, titled "Homeland Defense: Continued Action Needed to Improve Management of Air Sovereignty Alert Operations," that reviewed NORAD's 2010 analysis on whether it could change the number and location of its fighter sites without affecting the military's ability to defend the country against airborne attack.

This report found that NORAD did "not identify potential cost savings that could result from eliminating a given number of sites."¹ This finding, among others, led GAO to conclude that:

Should NORAD, DOD [...] or Congress consider modifying the number and location of ASA sites in the future, without an analysis that balances both risks and costs, decision makers will be unable to make fully informed decisions about whether the potential cost savings (or increase) warrants the corresponding increase (or decrease) in risk.²

I recognize that our country's current fiscal reality necessitates the Department of Defense to tighten its belt and look for ways to do more with less.

¹ P.18 of report

² P. 18 of report

Congressman Cravaack's HASC NDAA Testimony [Final]

However, I think it is imperative that decisions that directly affect our nation's ability to defend itself should be made on the basis of risk-management principles that balance risk and costs.

Therefore, I support the NDAA draft language that Mr. LoBiondo has been working with the committee on, which would direct the Secretary of Defense to maintain our nation's existing eighteen ACA sites until the Secretary submits a report that shows the cost-benefit analysis and risk-based assessment of how future ACA changes would affect the DOD budget and force structure.

Again, thank you Chairman McKeon, Ranking Member Smith, and all members of the committee for allowing me the opportunity to testify today on my concerns regarding a critical piece in our nation's defense system.

Congressman Rick Crawford
Testimony before the House Armed Services Committee
EOD Priorities for FY2012 NDAA

Good morning Chairman McKeon, Ranking Member Smith, and distinguished members of the Committee. I thank you for all that you do to preserve the security of our great nation and for allowing me the opportunity to testify to the full committee regarding recommended Explosive Ordnance Disposal (EOD) priorities for the Fiscal Year 2012 National Defense Authorization Act. As none of the Services have a three star EOD flag officer with a legislative affairs staff, it is my honor to represent the interests of this critical component of our fighting force in their stead. I, myself, served in the Army as an EOD tech.

Explosive Ordnance Disposal (EOD) Soldiers are the military's preeminent team of explosives expert – warriors who are properly trained, equipped and integrated to attack and defeat explosive and associated insurgent networks across all operational environments. The military's EOD mission is to defeat the global Improvised Explosive Device (IED); Chemical, Biological, Radiological, Nuclear (CBRN) and high-yield Explosives; and Weapons of Mass Destruction (WMD) threats. The EOD warrior protects our

military and innocent civilians from explosive threats and supports maneuver forces by providing relevant and ready explosive experts in full-spectrum military operations, joint and interagency operations, and supports civil authorities in support of national security objectives.

These EOD technicians do this task at great personal peril. Quoting from Army Regulations:

"There are no "safe" procedures for rendering safe and disposing of UXOs [unexploded ordnance], IEDs [improvised explosive devices], devices or other explosives, merely a procedure that is considered the least dangerous." Army Regulation 75-15, Policy for Explosive Ordnance Disposal

EOD forces have proven to be "game changers" in attacking and dismantling terrorist cells and associated networks. EOD forces will continue to be indispensable "key enablers" of our combatant commanders, for the foreseeable future, to include - during overseas contingency operations; counterinsurgency, stability and counter terrorism operations; building the capacity of partner nations; and routinely conducting homeland defense EOD missions in support of civil authorities.

The EOD Warrior is the culmination of the best tactical and technical training the Army and civilian academia can provide. He (and yes, she) are

trained from the first day to manage risk in all operations. The EOD professional performs the duties of locating, positively identifying, rendering safe, exploiting to gather technical intelligence from first seen ordnance and IEDs, and disposing of both foreign and domestic conventional, chemical, biological, and nuclear ordnance, commonly referred to as weapons of mass destruction (WMD). This includes improvised explosive devices (IEDs) whether detonated by a victim, initiated by an insurgent remotely, transported by large vehicles or worn by a homicide bomber. They routinely work in the shadows during Very Important Person Protection Support Activity missions in support of the Department of Homeland Security's Secret Service and Department of State Bureau of Diplomatic Security; and without fanfare, render support to the Department of Justice's Federal Bureau of Investigation and Bureau of Alcohol, Tobacco, Firearms and Explosives.

It is vital that we continue to preserve the rebalanced EOD force structure and maintain our EOD technical chain of command and control structure and full-spectrum capabilities to ensure success in a wide range of contingencies as directed by the 2010 Quadrennial Defense Review and specifically emphasized in Homeland Security Presidential Directive – 19, entitled - "Combating Terrorist Use of Explosives in the United States" and its Implementation Plan.

EOD mission competencies and capacities, led by EOD qualified commanders at the group and battalion levels of command, will be essential for defeating these enduring explosive ordnance and other asymmetric threats in future irregular warfare challenges.

I cannot help but wonder how many of the 4,662 killed in action and 42,799 wounded in action military personnel from Operations Iraqi and Enduring Freedom could have been prevented had we pushed to revitalize Army EOD force capabilities and capacities earlier to counter the enemy's use of IED weapon systems. [Source: DoD Personnel & Procurement Statistics, Military Casualty Information as of 28 March 2011, at <http://siadapp.dmdc.osd.mil/personnel/CASUALTY/castop.htm>].

Today I wear the distinctive unit insignia of the Army's 52d, 71st and 111th Ordnance Groups (EOD) in recognition of their extraordinary service and contribution for preserving the security of our great nation. Colonel Thomas Langowski's 52d EOD Group, home stationed at Fort Campbell Kentucky, is currently deployed in Afghanistan as the counter-IED Coalition Joint Task Force – Paladin; Colonel Jose "Ray" Atencio's 111th EOD Group, recently returned home to Opelika Alabama from duty as the counter-IED Coalition Joint Task Force – Troy in Iraq; and Colonel Leo Bradley's 71st EOD Group is resetting at Fort Carson Colorado from recent duty as CJTF- Troy;

and is training his Soldiers for re-deployment to Afghanistan for duty as CJTF-Paladin.

My concern is how the Army's EOD force accomplishes this deployment demand; seven (7) EOD groups worth of workload through "train-deploy-reset" for Afghanistan (3 groups), "train-deploy-reset" for Iraq and other contingencies (3 groups), and provide command and control of enduring EOD support to civil authorities and mobilization for deployment 2 years out of 5 year cycles for the National Guard EOD Group (1.5 groups) – and accomplishing all the tasks with only three Army Groups' available in the force structure. I believe the answer is by professionally teaming the three Army EOD Groups with the Navy's premier maritime and underwater explosives experts under the Navy Expeditionary Combat Command led by Rear Admiral Michael Tillotson. His forces augment these land-based counter-IED taskings. Specifically, - EOD Group One led by Commodore Ed Eidson based in Coronado California, is currently conducting operations as CJTF-Troy (Iraq); and EOD Group Two led by Commodore Dale Fleck stationed at Little Creek Amphibious Base Virginia, is preparing for deployment. With the Marines and Air Force EOD companies and flights supporting at the Army company level, the joint service EOD force has answered the nation's call for defeating the IEDs and associated insurgent

network; all while combining forces to conduct joint, interagency, intergovernmental and multinational (JIIM) operations. I highly recommend attending the Global EOD Conference & Exhibition, 3-5 May, in Representative Jeff Miller's District in Florida to learn more about how EOD forces achieve success during these complex operations; and I've enclosed industry's proposed strategy map on EOD priorities as it is quite illuminating.

We must continue to support these tremendous EOD warfighters in all services, but with particular emphasis on the Army as they primarily align to supporting sustained land-based operations, by shifting their funding via Overseas Contingency Operations (OCO) supplementals back into each of the Services respective baseline budgets on EOD program elements for research, development, test and evaluation; operations and maintenance; and procurement. This funding amount totaled \$403,326,000.00 (\$403.3M) in Fiscal Year 2010; however, this total does not reflect additional funding provided by the Joint Improvised Explosive Device Defeat Organization for specific in-theatre EOD equipment; funding for training EOD forces; nor funding for transition and transfer from JIEDDO to the Services of this EOD equipment and training. Additionally, the funding for Navy Single Service Management of common-type EOD training and technology, and the Office of Secretary of Defense's EOD/Low Intensity Conflict Program have remained

virtually "flat-lined" for over ten (10) years despite the increase of emerging threats for which the EOD community is uniquely and singularly qualified to confront. We must collectively do more to ensure adequate funding of these critical EOD program elements now and make investments in EOD force structure readiness for securing the future.

I respectfully request inclusion of the enclosed proposed legislative language, an Item of Special Interest for the FY2012 NDAA, a "Report on and budget justification display of key enabler Explosive Ordnance Disposal force structure and budget requirements".

I remain available to the committee for further assistance on EOD matters, and I thank you for your consideration and service to the nation.

FY2012 National Defense Authorization Act

- House Armed Services Committee

Legislation:

Item of Special Interest

Report on and budget justification display of key enabler Explosive Ordnance Disposal force structure and budget requirements

TITLE III--OPERATION AND MAINTENANCE

SEC. 3XX, REPORT ON AND BUDGET JUSTIFICATION DISPLAY OF KEY ENABLER EXPLOSIVE ORDNANCE DISPOSAL FORCE STRUCTURE AND BUDGET REQUIREMENTS.

(a) The Committee recognizes that the Services have taken extraordinary efforts to revitalize capability and increase capacity of the Explosive Ordnance Disposal (EOD) force. The Committee recognizes that the EOD force is a key enabler for combatant commanders during overseas contingency operations; counterinsurgency, stability and counterterrorism operations; building the capacity of partner states; and conducting homeland defense support (prevent detonation) of civil authorities. EOD mission competencies and capacities, led by EOD qualified commanders, will continue to be vital for the foreseeable future in defeating enduring explosive ordnance threats, such as rendering safe unexploded ordnance and improvised explosive devices, and conducting humanitarian mine action in an era of persistent conflict. However, the committee remains concerned that the Services have not adequately rebalanced EOD force structure and maintained full-spectrum capabilities to ensure success in a wide range of contingencies as directed by the 2010 Quadrennial Defense Review.

(b) The Committee encouraged the Department to consider a consolidated budget justification display covering all programs and activities of the EOD force including procurement, operations and maintenance, and research, development, testing and evaluation; and the Committee urges the Department to fully identify the Services baseline EOD budget.

(c) Report- Not later than February 1, 2012, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on Services explosives ordnance disposal force structure planning construct for Fiscal Years 2014 – 2018.

(d) Submission With Annual Budget Justification Documents- For fiscal year 2012 and each subsequent fiscal year, the Secretary of Defense shall submit to the President, for consideration by the President for inclusion with the budget material submitted to Congress under section 1105(a) of title 31, United States Code, a consolidated budget justification display that covers all programs and activities of the Services EOD force.

What makes our Constitution unique among founding documents is the vast protections it explicitly grants to United States citizens. Sacrosanct among these is the right to a fair and speedy trial.

After the attacks on September 11, 2001, our nation was facing a new kind of enemy, one not defined by traditional battlefields or rules of engagement. This meant Congress had to delineate how to handle these “enemy combatants” and bring them to justice. This was first done in the 2001 Authorization for Use of Military Force, and was later updated in the National Defense Authorization Act for 2012 (NDAA) passed last December.

In the Global War on Terror, our troops have fought with great honor and bravery to protect us. It is imperative Congress ensure the troops have the necessary tools and resources to achieve victory. However, we must also ensure civil liberties are not sacrificed in the name of security.

I do not doubt the intent of the NDAA authors, nor do I question the honor of our Armed Services. However, some provisions in the NDAA concerned many of my constituents. These concerns centered on whether there were adequate safeguards in place with respect to the detention of American citizens and the constitutional right to habeas corpus. I opposed the 2012 NDAA because of these concerns.

I am supportive of efforts to clarify the detainee provisions of the NDAA, and appreciate the efforts my colleagues have taken on this initiative. I am confident we can successfully protect the constitutional rights of all Americans while effectively combating terrorism.

Trey Gowdy
Member of Congress
SC-04

Rep Hanna NDAA FY13 HASC testimony - April 17, 2012

Good Morning,

I am here before you today to request the Committee provide sufficient funding for our 21st century defense initiatives as you work through the 2013 National Defense Authorization Act.

The 2013 Department of Defense budget proposed by the Administration does not provide ample funding for cyber security defenses or advanced research projects. Such projects are essential to maintaining our technological edge. They have been unreasonably cut in the Administration's budget proposal. If the Department of Defense's budget figures remain, key program areas that are vital to our nation's infrastructure would be vastly undercut.

For instance, over \$1 billion in funding would be cut from the Air Force's total funding levels for research, development, test, and evaluation programs. Of greater concern are the 17 percent cuts that the Air Force's Science and Technology Cyber funds would face.

There are many agencies that would be adversely affected as a result of these unwise cuts. Some of those agencies include STRATCOM, the Air Force's Air Combat Command, and intelligence agencies including the NSA and DIA. These cuts would hurt the ability of our agencies to attract and leverage external funding, which would multiply the damage done to our ability to maintain the technological edge that our forces demand and deserve.

I have seen the type of innovative projects that are being worked on by our Air Force Research Laboratories, such as Rome Lab in New York. For example, Rome Lab was the first to institute computer network attack and exploitation as a formal science and technology discipline. Rome Lab is also a leader in command-and-control operations, reverse engineering, and several other next-generation science and technology advancements.

Our economy, our armed services, and our daily lives are dependent on accessible and safe information technology. We must protect our networks by providing the funding levels necessary to do just that. The National Defense Authorization Act presents the best opportunity to show that we understand the importance of these programs. I believe that we risk falling behind if the Administration's budget figures stand.

I know that our national security and the importance of prioritizing our information technology and cyber defense programs are recognized by the members of this Committee. It is my hope that those programs will be provided with the sufficient funding levels that they require to keep us ahead.

Therefore, I would like to formally ask my colleagues on the Committee to review the Air Force Research Lab Information Directorate programs in order to provide fair funding for our nation's 21st century cyber defenses within the Fiscal Year 2013 National Defense Authorization Act.

Thank you for your consideration and your time.

**STATEMENT FOR THE RECORD
REPRESENTATIVE HERRERA BEUTLER**

Thank you, Chairman McKeon, Ranking Member Smith, and members of the Committee.

I was grateful to hear this Committee produced findings last month highlighting many of the issues that Mr. Schrader and I are attempting to address with H.R. 3980 -- the Small Business Opportunity Act of 2012. That's why I'm here today. I want to support the inclusion of this bipartisan bill's language in the National Defense Authorization Act, along with the other bipartisan reforms proposed by the Small Business Committee.

This bill, along with the others, are jobs bills. In my corner of Southwest Washington, we've suffered from double-digit unemployment going on more than 3 years. Yet we have more than 900 small business contractors in my district alone who could benefit from this bill. And small businesses are the ones who create 7 out of 10 new jobs in this country.

The Small Business Opportunity Act seeks to improve acquisition planning, training, and the roles of the Procurement Center Representatives, or PCR's -- all of which were addressed by the bipartisan Panel on Business Challenges.

The Panel, led by Mr. Shuster, made several recommendations that can be addressed by this bill.

First: improved coordination between senior acquisition officials and small business advocates. The Small Business Opportunities Act accomplishes this by involving small business advocates from the beginning of the acquisition process. Under this improved system, these advocates can begin removing barriers to small business participation early in the planning process. Currently, these advocates aren't consulted until the end of the process, minimizing the benefit to small business.

Second, Panel Recommendation 3.9 states that the "Secretary of Defense should make **small business programs an emphasis item when training** the acquisition workforce." Currently, contracts that are best suited for small businesses are frequently handled by lower level contracting personnel who are not adequately trained. This problem is not unique to the Department of Defense; it happens

government-wide. My bill would improve this by providing training to **all** contract specialists on small business contracting programs. The result? A well-educated acquisition workforce, and clearer roles for small business advocates who will no longer have to spend as much time providing training. This way, they will be better able to assist small businesses.

Finally, the Small Business Opportunity Act **sharpens and modernizes the job descriptions of PCR's**. PCR's work in agencies throughout the federal government. Their role is to review acquisition plans with an eye toward increasing small business participation.

Mr. Chairman, small businesses across the country are eager to compete for federal contracts, and the byproduct will be new jobs created. Therefore, I want to thank you for considering including this language in the NDAA, and offer my support for the inclusion of this bill and the other procurement reforms proposed by the Small Business Committee.

I thank the ranking member, the chairman, Chairman Graves and Ranking Member Velazquez, and my partner in this effort, Mr. Schrader and I yield back the remainder of my time.

Testimony of Rep. Tim Huelskamp

H.R. 3828, the Military Religious Freedom Protection Act
House Armed Services Committee
April 17, 2012

I want to begin by thanking Chairman McKeon and the Committee for giving me this opportunity to come testify. The defense of our nation is one of the few things done by the federal government that is required by the Constitution, and I appreciate this Committee's dedication to ensuring that America remains the cornerstone of freedom for the world. I am also grateful that you have solicited the input of Members who do not serve on this Committee. We all have a vested interest in protecting America for future generations, and your willingness to hear from other Members reflects that.

Today I am here to respectfully request that my bill, H.R. 3828, the Military Religious Freedom Protection Act, be included in the National Defense Authorization Act for Fiscal Year (FY) 2013. Beginning with the repeal of "Don't Ask, Don't Tell," the current administration has looked to our military as a proving ground for their radical social agenda. New regulations, standards, and policies enacted as a result of the repeal have fostered an attitude of hostility towards anyone who does not fully support homosexual behavior. As an example, the Department of Defense (DOD) sensitivity training documents instruct officers to show no opposition to the implementation of these new policies. To quote the training manual, "We as leaders must work to reinforce the importance of dignity and respect for all Service members. We promote these values by living them, and reaffirm our commitments to enforcing standards of conduct and the expectations for a military culture where Service members are valued for their contributions to national defense. Our leadership and personal commitment to implementation must be visible and unequivocal (emphasis is original to the document)." Let me repeat this last line, "Our leadership and *personal commitment to implementation must be visible and unequivocal* (emphasis added)." In an institution that has obedience without question or dissent, such instruction provides no opportunity for respectful opposition.

It is, therefore, disingenuous for people within the Obama administration to claim that there are no reports about opposition to implementation of new policies, when voicing those concerns are strictly prohibited. Nonetheless, my office has received reports of a handful of situations that would indicate there are problems with implementation. I believe that several of these instances have been brought to the Committee's attention through a letter submitted by the Chaplains' Alliance for Religious Liberty. I have provided a copy of that letter included at the end of my testimony, and would like it to be included in the record of today's hearing.

Additional problems arose in the form of pair of memos issued in September 2011 by DOD that, to any layman reading them appear to violate the Defense of Marriage Act (DOMA). The first

memo, from Undersecretary of Defense for Personnel and Readiness Clifford Stanley, gives military chaplains permission to conduct or participate in same-sex marriage ceremonies. Even when acting in a private capacity, there is still a sense of federal support for such activities, when, under DOMA, there should not be any. The second memo, written by DOD Counsel Jeh Johnson, permits the use of DOD facilities for same-sex ceremonies. This, too, gives the appearance of support for activities in contravention of federal law.

Personnel Subcommittee Chairman Wilson held a briefing with Jeh Johnson on these very memos in November 2011. While there seemed to be some contentious debate about whether or not the memos violated the letter of the law, I do not believe there is any question that they violate the spirit and congressional intent of DOMA when it passed the House and Senate with overwhelming bipartisan support.

My bill, H.R. 3828, is an effort to bring the DOD back into compliance with both the spirit and the letter of DOMA. It simply states that DOD facilities cannot be used to perform marriage or marriage-like ceremonies (i.e., civil union, domestic partnership). The presence of a military chaplain, performing the ceremony in a military facility gives the event a sense of propriety and affiliation with the military.

H.R. 3828 also ensures the rights of everyone serving in uniform to express their firmly held religious or moral beliefs regarding homosexual behavior. The bill explicitly states that expression of a deeply held belief regarding homosexual behavior cannot be grounds for punishment or retribution. It provides these protections for everyone in our Armed Forces—chaplains, enlisted men and women, and officers. The brave men and women in our military should not be signing away the very rights they are giving their lives to protect. Their service in our Armed Forces should not negate their right to express their sincerely held religious or moral beliefs.

The Military Religious Freedom Protection Act has more than 40 cosponsors, including several Members of this Committee and has been endorsed by a number of grassroots organizations, including the Family Research Council, Center for Military Readiness, Chaplains' Alliance for Religious Liberty, Concerned Women for America, Eagle Forum, the National Organization for Marriage, the Alliance Defense Fund, and the Traditional Values Coalition. I would like to include in the record a letter of endorsement from over 40 organizations, emphasizing the importance of this legislation.

Again, thank you for allowing me the opportunity to speak before the Committee today. I would be happy to answer any questions that you may have.



PO Box 151353
Alexandria, VA 22315
www.chaplainalliance.org
(571) 293-2427

The Honorable Howard P. McKeon
Chairman, House Armed Services Committee
2120 Rayburn House Office Building
Washington, D.C. 20515

29 March 2012

Dear Chairman McKeon,

We know that you share our passion and admiration for the men and women in uniform that faithfully serve our country. Every day, they serve to protect our many liberties, including our first liberty—religious freedom. And as these patriots serve us, oftentimes facing grave danger, we chaplains cannot allow them to assume that risk without providing them with every opportunity to clear their conscience, and for many, provide the opportunity to be assured of salvation that extends beyond their own mortality.

This is why we have chaplains and, as you are aware, for this very reason, the chaplain is the only constitutionally-required post in our armed forces. *Katcoff v. Marsh*, 755 F.2d 223, 232, 234 (2d Cir. 1985) (“Unless the [military] provided a chaplaincy it would deprive the [service member] of his right under the Establishment Clause not to have religion inhibited and of his right under the Free Exercise Clause to practice his freely chosen religion.”). And a chaplain, though an officer and employee of the military, is first and foremost a religious leader. Thus, it is the obligation and right of chaplains to proclaim clearly, and without restraint, the teachings of their particular faith.

Of course, this obligation is not just for chaplains that agree with certain governmental policies, but also for ALL chaplains. Chaplains endorsed by the LDS church must have the same rights as chaplains endorsed by faith groups that promote same-sex “marriage” or homosexual behavior; and chaplains endorsed by Orthodox Jewish denominations must have the same rights as those chaplains that follow the teachings of Catholicism. It is the military’s adherence to this pluralistic environment and the creed of ALL chaplains to “perform or provide” that has allowed the chaplaincy to faithfully serve our uniformed heroes for centuries.

Unfortunately, recent changes in military and other policies have ushered into existence a seeded hostility towards chaplains that subscribe to longstanding, deeply-held tenets regarding marriage and sexual behavior. If this hostility toward the chaplaincy persists, and certain chaplains lose their endorsements because of their inability to preach, teach, or share with their fellow servants the full counsel of God, a constitutional crisis will emerge, as the military cannot function without the chaplaincy, much less a partial chaplaincy.

In order to concretely preserve the rights of religious freedom for all service members, regardless of their faith tradition, H.R. 3828, the Military Religious Freedom Protection Act was authored. This bill would "amend title 10, United States Code, to require that implementation of the repeal of the former Department of Defense policy concerning homosexual behavior in the Armed Forces not infringe upon the free exercise of religion by and the rights of conscience of members of the Armed Forces, including chaplains, and for other purposes." Alarming, the way that these new Department of Defense policies are being implemented is with an open and palpable hostility to those chaplains and service members that hold constitutionally-protected beliefs about sexual behavior.

Unfortunately, the repeal of Section 654 of Title 10 of the United States Code does not mark the first time that a presidential administration has implemented a policy that negatively impacts the free exercise of religion within our armed forces. In 1996, after President Clinton vetoed H.R. 1833, the Partial Birth Abortion Ban Act, military chaplains joined a campaign to ask Congress to override the president's veto. Citing a Department of Defense Directive, among other things, the chaplains were instructed by the military that "the applicable directives prohibit you from participating in this campaign . . ." After suing for their rights, the chaplains were victorious. *See, e.g., Rigdon v. Perry*, 962 F. Supp. 150 (D.D.C. 1997). However, chaplains and service members should not be required to bring a lawsuit in federal court in order to secure their constitutionally-protected rights. Moreover, free exercise rights of our men and women in uniform, which are grounded in the constitution, should not be subjected, administration by administration, to the policies and directives of their commander-in-chief. This natural and unyielding tension, alleviated by no particular president or administration, warrants Congressional action.

By the very nature of government itself, efforts to silence persons of faith, or those that find themselves in the minority, will not cease. Accordingly, in order to uphold these constitutional mandate of the chaplaincy, it is critical that Congress require that no restrictions or limitations be placed on the teaching or participation of any chaplain,

whether in the pulpit, the classroom, the field, the barracks, private counseling sessions, or at the office. This purpose can be accomplished with the passage of H.R. 3828, the Military Religious Freedom Protection Act.

Until Congress acts decisively, efforts to silence the voices of our military chaplains of all faiths and backgrounds will likely continue well into the future. It is time that Congress secures the rights of ALL chaplains, once and for all, instead of allowing those that do not subscribe to the orthodoxy of the day to be unconstitutionally silenced. But that is exactly what is occurring, as demonstrated by the following recent reports to the Chaplain Alliance for Religious Liberty:

- Chaplain W, the senior chaplain on a major stateside military installation, was recently stripped of his authority over the chapel under his charge for his insistence that, in accordance with federal law, and military regulations proclaiming the chapel as a "sacred space," the chapel would not be used to celebrate "marriages" between same-sex couples.
- Chaplain X was threatened with early retirement then was moved to an assignment where he could "be supervised." His sin? He merely forwarded an email to his subordinates that was a thoughtful reflection on the military's former Don't Ask, Don't Tell policy.
- Chaplain Y was asked for help at Andrews AFB by a senior NCO. Apparently, two sailors under the NCO's command were eating and talking in the public food court, when one of them mentioned that he might want to be a chaplain someday, but didn't know how the repeal of Title 10, § 654 would affect that plan. Another service member at the next table, listening to their conversation, stood up and berated the two sailors for talking about the repeal of Title 10, § 654, then reported the "incident" to the NCO. The NCO wasn't sure what to say to the offended sailor, but then instructed the soldier who wanted to become a chaplain that they needed to be more careful in public.
- Chaplain Z was on funeral detail with some enlisted Sailors. The Sailors were discussing

how their fellow service members that proclaimed a “gay” or “lesbian” identity could choose their roommates, but that they were unable to choose their roommates. Understandably, they wondered how “that was fair?”

- A Service school that trains officers experienced a recent incident where a male service member sexually harassed another male service member through text messages, emails, phone calls and visible confrontations. The offended male was not interested in a same-sex relationship, but the offending male insisted that the two would make a good couple. The harassment was reported, but no disciplinary action resulted.
- DLI in Monterey had to force an open door policy on all dorms so that neither heterosexual nor homosexual students could not close them for sexual and private purposes. The lesbians argued the most about the policy since they thought the new policy allowed them to have their fun. But DLI reminded them the facility was “gender-neutral” and no “gender” would be privileged. Some DLI students have asked Chaplains if they’ll do a “partner service,” too.

The Chaplain Alliance’s purpose is to “defend and maintain the religious liberty and freedoms of expression and conscience the Constitution guarantees our chaplains and military service personnel.” We represent more than 2,000 uniformed chaplains in our armed forces. To that end we support any legislation that defends freedom OF religion as opposed to freedom FROM religion.

The examples above are painfully real; so much so that we must protect the identities of those reporting lest they suffer retaliation. Enacting H.R. 3828 would benefit the military by educating and directing commanders so that freedom of conscience and free exercise of religion within our armed forces continues with openness, diversity, and the backing of our elected officials. The motto of the chaplaincy to “perform or provide” is not merely an empty slogan, but one that all chaplains take to heart and has allowed the pluralistic nature of the military to peacefully co-exist for centuries. The ideals that drive chaplains to serve are worthy of preservation and protection, not persecution. At this stage, the persecution is beginning; the antidote is the protection of H.R. 3828.

Accordingly, H.R. 3838 is crucial for the ongoing protection of America's first liberty and most foundational principle—that Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.

Respectfully,

CH (BG) Doug Lee, USAR Retired
President, Chaplain Alliance for Religious Liberty
Endorser, Presbyterian and Reformed Joint Commission

CH (COL) Ron Crews, USAR Retired
Executive Director, Chaplain Alliance for Religious Liberty
Endorser, Grace Churches International

Ron Tottingham, PhD
CH (BG) USSC
Endorser, Unaffiliated Baptist Church of America

Roy Bebee, M.Div., D. Min
CAPT, CHC, USN Retired
Endorser, Evangelical Free Church of America

James F. Poe, CAPT, CHC, USN, Retired
President/Endorser, Associated Gospel Churches

CH (COL) John W. Schumacher, USA Retired
Endorser, National Fellowship of Grace Brethren Churches

Robert Steinke, COL, USMC, Retired
Associate Endorser, Conservative Congregational Christian Conference

CH (COL) Paul L. Vicalvi, CH (COL) USA Retired
National Association of Evangelicals

CH (COL) Alexander F. C. Webster, USAR Retired
Archpriest, Orthodox Church in America

Bishop Derek Jones, LTC USAF Retired
Endorser, Convocation of Anglicans in North America and
The Anglican Church in North America

Dr. Klon Kitchen, Jr., CH (LTC) Retired
President/Endorser, Chaplaincy Full Gospel Churches, Inc.

Kenneth V. Botton, Ph.D.
LCDR, CHC, USN, Retired
Endorser, Plymouth Brethren

Rev. Daniel Batchelor
Endorser, United Pentecostal Church International

Rev. Ron Brovold
Endorser, International Ministerial Fellowship

Dr. George Miller
Endorser, The Evangelical Church Alliance

Rev. Allen Russell
Director of Chaplaincy for CBAmerica

Dr. James G. Smith
Endorser, Bible Baptist Fellowship International

Military Culture Coalition

The Honorable Howard P. McKeon
Chairman, House Armed Services Committee
2120 Rayburn House Office Building
Washington, D.C. 20515

March 22, 2012

Dear Chairman McKeon,

The undersigned leaders of the Military Culture Coalition are writing to thank you for your leadership in protecting rights of conscience and religious liberty in the armed forces, and for supporting enforcement of the Defense of Marriage Act in the military.

We also appreciate Speaker John Boehner's continued resolve to defend the DOMA in court, and the leadership of Rep. Tim Huelskamp and Rep. Todd Akin, who are sponsoring and supporting the Military Religious Freedom Protection Act, [HR 3828](#). As you know, the legislation would a) Protect the rights of both chaplains and people of faith in the military, and b) Reaffirm congressional support for traditional marriage in the military.

The First Amendment to the U.S. Constitution guarantees rights of conscience and religious freedom to both chaplains and military personnel. However, Department of Defense policy statements clearly indicate that there is a need to deter *infringements* on religious liberty, which are likely to become more apparent as Pentagon officials continue to implement LGBT (lesbian, gay, bisexual, transgender) law and related policies in the military.

Chaplains are relatively few in number, but their role is critically important in maintaining morale, discipline, and rights of conscience in the military. The U. S. Constitution established the chaplaincy to protect rights of religious expression among military personnel, even when troops are deployed far from home.

At the present time, a minority of chaplains who support LGBT law in the military may express their views regarding homosexual conduct at all times. But chaplains who represent the majority of faith traditions face career penalties for expressing sincerely held religious or moral beliefs on that issue in situations other than worship services. There are no conscience or religious freedom protections for chaplains and people of faith involved in activities such as the Army's "Strong Bonds" marriage counseling program, religious study groups, and social, educational, or family/athletic activities.

According to Army Tier One training instructions (Slide #11), the only option for chaplains who cannot reconcile their sincerely held religious views regarding homosexual conduct in settings other than worship is to relinquish their sponsoring agency's endorsement and seek "voluntary separation" and an honorable discharge if they owe no time to the Army. Such policies already are imposing a chilling effect that infringes rights of conscience and religious liberty in the armed forces.

We are also concerned about the administration's attempts to circumvent the Defense of Marriage Act (DOMA), which defines marriage as the bond between one man and one woman. In April 2011, the Navy Chief of Chaplains issued a memo calling for same-sex marriage training. Following strong opposition from Congressman Todd Akin and 61 colleagues, the Navy memo was suspended but not revoked.

In September 2011, the Pentagon issued two policy memoranda authorizing the use of military facilities for same-sex "ceremonies" or "functions" in states where they are not prohibited, but without official Defense Department endorsement or benefits.

Administration officials who provided to Congress repeated assurances that the Defense Department would comply with the Defense of Marriage Act did not mention that the Department of Justice was about to discontinue legal defense of the DOMA in court. This "bait and switch" situation, which broke faith with Congress and the military, is lending support to current and future litigation demanding extension of all marriage benefits to same-sex couples.

Thank you again for your recognition that elected representatives in Congress should have something to say about ongoing, still-unresolved controversies such as this.

We hope that you will do everything possible to protect constitutional rights of conscience and religious freedom in the military, and to reaffirm congressional intent with regard to same-sex marriages or "marriage-like ceremonies" on military bases.

Sincerely,

CC: The Hon. John Boehner
The Hon. Tim Huelskamp
The Hon. Todd Akin

The Undersigned - (All names for identification only)

Elaine Donnelly
President
Center for Military Readiness

James C. Dobson, Ph.D.
Founder and President
Family Talk

Ron Crews, CH (Col) USAR, (Ret.)
Executive Director
Chaplain Alliance

Andrea S. Lafferty
Executive Director
Traditional Values Coalition

Tom McClusky
Sr. Vice President
Family Research Council Action

Tom Minnery
Executive Director, CitizenLink
(Formerly Focus on the Family Action)

Gary L. Bauer
President
American Values

L. Brent Bozell, III
President
Media Research Center

Morton C. Blackwell Chairman Weyrich Lunch	Colin Hanna President Let Freedom Ring
Joseph R. John Chairman Combat Veterans For Congress PAC	Thomas P. Kilgannon President Freedom Alliance
C. Preston Noell III President Tradition, Family, Property, Inc.	Penny Nance President and CEO Concerned Women for America
Brian Brown President National Organization for Marriage	Frank Gaffney President Center for Security Policy
Kenneth Blackwell Chairman Ohio Faith & Freedom Coalition	Phyllis Schlafly President Eagle Forum
Ralph Reed Founder and Chairman Faith and Freedom Coalition	Andresen Blom Executive Director American Principles in Action
Dr. W. Scott Magill Executive Director Veterans in Defense of Liberty	Chaplain (Colonel) Alexander F.C. Webster, USAR (Ret.), Archpriest Orthodox Church in America
Mathew Staver Founder and Chairman Liberty Counsel	Rev. Louis Sheldon Chairman Traditional Values Coalition
Tim Wildmon President American Family Association	David Bozell Executive Director For America
Susan A. Carleson President & CEO American Civil Rights Union	Doug Lee, CH (BG) USAR, (Ret.) Executive Director Presbyterian and Reformed Joint Commission
Mike Kurtz - Cris Kurtz Founders USA Patriots	Col. Rich Young, CH, USA(Ret.) Executive Director International Association of Evangelical Chaplains

Larry Cirignano
President
Faithful Catholic Citizens

Rick Scarborough
President
Vision America Action

Dr. Klion K. Kitchen, Jr.
Executive Director
Chaplaincy of Full Gospel Churches

Jeff Burnsed
Senior Pastor
Coral Ridge Christian Fellowship

Mandi D. Campbell
Legal Director
Liberty Center for Law and Policy

Robert E. Steinke, Ph.D.
Ecclesiastical Endorsing Agent
Conservative Congregational Christian Conference

Christopher Carmouche
Executive Director
GrassTopsUSA

Kris Mineau
President
Massachusetts Family Institute

Robert Knight
Executive Director
American Civil Rights Union

The Right Rev. Derek Jones
Bishop of the Armed Forces and Chaplaincy
The Convocation of Anglicans in North America (CANA)

Testimony of
Representative Adam Kinzinger
11th District, Illinois

Testimony from Members on their National Defense Priorities for the
National Defense Authorization Act for Fiscal Year 2013 (NDAA)

Before the
Committee on Armed Services
U.S. House of Representatives

April 17, 2012

Good morning Chairman McKeon, Ranking Member Smith, and Members of the Committee on Armed Services. I appreciate the opportunity to appear before you today to discuss an issue that I believe needs significant attention.

As you may know, before I was elected to Congress I served as a pilot in the Air National Guard, Air Force Special Ops, Air Combat Command and Air Mobility Command. Today I continue to fly the RC-26 in the Madison-based 115th Flight Wing. Simply stated, I am a strong supporter of the military and believe we must continue to be well positioned for threats today and tomorrow.

Given the difficult budget environment we are in, we must make tough decisions on how to best position our Air National Guard and Air Force. I am concerned with the announced restructuring of the Air Force and the proposed level of aircraft retirements and personnel reduction from the Air National Guard. I have had the privilege to serve along both Air National Guard and Air Force personnel and believe the proposed realignment is an unbalanced approach for our nation.

As you know, the planned cuts of more than 5,000 Air National Guard members and 180 aircraft over the next year represent the majority of the proposed reduction. It is unclear the reason for this decision considering its budgetary impact. The Air National Guard and Air Force Reserve personnel account for 14 percent of personnel funds, but perform over half of all Air Force missions. In fact, the Air National Guard alone provides 35 percent of Air Force capabilities with only 6 percent of its budget. Moreover, Guard and Reserve pilots and personnel have on average more experience than their Active Duty counterparts. Given these facts, growing not cutting, our Guard and Reserve capability best maintains mission readiness in the most cost-effective manner. If we lose the capabilities and efficiencies of the Air National Guard and Air Force Reserve we will be hard pressed to ever regain them again.

Thank you for providing the opportunity to bring this concern before you. I look forward to working with you and your staff on this extremely important issue.

National Defense Priorities from Members for the FY 2013 National Defense Authorization Act
Testimony of
Congressman Mick Mulvaney
April 17, 2012

Chairman McKeon, Ranking Member Smith, thank you for the opportunity to share testimony concerning my priorities for this year's National Defense Authorization Act.

My first priority is for the inclusion of eight bi-partisan bills passed by the Small Business Committee which address federal contracting.

As you well know, the federal government spends trillions of dollars each year on federal procurement, and many of those contracts involve the Department of Defense and our military. Federal government contracting is of critical importance to small business as well. We have created a true partnership between the government and our nation's small businesses – the government obtains excellent products from the private sector for a good price, and small businesses have the opportunity for steady work and business growth. It is important that we foster this relationship, as small businesses are the drivers of job creation.

I understand the House Armed Services Committee's Panel on Business Challenges in the Defense Industry has studied these issues as well. Both this Committee and the Small Business Committee understand the challenges facing small business participation in federal contracting and the industrial base. I have introduced legislation, H.R. 3893, the Subcontracting Transparency and Reliability (STAR) Act, which addresses a few of the recommendations of the Panel with respect to small business. I believe that inclusion of the STAR Act in this year's NDAA is crucial to meeting the Panel's recommendations and resolving a few of the challenges businesses face in the defense industry.

Recommendation 2.9 requests that Congress ensure work being reserved for small business performance is actually performed by small businesses. We discovered in hearings in my subcommittee that sometimes, bad actors hide behind small businesses and have work passed through to them. The STAR Act addresses this problem by increasing transparency in who performs small business contracts. At the same time, this transparency results in reduced paperwork for small businesses and encourages small businesses to team together to compete for contracts.

Recommendation 2.6 deals with tracking small businesses working as subcontractors. Currently, any contract over \$650,000 awarded to a large business must have a subcontracting plan detailing how small businesses will be used. The STAR Act improves reporting on these plans to make the data more meaningful, and does so without adding new paperwork requirements.

For these reasons, I support the inclusion of the STAR Act, as well as the 7 other Small Business Committee bills which reform government contracting, in this year's NDAA.

My second priority is to correct the detainee provisions of last year's NDAA. The conference reported version of the bill adopted certain detainee provisions included in the Senate's NDAA. Particularly, I was concerned with sections 1021 and 1022 of the conference reported NDAA. Section 1021 provides for the indefinite detention of vaguely-defined groups of individuals without charge or trial, and did not include an explicit exemption for U.S. citizens and residents.

These two sections were ambiguous and overly broad, and could arguably allow for the President to hold citizens in detention without trial until the end of hostilities. Although an amendment was adopted to limit Section 1021 to detention authority under existing law, it is not clear that "existing law" protects American citizens or exempts the U.S. from detention authority.

The serious reservations I had with the detainee provisions prevented me from voting in favor of the NDAA bill as a whole. I supported the House version of the NDAA, but I could not support the version we were presented by the conferees, which included the Senate's detainee language. I did not take this vote lightly, as I understand Congress' fundamental role in providing for the national defense.

Ultimately, these concerning provisions are now the law. I still believe they are great cause for concern. I did not believe and still do not believe the final NDAA contained adequate – and explicit – safeguards regarding the detention of American citizens and for the constitutional rights protecting unreasonable search and seizure, due process, trial by jury and against cruel and unusual punishment.

Fortunately, it is very simple to fix the concerning language in last year's NDAA. Mr. Landry and Mr. Rigell have worked diligently to craft language that protects the right of due process for all Americans, and protects from the threat of indefinite detention without trial. Mr. Landry introduced HR 3676, and Mr. Rigell today introduced similar legislation protecting the availability of the writ of habeas corpus.

It is essential that we clarify the detainee provisions to ensure there is no potential infringement of our constitutional rights. Congress has codified the President's ability to detain enemy combatants. However, we must ensure that there is no doubt that American are not treated the same as an enemy combatant, and citizens' rights to their constitutional protections remain intact. Rather than allowing courts to decide questions of fundamental rights under "existing law", and opening the door for troubling rulings, we as members of Congress should adopt explicit protections against the use of arbitrary military force.

Therefore, I urge you to include in the FY 2013 NDAA the language included in either Mr. Landry or Mr. Rigell's bill to clarify the applicability of the detainee provisions to U.S. citizens.

Statement of
Representative Steve Stivers
House Committee on Armed Services: Full Committee Legislative Hearing
April 17, 2012

I want to thank Chairman McKeon for holding this important hearing today on the 2013 National Defense Authorization Act (NDAA), and for allowing Members of Congress serving outside of the House Committee on Armed Services to submit testimony on this crucial legislation. I would like to bring to the attention of the Committee, *TRICARE for Kids*, a bill that I recently introduced with my colleagues, Representative Susan Davis and Representative Robert Schilling.

Through its TRICARE program, the Department of Defense (DoD) clearly has recognized the support that military families need back home. As a Lieutenant Colonel actively serving in the Ohio Army National Guard, I have experienced firsthand the services and resources provided by TRICARE, and this legislation is an effort to help the Department and its TRICARE program develop and encourage health care practices and policies that are designed to address the specific health care needs of military children and families.

Children have dramatically different needs and standards of care than those of adults. But with a reimbursement structure that is based on Medicare, TRICARE often adopts policies and practices that do not account for pediatric health care delivery and settings. My TRICARE for Kids legislation would bring together stakeholders with a wide range of expertise from both military and non-military perspectives to perform a proactive, comprehensive analysis of the policies, practices, relationships, and resources that involve children's health and health care.

The goal of TRICARE for Kids is to better shape the policies and practices of TRICARE by accounting for the specific health care needs of children—without straining the Department of Defense and its budget. This legislation accomplishes this goal through a working group convened by the Secretary of Defense and comprised of a full spectrum of experts representing children's health care and military families. In an effort to better accomplish its goal, the legislation was drafted under the guidance of the Congressional Budget Office (CBO) and is estimated to have no impact on direct spending or revenues. Further, CBO has estimated that any spending would total less than \$500,000 over the life of the group.

TRICARE for Kids is a bipartisan effort to support our military families and children by ensuring they have health care that best meets their needs. Endorsed by the Military Officers Association of America, Children's Hospital Association, the American Hospital Association, the American Academy of Pediatrics, and the National Military Family Association, this bill has been widely recognized as a step we can take towards improving the health of our nation's children.

Again, I appreciate the Chairman holding this hearing.

Testimony of Rep. Joe Walsh,
Committee on Small Business
Before the House Committee on Armed Services
National Defense Priorities from Members for the FY 2013 National Defense Authorization Act
April 17, 2012

Thank you, Chairman McKeon, Ranking Member Smith, and members of the Committee.

The first hearing I chaired, as chairman of the Small Business Committee's Subcommittee on Economic Growth, Tax and Capital Access, examined the Small Business Administration's definitions of small business. What I learned during that hearing and over the past year inspired H.R. 3987, the Small Business Protection Act of 2012, which I introduced with Mr. Connolly and which was marked up last month.

During that same period, your own Panel on Business Challenges in the Defense Industry also explored issues with SBA's size standards. As you know, the Small Business Act defines a small business as one that is independently owned and operated and not dominant in its field of operation. It then allows SBA to implement industry specific size standards accordingly. SBA, however, is currently decreasing the number of size standards it will permit for the 1100 industries in the North American Industrial Classification System from about 40 to 16. At the same time it is combining many of these industries together into new common groups under a single size standard.

While SBA appears to be examining the right factors when establishing size standards, both the Small Business Committee and your panel seem troubled by the way SBA is applying these factors.

Most troubling is this decision of SBA's to combine related industries into common groups with one size standard. While they claim that this simplifies the process, what it really does is hurt legitimate small businesses.

Let's look at architecture and engineering firms. SBA's own metrics show that architecture firms should have a size standard of \$7 million and engineering firms of \$25.5 million. Yet SBA has decided to combine them into a common group with a size standard of \$19 million, which is completely inappropriate for either. In the one instance, it forces legitimate small firms to compete against much larger firms, and in the other it completely excludes legitimate small firms from competing for small business contracts.

Excluding legitimate small businesses limits growth, and harms the defense industrial base. Panel Recommendation 2.2 stated that Congress should amend the Small Business Act to end the practice of combined size standards, stop placing artificial limits on the number of size standards, and better define what factors should be considered when size standards are proposed. In doing so, it referenced my Small Business Protection Act, because this is exactly what my bill does. It requires additional specificity in the rule making process and directs SBA to both stop these unwarranted combined size standards and focus on having the right size standards, rather than a fixed number of size standards. In short, it ensures that we do not abandon legitimate small businesses seeking to compete for federal contracts. Both the Panel and I believe these changes will also benefit the Department of Defense—it will ensure that the right size standards are in place, which will assist the Dept. as it works on the health of the industrial base.

I want to thank you all for working collaboratively with us on the NDAA, and for looking at the many bipartisan measures the Small Business Committee marked up for inclusion in this year's bill. I want to especially thank you for considering including the Small Business Protection Act in the NDAA. With over \$500 billion in federal contracts being awarded each year, and 70 percent of those dollars being awarded by the Department of Defense, it is important for us all to realize that we can better serve the taxpayer and our service members by ensuring that small businesses can compete for these contracts.

I'd be happy to answer any questions.



Congressman Pedro R. Pierluisi
Written Testimony Before the House Armed Services Committee
Priorities for the Fiscal Year 2013 National Defense Authorization Act
April 17, 2012

Chairman McKeon, Ranking Member Smith, and Members of the Committee: Thank you for the opportunity to testify about my priorities for the FY13 National Defense Authorization Act.

I would like to focus my testimony on two issues of particular significance to Puerto Rico that I hope the Committee will address in this year's NDAA. First, I will discuss the importance of robust funding for Department of Defense drug interdiction and counterdrug activities, particularly for the National Guard Counterdrug Program and the Tethered Aerostat Radar System Program. Later today, I am meeting with the Deputy Assistant Secretary of Defense for Counternarcotics and Global Threats to discuss this matter and to express my grave concern about the inadequacy of DoD funding for counterdrug activities in Puerto Rico.

Second, I will discuss the cleanup of the former military training range on the island of Culebra, Puerto Rico. The FY11 NDAA required a DoD study on this issue, which I understand is nearly completed and which I hope will provide the basis for further action by this Committee.

Department of Defense Drug Interdiction and Counterdrug Activities

Mr. Chairman: Since taking office, I have worked hard to raise awareness in the federal government about drug-related violence in Puerto Rico and the neighboring U.S. Virgin Islands, and to urge the federal government to dedicate the resources and personnel necessary to address this problem.

Violent crime in Puerto Rico and the USVI has been on the rise for over a decade, even as violent crime nationwide has decreased substantially. The homicide rate in each territory is about six times the national average and nearly three times higher than any state. Puerto Rico has nearly the same number of annual murders that Texas does, even though Texas is home to 25 million people and Puerto Rico is home to 3.7 million U.S. citizens.

According to estimates, three-quarters of the homicides in Puerto Rico and the USVI are linked to the international drug trade. As the U.S. government has—quite appropriately—increased resources along the Southwest Border and provided substantial funding to Mexico and Central American nations through the Mérida Initiative and the Central America Regional Security

Initiative, drug trafficking organizations have adapted, turning back to well-established routes in the Caribbean to get their products to market.

This is a problem of national, not merely regional, scope. Seventy to eighty percent of the cocaine that enters Puerto Rico, which has 700 miles of largely-undefended coastline, is then transported to the 50 states. Because Puerto Rico is an American jurisdiction within the U.S. customs zone, once drugs enter the Island, they can easily be delivered to the states on airlines and container ships, without having to clear customs or otherwise undergo heightened scrutiny. And once in the states, those drugs destroy lives and communities, just as they do in Puerto Rico.

In order to reduce drug-related violence in Puerto Rico and the USVI, and to make the territories a less attractive transshipment point for drug trafficking organizations seeking to supply the U.S. market, Puerto Rico Governor Luis Fortuño (a Republican) and I (a Democrat) have jointly proposed that the Administration establish a Caribbean Border Initiative. Our nation has a Southwest Border strategy and a Northern Border strategy. But it has no comprehensive counter-drug strategy when it comes to our maritime border in the Caribbean. The consequences of this non-strategy are crystal clear: the violent deaths of tens of thousands of Americans citizens. Although it pains me to say this, I cannot escape the conclusion that if this level of violence was occurring in any of the 50 states, it would be treated as a national emergency requiring immediate federal action.

Against this backdrop, it is dismaying that DoD has requested \$1.63 billion in FY13 for drug interdiction and counterdrug activities, nearly \$200 million below the FY12 enacted level. I want to discuss two specific ways in which Puerto Rico will be adversely affected if Congress and this Committee do not take steps to avoid such a result.

National Guard Counterdrug Support Program

First, DoD has requested an appropriation of \$105.8 million for the National Guard Counterdrug Support Program, which is \$123.9 million below the FY12 enacted level and \$73.8 million below DoD's FY12 request. This request was made despite the fact that, in last year's Defense Appropriations bill, Congress provided a \$50 million plus-up to this account, stating: "The Department of Defense consistently has failed to provide adequate resources for State plans in its budget requests. Congress repeatedly has demonstrated its recognition of the value that National Guard capabilities bring to counter-drug efforts. . . ."

The news for Puerto Rico is particularly bleak. The National Guard Bureau is implementing a threat-based resource model to determine how to allocate whatever funding it receives for the program among the national guards in 54 jurisdictions. Pursuant to this model, funding will be allocated to states and territories based on the severity of the narcotics threat faced by each jurisdiction, as measured by over 20 specific criteria.

In the abstract, this model makes good sense. But, in practice, it has completely failed for Puerto Rico, because the federal government does not collect statistics to the same degree in the U.S. territories as it does in the states. Currently, the Puerto Rico National Guard receives \$5.5 million annually to provide critical counter-drug support to federal and local law enforcement

agencies. However, under the new threat-based model, the Puerto Rico National Guard is slated to receive less than \$850,000 in FY13—an 85 percent cut. If this cut is realized, it would eviscerate the counterdrug program in the jurisdiction that has among the worst—if not the single worst—drug-related violence problem in the nation. This would be a tragic result—and one contrary to the core purpose of the threat-based model. My office has been working with the NGB to determine precisely where the process broke down, but it is clear that the data collection effort in Puerto Rico was inadequate. Therefore, I respectfully ask the Committee to work with me to ensure that total funding for the National Guard Counterdrug Support Program is increased and, in particular, to ensure that Puerto Rico receives its fair share of funding. One option I hope the Committee will consider is a provision in the NDAA stating that the territory should receive an appropriate portion of any plus-up that the Appropriations Committee provides to this account in FY13.

Tethered Aerostat Radar System Program

The second problem for Puerto Rico involves the Tethered Aerostat Radar System Program, known as TARS, which is managed by the Air Force and is also funded primarily through DoD's interdiction and counterdrug activities budget line.

The TARS program provides detection and monitoring capability in support of federal agencies involved in the nation's drug interdiction program. Primary customers of the intelligence obtained from the TARS program include the U.S. Department of Homeland Security, U.S. Northern Command, U.S. Southern Command, and the North American Aerospace Defense Command.

There are eight TARS operational sites. Six provide coverage along our nation's Southwest border with Mexico, one provides coverage in the Florida Straits, and one—located in Lajas, Puerto Rico—provides coverage in the Caribbean. However, the Lajas aerostat has been non-operational since August 2011, when its radar was destroyed in poor weather conditions. While there are other radars in use in Puerto Rico, the Lajas aerostat has unique capabilities and its loss substantially degrades counter-drug operations in the region.

The Air Force has advised me that the TARS program does not have a spare radar to replace the Lajas radar. I was told that the Air Force assessed the possibility of using spare parts to cobble together a replacement radar, but concluded that this would deplete the inventory of spare parts. I am also informed that the cost of a replacement radar is approximately \$8 million with an 18-month delivery time.

I have written to the Secretary of the Air Force, urging the Department to think creatively about ways to replace the Lajas radar. I have also asked the Defense Appropriations Subcommittee to direct the Air Force to ensure that the TARS program is providing coverage to protect U.S. jurisdictions in the Caribbean.

Mr. Chairman: I would be grateful for the Committee's assistance in this matter, especially since the Committee expressly recognized the importance of the Lajas aerostat in Section 1023 of the conference report accompanying the FY06 NDAA. In particular, I respectfully ask the

Committee to include language in this year's bill that directs DoD to prioritize the replacement of the Lajas radar and to ensure its continued operation going forward. It would also be helpful if the Committee would direct DoD to report back to the Committee on its progress towards achieving this result.

Culebra Cleanup

I also want to raise another matter that I hope the Committee will address in this year's NDAA. Pursuant to the Formerly Used Defense Sites program, the Army Corps of Engineers is currently conducting cleanup operations in limited areas of Culebra Island, Puerto Rico—which was used as a military training range for many decades. However, DoD has taken the position that a 1974 law prohibits the use of federal funds to decontaminate certain land parcels on Culebra that constituted the primary bombardment zone on the island and that are likely to contain unexploded ordnance. These parcels were among those that the Navy conveyed to the government of Puerto Rico via quitclaim deed in 1982. Culebra is considered to be one of the most beautiful islands in the world, and these parcels contain beach areas, camping areas and pedestrian pathways that are heavily used by the public.

According to the Congressional Research Service, of the thousands of defense sites around the country that were decommissioned prior to 1986, these parcels on Culebra are the only sites the federal government claims it is not authorized to decontaminate.

In the FY11 NDAA, Congress directed DoD to conduct a study that estimates the type and amount of UXO on these parcels, estimates the cost of removing the UXO, and assesses the threat to public safety and health posed by the UXO. The study is now nearly three months overdue, although my office has been advised that it is near completion. Mr. Chairman: if the study concludes that these parcels contain UXO that presents a threat to public safety, I hope the Committee will take the next logical step—which is to authorize a narrow exception to the 1974 law so as to authorize federally-funded cleanup on these parcels.

That concludes my testimony. Thank you again for the opportunity to speak.

DOCUMENTS SUBMITTED FOR THE RECORD

APRIL 17, 2012



PERSONNEL AND
READINESS

UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, DC 20301-4000

DEC 27 2011

The Honorable Howard P. "Buck" McKeon
Chairman
Committee on Armed Services
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

The enclosed report responds to House Report 111-491, page 316, which accompanied H.R. 5136, the National Defense Authorization Act for Fiscal Year 2011, that requests the Secretary of Defense to review the current state of medical training and research for genitourinary (GU) trauma within the Department of Defense (DoD) to determine if there are any deficits with regard to the care that can be provided in combat zones. This issue falls under my purview and I have been asked to respond.

The review of the current state of medical training and research on GU trauma within DoD was undertaken as part of a larger study directed by the U.S. Army Surgeon General to address complex blast injury in dismounted operations. We found there is a need to train surgeons and nurses in GU trauma prior to deployment. There is also a need for research in the study of causation of GU injuries in Afghanistan, protection from these causes, and treatment of Service members with GU trauma. We have identified recommendations and actions to address this important problem.

Thank you for your interest in the health and well-being of our Service members, veterans, and their families.

Sincerely,



Jo Ann Rooney
Acting

Enclosure:
As stated

cc:
The Honorable Adam Smith
Ranking Member



**Report to Congress in Response to House Report
111-491, page 316, which accompanied H.R. 5136, the
National Defense Authorization Act for Fiscal Year 2011**

Genitourinary Trauma in the Military

Preparation of this report/study cost the
Department of Defense a total of
approximately \$1.550
In Fiscal Year.

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**Genitourinary Trauma in the Military
Report to Congress**

TABLE OF CONTENTS

Purpose of Report3
Review of Genitourinary Trauma in the Military4
Recommendations for Training and Research5
Summary7
References8

PURPOSE OF REPORT

House Report 111-491, page 316, which accompanied H.R. 5136, the National Defense Authorization Act for Fiscal Year 2011, "Genitourinary Trauma in the Military," requested the Secretary of Defense to review the current state of medical training and research for genitourinary trauma within the Department of Defense to determine if there are any deficits with regard to the care that can be provided in combat zones. In addition, the committee requested the Secretary to submit a report on this review to the congressional defense committees not later than one year after the date of the enactment of this Act.

REVIEW OF GENITOURINARY TRAUMA IN THE MILITARY

The method used to review the current state of medical training and research for genitourinary trauma within the Department of Defense (DoD) is based on the Services' analysis of battlefield healthcare, that documents evidence-based best practices and identifies any deficits in medical care in combat zones. The data for this report on the current state of medical training and research for genitourinary trauma within DoD were extracted from a larger study directed by the U.S. Army Surgeon General titled "Dismounted Complex Blast Injury (DCBI)." For current battlefield casualties, genitourinary (GU) trauma injuries most notably occur during dismounted operations, and are a result of dismounted complex blast effects. The U.S. Army Surgeon General appointed a task force to study the causation, prevention, protection, treatment, and long-term care options of explosion-induced battle injury. DCBI typically involves traumatic amputation of at least one leg, a minimum of severe injury to another extremity, and pelvic, abdominal, or urogenital including urinary and reproductive organs wounding. GU injury that occurs as a result of dismounted operations involves a number of factors beyond direct wounds to genitourinary tract such as the GU complications as a consequence of the traumatic amputation and other bony injuries, lesions to nerves, infections, shock, and even prolonged catheterization. The task force identified if any of these factors could be mitigated by improved training, management principles, and techniques. The final report of the DCBI Task Force was completed on June 18, 2011, and may be obtained at <http://www.armymedicine.army.mil/reports/reports.html>.

The report recorded that, in Afghanistan, genitourinary trauma is a common battle injury, with GU injuries representing 12.7% of all battlefield injury admissions. Review of the literature showed that historically in previous conflicts, the percentage of GU trauma injuries has been 0.5 to 4.2 % (references 1-9). While penetrating GU trauma can be repaired in an expeditious manner in the trauma setting, urologists are not deployed to every combat hospital in Afghanistan. Currently, GU trauma injury is not a part of the standards of pre-deployment training for U.S. military surgeons and nurses. Additionally, the Services have established different requirements for the medical personnel who accompany injured Service members during initial rotary wing medevac.

The report identified that the Joint Theater Trauma Registry is not sufficient to assess the long-term prognosis of GU trauma injuries. The U.S. Army is involved in designing longitudinal research to follow casualties with GU injuries to track their urological disabilities (e.g., voiding or bladder dysfunction, erectile dysfunction, and infertility). The U.S. military plans to actively participate in the American Urological Association special task force study for GU injuries. The report recognizes the need for partnerships to include those with expertise in behavioral health for long-term studies of the psychological effects of GU injuries to Service members.

The DCBI report's recurring themes will inform leadership of current best practices and additional opportunities to care for severely injured Service members, including GU trauma injuries. The injuries described have severe, global effects on the wounded Service member, their fellow Service members, their families, and their healthcare providers. The recommendations of the Task Force were based on the Doctrine, Organization, Training, Materiel, Leadership, Personnel, Facilities, and Contracting (DOTMLPFC) framework.

RECOMMENDATIONS FOR TRAINING AND RESEARCH

Below are recommendations from the DCBI study specifically applicable in the areas of training and research for GU injury.

1. Increase Air Ambulance medic/nurse training to Paramedic level for complex blast injuries;
2. Mandate pre-deployment combat casualty clinical trauma refresher, evidence-based clinical practice guideline review, tactical combat casualty care (TCCC) familiarization, and electronic medical record familiarization for all providers and nurses;
3. Provide better complex blast injury training in TCCC concepts to all combat leaders and all deploying warfighters and require unit status reporting to measure commanders' use of guidelines;
4. Ensure a more robust pre-deployment trauma experience for point-of-injury to Role II/III evacuation providers assigned to air evacuation units;
5. Ensure adequate number of urologists and plastic surgeons are trained and skilled in genitalia reconstruction and deploy more urologists closer to Role II and III units;
6. Conduct studies to assess the safety and efficacy of Food Drug Administration-approved truncal tourniquet systems to control non-compressible pelvic-area bleeding;
7. Conduct expedited studies on the value of plasma as the sole resuscitation fluid for pre-hospital resuscitation of shock;
8. Assess the risk-benefit ratio for the early use of tranexamic acid, a hemostatic agent, for casualties with non-compressible bleeding;
9. Conduct studies to compare the safety and efficacy of current and future hemostatic agents, which assist in stopping blood flow;
10. Conduct studies to compare the safety and efficacy of current and future commercially available tourniquets;
11. Emphasize high-priority research for clinical validation studies and comparative effectiveness of surgical methods, related to DCBI;
12. Acquire Department of Defense (DoD) funding and oversight for prosthesis and mobility device development for individuals with DCBI, particularly those with mangled limbs undergoing limb salvage, multiple limb loss, and very proximal upper and lower limb loss;
13. Assess current and future patient movement items for en-route rotary wing care;
14. Develop optimized electronic physiological monitors to better manage pre-hospital fluid resuscitation;
15. Compare current and future personal protective equipment to protect against genitourinary and perineal injuries.

The DCBI Task Force Report provides an Action Plan in the context of their DOTMLPFC recommendations and relative to genitourinary trauma training and research in the military, as well as other critical areas necessary to more fully care for the severely injured Service members discussed in the report. In addition to the items mentioned above, the report recommended the military collaborate to develop programs of instruction based on specific theaters of operation, echelons of care, and anticipated skill requirements. This must include specialty specific, individual, and team skills. In addition, prior to first deployment each surgeon should spend an extra week of training at Landstuhl Regional Medical Center, Germany, to encounter the types of casualties likely seen during deployment. All pre-deployment medical officers, non-commissioned officers, and spouses serving as communication and support links between Service members and units should visit one of the medical specialty centers of excellence to better understand the types of injuries occurring in theater. These specialty injury care centers include: the Amputee Care Center and Gait Laboratory and the Traumatic Stress and Brain Injury Program at Walter Reed National Military Medical Center in Bethesda, MD; the Center for the Intrepid, a state-of-the-art rehabilitation facility, Brooke Army Medical Center Burn Center at Fort Sam Houston, TX; the Comprehensive Combat Casualty Care Center at the Naval Medical Center in San Diego, CA; and the multi-site DoD/Veterans Affairs (VA) Defense and Veterans Brain Injury Center for patient care, education, and clinical research. The recommended action plan for research is that the military form inter-Service and inter-agency relationships to facilitate aggressive, innovative, and relevant translational and outcomes-based clinical research.

Action Plan Description:

In response to the recommendations, DoD began developing an action plan to leverage research sponsored by the Defense Health Program to support to dismounted complex blast injury gaps that include GU injuries. The purpose of this plan is to converge current healthcare practice gaps and implement a suite of diagnostics and treatments for DBCI that will improve GU injury training, speed recovery from GU injuries, research outcome-based solutions for GU injuries, and achieve higher satisfaction of care from patients in the DoD/VA healthcare community at large.

Anticipated Outcomes:

1. Assure DoD is doing the right research (increasing comprehensive, integrated, interoperable, intuitive, and accurate research)
2. Assure the research reaches the right communities (health care team, patients, commanders, VA, nation)
3. Develop the right plan (increasing global presence, theater ops, contingency ops, mobile ops, dismounted operations, etc.)
4. Direct care at the right time (increasing point of injury to definitive care, dependability, availability, time to market, and innovation)

Key Actions - Objective Alignment:

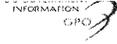
1. Establish a robust, coordinated and integrated response to DCBI casualties which includes in its definition GU injury casualties (Applies to Recommendations 1-15)
2. Provide comprehensive, longitudinal healthcare for all beneficiaries with GU injury in DoD/VA care settings (Applies to Recommendations 1-15)
3. Improve speed, both in terms of response time and time it takes to recover from GU injuries (Applies to Recommendations 1-15)
4. Provide intuitive and easy-to-learn training for healthcare providers treating GU patients (Applies to Recommendations 1-5)
5. Provide dependable, reliable and available research applicable to GU injury clinical care (Applies to Recommendations 5-15)
6. Enhance customer service and GU injury support structures through research
 - a. Discovery: Pre-Program Risk Reduction (Applies to Recommendations 1-15)
 - b. 6.1-6.3: Basic-Applied Research (Applies to Recommendations 6-15)
 - c. 6.4-6.7: Clinical Trials, Translational research, theater-wide clinical outcomes research; Modernization of Clinical Research Practice guidelines (Applies to Recommendations 6-15)
 - d. Improve Alignment of Military Health System Clinical Workflow (Applies to Recommendations 1-15)
 - e. Implement DoD/VA guidelines to Enable Seamless Care Sharing of Wounded, Ill and Injured (Applies to Recommendations 1-15)
 - f. Improved Clinical Decision Support using common electronic health records integrated across DoD and VA (Applies to Recommendations 1-15)

SUMMARY

In the context of these recommendations and the action plan, the Office of the Assistant Secretary of Defense for Health Affairs will work with VA to review and identify DoD/VA and joint multi-Service needs and training/research solutions for current operations and future joint medical missions.

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112TH CONGRESS
2D SESSION

H. R. 3985

To amend the Small Business Act with respect to mentor-protege programs,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 2012

Mr. SCHILLING (for himself and Ms. CHU) introduced the following bill; which
was referred to the Committee on Small Business

A BILL

To amend the Small Business Act with respect to mentor-
protege programs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Building Better Busi-
5 ness Partnerships Act of 2012”.

6 **SEC. 2. MENTOR-PROTEGE PROGRAMS.**

7 The Small Business Act (15 U.S.C. 631 et seq.) is
8 amended—

9 (1) by redesignating section 45 as section 46;

10 and

1 (2) by inserting after section 44 the following:

2 **“SEC. 45. MENTOR-PROTEGE PROGRAMS.**

3 **“(a) ADMINISTRATION PROGRAM.—**

4 **“(1) AUTHORITY.—**The Administrator is au-
5 thORIZED to establish a mentor-protege program for
6 all small business concerns.

7 **“(2) MODEL FOR PROGRAM.—**The mentor-pro-
8 tege program established under paragraph (1) shall
9 be identical to the mentor-protege program of the
10 Administration for small business concerns that par-
11 ticipate in the program under section 8(a) of this
12 Act (as in effect on the date of enactment of the
13 Building Better Business Partnerships Act of 2012),
14 except that the Administrator may modify the pro-
15 gram to the extent necessary given the types of
16 small business concerns included as proteges.

17 **“(b) PROGRAMS OF OTHER AGENCIES.—**

18 **“(1) APPROVAL REQUIRED.—**Except as pro-
19 vided in this subsection, a Federal department or
20 agency may not carry out a mentor-protege program
21 for small business concerns unless—

22 **“(A)** the head of the department or agency
23 submits a plan to the Administrator for the
24 program; and

1 “(B) the Administrator approves such
2 plan.

3 “(2) BASIS FOR APPROVAL.—The Adminis-
4 trator shall approve or disapprove a plan submitted
5 under paragraph (1) based on whether the program
6 proposed—

7 “(A) will assist proteges to compete for
8 Federal prime contracts and subcontracts; and

9 “(B) complies with the regulations issued
10 under paragraph (3).

11 “(3) REGULATIONS.—Not later than 270 days
12 after the date of enactment of the Building Better
13 Business Partnerships Act of 2012, the Adminis-
14 trator shall issue, subject to notice and comment,
15 regulations with respect to mentor-protege pro-
16 grams, which shall ensure that such programs im-
17 prove the ability of proteges to compete for Federal
18 prime contracts and subcontracts and which shall
19 address, at a minimum, the following:

20 “(A) Eligibility criteria for program par-
21 ticipants, including any restrictions on the num-
22 ber of mentor-protege relationships permitted
23 for each participant.

24 “(B) The types of developmental assistance
25 to be provided by mentors, including how the

1 assistance provided shall improve the competi-
2 tive viability of the proteges.

3 “(C) Whether any developmental assist-
4 ance provided by a mentor may affect the sta-
5 tus of a program participant as a small busi-
6 ness concern due to affiliation.

7 “(D) The length of mentor-protege rela-
8 tionships.

9 “(E) The effect of mentor-protege relation-
10 ships on contracting.

11 “(F) Benefits that may accrue to a mentor
12 as a result of program participation.

13 “(G) Reporting requirements during pro-
14 gram participation.

15 “(H) Postparticipation reporting require-
16 ments.

17 “(I) The need for a mentor-protege pair, if
18 accepted to participate as a pair in a mentor-
19 protege program of any Federal department or
20 agency, to be accepted to participate as a pair
21 in all Federal mentor-protege programs.

22 “(J) Actions to be taken to ensure benefits
23 for proteges.

24 “(4) LIMITATION ON APPLICABILITY.—Notwith-
25 standing the provisions of subsection (b)(1), the pro-

1 visions of subsection (b)(1) shall apply to the fol-
2 lowing:

3 “(A) Any mentor-protege program of the
4 Department of Defense in effect on the date of
5 enactment of the Building Better Business
6 Partnerships Act of 2012.

7 “(B) Any mentoring assistance provided
8 under a Small Business Innovation Research
9 Program or a Small Business Technology
10 Transfer Program.

11 “(C) Until the date that is 1 year after the
12 date on which the Administrator issues regula-
13 tions under paragraph (3), any Federal depart-
14 ment or agency operating a mentor-protege pro-
15 gram in effect on the date of enactment of the
16 Building Better Business Partnerships Act of
17 2012.

18 “(c) REPORTING.—

19 “(1) IN GENERAL.—Not later than 2 years
20 after the date of enactment of the Building Better
21 Business Partnerships Act of 2012, and annually
22 thereafter, the Administrator shall submit to the
23 Committee on Small Business of the House of Rep-
24 resentatives and the Committee on Small Business
25 and Entrepreneurship of the Senate a report that—

1 “(A) identifies each Federal mentor-pro-
2 tege program;

3 “(B) specifies the number of participants
4 in each such program, including the number of
5 participants that are—

6 “(i) small business concerns;

7 “(ii) small business concerns owned
8 and controlled by service-disabled veterans;

9 “(iii) qualified HUBZone small busi-
10 ness concerns;

11 “(iv) small business concerns owned
12 and controlled by socially and economically
13 disadvantaged individuals; or

14 “(v) small business concerns owned
15 and controlled by women;

16 “(C) describes the type of assistance pro-
17 vided to proteges under each such program;

18 “(D) describes the benefits provided to
19 mentors under each such program; and

20 “(E) describes the progress of proteges
21 under each such program with respect to com-
22 peting for Federal prime contracts and sub-
23 contracts.

24 “(2) PROVISION OF INFORMATION.—The head
25 of each Federal department or agency carrying out

1 a mentor-protege program shall provide to the Ad-
2 ministrator, upon request, the information necessary
3 for the Administrator to submit a report required
4 under paragraph (1).

5 “(d) DEFINITIONS.—In this section, the following
6 definitions apply:

7 “(1) MENTOR.—The term ‘mentor’ means a
8 for-profit business concern, of any size, that—

9 “(A) has the ability to assist and commits
10 to assisting a protege to compete for Federal
11 prime contracts and subcontracts; and

12 “(B) satisfies any other requirements im-
13 posed by the Administrator.

14 “(2) MENTOR-PROTEGE PROGRAM.—The term
15 ‘mentor-protege program’ means a program that
16 pairs a mentor with a protege for the purpose of as-
17 sisting the protege to compete for Federal prime
18 contracts and subcontracts.

19 “(3) PROTEGE.—The term ‘protege’ means a
20 small business concern that—

21 “(A) is eligible to enter into Federal prime
22 contracts and subcontracts; and

23 “(B) satisfies any other requirements im-
24 posed by the Administrator.”

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