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HEARING  
ON  
NATIONAL DEFENSE AUTHORIZATION ACT  
FOR FISCAL YEAR 2017  
AND  
OVERSIGHT OF PREVIOUSLY AUTHORIZED  
PROGRAMS  
BEFORE THE  
COMMITTEE ON ARMED SERVICES  
HOUSE OF REPRESENTATIVES  
ONE HUNDRED FOURTEENTH CONGRESS  
SECOND SESSION  
—  
FULL COMMITTEE HEARING  
ON  
**MEMBER DAY—NATIONAL DEFENSE  
PRIORITIES FROM MEMBERS FOR THE  
FISCAL YEAR 2017 NATIONAL DEFENSE  
AUTHORIZATION ACT**  
—

HEARING HELD  
MARCH 1, 2016



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**MEMBER DAY—NATIONAL DEFENSE PRIORITIES FROM  
MEMBERS FOR THE FISCAL YEAR 2017 NATIONAL DE-  
FENSE AUTHORIZATION ACT**

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HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ARMED SERVICES,  
*Washington, DC, Tuesday, March 1, 2016.*

The committee met, pursuant to call, at 10:00 a.m., in room 2118, Rayburn House Office Building, Hon. William M. “Mac” Thornberry (chairman of the committee) presiding.

**OPENING STATEMENT OF HON. WILLIAM M. “MAC” THORN-  
BERRY, A REPRESENTATIVE FROM TEXAS, CHAIRMAN, COM-  
MITTEE ON ARMED SERVICES**

The CHAIRMAN. The committee will come to order.

The House Armed Services Committee meets today to receive testimony from Members of Congress on their national security priorities for fiscal year 2017 National Defense Authorization Act.

A quick note on the format today, in consultation with the ranking member we will depart from our regular questioning process.

Each witness will have 4 minutes to testify. Members of the committee may seek recognition by raising their hand or letting the staff know and each would then be granted 2 minutes.

As this hearing is intended to be a listening session, it is not my intention to engage in extended debate, rather to hear from our colleagues.

We certainly look forward to today’s testimony and I will yield to the distinguished acting ranking member for any comments she would like to make.

Mrs. DAVIS. Thank you, Mr. Chairman. Happy to join with you today and I will be listening as well to the presentations that we have.

Thank you.

The CHAIRMAN. Thank the gentlelady for being here. Our first witnesses are the distinguished chair and distinguished ranking member of the House Small Business Committee. And I will say I am particularly pleased with the cooperation between our two committees over the past several years in getting a lot of things done for small businesses engaged in national security.

Chairman Chabot and Ranking Member Velázquez, thank you for being here.

Chairman, you are recognized for 4 minutes.

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

Mr. CHABOT. Thank you, Mr. Chairman, and we really do appreciate the cooperation that we have had with this committee. You have been great and on a bipartisan basis, we appreciate it. And we look forward to working with this committee to ensure that small businesses continue to provide the Department of Defense and the Federal Government with solutions and foster innovation and competition that provide value to the taxpayer and strength and agility to the warfighter.

Mr. Chairman and ranking member, we appreciate your help. We really do. And thank you for the opportunity to share a few thoughts about the fiscal year 2017 National Defense Authorization Act [NDAA].

Let me begin by thanking the committee for its collaboration, as I say, and in my 20 years on the committee I have enjoyed seeing this relationship blossom. And the hard-fought passage of last year's NDAA was a success for our national security, for our men and women in uniform, and for our small business industrial base.

We look forward to continuing that relationship with this year's bill, and I want to congratulate you on passing last year's bill and for your commitment to ensuring that the NDAA remains a vital national security policy bill.

As you well know, improving acquisition and procurement at the Pentagon is critical to national security because it delivers real benefits to our warfighters. Very often small companies can provide better products and services to our military in shorter periods of time and importantly at lower cost. When the Defense Department has fewer offers there is less competition, costs go up and choices are limited.

Unfortunately, we continue to see that the number of companies competing for Federal contracts declining, which threatens competition and harms readiness. Within the last 3 years we have lost over 25 percent of the small firms registered to do business with the Federal Government.

Within the Department of Defense, the number of small business contract actions fell 47 percent from 2011, but the size of the average individual small business contract action more than doubled. Not surprisingly, during the same period the percentage of taxpayer dollars spent without competition has increased.

As Chairman Thornberry frequently says, we need to focus on getting more defense for the dollar. And competition by small business is a major part of that solution.

With this thought in mind, 15 members of the Small Business Committee introduced contracting bills this year. Working closely with our colleagues, Ranking Member Nydia Velázquez, here with me today, I collected these commonsense reforms plus many other solid reforms and put them into one bill, H.R. 4341, the Defending America's Small Contractors Act of 2016.

We were able to approve H.R. 4341 unanimously earlier this year. This bill not only reflects our priorities but also the members of the committee in a bipartisan manner as well on the Small Business Committee. While I provided more detail in my written state-

ment, I would like to share with you the five ways H.R. 4341 helps small contractors compete.

First, it modernizes the Small Business Act to ensure that the language used is clear and consistent across Federal procurement programs.

Second, it strengthens the small business advocates within SBA [Small Business Administration], Department of Defense, and other Federal agencies to promote competition and make sure the laws on the books, including the NDAA, are followed.

Third, it improves opportunities for small businesses to compete for subcontracts and then to build on that experience to compete as prime contractors.

Fourth, it improves coordination between the SBA and Department of Defense Mentor-Protégé programs, which helps small businesses better serve our military.

And finally, the bill implements commonsense reforms to ensure integrity and accountability in small business programs such as size standards, veterans' contracting programs, and contracting officer training programs.

In the coming weeks I also expect our committee to approve additional legislation that reauthorizes and strengthens the Small Business Innovation Research program, the SBIR. I respectfully ask the committee to incorporate all these provisions into this year's NDAA. Our Nation needs a robust small business industrial base. It is vital to both the health of our economy and our national security.

We appreciate your time here this morning, Mr. Chairman.

[The joint prepared statement of Mr. Chabot and Ms. Velázquez can be found in the Appendix on page 31.]

The CHAIRMAN. Thank you, sir. I appreciate it. The Ranking Member Velázquez. Sorry. We should have had more than one microphone out there.

Mr. CHABOT. We will switch places.

**STATEMENT OF HON. NYDIA M. VELÁZQUEZ, A  
REPRESENTATIVE FROM NEW YORK**

Ms. VELÁZQUEZ. Thank you, Mr. Chairman and acting ranking member for giving us this opportunity to come before you. And I just want to take this opportunity for our continuing collaboration between these two committees.

For several decades now, the Federal Government has looked to the private sector to provide services and supplies for its day-to-day operations. And the Department of Defense is at the heart of this buying power, accounting for over half of all contracting dollars. As such, a vibrant industrial base has become essential, not only to the U.S. economy but most importantly to our national security.

The defense industrial base relies on a supply chain that is diverse and agile, so it should come as no surprise to those in this room that small businesses are at the heart of this chain. With a strong presence in a variety of different industries from construction to manufacturing, small businesses continue to play a vital role in providing our government with goods and services.

Yet in order to continue the resurgence of the industrial base, we need to ensure that small businesses are able to compete both glob-

ally and here in America. Competition is good, Mr. Chairman, for both taxpayers and for small businesses.

Here at home this means opening up the nearly half a trillion Federal marketplace to small firms. Numerous policies and protections have been put in place to allow for their continued participation in this arena, thereby securing our country's industrial base. However, it appears that we have stalled in removing barriers to the marketplace.

Chairman Chabot and I have been longtime members of the House Small Business Committee, and we can both tell you that it is getting harder for small businesses, not easier. And that is why we are here today. From the difficulty firms face in accessing the entrepreneurial development needed to help getting a contract, to the uncertainty of programs like SBIR, changes are needed that would allow small businesses to compete in the marketplace.

Over the years we have seen the value of small businesses' contracts go up, enabling agencies to meet their goals, but at the same time the number of contractors has dwindled. In the last 4 years the number of contractors registered to do business with the Federal Government has decreased by approximately 100,000 firms.

I think we can all agree that the disappearance of 100,000 firms is a problem for our country's national security. That is why Chairman Chabot and I, along with the other members of the House Small Business Committee, came together to author H.R. 4341, the Defending America's Small Contractors Act of 2016.

This bipartisan bill addresses just some of the many issues that small businesses have indicated they face when competing for contracts. As the chairman indicated, our joint written statement will provide you with further details regarding H.R. 4341.

However, this bill increases transparency, provides clarity on uniformity, strengthens competition, and eliminates barriers to the marketplace. The landscape of Federal contracting is evolving with agencies moving to larger procurement vehicles. We must secure our industrial base and ensure that small businesses are not left at the wayside. And that is exactly what H.R. 4341 does.

Therefore, I join the chairman in strongly advocating for the complete bill's inclusion in the fiscal year 2017 National Defense Authorization Act. I thank you again for allowing us to testify here today.

Thank you.

[The joint prepared statement of Ms. Velázquez and Mr. Chabot can be found in the Appendix on page 31.]

The CHAIRMAN. Well, let me thank you both again for your contribution. I think the sense we have is just as both of you have testified, it is getting harder and harder, especially for small business, to do business with the Department of Defense.

And that is why our committee on a bipartisan basis is so focused on trying to improve the way the Department of Defense does acquire goods and services. And the bill that you all have introduced and passed out of committee is certainly something that we want to take a serious look at in that effort.

Are there any questions for these witnesses? If not, thank you both again for being here, and I appreciate it.

Let me ask unanimous consent that the complete written statement of these and all witnesses be made part of the record. Without objection. In addition, the chair has received some written statements from members who are not able to be here to testify and I ask unanimous consent that they also be made part of our record.

[The information referred to can be found in the Appendix beginning on page 31.]

The CHAIRMAN. Without objection.

Next, pleased to welcome the gentleman from Pennsylvania, Mr. Rothfus, for his testimony. The gentleman is recognized for 4 minutes.

**STATEMENT OF HON. KEITH J. ROTHFUS, A REPRESENTATIVE FROM PENNSYLVANIA**

Mr. ROTHFUS. Thank you, Chairman Thornberry, Acting Ranking Member Davis, and members of the committee. Thank you for receiving my testimony on the National Defense Authorization Act for fiscal year 2017.

In an increasingly dangerous world there is no greater constitutional responsibility of Congress than providing for the common defense of our Nation. Yet meeting this obligation has become increasingly difficult in recent years due to avoidable and unnecessary fiscal constraints.

It is as a result of these constraints that our military has been forced to implement policies like the Army's Aviation Restructure Initiative [ARI], which I have long opposed.

As you may recall, I have appeared before this committee each year since ARI to raise the alarm that the plan is dangerous, short-sighted, and will significantly harm our national security. Specifically, ARI will have devastating impacts on the National Guard, stripping it of its Apaches and ensuring that it will be less combat ready and less able to provide operational depth.

It will also deprive our Nation of an operational reserve for these aircraft, which is essential to the retention and management of talented air crews. Post-9/11 the National Guard has become a highly experienced and capable combat force, yet ARI represents a fundamental shift in the nature and role of the National Guard and runs counter to the wisdom and preference of many Members of Congress and their constituents. This conclusion is bolstered by the recent report and recommendations offered by the National Commission on the Future of the Army [NCFA].

I joined my colleagues in urging this committee to create the NCFA to offer a deliberate assessment of the ARI. After extensive discussion and analysis, the commission soundly rejected the Army's plan. Instead, the commission proposed an alternative plan to maintain 4 National Guard Apache battalions equipped with 18 aircraft each. The plan also proposes to add two Black Hawk battalions to the National Guard.

In the commission's opinion, this offers "significant advantages" relative to ARI by providing greater wartime capacity, improved operating tempo, higher wartime surge capacity, and contributing to a key goal of achieving one Army that works and trains together in peacetime and if necessary fights together in war.

Last year I fought to ensure that the Army could not move forward with the ARI until the commission had completed its work. The time has come. We must put an end to ARI, implement the NCFA's recommendation and retain a minimum of four Apache battalions in the National Guard.

Of course the question remains how these aviation assets will be distributed. And there are some who argue that the battalions should be located in single States. I would caution against this approach and instead point to the many positive benefits that come from multistate units, such as the agreement that was reached between my home State of Pennsylvania and South Carolina.

Under the terms of these agreements, one State would retain a battalion headquarters and two companies of Apaches. The other State would retain the remaining company. By expanding the footprint of the Apache battalions, the National Guard will maximize its ability to recruit and retain talented pilots and crew from different regions of the United States.

Multistate units will also ensure that National Guard companies can regularly participate in collective training and maintenance with the regular Army thereby advancing the Army's objective for total force integration. Finally, multistate units will provide strategic "grow-back" depth in the National Guard should the need arise in the future to re-establish additional Apache battalions, such as the 1st 104th, that have been disbanded.

While addressing current fiscal constraints is important, we must proceed in such a way that will maximize our readiness and ability to surge in times of war. Time and again the brave members of the National Guard have risen to the occasion and heeded the call to defend our Nation, both at home and abroad. By taking the steps that I have identified here today, Congress can ensure that they may continue to do so for years to come.

I thank the chairman.

[The prepared statement of Mr. Rothfus can be found in the Appendix on page 41.]

The CHAIRMAN. Thank the gentleman. Any questions for the gentleman from Pennsylvania? If not, I appreciate the gentleman being here.

I agree that I think there is a lot of support for the Army commission. They did what we asked them to do. And we will definitely consider those recommendations carefully. I appreciate the gentleman for being here.

Next we have the gentleman from Arkansas, Mr. Crawford. Appreciate the gentleman being here. Your full written statement will be made part of the record. The gentleman is recognized for 4 minutes.

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

Mr. CRAWFORD. Thank you, Chairman Thornberry, Ranking Member Smith. I would like to thank Mrs. Davis as well, my co-chair of the Congressional Explosive Ordinance Disposal [EOD] Caucus. And I want to present to you several priorities for fiscal year 2017 NDAA.

I applaud the chairman and ranking member's personal interest in streamlining DOD [Department of Defense] processes for research, development, and acquisition [RD&A].

In that spirit I request enacting the EOD Caucus' proposed language that would establish a fully joint EOD program with the Navy as executive agent for DOD to coordinate and integrate RD&A for EOD defense programs. Currently, the Secretary of Defense has designated the Secretary of the Navy as the single service manager for common EOD technology and training.

This approach creates a nightmare of logistics and paperwork that results in years of delays in fielding crucial EOD technology. Second, we have concerns that the Army has been quietly duplicating roles, responsibilities, and mission sets of its EOD force into that of the Chemical force.

Briefly, the Army Chemical Corps has taken credit to senior Army leadership for the EOD force's accomplishments over the last 15 years. All of this at the same time that the Chemical Corps has experienced regular mission failure and has not deployed to any theater in the last 15 years to conduct their primary mission.

The EOD formations are the ones who provide scalable and tailorable mission command. Tactical EOD units conduct weapons defeat, weapons disablement, and weapons disposal activities.

In that spirit, please also consider enacting EOD Caucus' proposed language on Title 10, United States Code, chapter 307, section 3063 which strikes "Chemical Corps" and inserts "Explosive Ordnance Disposal Corps" as a basic branch of the Army.

Third, I urge the publishing of directive report language using the EOD Caucus' proposed language for the Secretary of the Army to provide a brief and report on the Army EOD Branch Proponent no later than December 1, 2016, to the committee.

Finally, our national security is our biggest priority and when restructuring the end strengths of the Armed Forces we need to slow down the process. It is especially important to maintain a strong and agile military in the face of emerging threats.

I recommend incorporating the end strength numbers from the POSTURE Act within the NDAA for fiscal year 2017.

And with that, I yield back.

[The prepared statement of Mr. Crawford can be found in the Appendix on page 44.]

The CHAIRMAN. I thank the gentleman and appreciate his recommendations. Are there any questions for the gentleman from Arkansas? Again, because of your personal experience we really appreciate your expertise. And I know that Mrs. Davis will be bringing those issues forward and so we can consider them that you mentioned. So thank you, sir.

Next we have the distinguished gentleman from New York, Mr. Hanna. Thank you for being here. The gentleman is recognized for 4 minutes.

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

Mr. HANNA. Thank you, Chairman Thornberry and Ranking Member Davis. I am here today to respectfully request that the

committee take action on two important issues, contracting reform and cybersecurity.

The Small Business Committee recently marked up the Defending America's Small Business Contractors Act which seeks to assist small businesses in competing for Federal contracts. I want to speak briefly in support of section 302 of this bill.

This provision would create a voluntary pilot program at the SBA that would provide first-tier subcontracting small businesses with performance ratings based on their previously completed work. One challenge facing many small businesses competing for larger Federal contracting opportunities is that it is difficult for them to gain recognition for their past first-tier work as subcontractors. This prevents them from bidding, from using their track record they need to compete for larger prime contracts.

As a contractor myself and the chairman of the Subcommittee on Contracting and Workforce, I am confident that these changes will lead to more competition in the marketplace, which will lead to lower costs.

This committee has taken the lead on contracting and acquisition reform. I respectfully urge you to include section 302 in the National Defense Authorization Act for fiscal year 2017. It is a sensible change that creates more opportunity for small business contractors and brings greater competition to the marketplace.

The second issue I want to bring to the committee's attention is very important to my district. I have the privilege of representing the Air Force Research Lab in Rome, New York, which is home to some of the most advanced cybersecurity research in the world.

Our country faces unprecedented challenges in cyberspace which demand robust solutions that tap into the total force of our country's military, including the Guard and Reserve personnel. At this committee's urging, the Army recently conducted an analysis of its cyber capacities. It found that the Guard is well-placed to contribute to defensive cyber operations but has yet to effectively bring them into the fold.

While the National Guard Bureau has named 10 Army cyber protection teams to be based in each of the 10 Federal Emergency Management Response Regions, the Army has not allocated any funds to sustain them. Neither has it provided a long-term plan for integrating them into the cyber mission force. No approach to secure cyber domain is complete unless it utilizes the broad range of skills and assets possessed by the Guard personnel.

Anyone familiar with Guard capacities knows how well-suited its citizens are to take on an expanded cyber mission. These men and women of the Guard develop unique expertise in their private lives and can be ground-ready within a moment's notice. I respectfully request that the members of this committee work with the Army to provide a long-term strategic plan for integrating the Army Guard personnel into cyber mission force for fiscal year 2017. In addition, I ask that you support the entire bill H.R. 4341.

Thank you.

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

The CHAIRMAN. Thank the gentleman. Are there any questions? Again, I appreciate the gentleman on both issues. I know from our



conversations last year because of the gentleman's personal background and also your leadership position on small business that we want to continue to work closely with you on improving contracting and acquisition, especially as it affects small business. So I appreciate the gentleman's input.

Next we are pleased to welcome the gentleman from Pennsylvania, Mr. Meehan, who is recognized for 4 minutes.

**STATEMENT OF HON. PATRICK MEEHAN, A REPRESENTATIVE  
FROM PENNSYLVANIA**

Mr. MEEHAN. Thank you, Mr. Chairman, and I want to thank the ranking member and each of the members of this committee and my good friend the gentleman from New Jersey as well. And I want to express my deep appreciation, not just for your holding this hearing, but for taking the time to consider the real matters of priority-setting with regard to our national defense. And I very much appreciate the opportunity to weigh in what I believe is really pressing national security issue.

The Marine Corps V-22 Osprey program has been involved in some of the most sophisticated combat operations since it became operational in 2009. And that is including among them the mission to eliminate Osama Bin Laden.

With the kind of flexibility it has, of course, you know it flies like a helicopter, lands like a helicopter, flies like a plane, and it gives unmatched flexibility to the warfighter in the theater. Now, Marine commanders will tell you that the Osprey gives them the unprecedented ability to move troops and material around the battlefield faster than ever before. It has also been one of America's best examples of its outreach to nations who are struggling with natural disasters.

The Osprey is constructed at Boeing's facility in Ridley Park, Delaware County and by Bell Helicopter in your own district, Amarillo, Texas, Mr. Chairman. But fundamentally it has been purchased under a 5-year contract that Congress authorized in fiscal year 2013, and at that time all four congressional defense committees, including this committee, supported that contract.

For good reason. The contract saved nearly \$1 billion over a single-year contract and it gave predictability to the industry to even drive further efficiencies and capabilities into the aircraft. But unfortunately, the President's fiscal year 2017 budget request unexpectedly reduced the procurement of the Osprey aircraft by two airframes. It increased the cost in termination liability that could ultimately lead to additional and unnecessary cost for the taxpayers.

It has got the potential to jeopardize the workforce at the Boeing facility in Ridley, and I would suspect similarly in Amarillo, Texas. And it will take vital tools out of the hands of our battlefield commanders. The only reason for the reduction is a budget from the White House that doesn't meet the needs of our warfighters.

And it is why the Marine Corps itself actually requested that the two aircraft be replaced in its annual unfunded priorities list, which was submitted to the committee after this budget release. The V-22 Osprey has proven itself to be one of the most versatile aircraft in the Pentagon's inventory. Its success in action is a trib-

ute to the men and women who fly the Osprey and to the skills of the workforce in both Ridley Park and in Amarillo that produce it.

Congress and your respective committees in particular have reliably demonstrated strong support for the V-22 program, and I ask that your committee continue the steadfast approach by restoring two MV-22 airframes in the fiscal year 2017 budget. They are a good deal for our taxpayers. They support good-paying jobs, and most importantly, they are a vital tool for the men and women in the field.

And I thank you for your consideration.

[The prepared statement of Mr. Meehan can be found in the Appendix on page 59.]

The CHAIRMAN. Thank you. The gentleman from New Jersey is recognized for 2 minutes.

Mr. NORCROSS. Thank you. It is good to see that you came in and brought this to light. Certainly we have been watching it from the days that we went over and saw this. It is about predictability. Most importantly it is that V-22, who we hear as early as last week from the Commandant of the Marine Corps, how important it is for those two additional airframes. So we hear you loud and clear and certainly we will be pressing that matter.

Thank you for your testimony.

Mr. MEEHAN. I want to thank the gentleman. It was so critical. We watched the workers on this program and their ability to create the efficiencies with the multiyear contracting, which has produced a better and more effective war machine and also saved money simultaneously, but we are working against ourselves if we allow this to go forward as directed by the administration.

Thank you, Mr. Chairman.

Mr. NORCROSS. Thank you, and we yield back.

The CHAIRMAN. Other questions? I appreciate the gentleman's testimony. I think he makes the case very well.

Mr. MEEHAN. Thank you, Mr. Chairman.

The CHAIRMAN. Appreciate it. Let us see. Next we welcome the gentlelady from California, Ms. Chu, before the committee. The gentlelady is recognized for 4 minutes.

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

Ms. CHU. Chairman Thornberry and Ranking Member Davis, next month will recognize the fifth anniversary of the death of my nephew, Harry Lew. Harry was determined to serve his country in any way he could. He enlisted in the Marine Corps and deployed to Afghanistan in 2011. My family beamed with pride. We never could have imagined the tragedy that would ensue.

While in Afghanistan, he was the victim of military hazing. In the middle of the night his fellow Marines took it upon themselves to administer so-called corrective training for almost 4 hours. They tormented, abused, and degraded him. They forced him to carry a 25-pound sandbag and perform useless, unnecessary exercise while he was clad in his full-body armor. After they kicked, punched, and stomped on his back, they nearly smothered him with the contents of a sandbag.

Twenty-two minutes after this torture, Harry took his own life, and my family was forever changed. Yet Harry was not the only one. Over the years I have heard stories of other service members who also experienced hazing so arduous it led to their deaths.

Private Danny Chen also served in Afghanistan in 2011. He was also a victim of racially based hazing and like Harry, Danny took his own life. I have made it my mission to end hazing in our armed services because it is unacceptable and indefensible.

I worked to secure reports from the military branches in the 2013 National Defense Authorization Act. The reports reveal the overall lack of reliable information and data on hazing, including serious deficiencies in the tracking and treatment of hazing by the Department of Defense.

Therefore, I urged the committee to include language for a Government Accountability Office [GAO] report on the current status of hazing in the military in the 2015 National Defense Authorization Act. With your assistance, this language was indeed included and I thank all of you for doing that.

Congress received this report this last month. Today, we have an independent analysis that found that DOD anti-hazing policies are not being implemented, training is unclear, and tracking systems are highly divergent and underdeveloped. More specifically we learn that DOD is not aware of the extent to which the Department's hazing policies have been implemented.

In December 2015, DOD released an updated policy memorandum on hazing, but as the GAO indicates it does not go far enough to ensure that the policies are being implemented consistently and thoroughly.

GAO underscored the need to better define hazing in order to teach service members how to identify it. It emphasized the need to vastly improve the military services' tracking mechanisms, which are incomplete and inconsistent, preventing us from having the reliable data that would help determine root causes and propose real solutions.

Lastly, the GAO indicates that the DOD has not evaluated the prevalence of hazing in a meaningful way. Given these objective findings, I request that as the House Armed Services Committee prepares the 2017 National Defense Authorization Act, language is included to, number one, require DOD to submit an annual report to Congress to ensure that anti-hazing policies are implemented consistently.

Secondly, require DOD to improve existing training to help service members better identify and respond to hazing at all command levels.

Third, mandate that DOD issue a Department-wide guidance on a comprehensive and consistent data collection system that includes information on protected classes such as race and religion.

And fourth, evaluate the prevalence through Department-wide surveys. Only when we have these changes in place can we truly begin to eliminate hazing in the military.

Thank you, Chairman Thornberry and Ranking Member Davis, for allowing me to discuss my legislative priorities for the 2017 National Defense Authorization Act. I urge Congress to take action to eradicate hazing in the military.

[The prepared statement of Ms. Chu can be found in the Appendix on page 60.]

The CHAIRMAN. Well, let me just thank you, Ms. Chu, not only for being here but for your commitment to this issue and following through on it. It is something that I not only appreciate but admire. As you mention, we have had provisions related to this issue in each, I think, of the four last House-passed NDAA's. One year it didn't make it. We couldn't persuade our colleagues in the Senate.

But also as you mention we just received the report from the fiscal year 2015 bill. We want to look at that carefully and we will absolutely consider your suggestions on how to further get better information so that we can see what may be appropriate.

Are there other questions for the gentlelady from California? Great.

Thank you, ma'am.

Ms. CHU. Thank you.

The CHAIRMAN. Appreciate you being here. The gentleman from Pennsylvania, Mr. Perry, is welcomed and recognized for 4 minutes.

**STATEMENT OF HON. SCOTT PERRY, A REPRESENTATIVE  
FROM PENNSYLVANIA**

Mr. PERRY. Thank you, Mr. Chairman and ranking member and members of the committee for this opportunity. Appreciate the ability to have some input.

Today I focus my remarks on one decision of particular concern with many of our fellow Members of the House, the armed services—or the Army's proposed Aviation Restructure Initiative or ARI and its negative impacts on our Reserve Component, which are highlighted by the report and recommendations offered by the National Commission on the Future of the Army.

Mr. Chairman, at the height of the wars in Iraq and in Afghanistan nearly 50 percent of the Army's total force was Reserve Component. As a matter of fact, I am proud of my own State, Pennsylvania. The Guard alone there contributed more than 21,000 individual deployments to these theaters, including one of my own where I was privileged to command a task force of Army aviators across the full spectrum of operations from attack to reconnaissance to heavy lift to general support.

Now, according to cost savings calculations provided by the Army, none of the projected \$12 billion in cost savings is derived from moving Apaches, the 864, from the National Guard to the regular Army. ARI would leave the National Guard less combat ready at most, and most importantly, less able to provide operational depth.

You see, Mr. Chairman, the experience in the attack community, as you know, is in the Guard. It is because of multiple deployments and the complexity of flying the Apache. You can learn to fly the Apache in several months, but to become a true Apache pilot takes years and years of dedication.

Folks simply get tired of being deployed all the time and working at that tempo, but they still want to serve so they come to the Guard. And so where you have an 800-hour cockpit in the Active

Component downrange, you will have a 4,500-hour cockpit in the Guard. It is not meant to disparage one or the other. It is just where the operational depth is located.

ARI would further reduce the connective tissue that bind the Army and the National Guard since Apaches would then constitute an area where the two cannot work together.

Mr. Chairman, at all the times where those of us that served in the military say we are an Army of one. How can we be an Army of one when one has and one does not? When one goes to replace and doesn't have the components or the training to replace? I mean, you can't say it but not do it. This represents a fundamental shift in the nature and role of the National Guard and runs counter to the years and billions of dollars invested by the taxpayers.

We used to be a strategic reserve. I was in the Guard back then when we went to summer camp. That has been over for years and years and years and the taxpayers have paid dearly, dearly for an operational reserve, which is what the Guard and the Reserve has become as evidenced by how many times we deploy.

The National Commission on the Future of the Army rejected the ARI, the Aviation Restructure Initiative, after comparing it to a number of alternatives. Other significant advantages over the ARI include allowing for greater wartime capacity. You can reach back to the Guard when Active Components have deployed over and over and over again. Improved operational tempo because you can schedule that stuff. Higher wartime surge capacity, otherwise there is none.

If you do everything you have got with the Active Component and you are tapped out, there is not going to be anybody to reach back to under the ARI. And it balances the force. It creates like components so we can be an Army of one so we can replace one another when we need to. And it achieves the goal of an Army that works together, trains together in peacetime, and if and when necessary, can deploy together and fight in a war.

And finally, Mr. Chairman, in the remaining few seconds I have, if as the commission says there should be two more ARBs [Army Reserve battalions], those two should be located in the Guard based on cost and quite honestly nearly every single other metric including arms inspections results, safety and success in combat.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Perry can be found in the Appendix on page 62.]

The CHAIRMAN. So just to be clear, the gentleman supports the commission recommendations, correct?

Mr. PERRY. Indeed I do, sir.

The CHAIRMAN. Okay. Thank you. Any questions? Great. Thank you, sir. Appreciate you being here.

Next we have the distinguished gentleman from the State of Maine, Mr. Poliquin. Welcome, sir, and you are recognized for 4 minutes.

**STATEMENT OF HON. BRUCE POLIQUIN, A REPRESENTATIVE  
FROM MAINE**

Mr. POLIQUIN. Thank you, Mr. Chairman, I appreciate it very much; and thank you very much, Ranking Member Davis, for the opportunity to be here today.

There are three topics I would like to talk to you about if I may, first deals with the Berry Amendment. The Berry Amendment law requires, as we all know, that standard issuance equipment be Berry compliant. And the only piece of equipment to my knowledge that recruits today in all branches of the military are not issued are athletic shoes. And that is because a period of time there were no athletic shoe manufacturers in America that were, in fact, Berry compliant.

However, that has changed. The New Balance Shoe Company that has three plants in Maine, my district. This is really important, Mr. Chairman, to my district. Nine hundred employees in Skowhegan, Norridgewock, and in Naples, Maine make the best athletic shoes in the world. In fact, right now I am wearing a pair. You just can't see them, but they are on my feet right now and they are terrific.

All I am asking, sir, is that the Department of Defense obey the law and make a standard issuance piece of equipment, athletic shoes, that are fully Berry compliant. The New Balance Shoe Company has retooled their manufacturing process, invested millions in doing this, and as I said, they are now completely Berry Amendment compliant.

Now, Congresswoman Tsongas has language that she has submitted to be included in the NDAA. And we please ask you to support that language which would solve this problem and require the Department of Defense to issue Berry compliant, Berry Amendment compliant athletic shoes for all of our recruits. That is the first thing, sir.

The second one, Mr. Chair, is that I am very grateful that in last year's NDAA authorization there was an additional DDG-151 destroyer that was put in that authorization. And also the Navy has committed to make sure the incremental funding for the complete procurement of that destroyer be included in the process.

All I am asking you folks to do, please, is make sure you support the full funding of that additional DDG-151. These are the best battleships in the world, sir. They are made in Bath, Maine. They have a front-line multi-mission purpose, including a ballistic defense missile defense. So it is really important for national security.

There are 6,000 Mainers that are employed at Bath Ironworks that manufactures, creates, and builds these best destroyers in the world. And please I ask you to support the full funding of this additional DDG-151.

Thirdly, I am introducing a bill, Mr. Thornberry, called the Fair Treatment of Our National Guard and Reservists Act. Now, this is something that is so commonsense to so many Mainers that they rely on common sense to get through the long winters up there.

Right now if you are a Federal employee and you travel beyond 50 miles to do your work and you are not reimbursed for travel expenses, let us say, gas, food, and lodging, then those expenses are tax deductible. But if you are a guardsman or woman or you are

in a Reserve, the law requires you to travel over 100 miles to receive the same treatment.

So now that is just not fair. I mean, these are folks that are being trained to make sure they can protect our country, as Mr. Perry just testified with respect to the Guard. All we are asking is that the IRS [Internal Revenue Service] treat our guardsmen and reservists the same way as they treat every other Federal employee, making sure that if they travel beyond 50 miles—not 100 miles—they can use those travel expenses as a tax deduction.

Now, my request, Mr. Thornberry, if I may, is simply that the Secretary of Defense conduct a study such that we know what the cost is to our guardsmen and our reservists for this travel beyond 50 miles so we can see what the fiscal note will be.

So the three things I am asking for today, Mr. Chairman, if I may, in summary, number one, please include Chairwoman Tsongas' language into the appropriate parts of the law that requires the Department of Defense to obey the Berry Amendment law and issue athletic shoes, Berry Amendment athletic shoes for our recruits.

Secondly, please make sure you support the fully funding of our additional DDG-151 destroyer made up in Bath, Maine.

And thirdly, support my bill that asks the Secretary of Defense to create a study such that we know what the cost is to our guardsmen and our reservists with respect to reimbursement deductions, travel deductions beyond 50 miles.

[The prepared statement of Mr. Poliquin can be found in the Appendix on page 63.]

The CHAIRMAN. Great. I think the gentleman makes the case on each of the three points very well. Are there any questions? If not, I appreciate the gentleman being here.

Mr. POLIQUIN. Thank you very much, Mr. Chair. Appreciate it.

The CHAIRMAN. Next we are pleased to welcome the gentlelady from the State of Missouri, Mrs. Wagner, before the committee. The gentlelady is recognized for 4 minutes.

#### **STATEMENT OF HON. ANN WAGNER, A REPRESENTATIVE FROM MISSOURI**

Mrs. WAGNER. Mr. Chairman and members of the committee, it is a joy to be in front of you again this year, and I thank you for your time. I want to begin by thanking you for your steadfast commitment to our Nation's most pressing national security matters. In that vein, I want to highlight the growing stresses on the demands for United States naval tactical aviation.

As you know, the ongoing wartime operations against the Islamic State of Iraq and the Levant have greatly increased operational tempo of our tactical aircraft. The carrier-based aircraft F/A-18 Hornets and Super Hornets have been the backbone of the force projection and engagement.

Last year, the Chief of Naval Operations testified that his Navy faces a shortage of operational aircraft. This is commonly referred to as the tactical aviation shortfall. Congress and your committee, sir, led the way, addressing part of this challenge with added aircraft in fiscal year 2016.

However, the President has not budgeted to take on the challenge more robustly in this year's budget. Only two Super Hornet aircraft were added in the OCO [Overseas Contingency Operations] in response to training and operational losses. The fiscal year 2018 budget shows a demand for 14 more aircraft but there still is a potential gap this year. These actions taken to address the tactical aviation shortfall are not enough. That is why the Chief of Naval Operations will provide Congress with a unfunded requirement request for 12 additional Super Hornets above the President's budget. There remains a shortfall of at least 36 Super Hornet aircraft in total.

Given the critical capability that the Super Hornet provides for ongoing wartime operations, any shortfall is dangerous to the Navy's ability to project force throughout the world. This unfunded requirement request helps mitigate that shortfall, anticipating that the Navy will follow through on its promise to add aircraft in the next year's budget deliberation.

In years past your committee has been incredibly responsive to the warfighters' most pressing needs. The budget is unfunded requirement request demonstrates how important tactical aviation is to the Navy's mission. The Super Hornet is providing that critical capability today at the most affordable cost.

I ask that you urgently consider the Navy's unfunded request and add 12 F/A-18 Super Hornets to the President's budget to address the tactical aviation shortfall and, more importantly, the warfighters' needs.

I look forward to working with you throughout the year on this issue, and I thank you for the consideration of this request. We ask that you take into consideration the recent demands placed on naval tactical aviation as you consider the President's budget request for fiscal year 2017.

I yield back.

[The prepared statement of Mrs. Wagner can be found in the Appendix on page 65.]

The CHAIRMAN. Great. Any questions of the gentlelady? Thank you, ma'am. I appreciate you continuing to be such a strong advocate on this issue. The budget presents a number of challenges for us, but we will certainly be looking at the unfunded requirements list of all the services as we are able to meet additional needs.

Thank you.

Mrs. WAGNER. Thank you, Mr. Chairman, for the consideration, and we will stand ready at your service to provide any additional information for support.

Thank you.

The CHAIRMAN. Thank you much. Next we are pleased to welcome the gentlelady delegate from American Samoa, Ms. Radewagen, before the committee.

Thank you for being here, ma'am, and you are recognized for 4 minutes.

**STATEMENT OF HON. AUMUA AMATA COLEMAN RADEWAGEN,  
A DELEGATE FROM AMERICAN SAMOA**

Mrs. RADEWAGEN. Thank you, Chairman Thornberry, for the opportunity to testify today before the House Armed Services Com-



mittee in regards to H.R. 4341, the Defending America's Small Contractors Act. Particularly I will be addressing section 505 of title V of the bill, which I introduced on its own and has been included in H.R. 4341.

As you may know, over the past decade numerous reports issued by SBA's Office of the Inspector General and the Government Accountability Office have identified structural weaknesses in the SBA's Office of Government Contracts and Business Developments [OGCBD] oversight of personnel and program management and control.

Since fiscal year 2014, 39 percent of all Federal contract dollars have been awarded to small businesses, and in fulfilling its jurisdictional role, the House Small Business Committee is conducting oversight of the contracting programs run by the GCBBD.

However, because of the responsibility for implementing many of the programs rests outside of GCBBD, and GCBBD having limited influence over those responsible for the day-to-day operations of the program, the opportunity for waste, fraud, and abuse is prevalent. Meanwhile, regulation implementing statutory changes intended to help small businesses are taking three or more years to implement.

Furthermore, many of the organizations within GCBBD conduct duplicative activities leaving open the possibility of greater inefficiencies and more bureaucracy for small businesses seeking to compete in the Federal marketplace.

Due to their importance, these issues were recently the topic of a hearing conducted by the House Small Business Committee's Subcommittee on Contracting and Workforce. As a result of the hearing and subsequent data, I introduced the Small Business Contracting and Acquisition Programs Efficiency Act or SB CAPE Act, which has become section 505 of title V of H.R. 4341, the Defending America's Small Contractors Act.

Specifically section 505 requires GAO to examine the extent to which SBA personnel who carry out certain procurement and business development programs report to the OGCBBD; determine whether greater efficiency and consistency in the certification process of the procurement and business development programs could be achieved by creating a single organizational unit of employees to process all certifications required by such programs; determine whether greater efficiency and efficiency in the performance of such programs could be achieved by improving the alignment of the field personnel assigned to them; assess how the OGCBBD could improve its staffing of regulatory drafting functions and its coordination with the Federal Acquisition Regulatory Council, to ensure timely rulemaking by the SBA and report on any other areas in which the GAO determines that SBA could improve its performance with respect to procurement and business development programs.

The report will prove to be a valuable tool in helping Congress to ensure that those offices and programs within SBA, which are created to help small businesses compete, are fulfilling their statutory mission. The importance of this legislation plays in my home district of American Samoa. It cannot be overstated as nearly all of the island's businesses qualify as a small business.

Also, with proper organization, SBA will be a better partner to DOD as it seeks to strengthen the small business industrial base, one of the Department's current objectives.

I respectfully encourage the House Armed Services Committee to adopt H.R. 4341, the Defending America's Small Contractors Act, and include it in this year's National Defense Authorization Act.

Thank you again for the important work this committee does and for allowing me this opportunity to testify before you today. With your assistance I look forward to seeing this important legislation become law. I yield back the balance of my time.

[The prepared statement of Mrs. Radewagen can be found in the Appendix on page 67.]

The CHAIRMAN. Thank the gentlelady. Are there questions for the gentlelady? Gentleman from California, Mr. Knight.

Mr. KNIGHT. No question, Mr. Chair. I just wanted to add my support to H.R. 4341. Part of this bill was an issue that we authored, the DOD's Mentor-Protégé program; and this bill will streamline the Mentor-Protégé program by utilizing SBA to help the DOD simplify the process for DOD's execution in their program.

It goes back to exactly what you have been saying. We need to get more defense for the dollar and I highly support this.

Thank you, Mr. Chair.

The CHAIRMAN. Thank you.

Mrs. RADEWAGEN. Thank you, Mr. Chairman.

The CHAIRMAN. I appreciate the gentlelady giving us further background and explanation of that particular section. So I appreciate very much you being here and discussing the small business package, which the committee will definitely consider.

Mrs. RADEWAGEN. Thank you, Mr. Chairman.

The CHAIRMAN. Next we are pleased to welcome the gentleman from Nevada, Mr. Hardy, before the committee. The gentleman is recognized for 4 minutes.

#### **STATEMENT OF HON. CRESENT HARDY, A REPRESENTATIVE FROM NEVADA**

Mr. HARDY. Good morning, Chairman Thornberry and ranking member and members of the committee. I appreciate the opportunity to testify before you on National Defense Authorization Act for 2017. I want to first thank you for keeping small business and the procurement reform on top of mind when you crafted last year's NDAA. The small business community appreciates your efforts.

To continue the conversation, I want to speak briefly concerning the Small Business Contracting Initiative that often gets less attention than it deserves. Many times in contracting all of the efforts are concentrated on whether or not the fair competition is being observed. While this is absolutely paramount in our society, the person that wins the contract is often immediately thrown into a firestorm of compliance issues and burdens.

Therefore, while we observe the pre-contract interactions, we also need to enhance the post-award compliance. With that said, I have introduced H.R. 4331, the Small Business Easy Contract Compliance Enhancement [and] List Act of 2016 to rectify this issue. This is straightforward legislation that requires small business advo-

cates of the SBA, along with other agencies that participate in the Mentor-Protégé programs, to offer a list of resources to the contract awardees.

To help reduce compliance burdens, Chairman Chabot included post-award compliance language in his larger bill that offers important reforms for contractors and subcontractors. I encourage you to take a serious look at Chairman Chabot's large contracting bill, H.R. 4341, the Defending America's Small Contractors Act of 2016. These reforms will truly impact small businesses, one of our country's truest economic drivers.

I would also like to draw quickly to your attention an ongoing issue in my district that has national security implications as well, you have got the word.

My district in Nevada is the proud home of the Nevada Test and Training Range [NTTR], which is the largest continuous air and ground space available in the military training operation in the free world. It consists of 2.9 million acres of public land underneath approximately 12,000 square nautical miles of restricted airspace in the military operations area.

The Air Force uses the NTTR to perform advanced exercises and tactics development in a multidimensional training environment unlike any other. Yet despite the critical importance of the NTTR to our national security, multiple layers of duplicative regulations are preventing the Air Force from meeting defense test and training objectives due to the lack of ready access to the withdrawn land.

This inability to fully utilize the withdrawn lands also denies full use of the restricted airspace overlaying the area, further restricting operational flexibility.

Mr. Chairman, the Air Force has been conducting bombing and gunnery practice, tactics development, and electronic testing and training on these lands since 1940, a full 40 years before the Fish and Wildlife [Service] nominated the area for wilderness designation. And it is a flawed wilderness designation to begin with that refused to account for the existing military impacts on the land.

What this all boils down to is the military should not be saddled with multiple layers of duplicative regulations that hinder their ability to adequately train for the mission that will keep America's people safe.

While the Department of Defense and the Department of Interior have inherently different missions, there is no reason why they cannot better partner to arrive at the commonsense solutions for the land they co-manage.

Mr. Chairman, my home State of Nevada is more than 85 percent federally controlled. While Nevadans may have their disagreements with the Federal land management agencies, we are proud to welcome the military personnel who call our State home. We feel a sense of duty and patriotism to have these vital training activities take place in Nevada, and we would like nothing more than to allow our service men and women the freedom to train for their missions.

And again, I would like to thank the chairman and ranking member for the opportunity to speak to you today.

[The prepared statement of Mr. Hardy can be found in the Appendix on page 69.]

The CHAIRMAN. Thank you, sir. As I think you know, I was just out at the Nevada test site last November, and I agree completely. It is an incredible national asset, as our colleague from Nevada knows. And we want to make sure the country can benefit from the full use of it. So I think the value of that area is just unquestioned.

Are there questions for the gentleman from Nevada? Not? Appreciate you being here and raising those issues. I thank you, sir.

Next we have the gentlelady from Tennessee, Mrs. Blackburn, Thanks for being back with us, one of the strong advocates for our military. The gentlelady is recognized for 4 minutes. Is—

**STATEMENT OF HON. MARSHA BLACKBURN, A  
REPRESENTATIVE FROM TENNESSEE**

Mrs. BLACKBURN. I am pleased to be back with you again and always I appreciate your patience. As you all are aware, I represent Tennessee's Seventh Congressional District and it encompasses Montgomery County, Tennessee, which is Clarksville, and there you have located Fort Campbell. And Fort Campbell is home to the storied 101st Airborne, the most deployed unit in the U.S. military, the 5th Special Forces Group, and the Army's 160th Special Operations Aviation Regiment.

Approximately 1,900 officers and 26,000 enlisted personnel call Fort Campbell home. Like many installations across the country, Fort Campbell was facing troop cuts. I was pleased to see that Fort Campbell was spared major troop reductions. We are grateful for that.

I was pleased to work with this committee last year in support of the Army Flying Hours Program. This vital program provides aviation training resources for individual crew members and units according to approved aviation training strategies.

In addition, it also provides individual and collective proficiency in support of ongoing combat and non-combat air operation. For aviation units like the 101st this training is not only vital to mission success, but to the safety of our personnel. Without the necessary funding, home station training opportunities will not be available to achieve optimal combat readiness.

I ask the members of this committee to once again pay close attention to the restoring of the Flying Hours Program to its full capacity in fiscal year 2017. I would also like to bring to this committee's attention that further reducing our Nation's Armed Forces will hamstring our ability to meet the challenges and threats of an increasingly destabilized world. As America withdraws from the international community, countries like Russia are becoming increasingly brazen.

We see it in the annexation of Crimea by Russian-backed separatists, civil war in Yemen and Syria, and China's military buildup. As discord continues to grow around the world, the U.S. must have the personnel and capabilities to respond and protect our national interests.

Soldiers from Fort Campbell are always tasked with responding to threats to our national security around the globe. We would be

putting their lives in increased danger by reducing their numerical strength and not providing them with the training that they need.

That is why I support H.R. 4534, the Protecting Our Security Through Utilizing Right-Sized End-Strength or POSTURE Act. H.R. 4534 would reverse the current drawdown of the end strength levels for the U.S. land forces, specifically, the Army and Marines. It will freeze the current down draw on Marine personnel levels and increase Army end strength levels.

General Ham recently testified that it takes 3 years to stand back up a fully ready brigade combat team. And this legislation would make sure that we need to address this issue in a destabilized world.

Thank you for allowing me to come before you with the testimony. I appreciate your attention to the details of the issues.

[The prepared statement of Mrs. Blackburn can be found in the Appendix on page 73.]

The CHAIRMAN. I appreciate it, gentlelady. I think there is a lot of support on this committee for the proposal that she was just talking about. Our challenge of course is going to be budgetary depending on how the budget and allocations work out. Are there any questions of the gentlelady? Thank you, ma'am. Appreciate—

Mrs. BLACKBURN. Yes.

The CHAIRMAN. I appreciate you being with us and raising those issues. Next we have the distinguished gentleman from the State of Texas, neighbor to Mr. Conaway and to me, Mr. Neugebauer, recognized for 4 minutes.

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

Mr. NEUGEBAUER. Thank you, Chairman Thornberry, and for holding this important hearing. I would like to take this opportunity to testify before this committee today on my national defense priorities.

My district, Texas 19th Congressional District, is home of 5,100 military and civilian personnel stationed at Dyess Air Force Base. Located on the outskirts of the city of Abilene, Dyess houses among the other missions, the 7th Bomb Wing, home to 33 of the 62 B-1 Lancers strategic bombers.

As a part of the fiscal year 2017 budget, the Air Force has proposed a \$5.8 million in research, development, and test and evaluation funding for the B-1 and \$116.3 million in procurement funding. Throughout its proposed 2017 budget, the Air Force includes funding in other accounts for various improvements to the B-1s as well as funding for the B-1 maintenance and funding for the new B-1 Classic Associate Reserve Unit at Dyess Air Force Base.

Mr. Chairman and ranking member, I request the committee's support for these essential B-1 programs as it considers the fiscal year 2017 NDAA. Since 2001, the B-1 bomber has played a vital role in Afghanistan and Iraq and is now a major force in our battle against ISIL [Islamic State of Iraq and the Levant].

In its budget documents, the Air Force highlights the B-1's critical importance to our national defense stating that "The B-1B Lancer," and I quote: "is a swing-wing, supersonic, long-range conventional bomber. It carries the largest payload of both guided and

unguided weapons in the Air Force inventory. The multi-mission B-1B is the backbone of America's long-range bomber force and can rapidly deliver massive quantities of precision and non-precision weapons against any adversary, anywhere in the world, at any time." The current service life for the B-1 is beyond 2040.

As further evidence of the B-1's importance, it was the first aircraft to be fitted for the Joint Air-to-Surface Standoff Missile-Extended Range, and along with the F/A-18, will be the initial aircraft to carry the Navy's Long-Range Anti-Ship Missile.

In its request for the 2017 overseas contingency operations funding, the Air Force stated: "As a force provider to the U.S. Central Command area of responsibility, the primary combat forces are the Air Force's front-line fighters and bombers, the A-10, the B-1, F-15 and F-16, representing the 'tip of the global power projection spear.' These assets provide a strong capability to counter a wide range of threats to the U.S. and its allies, as well as help assure a viable deterrent posture in the region."

As the backbone of the long-range bomber force, as the "tip of the global power projection spear," and with a service life of beyond 2040, it makes sense for our national defense standpoint and for a physical standpoint to ensure that the B-1 continues to receive the funding it needs in order to remain effective and efficient and viable today and in the future.

I request that the committee continue to support funding for 2017 and beyond. I would also like to request the committee's continued support for the new Long-Range Strike Bomber which the Air Force has designated as the B-21. This new bomber has been under development for several years and it is essential that the Air Force complete the necessary research work and begin the production of this aircraft in order to meet the goal of having it operational by the mid-2020s.

As the Air Force and Congress move forward with the new bomber, we support the selection of Dyess Air Force Base to host the B-21. Dyess has been a bomber base since its inception more than 50 years ago, initially hosting B-47s and then B-52s. And then for the past 30 years, Dyess has been the Air Force's primary B-1 base. Dyess has also successfully served as the B-1 formal training unit, and now has the B-1 Classic Associate Reserve Unit.

With a strong track record of meeting long-range strike mission requirements, Dyess would be an excellent base for the B-21.

I thank you again, Chairman, for holding these hearings. And I appreciate this committee's important work as keeping America safe, and would be glad to take any questions.

[The prepared statement of Mr. Neugebauer can be found in the Appendix on page 75.]

The CHAIRMAN. Any questions for the gentleman from Texas? The gentleman may be interested to know that just yesterday the committee held a meeting where the importance of the B-1 in the current fight was absolutely confirmed. So I appreciate the points the gentleman raises on both programs, and we certainly appreciate his testimony here today.

Next we have the distinguished gentleman from Illinois, Mr. Bost. Appreciate you being with us, sir. You are recognized for 4 minutes.

**STATEMENT OF HON. MIKE BOST, A REPRESENTATIVE FROM  
ILLINOIS**

Mr. BOST. Thank you, Chairman Thornberry and ranking member, for having me here today and for allowing me to give my comments and those comments will be brief. I intend to discuss two items I hope will be included in the NDAA: legislation included in H.R. 4341 to modernize small business administration size standards for agricultural producers, and the Navy's anticipated need for additional F/A-18 strike fighters.

You know, President Eisenhower once said: "Farming looks pretty easy as long as you do it with a pencil and you are about a thousand miles from a cornfield." Unfortunately, this quote is accurate and when describing the statutory establishment size standards for agricultural producers.

Agricultural producers are an important contribution to the American economy. According to the USDA [U.S. Department of Agriculture], the total value of farm products exceeds \$390 billion, and the agricultural industry supports 16 million domestic jobs. Family-owned farms still account for a majority of farms and ranches in the United States.

However, farming and ranching are low-margin industries. This has led to a consolidation of many single family-owned operations into larger multi-family-owned operations. But by any reasonable definition, these operations remain small business.

Unfortunately, the current small business size standards for agriculture have been set by statute and are outdated. The standard is too low for the vast majority of farms and ranches to participate in potential government contracting and subcontracting opportunities.

In addition, the statutory standard has no reasonable basis for why it is set at that. It appears that the Congress at one time just decided to pick a number out of the air and the previous Congress just set that number. And it was 30 years since its enactment of the size standard, but the Small Business Administration has significantly improved its process to determine small business size standards. This should address whatever issue previous Congresses had when it would establish the statutory size standard.

I believe that the importance that Congress and Federal agencies promote consistency in policymaking. Now, the language in H.R. 4341 will help ensure consistency and I encourage its adoption by the committee.

But lastly I would like to also discuss the Navy's need for additional F-18 strike fighters. The F-18 is currently the only operational strike fighter line for the United States Navy, and it is a significant and national security asset that should be enacted to protect.

The fiscal year 2016 NDAA and the fiscal year 2016 Department of Defense Appropriations Act included funding for the procurement of 12 F/A-18s. However, this number may still be short of what the U.S. Navy needs, as the service has previously testified to a potential shortfall of 24 to 36 aircraft.

The procurement of additional F/A-18 Super Hornets is critical to meeting the anticipated needs of the United States Navy and to keeping the production line open for the United States prepares an-

ticipated aircraft sales to allied nations. It is important to preserve the value of the St. Louis region defense industry base as well.

Therefore, I request the authorization of any aircraft requests by the United States Navy. And once again, I thank you for allowing me the opportunity to appear here today and I would be glad to answer any questions of the committee.

[The prepared statement of Mr. Bost can be found in the Appendix on page 78.]

The CHAIRMAN. Thank the gentleman. Are there any questions? I know the chair of the Agriculture Committee is paying particular attention to the testimony of the gentleman on that part of the small business package, but I appreciate the gentleman being here and sharing his thoughts with us.

Mr. BOST. Thank you, Mr. Thornberry.

The CHAIRMAN. Thank you. Pleased to welcome the gentleman from Florida, Mr. Yoho, before the committee. The gentleman is recognized for 4 minutes.

#### **STATEMENT OF HON. TED S. YOHO, A REPRESENTATIVE FROM FLORIDA**

Mr. YOHO. Thank you, Mr. Chairman and Ranking Member Smith, for the opportunity to come and speak before this committee. This is a great chance you are affording Members of Congress who do not sit on Armed Services.

Today I would like to speak to you about a transfer of property and detainees from Guantanamo Bay Naval Station. As you know, it is currently illegal for the President to transfer detainees from the base to the United States, but the actual base itself can be transferred back to the Castro government without the consent of the U.S. Congress.

Recently, the Castro government demanded that in order for normalization to continue between Cuba and the United States, the Guantanamo Bay Naval Base must be transferred back to Cuba. The 1903 lease agreement between the governments of Cuba and the United States are controlled by the language of the 1934 treaty stipulating that the lease can only be modified or abrogated pursuant to an agreement between the United States and Cuba.

The territorial limits of the naval station remain as they were in 1934 unless the United States abandons Guantanamo Bay or the two governments reach an agreement to modify its boundaries. While there appears to be no consensus on whether the President can modify the agreement alone, Congress is empowered to alter that statute by the statute the effect of the underlying 1934 treaty.

A statute passed later than a treaty is recognized to supersede the terms of the treaty, at least as far as domestic law is concerned. Although not firmly established, it seems likely that Congress could override any implications that might be drawn from the 1934 treaty with respect to Presidential authority to modify the Guantanamo lease by enacting legislation specifying that any such modification must be accomplished with the advice and consent of the Senate or the concurrence of Congress.

In fact, Congress has passed legislation establishing policy with respect to Guantanamo leases. As part of the Cuban Liberty and Democratic Solidarity Act known as Libertad, Congress established



that the policy of the United States is to be prepared to enter into negotiations with a democratic elected government in Cuba either to return the United States Naval Base at Guantanamo to Cuba or to renegotiate the present agreement under mutual agreeable terms.

The provision appears to approve negotiations by the President with a democratic Cuban government and in that Libertad agreement it says that the freedoms and the liberty of the Cuban people must be enhanced with that agreement.

Let us see. The provision appears to approve negotiations by the President with a democratic Cuban government over the possible return of Guantanamo Bay, but it does not explicitly approve the entry into such an agreement as a congressional-executive agreement. Moreover, it does not expressly prohibit the negotiations of lease modifications with the existing Cuban government.

It can be argued that an executive agreement with Cuba to close the base would in effect amount to an executive agreement pursuant to the 1934 treaty and would thus not require the advice and consent of the Senate.

In order to protect this potential unilateral action by the President, I introduced H.R. 4126, the Guantanamo Transfer Prevention Act, which among other things would prevent the President from unilaterally ceding the base back to the Cuban government without the advice and consent of Congress. It has 68 co-sponsors on it at this time.

While I work to move my standalone bill, I want to take this time to urge the Armed Services Committee to take similar actions in protecting against this potential for executive action and to ensure that the President must come to Congress first via the authorization process that no authorization be given to transfer the Guantanamo Bay Naval Base.

I thank you for this opportunity and the time here.

[The prepared statement of Mr. Yoho can be found in the Appendix on page 80.]

The CHAIRMAN. Any questions for the gentleman? I appreciate the gentleman's suggestions.

We did have a provision in last year's NDAA to prevent the transfer of the naval base back to Cuba, but I think the gentleman raises a number of interesting questions about how to strengthen that or make it more permanent because certainly it is only what we have in law is only for the fiscal year.

Mr. YOHO. Right, and it is such a strategic place in the Caribbean and a national security interest.

The CHAIRMAN. Yes. If there are no questions, appreciate the gentleman being here.

Mr. YOHO. Thank you for your time.

The CHAIRMAN. Thank you very much for your suggestions. And if no other members seeking recognition, the committee stands adjourned.

[Whereupon, at 11:17 a.m., the committee was adjourned.]



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# **A P P E N D I X**

MARCH 1, 2016

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**PREPARED STATEMENTS SUBMITTED FOR THE RECORD**

MARCH 1, 2016

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**Joint Statement**  
**Steve Chabot, Chairman, and Nydia Velázquez, Ranking Member,**  
**Committee on Small Business**  
**Before the Committee on Armed Services of the House of Representatives**  
**On the FY 2017 National Defense Authorization Act**  
**March 1, 2016**

Good morning, Chairman Thornberry, Ranking Member Smith, and Members of the Committee. We appreciate the opportunity to testify before you on the National Defense Authorization Act for Fiscal Year 2017 (FY17 NDAA). Let us begin by thanking the Committee for its longstanding collaboration with the Small Business Committee. In our combined 40 years on the Small Business Committee (SBC), I've enjoyed seeing this relationship develop. The hard-fought passage of last year's NDAA was a success for our national security, for our men and women in uniform and for our small business industrial base. My testimony today will first address legislation already marked up by SBC and how it continues to complement the work of the House Armed Services Committee (HASC), and then to discuss ongoing work the SBC is pursuing.

**I. Introduction**

In the past year, the SBC and its subcommittees have held more than a dozen hearings on issues affecting small contractors. These hearings have focused on the fact that within the last three years, we have lost over 25 percent of the small firms registered to do business with the federal government.<sup>1</sup> Within the Department of Defense, the number of small business contract actions fell 47 percent from 2011, but the size of the average individual small business contract action more than doubled. Not surprisingly, during the same period, the percentage of dollars not competed has increased.<sup>2</sup> As Chairman Thornberry has said, "we need to get more defense for the dollar," and competition by small businesses is part of the solution.<sup>3</sup>

As a result of these hearings, 15 members of the Small Business Committee introduced contracting bills this year. Working closely with our colleagues, we collected these solid, common sense reforms, plus many other legislative provisions, and introduced H.R. 4341, the Defending America's Small Contractors Act of 2016.<sup>4</sup> The SBC successfully marked this bill up on January 13, 2016, when it passed by voice vote with seven bipartisan amendments. When you include those amendments, it means that 20 of the 22 members of the SBC contributed to this bill. This bill not only reflects my priorities as Chairman but those of my members as well.

H.R. 4341 helps small contractors compete in five ways. First, it modernizes the Small Business Act to ensure that the language used is clear and consistent across federal procurement programs

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<sup>1</sup> Committee Report comparing registration numbers in the Small Business Administration's Dynamic Small Business Search (DSBS) tool available at [dsbs.sba.gov](http://dsbs.sba.gov), the decommissioned Central Contractor Registration system, and the System for Award Management, available at [www.sam.gov](http://www.sam.gov).

<sup>2</sup> Committee Report run using the Federal Procurement Data System (Feb. 26, 2016).

<sup>3</sup> Sydney Freedburg, "Mac Thornberry on Acquisition Reform" Breaking Defense (No. v 18, 2013) *available at* <http://breakingdefense.com/2013/11/mac-thornberry-on-acquisition-reform-congress-heal-himself/>.

<sup>4</sup> H.R. 4341 was introduced by Chairman Chabot and Ranking Member Velázquez.

– DoD contracting officers shouldn't have to learn a dictionary's worth of new jargon just to work with a small business. Second, it strengthens the small business advocates within Small Business Administration (SBA), DoD, and other federal agencies, to promote competition and make sure the laws on the books, including the NDAA, are followed. Third, it improves opportunities for small businesses to compete for subcontracts, and then to build on that experience to compete as prime contractors. This will further strengthen the industrial base. Fourth, it improves coordination between the SBA and DoD mentor-protégé programs which help small businesses better serve our military. Finally, the bill implements common sense reforms to ensure integrity and accountability in small business programs, such as size standards, veterans contracting programs, and contracting officer training programs. These provisions will reduce fraud and open up our supply chains to greater small business participation. We'll now discuss each of these themes in greater detail.

## **II. Modernizing the Small Business Act**

Title I of H.R. 4341 focuses on improving transparency and clarity for small businesses, but transparency and clarity will also benefit DoD contracting officers, policymakers, and program managers. Each of the four sections of Title I will benefit us all.

### **a. Sec. 101, Plain language rewrite of requirements for small business procurements**

Section 101, the plain language rewrite of requirements for small business procurements, is a good example of why these reforms are necessary. This section replaces the current section 15 (a) of the Small Business Act (the Act). Section 15(a) currently addresses contract bundling, surplus property, sales of government supplies, use of size standards, timber sales and promoting small business competition in one paragraph. These run-on sentences are difficult for lawyers to parse, let alone small contractors or contracting officers. Additionally, the statutory language predated the creation of the Federal Acquisition Regulations, which standardized procurement terminology. While Title X of the United States Code has been updated to reflect the uniform names, the Act has not been which makes it more confusing.

The Committee worked closely with outside groups to translate the current language into a comprehensible set of principles without changing the underlying meaning of the statute. Indeed, the only change that did not address the plain language issues came as an amendment to address a complaint shared by small businesses and agencies – that size standards do not reflect how the government does business. Currently, section 3(a) of the Act requires that SBA set size standards according to the North American Industrial Classification System (NAICS) codes. Unfortunately, the NAICS system is meant to address broad sectors of the economy, and does not distinguish between an information technology (IT) help desk and a company providing cutting edge cybersecurity company. The amendment would clarify that when the government's requirements and buying practices diverge from the NAICS system, SBA should create



alternative size standards. This will make it easier for DoD to reach specialized small contractors and fill gaps in the industrial base.

b. Sec. 102. Improving reporting on small business goals

Based up on H.R. 4330, Improving Contract Procurement for Small Business Through More Accurate Reporting Act of 2016 introduced by Rep. Yvette Clarke and Rep. Carlo Curbelo, section 102 amends section 15(h) of the Act to increase transparency in goaling.<sup>5</sup> The Act already sets goals for the awards of prime contracts and subcontracts to small businesses and various subcategories of small businesses. Further, the Act requires that SBA report annually on how well the federal government is doing in meeting its goals. The section requires that the SBA begin reporting two new pieces of information for each goal: (1) the value of contracts credited to each goal if the contract is being performed by a company that is no longer small or no longer qualifies for that procurement program; and (2) the value of contracts credited to each small business goal if a set aside or sole source program for a different goal was used for the award.

These two pieces of information should prove invaluable. The first will allow the SBC and DoD's Office of Manufacturing and Industrial Base Policy (MIBP) to track what happens to small business success stories. This will give us a better picture of how these program promote growth and sustainability, but will have the added benefit of making it easier to catch fraud and abuse of the procurement program. The second change will give Congress better insight into which programs are most successful and which are failing to achieve their objectives. For example, the SBC has been told that the majority of awards coded as going to companies in historically underutilized business zones (HUBZones) are actually awarded using the procurement program for socially and economically disadvantaged businesses (the 8(a) program). As each program has different objectives and different requirements, the fact that SBA takes equal credit for a contract awarded to an 8(a) program participant that is by happenstance also a HUBZone small business as it does for a contract targeted to the HUBZone program leaves it unclear as to which objectives are being realized. Section 102 will address this confusion.

c. Sec. 103. Transparency in small business goals

Section 103 is based upon H.R. 4329, the Transparency in Small Business Goaling Act of 2016 introduced by Rep. Judy Chu and Rep. Trent Kelly.<sup>6</sup> It amends section 15(g) of the Act to ensure that the goals established by the Act are measured against the total contract dollars spent that year rather than allowing SBA to exclude up to 20 percent of all spending. Despite provisions in the FY13 NDAA that required SBA to reissue its goaling guidelines, four years later the only change that has been made involves credit for overseas contracting. SBA's partial

<sup>5</sup> For more information on the SBC's work on the goaling program and the basis for this legislative provision, please see the SBC Memorandum *Continuing Challenges for Small Contractors* (2015) available at [http://smbiz.house.gov/uploadedfiles/11-18-2015\\_hearing\\_memo.pdf](http://smbiz.house.gov/uploadedfiles/11-18-2015_hearing_memo.pdf).

<sup>6</sup> *Id.* at 3.

implementation targets DoD, Department of State and United States Agency for International Development contracts, but continues to allow agencies like the General Services Administration, Department of Transportation, Department of the Treasury and others to continue excluding over half their contract dollars from the goaling base – far in excess of what DoD ever excluded. The FY13 NDAA changes were not intended to target DoD while allowing civilian agencies to continue manipulating the numbers, and section 103 ensures that the agencies are treated equally.

d. Sec. 104. Uniformity in procurement terminology

This fourth section is based upon the Unifying Small Business Terminology Act of 2016 introduced by Ranking Member Nydia Velázquez. Like section 101, it amends portions of the Act so that the same terms are given the same meaning in the Act as they are given in Titles 10 and 41 of the United States Code. Specifically, this section updates sections 3(m) and 15(j) of the Act. SBA has already begun using the updated terminology in its own regulation when referring to procurement rules, so this harmonization will not change the implementation of any programs.

### **III. Clarifying the Roles of Small Business Advocates**

There are two principle types of advocates who help small businesses pursue and perform federal contracts and subcontracts. First, there are those within the SBA, and then there are also those at other federal agencies. Some are statutorily established positions, and others are only referenced in the Small Business Act (the Act) without a clear explanation of their roles and responsibilities. Those within SBA include the Procurement Center Representatives (PCRs), the Commercial Market Representatives (CMRs), and the Business Opportunity Specialists (BOSs), while at DoD and other agencies there are Offices of Small and Disadvantaged Business Utilization (OSDBU).<sup>7</sup> Unfortunately, the statutory roles and responsibilities of these long standing programs have not always been adequately addressed or modernized to keep pace with procurement reform. Title II of H.R. 4341 addresses these issues with five provisions.

a. Sec. 201. Duties of procurement center representatives with respect to reviewing solicitations

Section 201 is based upon H.R. 4332 Maximizing Small Business Competition Act of 2015, introduced by Rep. Trent Kelly.<sup>8</sup> It amends section 15(l) of the Act to remedy a problem that prevents SBA's procurement center representatives from reviewing consolidated contracts if the contract was set aside or partially set aside for small businesses, even if the acquisition strategy harmed the ability of small businesses to compete for contracts. Current regulations are

<sup>7</sup> The OSDBU office at DoD is referred to as the Office of Small Business Programs.

<sup>8</sup> For more information on the issue of the PCR's limited ability to review solicitations, please see SBC Memorandum *Supporting Success: Empowering Small Business Advocates* 6 (2015) available at [http://smbiz.house.gov/uploadedfiles/11-18-2015\\_hearing\\_memo.pdf](http://smbiz.house.gov/uploadedfiles/11-18-2015_hearing_memo.pdf).

inadvertently encouraging large set-aside awards to a small number of companies instead of fulfilling Congress's intent that the small business programs foster a healthy industrial base. Indeed, recent contracts have excluded small manufacturers, resulting resellers winning awards despite the fact that they had higher prices. This misuses of the Act needs to be addressed.

b. Sec. 202. Responsibilities of Commercial Market Representatives

This section is based upon H.R. 4198, the Commercial Market Representatives Clarification Act introduced by Rep. David Brat.<sup>9</sup> It amends section 4(h) of the Act to provide a clear definition of the CMR program and enumerate the CMR's principle duties. Currently, the Act references the CMR and provides educational requirements, but does not explain the actual role of the CMR. SBA's Standard Operating Procedures have not kept pace with statutory changes, so they also fail to explain how the CMR should help small businesses compete for subcontracts. These changes will prioritize the key functions already performed by the CMR to promote a healthy supplier base.

c. Sec. 203. Duties of the Office of Small and Disadvantaged Business Utilization

Section 203 is based upon H.R. 4326, the Small and Disadvantaged Business Enhancement Act of 2016, introduced by Rep. Alma Adams and Rep. Crescent Hardy.<sup>10</sup> It amends section 15(k) of the Act to allow the OSDBU to review agency purchases made using government credit cards to ensure compliance with the Small Business Act. The SBC learned last year that in one agency over \$6 billion in such purchases were made without regard to statutory requirements, but the OSDBU office remained unaware of the fraud. Additionally, this section furthers the Committee's long-standing commitment to parity between the SBA's federal contracting programs by addressing an oversight that limited the ability of OSDBU to assist participants in all small business programs.

d. Sec. 204. Improving contractor compliance

Section 204 is based upon H.R. 4331, the Small Business Easy Contract Compliance Enhancement and List Act of 2016, introduced by Rep. Crescent Hardy and Rep. Alma Adams.<sup>11</sup> It amends sections 15 and 45 of the Act, and section 831 of National Defense Authorization Act

<sup>9</sup> For more information on the issue of the CMR job description, please see SBC Memorandum *Supporting Success: Empowering Small Business Advocates* 3(2015) available at [http://smbiz.house.gov/uploadedfiles/11-18-2015\\_hearing\\_memo.pdf](http://smbiz.house.gov/uploadedfiles/11-18-2015_hearing_memo.pdf).

<sup>10</sup> For more information on the issue of credit card fraud and the small business programs, please see SBC Memorandum *Manipulation and Fraud in the Reporting of VA's Contracting Goals* (2015) available at [http://smbiz.house.gov/uploadedfiles/6-23-2015\\_hearing\\_memo.pdf](http://smbiz.house.gov/uploadedfiles/6-23-2015_hearing_memo.pdf). For information on the challenges facing the OSDBU in general, please see SBC Memorandum *Supporting Success: Empowering Small Business Advocates* 5 (2015) available at [http://smbiz.house.gov/uploadedfiles/11-18-2015\\_hearing\\_memo.pdf](http://smbiz.house.gov/uploadedfiles/11-18-2015_hearing_memo.pdf).

<sup>11</sup> For more information on the issue of post award compliance, please see SBC Memorandum *Supporting Success: Empowering Small Business Advocates* 7(2015) available at [http://smbiz.house.gov/uploadedfiles/11-18-2015\\_hearing\\_memo.pdf](http://smbiz.house.gov/uploadedfiles/11-18-2015_hearing_memo.pdf) and the statement of Angela Styles on behalf of the Defense Industry Initiative on Business Ethics and Conduct (2015) available at [http://smbiz.house.gov/uploadedfiles/12-09-2015\\_styles\\_full\\_testimony.pdf](http://smbiz.house.gov/uploadedfiles/12-09-2015_styles_full_testimony.pdf).

for Fiscal Year 1991, to improve opportunities for small contractors attempting to navigate federal contracting regulations. While there are no-cost compliance assistance programs available for these companies, the companies themselves are often unaware of the resources. As a consequence, otherwise qualified small contractors avoid or are excluded from participating in the defense industrial base. This section directs PCRs, OSDBUs, mentors in approved mentor-protégé programs and other small business advocates to help small businesses find these free resources, including the Small Business Development Centers, Procurement Technical Assistance Centers, Women's Business Centers and the training available from the Defense Industry Initiative of Business Ethics and Conduct.

e. Sec. 205. Responsibilities of the Business Opportunity Specialists

Offered by Ranking Member Velázquez as an amendment, section 205 addresses many of the same issues as sections 201, 202, and 203 did for the PCRs, CMRs, and OSDBUs.<sup>12</sup> BOS have responsibility for overseeing the implementation of the 8(a) contracting program – a program that exceeded \$9 billion in awards last year.<sup>13</sup> BOS are the government's defense against waste, fraud and abuse in these programs, and SBA's unwillingness to properly staff and train the BOS has led to over \$115 million in 8(a) contracts being awarded to companies that are not 8(a) firms.<sup>14</sup> Section 205 will put the proper controls and oversight on this program, to ensure that program participants are given the assistance they are promised while meeting the needs of taxpayers, contracting officers, and the warfighter.

#### IV. Strengthening Opportunities for Competition in Subcontracting

Last week, a representative of the DoD Office of the Inspector General (IG) testified before the SBC's Subcommittee on Contracting and Workforce.<sup>15</sup> The DoD IG reported on two audits of Marine Corps contracting activities, where they found that the laws on small business subcontracting are being violated. While only two contracting offices, these audits reaffirmed the information frequently heard at SBC.<sup>16</sup> The president of the Association of Procurement Technical Assistance Centers also confirmed that these violations are widespread, and agreed that the reforms in H.R. 4341 are a good step to addressing the problems.<sup>17</sup>

<sup>12</sup> For more information on the issue of the BOS job description, please see SBC Memorandum *Supporting Success: Empowering Small Business Advocates* 3-4 (2015) available at [http://smbiz.house.gov/uploadedfiles/11-18-2015\\_hearing\\_memo.pdf](http://smbiz.house.gov/uploadedfiles/11-18-2015_hearing_memo.pdf).

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> See SBC Memorandum *Hotline Truths: Issues Raised by Recent Audits of Defense Contracting* (2016) available at [http://smbiz.house.gov/uploadedfiles/2-25-2016\\_hearing\\_memo.pdf](http://smbiz.house.gov/uploadedfiles/2-25-2016_hearing_memo.pdf).

<sup>16</sup> For more information on the SBC's work on subcontracting and the basis for this legislative provision, please see the SBC Memorandum *Continuing Challenges for Small Contractors* 5-14 (2015) available at [http://smbiz.house.gov/uploadedfiles/11-18-2015\\_hearing\\_memo.pdf](http://smbiz.house.gov/uploadedfiles/11-18-2015_hearing_memo.pdf).

<sup>17</sup> Statement of Chuck Spence, President, Association of Procurement Technical Assistance Centers available at [http://smbiz.house.gov/uploadedfiles/2-25-2016\\_spence\\_testimony.pdf](http://smbiz.house.gov/uploadedfiles/2-25-2016_spence_testimony.pdf).

a. Sec. 301. Good faith in subcontracting

Section 301 is based upon H.R. 4284, the Service Provider Opportunity Clarification Act of 2015, introduced by Rep. Carlos Curbelo and Rep. Yvette Clarke. It amends section 8(d) of the Act to ensure that subcontracting goals are accurately reported and implements GAO recommendations on how goals are set. As previously documented by the SBC, the SBA has failed to uniformly implement standards for its subcontracting programs. This disadvantages small businesses that are promised work as subcontractors, but it also places large contractors who comply with the law at a competitive disadvantage. Finally, it distorts the health of the supply chain, which ultimately places the warfighters at risk. Therefore, section 301 requires that SBA explain and uniformly implement its subcontracting regulations.

b. Sec. 302. Pilot program to provide opportunities for qualified subcontractors to obtain past performance ratings

Section 302 is based upon H.R. 4317, the Promoting Reliable Subcontractors Act as introduced by Rep. Richard Hanna and Rep. Mark Takai. Recognizing that one of the best ways to strengthen the industrial base is to improve the ability of subcontractors to ultimately compete for prime contracts, this section amends section 8(d) of the Act to add three year pilot program. The pilot program would voluntarily allow small subcontractors and their large prime contractors to award past performance ratings to subcontractors.

## V. Mentor-Protégé Programs

Mentor-Protégé programs are intended to partner small businesses with established mentors in order to improve the protégé's ability to win and successfully perform on contracts and subcontracts.<sup>18</sup> However, as the FY16 NDAA found, there are frequently issues with implementation of these programs. These include problems ensuring that the beneficiaries of the programs are small businesses, that the programs themselves are effective, and that programs run by SBA, the civilian agencies and DoD remain complementary rather than duplicative. Section IV addresses these concerns and is based upon H.R. 4322, the Mentor-Protégé Cooperation Reform Act, introduced by Rep. Steve Knight and Rep. Judy Chu.

a. Sec. 401. Amendments to the Mentor-Protégé Program of the Department of Defense

Section 401 amends section 831 of National Defense Authorization Act for Fiscal Year 1991 to allow the Department of Defense to rely upon SBA's Office of Hearings and Appeals to make size determinations. Otherwise, due to changes in last year's bill, DoD will be forced to develop an internal capacity to determine business size status. This would be duplicative and

<sup>18</sup> For more information on the issues with mentor-protégé programs, please see SBC Memorandum *Maximizing Mentoring* (2015) available at [http://smbiz.house.gov/uploadedfiles/10-27-2015\\_hearing\\_memo.pdf](http://smbiz.house.gov/uploadedfiles/10-27-2015_hearing_memo.pdf).

burdensome for DoD, and risks a situation where DoD and SBA arrive at different answers for the same businesses. This is an area where our two Committee's share jurisdiction, and this is a common sense solution.

b. Sec. 402. Improving cooperation between the mentor-protégé programs of the Small Business Administration and the Department of Defense

Section 402 amends the section 45 of the Act to ensure coordinate between the Department of Defense Mentor-Protégé program and the SBA's Mentor-Protégé program, including the sharing of data and measures of success. The FY13 NDAA already implemented these provisions for the civilian agencies. As GAO has repeatedly pointed out, there is no standard definition of success for mentor-protégé programs. Instead, DoD relies upon whether the protégé receives more work, but given that its mentor company receives credit or reimbursement for using the protégé, it doesn't address whether there are sustainable improvements in the protégé firm that ultimately make the small business more competitive. Section 402 seeks to answer that question.

**VI. Miscellaneous**

Title V of H.R. 4341 is a collection of strong ideas that did not fit elsewhere in the bill. These seven ideas have all been examined by the SBC, and deserve support.

a. Sec. 501. Improving education on small business regulations

Section 501 is based upon H.R. 4337, Education for Contracting Personnel Improvement Act of 2016, introduced by Rep. Grace Meng and Rep. Richard Hanna. It amends section 15 of the Act to require the SBA to annually share a list of regulatory changes affecting small business contracting with the entities responsible for training contracting personnel, including the Defense Acquisition University and the Federal Acquisition Institute. It also requires that those changes be shared with groups providing assistance to small businesses, including the Small Business Development Centers, the Procurement Technical Assistance Centers, and others. This ensures that contracting agencies and small contractors have up-to-date information on rules and regulations. Given that the Federal Acquisition Regulatory Council has taken more than 7 years to implement some statutory changes, this provision is essential.

b. Sec. 502. Protecting task order competition

This section amends 41 U.S.C. § 4106(f) to allow protests of task orders exceeding \$10 million if the contracts are awarded by civilian agencies. Otherwise, this provision will expire in September 2016, leaving only Department of Defense task order open to protests. The provision referred to the Committee on Oversight and Government Reform, who have already agreed to this provision.

c. Sec. 503. Improvements to size standards for small agricultural producers

This section is based upon H.R. 3714, the Small Agriculture Producer Size Standards Improvements Act of 2015 as introduced by Rep. Mike Bost and Rep. Grace Meng. It amends sections 3(a) and 18(b) of the Act to allow SBA to establish individual size standards for small agricultural producers following the same process used for all other industries. Otherwise, the size standards will remain at the statutorily-set \$750,000. This number, which was set almost 20 years ago, cannot be adjusted for inflation without a legislative change. The size standard makes it harder for DoD and its prime contractors to receive credit for contracting with small farms.

d. Sec. 504. Uniformity in service-disabled veteran definitions

This section is based upon H.R. 3945, the Improving Opportunities for Service-Disabled Veteran-Owned Small Businesses Act of 2015, introduced by Rep. Coffman, Rep. Chabot, Rep. Miller, Rep. Velázquez, Rep. Hanna, Rep. Connolly, Rep. Walorski and Rep. Moulton. It amends section 3(q) of the Small Business Act and 38 U.S.C. § 8127 to unify the definitions and regulations applicable to the government-wide and Department of Veterans Affairs specific contracting programs for veterans and service-disabled veterans. The SBC and House Committee on Veterans' Affairs have held numerous hearings in support of this provision.<sup>19</sup> The Committee on Veterans' Affairs supports the inclusion of this provision.

e. Sec. 505. GAO review of the Office of Government Contracting and Business Development of the Small Business Administration

Section 505 is based upon H.R. 4340, the Small Business Contracting and Acquisition Programs Efficiency Act introduced by Rep. Aumua Amata Radewagen and Rep. Seth Moulton. It requires that the Government Accountability Office examine how SBA is organized to implement the contracting provisions of the Act. This was spurred by oversight hearings of the SBA that identified duplication and confusion with some functions, such as verification, but delays in addressing other critical needs, such as timely regulations.<sup>20</sup>

f. Sec. 506. Required reports pertaining to capital planning and investment control.

Offered as an amendment during markup, section 506 addresses data security issues within SBA. These issues were uncovered during a series of SBC hearings held in January of 2016.<sup>21</sup> The

<sup>19</sup> See, e.g., SBC Subcommittee on Contracting and Workforce and Committee on Veterans' Affairs Subcommittee on Oversight and Investigations, Joint Hearing: An Examination of Continued Challenges in VA's Vets First Verification Process (Nov. 4, 2014) available at [http://smbiz.house.gov/uploadedfiles/11-04-2015\\_hearing\\_memo.pdf](http://smbiz.house.gov/uploadedfiles/11-04-2015_hearing_memo.pdf).

<sup>20</sup> See SBC Memorandum, *SBA Management Review: Office of Government Contracts and Business Development* (2016) available at [http://smbiz.house.gov/uploadedfiles/2-3-16\\_hearing\\_memo.pdf](http://smbiz.house.gov/uploadedfiles/2-3-16_hearing_memo.pdf).

<sup>21</sup> See SBC Memorandum, *Attention Needed: Mismanagement at SBA* (2016) available at [http://smbiz.house.gov/uploadedfiles/1-06-2016\\_memo.pdf](http://smbiz.house.gov/uploadedfiles/1-06-2016_memo.pdf).

legislative provision requires that SBA provide the SBC with copies of reports it already prepares on these issues.

g. Sec. 507. GAO review of surety bonds

Rep. Steve King offered section 507 as an amendment during markup. This section requires that the Comptroller General review the use of surety bonds in small business procurements. Specifically, the study seeks to uncover whether greater use of bonds would better protect taxpayers.

**VII. Other Issues**

In addition to the provisions included in H.R. 4341, the SBC is working to reauthorize the Small Business Innovation Research Program and the entrepreneurial development programs of the Act. These program further complement Chairman Thornberry's work on procurement reform by ensuring that high quality small business research and development projects continue to flourish at DoD, and that SBA is effectively introducing the next generation of entrepreneurs to the opportunities afforded by federal contracting. Both provisions strengthen the industrial base, and enjoy bipartisan support. The SBC anticipates marking these provisions up in March, and will continue to communicate with HASC on these issues.

**VIII. Conclusion**

In conclusion, we all agree that our nation deserves vital small business industrial base: it is fundamental to the health of our nation as a whole. We look forward to working with this Committee to ensure that small businesses remain continue to provide the Department of Defense and the federal government with innovative and competitive solutions to support critical programs. We'd be happy to answer any questions.



**Member Testimony Submission  
Congressman Keith Rothfus (PA-12)  
House Armed Services Committee  
National Defense Authorization Act for Fiscal Year 2017  
March 1, 2016**

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Chairman Thornberry, Ranking Member Smith, and Members of the Committee:

Thank you for holding this hearing today and for receiving my testimony on the National Defense Authorization Act (NDAA) for Fiscal Year 2017. In an increasingly dangerous world, there is no greater constitutional responsibility of Congress than “provid[ing] for the common defence” of our nation. Yet, meeting this obligation has become increasingly difficult in recent years due to avoidable and unnecessary fiscal constraints.

It is a result of these constraints that our military has been forced to implement policies like the Army’s Aviation Restructure Initiative (or “ARI”), which I have long opposed. As you may recall, I have appeared before this Committee each year since ARI was first proposed to raise the alarm that the plan is dangerous, shortsighted, and will significantly harm our national security.

Specifically, ARI will have devastating impacts on the National Guard, stripping it of its Apache helicopters and ensuring that it will be less combat-ready and less able to provide operational depth. It will also deprive our nation of an operational reserve for these aircraft, which is essential to the retention and management of talented aircrews. Post-9/11, the National Guard has become a highly experienced and capable combat force. Yet, ARI represents a fundamental shift in the nature and role of the National Guard and runs counter to the wisdom and preference of many members of Congress and their constituents.

This conclusion is bolstered by the recent report and recommendations offered by the National Commission on the Future of the Army (NCFA). I joined my colleagues in urging this Committee to create the NCFA to offer a deliberate assessment of the proper size and force mixture of our armed forces. The NCFA was specifically directed to address ARI, and after extensive discussion and analysis, the commission soundly rejected the Army’s plan.

Instead, the NCFA proposed an alternative plan to maintain four National Guard Apache battalions equipped with eighteen aircraft each. The plan also proposes to add two Black Hawk battalions to

the National Guard. In the commission's opinion, this offers "significant advantages" relative to ARI by providing greater wartime capacity, improved operating tempo, higher wartime surge capacity, and contributing to a key goal of "achieving one Army that works and trains together in peacetime and, if necessary, fights together in war."

Last year, I fought to ensure that the Army could not move forward with ARI until the NCFA had completed its work and Congress had sufficient opportunity to consider the commission's report and recommendations. That time now has come; Congress must act. We must finally put an end to ARI, implement the well-thought-out recommendations of the NCFA, and retain a minimum of four Apache battalions in the National Guard.

Of course, the question remains how these aviation assets will be distributed, and there are some who argue that the battalions should be located in single states. I would caution against that approach and instead point to the many positive benefits that come from multi-state units, such as the agreement that was reached between my home state of Pennsylvania and South Carolina. Similar agreements have been reached between Texas and Mississippi and between Arizona and Missouri. Under the terms of such agreements, one state would retain a battalion headquarters and two companies of Apaches; the other state would retain the remaining company.

By expanding the footprint of the Apache battalions, the National Guard will maximize its ability to recruit and retain talented pilots and crew from different regions of the United States. Multi-state units will also ensure that National Guard companies can regularly participate in collective training and maintenance with the Regular Army, thereby advancing the Army's objective for Total Force integration. Finally, multi-state units will provide strategic "grow-back" depth in the National Guard should the need arise in the future to reestablish additional Apache battalions, such as the 1-104th, that have been disbanded. While addressing current fiscal constraints is important, we must proceed in such a way that will maximize our readiness and ability to surge in times of war.

Time and again, the brave members of the National Guard have risen to the occasion and heeded the call to defend our nation, both at home and abroad. By taking the steps that I have identified here today, we in Congress can ensure that they may continue to do so for years to come.

Thank you for the opportunity to address you this morning, and I am happy to answer any questions that you may have.

Congressman Rick Crawford

**Testimony before the House Armed Services Committee:  
EOD Priorities for the FY2017 NDAA**

Good morning Chairman Thornberry, Ranking Member Smith, and distinguished members of the Committee. Thank you for the work you do to preserve the security of our great nation and for allowing me to testify before the full committee regarding Explosive Ordnance Disposal priorities for the Fiscal Year 2017 National Defense Authorization Act. I served in the Army as an EOD tech and am proud to be a co-founder, along with Committee member Susan Davis, of the House EOD Caucus.

Explosive Ordnance Disposal Soldiers, Sailors, Airmen and Marines are the military's preeminent team of warrior explosive experts. They are trained and equipped to identify and neutralize explosives used by terrorist networks across the globe. EOD forces have proven to be game changers in attacking and dismantling terrorist cells and associated networks. They support counterterrorism operations, build the capacity of partner nations, and protect the homeland by supporting civilian law enforcement agencies at federal, state and local levels.

In the homeland, there are an estimated 66,000 "call outs" annually across the United States on explosive ordnance by interagency, military EOD, and public safety bomb squads. We note that the civil authority public safety bomb squads are not trained to render-safe military munitions. Render-safe is done solely by our military EOD tactical units. These EOD units provide highly technical defense support to civilian law

enforcement agencies but they do not perform law enforcement activities.

With respect to the Army's capability to conduct unified land operations, we have concern that the Army has been quietly duplicating roles, responsibilities and mission sets of its EOD force into that of the Chemical force. Briefly, the Army Chemical Corps has taken credit, along with senior Army leadership, for the EOD force's accomplishments over the last fifteen years. In order to justify increasing and preserving Chemical force structure, they have waived a banner of "the all hazards CBRNE force for conducting weapons of mass destruction – elimination".

Actually, it is the EOD formations that provide scalable and tailorable mission command. Tactical EOD units conduct weapons defeat, weapons disablement, and weapons disposal activities in the Joint Force commanders' combating weapons of mass destruction elimination operations. The recent report by the National Commission on the Future of the Army notes the significant value of EOD forces in the theater structure and further cites the 30,000 Department of Army Civilians necessary to enable EOD units in theaters of operations.

We concluded that the Army had re-balanced the EOD force. However, the Army states that they will now decrement the active component EOD force by an additional 877 Soldiers, or even more. But the Army will only cut the active component Chemical force by a total of sixteen Soldiers, all while the Army busy is cutting entire Brigade Combat Teams.

We observe that the Army's Chemical Corps units have not deployed to any of the theaters of operations in the last 15 years to conduct their primary mission of passive chemical defense operations – reconnaissance, decontamination, and smoke. In that time, we have witnessed significant mission failure such as shipping live anthrax and unauthorized use of contractors to respond to improvised explosive devices at Dugway Proving Grounds; release of live chemical agents at Toole Depot; and numerous chemical and explosive safety violations at Edgewood Area of Aberdeen Proving Grounds; and more.

Therefore, the EOD caucus provides for your consideration proposed language for 10 United State Code, Chapter 307 – The Army, §3063(a)(10) strike “Chemical Corps” and insert “Explosive Ordnance Disposal Corps” as a basic branch of the Army.

On a positive note, I applaud the Chairman and Ranking Member's personal interest in streamlining the Department of Defense processes for research, development and acquisition (RD&A); however, I remain concerned about achieving major cost-savings while gaining substantial efficiencies with respect to EOD research, development and acquisition.

The Secretary of Defense has designated the Secretary of the Navy as the single manager for common EOD Technology and Training. This was a 1970s solution set that no longer serves the EOD force. I'll highlight an example.

The go-to EOD tool for rendering safe improvised explosive devices (such as those used during the Boston bombings) is the

percussion actuated neutralization (PAN) disrupter. The Services' respective EOD forces identify their common requirement to the Navy, which then adopts the requirement into the Navy program. Each of the Services must then go back to their own Service's requirements process and further identify the requirement, then further complete this common EOD requirement within their respective Service for acquisition.

Cutting to the chase, the first organizations to acquire the Department of Defense developed PAN disrupter were actually civil authority public safety bomb squads for use on improvised explosive devices, followed by the Navy EOD, Marine Corp EOD, Air Force EOD units and at last, the Army. It took the Army over ten years to field PAN Disrupters to their EOD units.

This is not what the committee envisions as streamlined and I will offer language for the committee's consideration. Briefly, this language establishes a fully joint EOD program, with the Navy as executive agent, for the Department of Defense to coordinate and integrate RD&A for EOD defense programs.

The Secretary of the Army provided the committee a brief in November 2015, on the Army EOD force. I have closely monitored the Army Training and Doctrine Command's (TRADOC) studies on reorganization of EOD force structure, EOD force modernization, and establishing an Explosive Ordnance Disposal Corps as a basic branch of the Army.

Today, the good news is that the TRADOC has established a capability manager for EOD at the Combined Arms Support

Command at Fort Lee, Virginia for the purpose of integrating EOD force modernization across all of the Army's Centers of Excellence.

However, I remain concerned on the Army's efforts to establish, and fully resource, both the EOD qualified Colonel led - TRADOC Capability Manager for EOD and the EOD qualified, Brigadier General Officer led - Commandant, U.S. Army EOD School to ensure health and viability of the Army EOD force.

Therefore, the EOD caucus provides for your consideration proposed directive language requiring the Secretary of the Army to provide the committee a briefing and report on the Army EOD Branch proponent not later than December 1, 2016 to the committee.

As the committee examines legislation refinement for our Nation's defense, I feel that there are a number of issues that we can address in this year's NDAA that can help strengthen our preeminent military explosive experts. As you draft the NDAA, please consider including language that:

1. Enact the EOD Caucus' proposed language on Title 10 United States Code, Chapter 307 – The Army, §3063(a)(10) strike "Chemical Corps" and insert "Explosive Ordnance Disposal Corps" as a basic branch of the Army
2. Enact the EOD Caucus' proposed language on Title 50 United States Code, Chapter 57 – Explosive Ordnance Disposal Program, §4701 to §4702.



3. Publish directive report language using the EOD Caucus proposed language for the Secretary of the Army to provide a brief and report on the Army EOD Branch Proponent not later than December 1, 2016 to the committee.

Thank you again for the opportunity to present my testimony today. I look forward to working with the Committee in the near future to craft legislation that supports the critical Joint Explosive 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.

**U.S. Code: Title 50 – WAR AND NATIONAL DEFENSE**

**Added:**

**“50 U.S. Code Chapter 57 - Explosive Ordnance Disposal Program (§4701 to §4702)**

**§4701 – Conduct of the Explosive Ordnance Disposal Defense Program**

**(a) General**

The Secretary of Defense shall carry out the military explosive ordnance disposal defense program of the United States in accordance with this section.

**(b) Management and Oversight** In carrying out his responsibilities under this section, the Secretary of Defense shall do the following:

(1) Assign responsibility for overall coordination and integration of the explosive ordnance disposal defense program to a single office within the Office of the Secretary of Defense.

(2) Take those actions necessary to ensure close and continuous coordination between the military departments on the explosive ordnance disposal defense program.

(3) Exercise oversight over the explosive ordnance disposal defense program through the Defense Acquisition Board process.

**(c) Coordination of Program**

(1) The Secretary of Defense shall designate the Navy as executive agent for the Department of Defense to coordinate and integrate research, development, test, and evaluation, and acquisition, requirements of the military departments for explosive ordnance disposal defense programs of the Department of Defense. The military departments may conduct research, development and acquisition for Service unique EOD requirements.

(2) The Director of the Defense Advanced Research Projects Agency may conduct a program of basic and applied research and advanced technology development on explosive ordnance disposal defense technologies and systems. In conducting such program, the Director shall seek to avoid unnecessary duplication of the activities under the program with explosive ordnance disposal defense activities of the military departments and defense agencies and shall coordinate the activities under the program with those of the military departments and defense agencies.

(d) Funding

(1) The budget for the Department of Defense for each fiscal year, beginning in fiscal year 2018, shall reflect a coordinated and integrated explosive ordnance disposal defense program for the Department of Defense.

(2) Funding requests for the program (other than for activities under the program conducted by the Defense Advanced Research Projects Agency under subsection (c)(2) of this section) shall be set forth in the budget of the Department of Defense for each fiscal year as a separate account, with a single program element for each of the categories of research, development, test, and evaluation, acquisition, and military construction. Amounts for military construction projects may be set forth in the annual military construction budget. Funds for military construction for the program in the military construction budget shall be set forth separately from other funds for military construction projects. Funding requests for the program may not be included in the budget accounts of the military departments.

(3) The program conducted by the Defense Advanced Research Projects Agency under subsection (c)(2) of this section shall be set forth as a separate program element in the budget of that agency.

(4) All funding requirements for the explosive ordnance disposal defense program shall be reviewed by the Secretary of the Navy as executive agent pursuant to subsection (c) of this section.

**(e) Management Review and Report**

(1) The Secretary of Defense shall conduct a review of the management structure of the Department of Defense explosive ordnance disposal defense program, including –

- (A) research, development, test, and evaluation;
- (B) procurement;
- (C) doctrine development;
- (D) policy;
- (E) training;
- (F) development of requirements;

(G) readiness; and

(H) risk assessment.

(2) Not later than May 1, 2018, the Secretary shall submit to Congress a report that describes the details of measures being taken to improve joint coordination and oversight of the program and ensure a coherent and effective approach to its management.

**§4702 – Definitions**

(a) Explosive Ordnance:

(1) This includes bombs and warheads;

(2) guided and ballistic missiles;

(3) artillery, mortar, rocket and small arms munitions;

(4) all mines, torpedoes, and depth charges;

(5) demolition charges;

(6) pyrotechnics;

(7) clusters and dispensers;

(8) cartridge and propellant actuated devices;

(9) electro-explosive devices;

(10) clandestine and improvised explosive devices; and

(11) all munitions containing explosives, nuclear fission or fusion materials, and biological and chemical agents.

(b) Explosive Ordnance Disposal:

(1) The detection;

(2) identification;

- (3) field evaluation;
- (4) defeat, disablement or rendering-safe;
- (5) recovery and exploitation; and
- (6) final disposal of unexploded ordnance.

(b) Unexploded Ordnance:

- (1) Explosive ordnance which has been primed, fuzed, armed or otherwise prepared for action; and
- (2) which has been fired, dropped, launched, projected or placed in such a manner as to constitute a hazard to operations, installations, personnel or material; and
- (3) remains unexploded either through malfunction or design or for any other cause."

10 United State Code, Chapter 307 – The Army, Section 3063

(a) The Secretary of the Army may assign members of the Army to its branches. The basic branches are—

(10) Strike “Chemical Corps” and insert “*Explosive Ordnance Disposal Corps*”;

SECTIONAL ANALYSIS:

“Section 3063 (a) (13) such other basic branches as the Secretary considers necessary.” This authorization permits the Secretary to establish additional basic branches.

The Secretary of the Army has used this authorization to establish the additional basic branches such as the Special Forces Branch, Psychological Operations Branch, and Civil Affairs Branch; and the Acquisition Corps.

The Army has studied establishing the Explosive Ordnance Disposal (EOD) basic branch. However, the Logistics Corp’s Ordnance Branch has demonstrated its continued reluctance to break away from tradition and commensurately resource this EOD Branch for responsibilities on ensuring explosives safety during development, testing, fielding, handling, storage, defeat, disablement (rendering-safe) and disposal of munitions.

The recent National Commission on the Future of the Army Report (January 28, 2016) highlighted that the Army, as part of the theater structure for sustained unified land operations, provides Explosive Ordnance Disposal capabilities to the other Services; has Executive Agent responsibilities for Explosives Safety Management and the Unexploded Ordnance Center of Excellence; and noted that some 30,000 Army civilians were deployed to Iraq and Afghanistan to serve with Army Explosive Ordnance Disposal Teams.

Whereas the Army Chemical Corps has committed systemic safety violations by Chemical, Biological, Radiological and Nuclear (CBRN) Corps led units involving anthrax (Dugway Proving Grounds), chemical ordnance (Toole Depot) and explosives (Aberdeen Proving Grounds) over the past two decades.

The Army Chemical Corps has failed to pursue the use of contracting private sector chemical engineers and hazardous material specialists to rapidly augment performance of their primary mission – decontamination, for the Army’s theater structure. Instead they have pursued assimilating EOD mission sets into the Chemical Corps to justify Chemical force structure and garner EOD funding for

Chemical Corps use. The root cause of this shortfall is designation of the Chemical Corps as a basic branch outside of the Army's Logistics Corps.

The Army Chemical Corps' Soldiers do not demilitarize chemical weapons stockpiles, of either the United States or foreign governments; they do not conduct weapons of mass destruction elimination operations (defeat, disable (rendering-safe) and disposal activities; however, the Army Chemical Corps is manned, trained and equipped to conduct passive chemical defense operations.

It is notable that none of the Army Chemical units have deployed to Afghanistan or Iraq to perform their primary missions of reconnaissance, decontamination or smoke operations. (SEE attached "Relevance of the U.S. Army Chemical Corps" study). Although the Army is drawing down its Active Component force structure, none of the Active Component chemical units are scheduled for draw-down. Additionally, none of the Army Chemical Corps Institutional organizations have been decremented, nor has the Army provided the Congress the scheduled draw-down and closure of chemical demilitarization operations with anticipated personnel and cost savings.

The decontamination capability is a key component of Defense CBRN Response Force (DCRF) and the Army should already have these emergency "surge" contracts in place for its Installation support (although the Chemical Corps units haven't physically deployed in two decades to perform chemical decontamination, they shouldn't be relied upon to be available for Installation support). Civil authorities may use the their own certified fire department or public safety hazardous material response teams; local contracted private sector capability; or use the Army's contracted decontamination capability (for Installation support) on a reimbursable basis.

Actually, it is the Army Explosive Ordnance Disposal Corps that truly possess the documented (11,00 and growing classified technical manuals) knowledge, certified technical skills, innate attributes and several decades of operational experience with an impeccable safety record during dangerous operations to defeat, disable and dispose explosive ordnance with chemical, biological, radiological, nuclear and high-yield explosives.

10 U.S.C. Chapter 307, Section 3063 (a) (13) does authorize the Secretary of the Army, if deemed necessary, to designate a Chemical Corps.

## NDAA for FY 2017

TITLE X – GENERAL PROVISIONS  
ITEMS OF SPECIAL INTEREST  
OTHER MATTERS

## Report on Army Explosive Ordnance Disposal (EOD)

The committee has been closely monitoring proposed changes to the Army's Explosive Ordnance Disposal (EOD) force structure, force modernization and branch proponent for impacts upon capability and capacity to provide scalable and tailorable EOD mission command and EOD forces to conduct counter improvised explosive devices operations, counter unexploded ordnance operations and combating weapons of mass destruction elimination operations in support of the Army and Joint Force Commanders.

The Secretary of the Army has recently informed the committee that the Training and Doctrine Command has established a capability manager for explosive ordnance disposal to integrate EOD force modernization activities across all of the Army's Centers of Excellence. However, the committee remains concerned that the Army has not clearly identified its future branch proponent requirements for an EOD Corps consisting of a fully integrated explosives ordnance disposal, ammunition and explosives safety basic branch. Therefore, the committee directs the Secretary of the Army to provide a briefing and a report to the House Committee on Armed Services by December 1, 2016, on the Army's EOD branch. At a minimum, the report shall include:

- (1) EOD officer development and career management program depicting key development assignments and key leadership positions from Lieutenant to that of Logistics Corps General Officer;
- (2) EOD officer and EOD senior non-commissioned officer standard of grade authorization requirements to fill the necessary positions throughout the institutional Army to ensure enduring health and viability of the EOD Branch;
- (3) Description of the Army EOD School Licensing process of EOD Soldiers;
- (4) Identification of joint, interagency, intergovernmental and multinational (JIIM) EOD Commissioned Officer and NCO positions; and
- (5) A cost-benefit analysis on any proposed realignment or relocation of EOD organization, force structure, training and branch proponent.



Testimony of Chairman Richard Hanna,  
Subcommittee on Contracting and Workforce, Committee on Small Business  
Before the House Committee on Armed Services  
National Defense Priorities from Members for the FY 2015 National Defense Authorization Act  
April 9, 2014

Good morning. Chairman McKeon, Ranking Member Smith, and other members of the Committee, thank you for taking the time to listen to me today.

Over the course of almost 30 years in private business, I grew a small firm from the ground up that employed around 450 people over time and successfully completed a myriad of commercial and municipal projects in upstate New York.

Given that experience, I know how important small business construction contracting is. It is an industry where a small business can grow into a large business. Construction contracting builds communities.

However, there are a few areas where the federal government's policy on construction contracting hurts small businesses, taxpayers, and the agencies themselves. This is particularly important given the scope of federal construction contracting. Construction and architect & engineering (or, A&E) contracting represent about 1 in every 6 prime contract dollars awarded to small businesses. That was over \$17 billion in prime contracts in fiscal year 2012.

Therefore, as the Chairman of the Subcommittee on Contracting and the Workforce of the Small Business Committee, I've introduced two bills this Congress, and cosponsored a third bill, intended to bring some commonsense reform to this arena. I'll discuss them briefly, but want to ask you to include them in this year's National Defense Authorization Act.

The first bill, H.R. 776, the Security in Bonding Act of 2013, addresses surety bonding. As construction projects get larger, it becomes harder for small businesses to obtain the necessary bonding to bid on these projects. In these cases, they sometime turn to disreputable sureties who issue worthless bonds that place the taxpayers at risk. This is a no-cost bill that makes it easier for small businesses to get legitimate bonds, and that makes sure that all bonds are worth more than the paper on which they are written. This makes sure agencies get a quality construction job, that taxpayers get what they pay for, and that small businesses get paid.

The other two bills I want to discuss address the way we buy construction and A&E. The first is reverse auctions. While there is evidence that reverse auctions can be a good way to buy commodities, two studies by the Corps of Engineers demonstrated that it doesn't work for construction services contracts. Therefore, I introduced H.R. 2751, the Commonsense Construction Contracting Act of 2013. This bill takes the lessons learned by the Corps and applies them to other federal agencies.

Likewise, the Corps has also led the way on design-build contracting, implementing a two-phase approach to procurements. Given the cost of bidding for design build work, the two phase approach allows more small businesses to compete and saves the government money. Unfortunately, not all civilian agencies have learned from the Corps experience, so I have cosponsored H.R. 2750, the Design Build Efficiency and Jobs Act of 2013. This bill encourages other agencies to adopt the policies in place at the Corps.

While I encourage you to include all of the contracting bills recently marked up by the Small Business Committee, given the significance of construction contracting I hope that you will incorporate H.R. 776, H.R. 2750, and H.R. 2751 into this year's National Defense Authorization Act.

Thank you, and I would be happy to answer any questions.

**Testimony of**  
**The Honorable Patrick Meehan (PA-07)**  
**Before the**  
**House Armed Services Committee**  
**Hearing: FY2017 National Defense Authorization Act Member Request Day**  
**2212 Rayburn HOB**  
**March 1, 2016**

Chairman Thornberry, Ranking Member Smith, and Members of the Committee, I want to begin by thanking you for holding this hearing. The Committee's support for our national security is second to none, and I very much appreciate the opportunity to weigh in with what I believe is a pressing national security issue.

The Marine Corps V-22 Osprey program has been involved in the most sophisticated combat operations since it became operational in 2009, including the mission that led to the death of Osama bin Laden. With its one-of-a-kind ability to land like a helicopter and fly like a plane, it offers an unmatched flexibility for the warfighter. Marine commanders will tell you that the Osprey gives them unprecedented ability to move troops and materiel around the battlefield faster than ever before.

The Osprey is constructed at Boeing's facility in Ridley Park, Delaware County and by Bell in your home district, Mr. Chairman, in Amarillo. It's purchased under a five-year contract that Congress authorized in Fiscal Year 2013. At that time, all four congressional defense committees – including this Committee – supported the contract. And for good reason. The contract saved nearly \$1 billion over single-year contracts while giving predictability to the industry to drive further efficiencies and capabilities into the aircraft. Unfortunately, the President's Fiscal Year 2017 budget request unexpectedly reduced the procurement of Osprey aircraft by two airframes.

Increased unit costs and termination liability could ultimately lead to additional and unnecessary costs for our taxpayers. The cut has the potential to jeopardize the workforce at the Boeing facility in Ridley – and it will take vital tools out of the hands of our battlefield commanders.

The only reason for the reduction is a budget from the White House that doesn't meet the needs of our warfighters. It's why the Marine Corps requested the two aircraft be replaced in its annual unfunded priorities list, which was submitted to this Committee after the budget release.

The V-22 Osprey has proven itself to be one of the most versatile aircraft in the Pentagon's inventory. Its success in action is a tribute to the men and women in uniform who fly the Osprey, and to the skill of the workforce in Ridley Park and Amarillo that produce it.

Congress, and your respective committees in particular, have reliably demonstrated strong support for the V-22 program. I ask that your committee continue that steadfast approach by restoring two MV-22 airframes in the Fiscal Year 2017 budget. They're a good deal for our taxpayers, they support good-paying jobs, and they're an important tool for our men and women in the field.

Thank you for your consideration.

**JUDY CHU, Ph.D.**  
27th DISTRICT, CALIFORNIA

**COMMITTEE ON  
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March 1, 2016

The Honorable Mac Thornberry  
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The Honorable Adam Smith  
Ranking Member  
Armed Services Committee  
2216 Rayburn HOB  
Washington, DC 20515

Dear Chairman Thornberry and Ranking Member Smith:

Next month will recognize the fifth anniversary of the death of my nephew, Harry Lew. Harry was determined to serve his country in any way he could. He enlisted in the Marine Corps and deployed to Afghanistan in 2011. My family beamed with pride. We never could have imagined the tragedy that would ensue.

While in Afghanistan, he was the victim of military hazing. In the middle of the night, his fellow Marines took it upon themselves to administer so-called "corrective training" for almost four hours. They tormented, abused and degraded him. They forced him to perform useless, unnecessary exercises while he was clad in his full body armor, carrying a 25-pound sandbag. After they kicked, punched, and stomped on his back, they nearly smothered him with the contents of the sandbag. Twenty-two minutes after this torture, Harry took his own life, and my family was forever changed.

Yet, Harry was not the only one. Over the years, I have heard stories of other servicemembers who also experienced hazing so arduous it led to their deaths. Private Danny Chen also served in Afghanistan in 2011. He was a victim of racially-based hazing. Like Harry, Danny took his own life.

I have made it my mission to end hazing in our armed services because it is unacceptable and indefensible. I worked to secure reports from the military branches in the 2013 National Defense Authorization Act (NDAA). The reports revealed the overall lack of reliable information and data on hazing, including serious deficiencies in the tracking and treatment of hazing by the Department of Defense (DOD).


Therefore, I urged the committee to include language for a Government Accountability Office (GAO) report on the current status of hazing in the military in the 2015 National Defense Authorization Act. With your assistance, this language was included and Congress received this report last month. Today, we have an independent analysis that found that DOD anti-hazing policy is not being implemented, training is unclear, and tracking systems are highly divergent and underdeveloped.

More specifically, we learned that DOD is not aware of the extent to which the department's hazing policies have been implemented. In December 2015, DOD released an updated policy memorandum on hazing, but as GAO indicates, it does not go far enough to ensure that their policies are being implemented consistently and thoroughly. GAO underscored the need to better define hazing in order to teach servicemembers how to identify it. It emphasized the need to vastly improve the military services' tracking mechanisms, which are incomplete and inconsistent, preventing us from having the reliable data that would help determine root causes and propose real solutions. Lastly, the GAO indicates that the DOD has not evaluated the prevalence of hazing in a meaningful way.

Given these objective findings, I request that as the House Armed Services Committee prepares the 2017 National Defense Authorization Act, language is included to 1) require DOD to submit an annual report to Congress to ensure anti-hazing policies are implemented consistently; 2) require DOD to improve existing training to help servicemembers better identify and respond to hazing at all command levels; 3) mandate that DOD issue a department-wide guidance on a comprehensive and consistent data collection system that includes information on protected classes such as race and religion; and 4) evaluate the prevalence of hazing through department-wide surveys. Only when we have these changes in place can we truly begin to eliminate hazing in the military.

Thank you Chairman Thornberry and Ranking Member Smith for allowing me to discuss my legislative priorities for the 2017 NDAA. I urge Congress take action to eradicate hazing in the military.

Sincerely,



JODY CHU  
Member of Congress

**Member Testimony Submission  
Congressman Scott Perry (PA-4)  
House Armed Services Committee  
National Defense Authorization Act for Fiscal Year 2017  
March 1, 2016**

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Chairman Thornberry, Ranking Member Smith, and Members of the Committee:

Today, I focus my remarks on one decision of particular concern with many of our fellow Members of the House: the Army's proposed "Aviation Restructure Initiative" (ARI) and its negative impacts on our reserve component military.

At the height of the wars in Iraq and Afghanistan, nearly fifty percent of the Army's total force was reserve component personnel; in fact, the Pennsylvania Army National Guard alone contributed more than 21,000 overseas deployments. To meet these needs, the National Guard has transitioned from a strategic reserve to a fully operational force.

Unfortunately, the Army's proposed ARI will have devastating impacts on everything that the National Guard has achieved thus far. — a fact that's supported by the recent report and recommendations of the National Commission on the Future of the Army (NCFA). My amendment in last year's NDAA prevented the Army from moving forward with any restructure plans—including ARI—until after the NCFA released its report to Congress for with recommendations. Simply put, the NCFA rejected the ARI proposal after comparing it to a number of alternatives — so, simply answered; we need to act upon this report and its recommendations. Now's the time to halt the ARI, and retain the four Apache battalions in question in the National Guard.

The Commission's recommendation offers "significant advantages" over ARI - allowing for greater wartime capacity, improved operating tempo, higher wartime surge capacity, and the key goal of "achieving One Army that works and trains together in peacetime and, if necessary, fights together in war." It also balances the force and provides for like components. If two more ARBs are needed, they should be maintained in the Guard based on cost and nearly every other metric from arms inspection results to safety, to success in combat.

**Testimony Before the House Armed Services Committee  
Congressman Bruce Poliquin  
March 1, 2016**

Good Morning, Chairman Thornberry, Ranking Member Smith and Members of the Committee. I appreciate the opportunity to testify before you today about the National Defense Authorization Act (NDAA) for Fiscal Year 2017. First and foremost, I would like to thank you for the important work you do.

I am here today to discuss three topics that are very important to me and ask for your support for each of them.

1. First, the Berry Amendment requires the Department of Defense to use domestically made products when available. Due to a decline in domestic athletic footwear manufacturing several years ago, the Pentagon stopped issuing Berry compliant athletic shoes to enlisted members of the Army, Navy, Air Force and Marine Corps upon their initial entry into the armed forces.

But in recent years, New Balance—which employs 900 hardworking Mainers and 3,000 workers across the United States— has risen to the challenge and invested heavily in producing Berry compliant athletic footwear right here on American soil. Congresswoman Niki Tsongas (D-MA) and I have been working hard to ensure that the Department of Defense utilizes these American made shoes, which are arguably some of the best athletic shoes in the market today.

I urge you to include a proposal submitted by Congresswoman Tsongas that would ensure our men and women in uniform have access to the best American made athletic footwear available when they enter the United States Armed Forces. I respectfully request that you include this language in the committee mark.

2. Second, I am extremely pleased that last year's NDAA authorized an additional DDG-51 ship and also authorized the Navy to utilize Incremental Funding for procurement of that ship. The FY 2016 Omnibus provided a billion dollars of funding toward that authorized additional DDG-51, but left the balance of the ship's funding to be provided. These elite ships are the nation's frontline multi-mission surface combatants and are in heavy demand by Combatant Commanders due to their range of mission capabilities including expanded capability in Ballistic Missile Defense. Nearly 6,000 of the hardest working Americans build these ships in Bath, Maine. We must ensure that our Navy remains strong and these ships continue to be built.
3. Third, today I introduced the Fair Treatment for our National Guard and Reservists Act. This common sense piece of legislation restores the travel tax deduction for members of the National Guard and Reservists. These men and women leave their families once a month to spend weekends training. Under the current tax code, federal employees who travel more than 50 miles from their residence for non-reimbursable work related

travel can deduct those expenses from their taxes but our National Guard and Reserve Members must travel more than 100 miles to take advantage of that same tax deduction. This is unfair and wrong.

4. We cannot expect these men and women to sacrifice 52 weekends a year away from their friends and family so that they are prepared to deploy domestically and abroad and not provide them with the same tax deductions that we offer other federal employees. This bill requests that the Secretary of Defense conduct a study and report to Congress on the travel expenses that our National Guardsmen and women and Reservists spend annually. I urge the committee to include this study in the NDAA so that we can know how much we are asking these men and women to financially sacrifice for their weekend long training.

In closing, thank you for the important work you all do for our troops. Thank you for your time and consideration of these requests and I would be pleased to answer any questions you might have.



**Testimony to the House Armed Services Committee (HASC)  
Representative Ann Wagner (R-MO)  
March 2, 2016**

Chairman Thornberry, Ranking Member Smith, and Members of the Committee. I want to begin by thanking you for your steadfast commitment to our Nation's most pressing national security matters. In that vein, I want to highlight the growing stresses on and demands for United States Navy tactical aviation.

As you know, the ongoing wartime operations against the Islamic State of Iraq and the Levant (ISIL) have greatly increased the operational tempo of our tactical aircraft. The carrier based aircraft – F/A-18 Hornets and Super Hornets, have been the backbone of our force projection and engagement.

Last year the Chief of Naval Operations (CNO) testified that his Navy faced a shortage of operational aircraft. This is commonly referred to as the tactical aviation shortfall. Congress – and your Committee led the way – addressing part of this challenge with added aircraft in Fiscal Year 2016. However, the President has not budgeted to take on the challenge more robustly in this year's budget. Only 2 Super Hornet aircraft were added in the OCO, in response to training and operational losses. The Fiscal Year 2018 budget shows a demand for 14 more aircraft, but there still is a potential gap this year.

These actions taken to address the tactical aviation shortfall are not enough. That is why the Chief of Naval Operations (CNO) will provide Congress with an “unfunded requirement” request for 12 additional Super Hornets above the President’s Budget. There remains a shortfall of at least 36 Super Hornet aircraft. Given the critical capability that the Super Hornet provides for ongoing wartime operations, any shortfall is dangerous to the Navy’s ability to project force throughout the world. This unfunded requirement request helps mitigate that shortfall, anticipating that the Navy will follow through on its promise to add aircraft in next year’s budget deliberation.

In years past, your committees have been incredibly responsive to the warfighter’s most pressing needs. The budget and its unfunded requirement request demonstrate how important tactical aviation is to the Navy’s mission. The Super Hornet is providing that critical capability today at the most affordable cost.

I ask that you urgently consider the Navy’s unfunded request and add 12 F/A-18E/F Super Hornets to the President’s Budget to address the tactical aviation shortfall and the warfighter’s needs.

I look forward to working with you throughout the year on this issue. Thank you for consideration of this request.

We ask that you take into consideration the recent demands placed on Naval tactical aviation as you consider the President’s Budget request for Fiscal Year 2017.

**HASC - Member's Day**  
**National Defense Priorities from Members for the FY**  
**2017 National Defense Authorization Act**  
**(NDAA)**

**Congresswoman Radewagen: Testimony - H.R. 4340, the Small Business**  
**Contracting and Acquisition Programs Efficiency Act**  
**(SB CAPE Act)**

I would first like to thank Chairman Thornberry, and Ranking Member Smith for the opportunity to testify today before the House Armed Services Committee, in regards to *H.R. 4341, the Defending America's Small Contractors Act*. Particularly, I will be addressing Section 505 of Title V of the bill, which I introduced on its own and has been included in *H.R. 4341*.

As you may know, over the past decade, numerous reports issued by the SBA's Office of the Inspector General and the Government Accountability Office have identified structural weaknesses in the SBA's, Office of Government Contracts and Business Development's oversight of personnel, and programs management & controls.

Since FY 2014, 39% of all federal contract dollars have been awarded to small businesses, and in fulfilling its jurisdictional role, the House Small Business Committee is conducting oversight of the contracting programs run by the GCBD. However, because the responsibility for implementing many of the programs rests outside of GCBD, and GCBD having limited influence over those responsible for the day-to-day operations of the program, the opportunity for waste, fraud and abuse is prevalent.

Meanwhile, regulation implementing statutory changes, intended to help small businesses are taking three or more years to implement. Furthermore many of the organizations within GCBD conduct duplicative activities; leaving open the possibility of greater inefficiencies and more bureaucracy for small businesses seeking to compete in the federal marketplace.

Due to their importance, these issues were recently the topic of a hearing conducted by the House Small Business Committee's - Subcommittee on Contracting and Workforce.

As a result of the hearing and subsequent data, I introduced the Small Business Contracting and Acquisition Programs Efficiency Act, or SB CAPE Act, which has become Section 505 of Title V of H.R. 4341, the Defending America's Small Contractors Act.

Specifically, Section 505 requires GAO to:

- Examine the extent to which SBA personnel who carry out certain procurement and business development programs report to the OGCB, and
- Determine whether greater efficiency and consistency in the certification process of the procurement and business development programs could be achieved by creating a single organizational unit of employees to process all certifications required by such programs,
- Determine whether greater efficiency and efficacy in the performance of such programs could be achieved by improving the alignment of the field personnel assigned to them,
- Assess how the OGCB could improve its staffing of regulatory drafting functions and its coordination with the Federal Acquisition Regulatory Council to ensure timely rulemaking by the SBA, and
- Report on any other areas in which the GAO determines that the SBA could improve its performance with respect to procurement and business development programs.

The report will prove to be a valuable tool in helping Congress to ensure that those offices and programs within the SBA, which are created to help small businesses compete, are fulfilling their statutory mission. The importance this legislation plays in my home district of American Samoa cannot be over-stated, as nearly all of the island's businesses qualify as a small business.

Also, with proper organization, SBA will be a better partner to DoD as it seeks to strengthen the small business industrial base; one of the department's current objectives.

I respectfully encourage the House Armed Services Committee to adopt H.R. 4341, the Defending America's Small Contractors Act and include it in this year's National Defense Authorization Act.

Thank you again for the important work this committee does, and for allowing me this opportunity to testify before you today. With your assistance, I look forward to seeing this important legislation become law.

I yield back the balance of my time.

**Rep. Crescent Hardy (NV-04) Testimony for HASC Member Day**

Good morning, Chairman Thornberry, Ranking Member Smith, and Members of the Committee. I appreciate the opportunity to testify before you on the National Defense Authorization Act for Fiscal Year 2017.

I want to first thank you for keeping small businesses and procurement reform top of mind when you were crafting last year's NDAA. The small business community appreciates your efforts.

To continue the conversation, I wanted to speak briefly concerning a small business contracting initiative that often gets less attention than it deserves.

Many times in contracting all of the efforts are concentrated on whether or not fair competition is being observed. While this is absolutely paramount in our society, the person that wins the contract is often immediately thrown into a firestorm of compliance issues and burdens.

Therefore while we observe pre-contract interactions, we also need to enhance post-award compliance.

With that said, I have introduced H.R. 4331, the Small Business Easy Contract Compliance Enhancement and List Act of 2016 to rectify this issue.

This straightforward legislation requires small business advocates at SBA along with other agencies that participate in Mentor-Protege programs to offer a list of resources to contract awardees.

To help reduce compliance burdens Chairman Chabot included post-award compliance language in his larger bill that offers important reforms for contractors and subcontractors.

I encourage you to take a serious look at Chairman Chabot's large contracting bill H.R. 4341, the Defending America's Small Contractors Act of 2016. These reforms will truly impact small businesses, one of our countries truest economic drivers.

I would now like to quickly draw your attention to an ongoing issue in my district that has national security implications.

My district in Nevada is the proud home of the Nevada Test and Training Range, which is the largest contiguous air and ground space available for military training operations in the free world.

It consists of 2.9 million acres of public lands underneath approximately 12,000 square nautical miles of Restricted airspace and Military Operations Areas.

The Air Force uses the NTTR to perform advanced exercises and tactics development in a multidimensional training environment unlike any other.

Yet despite the critical importance of the NTTR to our national security, multiple layers of duplicative regulations are preventing the Air Force from meeting defense test and training objectives do to the lack of ready access to withdrawn land.

This inability to fully utilize withdrawn lands also denies the full use of the Restricted airspace overlying the area, further restricting operational flexibility.

Mr. Chairman, the Air Force has been conducting bombing and gunnery practice, tactics development, and electronics testing and training on these lands since 1940, a full 34 years before the Fish and Wildlife Service nominated the area for wilderness designation.

And it was a flawed wilderness designation to begin with that refused to account for existing military impacts on the land.

What this all boils down to is that the military should not be saddled with multiple layers of duplicative regulations that hinder its ability to adequately train for missions that will keep the American people safe.

While the Department of Defense and the Department of Interior have inherently different missions, there is no reason why they cannot be better partners to arrive at commonsense solutions for the land they co-manage.

Mr. Chairman, my home State of Nevada is more than 85 percent federally controlled. While many Nevadans may have their disagreements with our federal land management agencies, we are proud to welcome the military personnel who call our state home.

We feel a sense of duty and patriotism to have these vital training activities taking place in Nevada, and we would like nothing more than to allow our servicemen and women the freedom to train for their missions.

Again, I'd like to thank the Chairman and Ranking Member for the opportunity to speak before the committee this morning.



**Blackburn – HASC Member Day**

Chairman Thornberry, Ranking Member Smith, and Members of the Committee, thank you for allowing me to testify this morning.

As you may know, I represent the Seventh Congressional District of Tennessee, which is home to the brave men and women of Ft. Campbell.

Ft. Campbell is home to the storied 101st Airborne, the 5th Special Forces Group and the Army's 160th Special Operations Aviation Regiment. Approximately 1,900 Officers and 26,000 enlisted personnel call Ft. Campbell home.

Like many installations across the country, Ft. Campbell was facing troop cuts. I was pleased to see that Ft. Campbell was spared major troop reductions.

I was pleased to work with this committee last year in support of the Army Flying Hours Program. This vital program provides aviation training resources for individual crewmembers and units according to approved aviation training strategies. In addition, it also provides individual and collective proficiency in support of ongoing combat and non-combat air operations.

For aviation units like the 101st Airborne, this training is not only vital to mission success but to the safety of our soldiers.

Without the necessary funding, home station training opportunities will not be available to achieve optimal combat readiness.

I ask the members of this committee to once again pay close attention to restoring the Army Flying Hours Program to its full capacity in FY 17.

I would also like to bring to this committee's attention that further reducing our nation's Armed Forces will hamstring our ability to meet the challenges and threats of an increasingly destabilized world.

As America withdraws from the international community, countries like Russia are becoming increasingly brazen.

We see it in the annexation of Crimea by Russian-backed separatists, civil war in Yemen and Syria, and China's military buildup.

As discord continues to grow around the world, the United States must have the personnel and capabilities to respond and protect our national interests.

Soldiers from Ft. Campbell are always tasked with responding to threats to our security around the globe. We would be putting their lives in increased danger by reducing their numerical strength and not providing them with the training they need.

That is why I support H.R. 4534, the *Protecting Our Security through Utilizing Right-Sized End Strength Act*. H.R. 4534 would reverse the current drawdown of the end strength levels for the United States Land Forces, specifically the Army and Marines.

H.R. 4534 will freeze the current drawdown on Marine personnel levels and increase Army end strength levels.

General Carter Ham recently testified that it takes 3 years to stand back up a fully ready Brigade Combat Team. H.R. 4534 will make sure that the military personnel we need to address an increasingly destabilized world will not be mothballed in the pursuit of short-term budget savings.

Thank you for allowing me to testify this morning. I stand ready to work with this committee on strengthening programs and reviewing processes that are vital to our national defense.

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

**Rep. Randy Neugebauer**

**March 1, 2016**

Chairman Thornberry and Ranking Member Smith, I would like to thank you for this opportunity to testify before you today on my national defense priorities. My district, Texas’s 19<sup>th</sup> Congressional District, is home to the 5,100 military and civilian personnel stationed at Dyess Air Force Base. Located on the outskirts of the City of Abilene, Dyess houses, among other missions, the 7<sup>th</sup> Bomb Wing, home to 33 of the 62 B-1 Lancer strategic bombers.

As a part of its FY 2017 budget, the Air Force has proposed \$5,830,000 in Research, Development, Test and Evaluation funding for the B-1 and \$116,319,000 in Procurement funding. Throughout its proposed FY 2017 budget, the Air Force includes funding in other accounts for various improvements to the B-1s as well as funding for B-1 maintenance and funding for the new B-1 Classic Associate Reserve Unit at Dyess.

Mr. Chairman and Ranking Member, I request the Committee’s support for these essential B-1 programs as it considers the FY 2017 National Defense Authorization Act.

Since 2001, the B-1 bomber has played a vital role in Afghanistan and Iraq and is now a major force in our battle against ISIL. In its budget documents, the Air Force highlights the B-1’s critical importance in our national defense, stating:

The B-1B Lancer is a swing-wing, supersonic, long-range conventional bomber. It carries the largest payload of both guided and unguided weapons in the Air Force inventory. The multi-mission B-1B is the backbone of America's long-range bomber force and can rapidly deliver massive quantities of precision and non-precision weapons against any adversary, anywhere in the world, at any time. . . . The current service life extends beyond 2040.

As further evidence of the B-1's importance, it was the first aircraft to be fitted for the Joint Air-to-Surface Standoff Missile-Extended Range (JASSM-ER) and, along with the F/A-18 E/F, will be initial aircraft to carry the Navy's Long Range Anti-Ship Missile (LRASM).

In its request for FY 2017 Overseas Contingency Operations funding, the Air Force stated;

As a force provider to the U.S. Central Command (CENTCOM) Area of Responsibility (AOR), the primary Combat Forces are the Air Force's front-line fighters and bombers (A-10, B-1, F-15 and F-16) representing the "tip of the global power projection spear." These assets provide a strong capability to counter a wide range of threats to the U.S. and its allies, as well as help assure a viable deterrent posture in the region.

As the backbone of the long-range bomber force, as the "tip of the global power projection spear", and with a service life beyond 2040, it makes sense from national defense standpoint and from a fiscal standpoint to ensure that the B-1 continues

to receive the funding that it needs in order to remain effective and viable, today and into the future. I request the Committee's support for this funding for FY 2017 and beyond.

I would also like to request the Committee's continued support for the new Long Range Strike-Bomber, which the Air Force has designated as the B-21. This new bomber has been under development for several years and it is essential that the Air Force complete the necessary research work and begin the production of this aircraft in order to meet the goal of having it operational by the mid-2020s.

As the Air Force and Congress move forward with the new bomber, we support the selection of Dyess Air Force Base to host the B-21. Dyess has been a bomber base since its inception, more than 50 years ago, initially hosting the B-47s and the B-52s. For the past 30 years, Dyess has been the Air Force's primary B-1 base. Dyess has also successfully served as the B-1 Formal Training Unit and now has a B-1 Classic Associate Reserve Unit. With this strong track record of meeting long-range strike mission requirements, Dyess would be an excellent base for the new B-21.

Thank you again Mr. Chairman and Ranking Member for the opportunity to address you in this forum.

MIKE BOST  
12TH DISTRICT, ILLINOIS  
  
AGRICULTURE COMMITTEE  
TRANSPORTATION &  
INFRASTRUCTURE COMMITTEE  
VETERANS' AFFAIRS COMMITTEE

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February 29, 2016

The Honorable Mac Thornberry  
Chairman  
House Committee on Armed Services  
2216 Rayburn House Office Building  
Washington, DC 20515

The Honorable Adam Smith  
Ranking Member  
House Committee on Armed Services  
2216 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman and Ranking Member:

Thank you for the opportunity to highlight two important provisions for inclusion in the FY 2017 National Defense Authorization Act (NDAA). Your prompt consideration of these requests is greatly appreciated.

I would first like to discuss the inclusion in the base text of the bill bipartisan legislation I have sponsored modernizing United States Small Business Administration (SBA) size standards for agriculture producers. The current SBA size standard for this industry is established in statute and lacks a rational basis.

According to the USDA, the total value of farm products exceeds \$390 billion and agriculture-related firms support 16 million domestic jobs. The vast majority of these firms are small businesses and family-owned farms.

However, the advent of new technologies has greatly increased productivity, leading to lower prices for many commodities. These pressures on commodity prices are expected to grow as newer technologies are adopted.

This has led to the consolidation of many single family-owned operations into larger, multi family-owned operations. But, these operations remain small businesses.

Unfortunately, the current small business size standard for agriculture has been set in statute and is outdated. The standard is too low for the vast majority of farms and ranches to participate in potential government contracting and subcontracting opportunities.

In addition, the statutory standard has no rational basis. It appears to be a number that was picked out of the air by previous Congresses.

In the 30 years since enactment of the statutory size standard, the Small Business Administration has significantly improved its processes for determining small business size standards, addressing the

concerns that led previous Congresses to establish the standard in statute. I believe it is important that Congress and federal agencies promote consistency in policymaking and the inclusion of language in the NDAA allowing the SBA to establish a producer size standard will help ensure that consistency.

Another issue I believe requires the Committee's attention is the need for the procurement of additional F/A-18 Super Hornet aircraft. The F/A-18 is currently the only operational strike fighter line for the United States Navy, and is a significant national security asset we should act to protect.

The FY 2016 NDAA and FY 2016 Department of Defense Appropriations Act included funding for the procurement of 12 F/A-18s. However, this number may still be short of USN needs as the service has previously testified to a potential shortfall of 24 to 36 aircraft.

The procurement of additional F/A-18 Super Hornets is critical to meeting the anticipated needs of the USN and to keeping the production line open as the United States prepares anticipated aircraft sales to allied nations. It is also important to preserving the value of the St. Louis regions defense industrial base. Therefore, as the Committee prepares the FY 2017 NDAA, I request it authorize any aircraft requested by the USN.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mike Bost", is written over a horizontal line.

Mike Bost  
Member of Congress

**Rep. Ted S. Yoho (FL-3) written testimony Mar 01 2016 "Member Day -  
National Defense Priorities from Members for the FY 2017 National Defense  
Authorization Act"**

Thank you Chairman Thornberry and Ranking Member Smith for the opportunity come and speak before this committee. This is a great opportunity you are affording Members of Congress who do not serve on Armed Services.

Today I would like to speak to you about the transfer of property and detainees from the Guantanamo Bay Naval Base.

As I am sure you know, it is currently illegal for the President to transfer detainees from the base to the United States. But the actual base itself can be transferred back to the Castro government without the consent of U.S. government. Recently the Castro government demanded that in order for normalization to continue between Cuba and the United States, the Guantanamo Bay Naval Base must be transferred back to Cuba.

The 1903 lease agreements between the governments of Cuba and the United States are controlled by the language of a 1934 treaty stipulating that the lease can only be modified or abrogated pursuant to an agreement between the United States and Cuba. The territorial limits of the naval station remain as they were in 1934 unless the United States abandons Guantanamo Bay or the two governments reach an agreement to modify its boundaries.

While there appears to be no consensus on whether the President can modify the agreement alone, Congress is empowered to alter by statute the effect of the underlying 1934 treaty. A statute passed later than a treaty is recognized to supersede the terms of the treaty to the extent that they are inconsistent, at least as far as domestic law is concerned. Although not firmly established, it seems likely that Congress could override any implications that might be drawn from the 1934 treaty with respect to presidential authority to modify the Guantanamo lease by enacting legislation specifying that any such modification must be accomplished with the advice and consent of the Senate or the concurrence of Congress.

In fact, Congress has passed legislation establishing policy with respect to the Guantanamo leases. As part of the Cuban Liberty and Democratic Solidarity Act (LIBERTAD, P.L. 104-114), Congress established that the policy of the United States is to be "prepared to enter into negotiations with a democratically elected government in Cuba either to return the United States Naval Base at Guantanamo to Cuba or to renegotiate the present agreement under mutually agreeable terms." The provision appears to approve negotiations by the President with a democratic Cuban government over the possible return of Guantanamo Bay, but it does not explicitly approve the entry into such an agreement as a congressional-executive agreement. Moreover, it does not expressly prohibit the negotiation of lease modifications with the existing government of Cuba.



It can be argued that an executive agreement with Cuba to close the base would in effect amount to an executive agreement pursuant to the 1934 treaty and would thus not require the advice and consent of the Senate.

In order to protect against this potential unilateral action by the President, I introduced H.R. 4126, the Guantanamo Transfer Prevention Act, which among other things would prevent the President from unilaterally ceding the base back to the Castro government without the advice and consent of Congress. While I work to move my stand-alone bill I wanted to take this time to urge the Armed Services Committee to take similar actions in protecting against this potential for executive action and to ensure that the President must come to Congress.

Thank you for your time.



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**DOCUMENTS SUBMITTED FOR THE RECORD**

MARCH 1, 2016

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Statement of Rod Blum  
Before the House Armed Services Committee  
Hearing on FY2017 National Defense Authorization Act

Chairman Thornberry and Ranking Member Smith:

Thank you and the rest of the House Committee on Armed Services for the opportunity to provide testimony on priorities for the FY2017 National Defense Authorization Act (NDAA). I hope my remarks will provide the Committee with guidance on policy issues which greatly impact my district, as well as provide the Department of Defense (DoD) with greater flexibility, spending power, and provide enhanced capabilities for the modern day warfighter.

I appreciate and respect the work the Committee has done on commercial acquisition to date, but believe several issues need to be clarified in the FY2017 NDAA:

- Clarification of the definition of a commercial item to those used by the general public or by non-governmental entities, and preserves commercial status even if there have been slight modifications, if the preponderance of characteristics of the item remain commercial;
- Protection of proprietary and other market research and price determination information related to commercial item determinations by the DoD to limit to the government contracting officers and not the general public to protect pricing and other market information;
- Requesting the contracting officer conduct market research in the determination of price reasonableness;
- Limiting contractual flowdown requirements to the commercial supply chain to specifically exclude requirements from suppliers to fulfill both government and commercial orders, as those suppliers may have no or little information about the final use of their products;
- Expansion of the definition of nontraditional contractors from a corporate entity to permit other business units of the same company to qualify;
- Expand the definition of nondevelopmental items to include items sold to foreign governments in order for the DoD to avoid additional developmental costs for similar items already developed for allied countries.

Additionally, I request the Committee to insert report language to encourage the Department of the Navy to continue their stated schedule and requirements for updating their air combat training ranges, i.e., the Tactical Combat Training System (TCTS) Increment II program, as well as to leverage the all existing technology to meet present and future needs, such as the multi-level secure datalink and open architecture capable system, developed by the DoD (CRIIS) to meet their needs on future test ranges.

I thank the Committee for their consideration of these requests, which will provide the DoD with the ability to acquire the best possible solutions by leveraging appropriated funds in the

Statement of Rod Blum  
Before the House Armed Services Committee  
Hearing on FY2017 National Defense Authorization Act

commercial market. Also, by further building out an already developed system, the Navy can utilize already developed systems and move forward with this necessary system.

Again, I appreciate your thoughtful consideration of my requests and look forward to working with the Committee as we seek to provide the best policies to ensure the security of our country.

**Statement for the Record: Army Aviation Restructure Initiative**

Congressman Ryan Costello (PA-06)

03/01/2016 10:00am

2118 Rayburn

Chairman Thornberry and Ranking Member Smith, I appreciate the opportunity to submit comments for the record regarding the Army's Aviation Restructure Initiative (ARI) and its impacts on our country and my state of Pennsylvania.

Since 9/11, the National Guard has risen to the occasion - they have been tested and have proven themselves as a critical, operational force that can provide the support and end-strength to the Total Army. The National Guard has met the demands of every request over the last 14 years - all 760,000 individuals mobilized for overseas operations, including 44,967 mobilized members of the Pennsylvania National Guard. They have provided irreplaceable capabilities, leadership, professionalism, and grit. They are trained, equipped, and ready to defend their hometowns and their country.

However, due to the Army's ARI, the 1-104th Attack Reconnaissance Battalion has already been inactivated and Pennsylvania is at risk of losing the entire 55th Armored Brigade. As we face growing and unprecedented security threats, we cannot risk losing such proven, cost effective, and capable resources. Should the ARI move forward in its current form, it will jeopardize our national security and cause near irreversible damage to the capabilities of our National Guard.

Instead, it is my hope that that House Armed Services Committee will consider the National Commission of the Future of the Army's recommendations to maintain four National Guard Apache battalions, each with eighteen aircraft, and to add two Black Hawk battalions to the National Guard.

Additionally, as you begin to consider the distribution of the Army's aviation assets, I would like to emphasize the advantages of multi-state units like the agreement reached between Pennsylvania and South Carolina. With such an arrangement, the National Guard can expand its footprint, utilize a collective approach to training and maintenance, and operated within the fiscal constraints currently in place.

As General Mark Milley, Chief of Staff of the Army, said, “We must rely more heavily on our National Guard to meet demand.” The NCFA recognized this demand and the capabilities of the National Guard, and that is reflected in their recommendations. Instead of reducing our combat capabilities, we should maintain a sufficient and integrated force structure across all Army components.

As the Committee continues its work on the Fiscal Year 2017 National Defense Authorization Act, it is my hope that the Committee will seize upon the critical cost effective advantages of the dual benefits of a ready, operational force and the capabilities that the National Guard provides to the end strength of the Total Army.

Thank you again for the opportunity to address you today.



**Prepared Statement of Rep. Suzan K. DelBene**

Chairman Thornberry and Ranking Member Smith, I thank you for the opportunity to testify before the House Armed Services Committee on the National Defense Authorization Act for Fiscal Year 2017. Crafting policies and solutions that keep our nation safe is no easy task, and I appreciate your willingness to consider our thoughts and concerns.

I know that in the coming months, the Committee will be carefully weighing a broad array of issues that are vital to our national security, our brave men and women in uniform, military families living across the globe, and thousands of American businesses and workers that support our nation's industrial base. As you begin to move through this important process, I urge you to support my bipartisan legislation to ensure National Guard members serving on full-time federal status, along with their families, retain TRICARE eligibility when responding to state emergencies like landslides and earthquakes.

Since 2010, hundreds of National Guard members have begun serving on Full-Time National Guard Duty, under section 502(f) of Title 32, as part of the Department of Defense's Homeland Response Force (HRF). HRF units provide the Department with rapid response capabilities in the event of an emergency, such as chemical, biological or high-yield explosive incidents. Given their federal status, these members and their families are covered by TRICARE.

Guard members serving on HRF units can also be activated to respond to state and local emergencies, such as wildfires or hurricanes, at state expense and under control of the state's Governor. However, for them to assist in a state emergency, their federal orders must be broken and temporarily replaced with State Active Duty orders — inadvertently causing a break in their eligibility for TRICARE. While states already reimburse the Department for the resources used to activate HRF units, current law prevents them from paying to extend TRICARE coverage for these Guard members. In state emergencies, this means Governors and military commanders are forced to choose between not using HRF capabilities or causing a harmful disruption in health coverage for Guard members and their families.

This was a key lesson learned during the first large-scale HRF activation in 2014, after the tragic landslide in my district in Oso, Washington. A statutory fix is needed before the next disaster strikes. My narrowly tailored legislation, H.R. 4554, is straightforward and budget-neutral. It simply provides states the authority to extend TRICARE eligibility for these National Guard members and their families when the member is temporarily ordered into State Active Duty to assist with a natural disaster or emergency.

We shouldn't be forcing Governors and military commanders to use HRF capabilities at the expense of our brave men and women in uniform. This important proposal will ensure our state leaders have the tools to respond to disasters without hesitation or delay, knowing that Guard members and their families won't face an unnecessary disruption in health coverage.

Chairman and Ranking Member, I thank you again for the opportunity to testify. As you begin to craft the National Defense Authorization Act for 2017, I urge you to support this commonsense fix for the heroes who don't hesitate to put their lives at risk to protect and rebuild our communities in times of need.

**Congress of the United States**  
**Washington, DC 20515**

February 29, 2016

The Honorable Mac Thornberry  
 Chairman  
 Committee on Armed Services  
 2216 Rayburn House Office Building  
 Washington, D.C. 20515

The Honorable Adam Smith  
 Ranking Member  
 Committee on Armed Services  
 2216 Rayburn House Office Building  
 Washington, D.C. 20515

Dear Chairman Thornberry and Ranking Member Smith:

As the Committee on Armed Services begins its work to craft a Fiscal Year 2017 National Defense Authorization Act that reflects the needs and values of our nation, we write to bring your attention to a past injustice that deserves our country's attention and consideration.

On July 17, 1944, the deadliest home front disaster of World War II occurred at the Port Chicago Naval Magazine, a major munitions facility in California, when munitions being loaded onto a cargo vessel exploded. Indicative of the discriminatory practices at the time, all of the enlisted men loading ammunition at the site were African American, while all of the officers were white. The explosion killed or wounded 710 people, 435 of whom were African American. This single stunning disaster accounted for more than 15 percent of all African American naval casualties during World War II.

At the time, there was no formal training in safe methods of ammunition handling given to enlisted men. The Navy failed to adequately provide these enlisted men with the tools necessary to be able to operate under safe working conditions, even after the tragedy struck. Following the explosion, when the surviving 258 African American sailors understandably refused to return to work in these unsafe conditions, 50 were discriminately charged and convicted with mutiny.

The conditions under which these men were working combined with the undeniably different treatment their white counterparts received following the explosion give reason to question the charges of mutiny altogether. We respectfully request, therefore, that the Navy examine the totality of the circumstances surrounding these charges by inserting the following language into the Fiscal Year 2017 National Defense Authorization Act:

The Secretary of the Navy shall carry out without delay a thorough review of the circumstances which may have influenced the mutiny charges against, and convictions of the individuals convicted in courts-martial arising from the explosion at the Port Chicago (California) Naval Magazine on July 17, 1944. The purpose of the review shall be to assess the extent to which racial prejudice or other factors may have impacted the African American sailors who were stationed at Port Chicago and Mare Island throughout the duration of their service. Specifically, the Secretary is directed to review findings of racial bias including those acknowledged in the Navy's 1994 report entitled "Port Chicago Courts-Martial Review" compared with the treatment afforded to the convicted sailors' white counterparts and officers. If the Secretary determines that the filing of a

charge of mutiny against any of the African American sailors in any such case was connected to, or impacted by, racial prejudice, or if the Secretary determines that the presence of prejudicial practices created a pattern of discriminatory treatment affecting African American sailors at Port Chicago, then, notwithstanding any other provision of law, the Secretary shall submit to the President and Congress such recommendations as the Secretary considers appropriate regarding corrective actions that should be considered.

We must provide justice to these sailors whose lives and careers were upended while serving our nation. We respectfully ask you give this request your full and thorough review and trust that it will receive the serious consideration it deserves. Thank you for taking the time to consider our thoughts on this matter.

Sincerely,



Mark DeSaulnier  
Member of Congress



Barbara Lee  
Member of Congress

JEFF DUNCAN  
3RD DISTRICT, SOUTH CAROLINA

COMMITTEE ON FOREIGN AFFAIRS  
CHAIRMAN,  
SUBCOMMITTEE ON THE WESTERN HEMISPHERE

COMMITTEE ON NATURAL RESOURCES  
VICE CHAIRMAN,  
SUBCOMMITTEE ON ENERGY  
AND MINERAL RESOURCES

COMMITTEE ON HOMELAND SECURITY

**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515-4003

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LAURENS, SC 29360  
(864) 691-1029  
jeffduncan.house.gov

February 29, 2016

Mr. Chairman,


I first want to thank you and the Members of this Committee for your hard work in providing for our military and the defense of this nation. Without your efforts every day, our men and women would not have the necessary tools to protect and defend our liberties, as well as the tools they need and use every day to ensure that those injured have the best care.

More and more, Omega3-based wound care is being used to treat patients. BlueCross BlueShield has approved this wound care technology in South Carolina, and the Greenville Health System has already begun using it on their patients who had failed other treatments. Doctors at the Greenville Health System have experienced favorable results on their patients using Omega3-based wound care. This kind of care is promising to use as treatment for our men and women injured in the military.

The US Army and the US Navy have already begun to use Omega3-based wound care products and technology on injured soldiers and are achieving positive results due to the natural anti-inflammatory characteristics of Omega3's. I urge this committee to direct the Assistant Secretary of Defense (Health Affairs), in conjunction with the Defense Health Agency, to evaluate this wound care technology for use within the Department of Defense in order to improve wound care for US military personnel.

We are blessed to have the finest troops in the world who put their lives on the line every day for the sake of our freedoms. We have sacred responsibility to support our soldiers both on the battlefield and when they return home. I firmly believe that this wound care technology will improve the care provided to our injured military, and I urge you to carefully consider this request.

Blessings and Liberty,

  
Jeff Duncan  
South Carolina  
3<sup>rd</sup> District

**Omega3-based Wound Care Technology**

The Committee is aware that the US Navy and the US Army are beginning to use Omega3-based wound care products and technology and are achieving positive results due to the natural anti-inflammatory characteristics of Omega3's. The Committee urges the Assistant Secretary of Defense (Health Affairs), in conjunction with the Defense Health Agency, to evaluate this technology for use within the Department of Defense (DoD) in order to improve wound care for US military personnel.

  
 Anna G. Eshoo, M.C.

**Statement of Representative Anna G. Eshoo**  
 Priorities for National Defense Authorization Act for FY 2017  
 House Armed Services Committee Hearing

March 1, 2016

Chairman Thornberry and Ranking Member Smith,

Thank you for giving me the opportunity to provide testimony regarding my top priority for the Fiscal Year 2017 National Defense Authorization Act: Naming the 111-acre cantonment area of Moffett Federal Airfield, home to the 129th Rescue Wing of the California Air National Guard, as Moffett Air National Guard Base.

Moffett Federal Airfield is located in the heart of my congressional district and is home to the 129th Rescue Wing of the California Air National Guard. I've fought hard to keep the 129th at Moffett Field because they're an important part of the region's history and their work in the post-9/11 era is critical to the people of the Bay Area. My seventeen years of work to keep the 129th at Moffett Field culminated in a long-term agreement reached in 2010 between NASA Ames and the U.S. Air Force to make Moffett Field the permanent home of the 129th Rescue Wing. However, the 129th Rescue Wing's facility has not been officially named by the USAF.

On July 29, 2015, I introduced H.R. 3341, which would formally designate the 129th Rescue Wing's Facility as Moffett Air National Guard Base, and on December 23, 2015, I wrote to U.S. Air Force Secretary Deborah James seeking the Air Force's support for this effort. The Air Force agreed that the preservation of installation identity is important to the surrounding community, the California Air National Guard, and the Air Force, and pledged to work expeditiously to process the name change once H.R. 3341 is enacted into law.

The 129th Rescue Wing is a highly decorated California Air National Guard Unit known for their specialized capabilities in a wide range of environments from fires, floods, earthquakes and hurricanes. The 129th has often been tasked with the medical evacuation of patients from merchant vessels at sea. The federal mission of the 129th is to rapidly deploy worldwide to conduct combat search and rescue operations over land or water, in both hostile and permissive environments. The Unit has performed rescue missions in Iraq, Afghanistan and other locations around the globe. The 129th continues its search and rescue mission anytime, anywhere, living up to the unit motto, "These Things We Do... That Others May Live."

I respectfully request the Committee to include H.R. 3341 in the Fiscal Year 2017 National Defense Authorization to rename the 111-acre cantonment area of Moffett Federal Airfield, home to the 129th Rescue Wing of the California Air National Guard, as Moffett Air National Guard Base.

Thank you for your thoughtful consideration of this important priority for my Congressional District which has no cost to the taxpayers.

**Congress of the United States**  
**Washington, DC 20515**

February 29, 2016

The Honorable Mac Thornberry  
 Chairman  
 House Armed Services Committee  
 2216 Rayburn House Office Building  
 Washington, DC 20515

The Honorable Adam Smith  
 Ranking Member  
 House Armed Services Committee  
 2216 Rayburn House Office Building  
 Washington, DC 20515

Dear Chairman Thornberry and Ranking Member Smith:

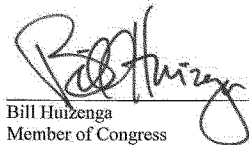
We are writing in support of a proposal from Rep. Niki Tsongas (D-MA) to ensure compliance with domestic source requirements for footwear furnished to enlisted members of the Army, Navy, Air Force and Marine Corps upon their initial entry into the armed forces. We applaud the Department of Defense (DOD) decision from April 2014 to require that the athletic footwear issued to all military recruits be Berry Amendment compliant.

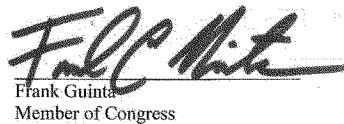
Most importantly, this provision ensures our men and women in uniform have access to the best American made equipment available during the most formative part of entering the United States Armed Forces.

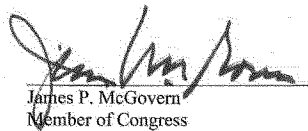
Again, we strongly support the efforts of Rep. Niki Tsongas to codify the April 2014 DOD decision in the National Defense Authorization Act for Fiscal Year 2017. We respectfully request that you include this language in the committee mark.

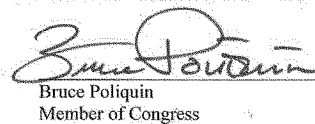
Thank you for your consideration of this request.

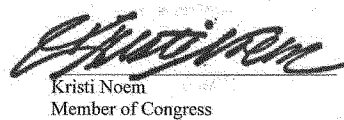
Sincerely,

  
 Bill Huizenga  
 Member of Congress

  
 Frank Guinta  
 Member of Congress

  
 James P. McGovern  
 Member of Congress

  
 Bruce Poliquin  
 Member of Congress

  
 Kristi Noem  
 Member of Congress

(Hurd TX-23)

**Chairman Thornberry, Ranking Member Smith,** I want to thank you and this Committee for the opportunity to share some of the national security priorities I hold for the upcoming year on behalf of those serving and working in the Twenty Third Congressional District of Texas and around the world.

Having spent nearly a decade serving as an undercover officer in the CIA, I've seen the threats and challenges we face around the world first hand. This experience taught me that it is vital we have a foreign policy that is based on clear military and economic goals and a sound strategy for achieving them.

In order to achieve those goals we must ensure that our brave men and women have the tools they need to take the fight to the enemy around the globe, win, and return home safely. As threats around the world continue to increase, now is simply not the time to limit our ability to respond. Maintaining our place as the world's leader requires military strength, diplomacy, and a willingness to stick to our guns.

Today, I would like to discuss a number of issues: namely, the challenges that we must face along with our allies and partners; the importance of



(Hurd TX-23)

ensuring accountability, and the value of training and preparation for the future.

As this committee continues to deal with the threat ISIS and affiliated groups pose to U.S. interests and national security, I believe that we must continue to focus our efforts on encouraging our Arab allies in the region to directly engage this barbaric threat. Meanwhile, the U.S. focus should be on providing support not only militarily, but also through actionable intelligence and leadership. As my good friend Ambassador Ryan Crocker has noted, sometimes it is just as important to have pumps and wingtips on the ground, as it is boots.

We cannot just look at the current threats, but as we rapidly enter an age where micro actors can have a macro impact it is critical we look toward the future. Not only does this mean developing new weapons systems, but also strategies and tactics that focus on realms beyond the physical battlefield. As the importance of defensive and offensive cyber operations grow, we also need to modernize the way in which we procure information technology. I am thrilled that this committee has made acquisition reform a priority and I look forward to working with my colleagues to ensure meaningful improvements to Information Technology procurement continue to be a part of this conversation. I also hope that Congress will continue meaningful engagement on increasing our

(Hurd TX-23)

defensive and offensive cyber capabilities along with establishing norms around what constitutes a digital act of war.

Texas is fortunate to be home to over 1.5 million proud veterans, and I am lucky to represent a District that has a strong military presence given its proximity to Joint Base San Antonio, Camp Bullis, Laughlin Air Force Base, and Fort Bliss. Having recently visited many of these installations I am pleased to report on their fine work.

The men and women at these installations have matchless capabilities and unique missions, across intelligence, cyber, maneuver, and training, safeguarding future dominance across the battlefield. Continuing to work with each installation to ensure their priorities are met when it comes to equipment, facilities, and training is a top priority for me particularly as the nation transitions from a focus on counter insurgency to more traditional operations.

While numerous strides have been made at addressing the flooding issues at Laughlin Air Force Base, for which I commend the committee's work, there is still much to do to ensure that deficiencies continue to be addressed. At a time when the number of pilots available to the Air Force continues to be a concern we must prioritize training dollars to those bases that produce the most pilots. Failure to make the necessary upgrades to

(Hurd TX-23)

training infrastructure has a direct impact on readiness. This is also playing out at Camp Bullis, part of Joint Base San Antonio, where some of the infrastructure they depend on to simply feed our troops and maintain vehicles while training was built in the 1930s and poses significant health risks. I recognize that many of these shortcomings are a direct result of limited defense dollars, and appreciated the difficult position the committee is in, but I earnestly hope that as we work through the authorization and appropriations process my colleagues will seek to address these deficiencies at installations across the nation.

Finally, I would like to take a moment to recognize the enormous sacrifice our service members and their families have made over the past decade. Increased operational tempos, new types of warfare, and increasingly complex battlefield injuries have been borne by a minority of this country so that the rest of us can sleep safely at night. As their elected representatives it is our responsibility to ensure their sacrifices have not been in vain.

Thanks again to the Committee for the opportunity to speak today and for your commitment to our nation's warfighters and their families.

**Statement for the Record  
Rep. Sam Johnson (TX-03)  
Committee on Armed Services, U.S. House of Representatives**

**NDAA FY17 HASC Testimony**

Chairman Thornberry, Ranking Member Smith, Members of the Committee, thank you for the opportunity to present this testimony on the FY2017 National Defense Authorization Act (NDAA).

As the Committee considers the NDAA, I would like to discuss two priorities which are listed in more detail below. Thank you for the opportunity to present this testimony for the FY2017 NDAA.

**Tactical Combat Training System (TCTS) Increment II**

Mr. Chairman, Air Combat Training (ACT) ranges provide the opportunity for greatly improving the readiness of aviation forces by enabling the simulation of numerous combat scenarios while employing a wide range of platforms, both in capability and quantity. The Tactical Combat Training System (TCTS) Increment II program is a major modification of the current Tactical Combat Training System that will address current system shortfalls while also providing a pathway towards future requirements, such as live, virtual constructive training, and/or embarked (i.e. “rangeless”) training. Therefore Mr. Chairman, I would like to request that the following language be included in the FY2017 NDAA:

- *The Committee encourages the Department of the Navy to leverage the current investment DoD has made for their test ranges, i.e., the Common Range Integrated Instrumentation System (CRIIS) program, as their solution for the Navy’s Tactical Combat Training System (TCTS) Increment II program.*
- *Furthermore, the Committee recommends that the Department of the Air Force leverage existing technologies developed in DoD’s CRIIS program by incorporating its MILS encryption, datalink technology and open architecture design into the Air Force Research Lab’s Secure LVC Advanced Training Environment (SLATE) Advanced Technology Demonstration (ATD).*

The Common Range Integrated Instrumentation System (CRIIS) program, developed by DoD to provide the needs of future test ranges, is a proven, secure and cost-effective system that addresses current and future DoD training needs as identified in the DoN’s Tactical Combat Training System (TCTS) Increment II acquisition program. Thank you for the opportunity to present this testimony, Mr. Chairman.

**Protection of Industrial Control Systems (ICS) from Cyberattack**

Mr. Chairman, I would also like to request that language be included in the FY2017 NDAA to ensure that our military is able to detect and defend against cyberattacks targeted at industrial control systems (ICS). ICS are mission critical infrastructure that in many cases are vulnerable to attack from our adversaries. This is a current capabilities gap that must be addressed. Therefore Mr. Chairman, I would like to request that the following language be included in the FY2017 NDAA:

*Section XXX—SECURING INDUSTRIAL CONTROL SYSTEMS WITHIN THE DEPARTMENT OF THE ARMY*

(a) *In General—The Secretary of the Army shall take such steps as may be necessary to continuously monitor, detect, and mitigate cyberattacks intended to degrade the security and availability of Army industrial control systems (ICS). These steps should include the deployment of a multilayered threat detection and prevention solution sufficient to ensure that, at a minimum, all mission critical ICS sites within the Department, to include Civil Works, are made secure as a matter of urgent priority.*

(b) *Industrial Control System Defined—In this section, the term ‘industrial control system’ means the combination of control components such as electrical, mechanical, hydraulic, etc. that act together to achieve an industrial objective such as manufacturing, or the transportation of matter or energy, etc.*

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*Section XXX—SECURING INDUSTRIAL CONTROL SYSTEMS WITHIN THE DEPARTMENT OF THE AIR FORCE*

(a) *In General—The Secretary of the Air Force shall take such steps as may be necessary to continuously monitor, detect, and mitigate cyberattacks intended to degrade the security and availability of Air Force industrial control systems (ICS). These steps should include the deployment of a multilayered threat detection and prevention solution sufficient to ensure that, at a minimum, all mission critical ICS sites within the Department are made secure as a matter of urgent priority.*

(b) *Industrial Control System Defined—In this section, the term ‘industrial control system’ means the combination of control components such as electrical, mechanical, hydraulic, etc. that act together to achieve an industrial objective such as manufacturing, or the transportation of matter or energy, etc.*

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*Section XXX—SECURING INDUSTRIAL CONTROL SYSTEMS WITHIN THE DEPARTMENT OF THE NAVY*

(a) *In General—The Secretary of the Navy shall take such steps as may be necessary to continuously monitor, detect, and mitigate cyberattacks intended to degrade the security and*

*availability of Navy industrial control systems (ICS). These steps should include the deployment of a multilayered threat detection and prevention solution sufficient to ensure that, at a minimum, all mission critical ICS sites within the Department are made secure as a matter of urgent priority.*

*(b) Industrial Control System Defined—In this section, the term ‘industrial control system’ means the combination of control components such as electrical, mechanical, hydraulic, etc. that act together to achieve an industrial objective such as manufacturing, or the transportation of matter or energy, etc.*

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Thank you again for the opportunity to present my testimony on the FY2017 NDAA, Mr. Chairman. I look forward to working with the Committee to craft legislation that addresses these issues and supports our national security interests. Thank you again for your consideration.

Rep. William R. Keating

Fiscal Year 2017 National Defense Authorization Act Testimony

March 1, 2016

Chairman Thornberry, Ranking Member Smith, thank you for the opportunity to testify before the House Armed Services Committee as you seek to draft the National Defense Authorization Act (NDAA) for Fiscal Year 2017.

With over 5 total million soldier and civilian casualties, the Korean War, "Forgotten War," as it is commonly known, shook a generation. The signing of the armistice to end the war did not mark the end to the conflict or to violence. Since 1954, over 1,200 men and women stationed on the Peninsula have given their lives in service to this conflict and to the protection of their home country.

Today, we honor those who served on the Korean Peninsula through the awarding of the Korea Defense Service Medal. However, unlike both World Wars and the Vietnam War, there is no physical monument erected in their memory to which family members and survivors can pay their respects. While solemn, heartrending, and thought-provoking, both the Korean War Memorial on the National Mall in Washington, D.C. and the Korean War Contemplative Bench at Arlington National Cemetery recognize only those who served in the Korean War from 1950-1953.

In honor of the brave American servicemembers who gave their lives in the over sixty years since completion of the Korean War, I recommend for inclusion in the FY2017 NDAA a provision expressing that it is the sense of Congress to construct a marker in the Memorial Amphitheater in Arlington National Cemetery to honor the memory of those who have served their country on the Korean Peninsula since July 28, 1954. This new proposed memorial would complement the Korea Defense Service Medal and the Contemplative Bench in Arlington by recognizing those that have been awarded or are eligible for the KDSM who are missing in action, unaccounted for, or died in-theater. This provision is critical to raising awareness for the sacrifice our veterans and their families made - and continue to make - on the Korean Peninsula.

Already, there is bipartisan support for this effort. Last May, I introduced H.Con.Res. 50, expressing that it is the sense of Congress to identify a location within the Memorial Amphitheater in Arlington National Cemetery. This resolution is supported by 37 of our colleagues from both sides of the aisle, and has been endorsed by the Korean War Veterans Association, the Combined KOREAN-US Veterans Association, the US&KOREA Alliance Association, and the 2nd Infantry Division Association, in addition to other local affiliates nationwide. It is my belief that by including this language in the NDAA, Congress can honor the brave men and women who have made the ultimate sacrifice or are still missing in action while defending the Korean Peninsula.

Mr. Chairman and Ranking Member Smith, I thank you and the other Members of this Committee for your consideration of my suggestion to include language in the FY17 National Defense Authorization Act to honor the deserving men and women who have served in the Korean Peninsula. I look forward to our continued cooperation on this issue.

ADAM KINZINGER  
16TH DISTRICT, ILLINOIS

DEPUTY REPUBLICAN WHIP

COMMITTEE ON  
ENERGY & COMMERCE

COMMITTEE ON  
FOREIGN AFFAIRS

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-1602**

Testimony for the Record from  
Congressman Adam Kinzinger (IL-16)  
U.S. House of Representatives  
March 1, 2016

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**"Member Day - National Defense Priorities from Members for the FY 2017 National Defense Authorization Act"**

I would like to thank Chairman Thornberry and Ranking Member Smith for giving me the opportunity to discuss a very important program in the National Defense Authorization Act: the Special Immigrant Visa (SIV) for Afghan nationals.

The SIV program was designed to provide safe refuge to the countless brave Afghan men and women who willingly put their lives on the line and served shoulder to shoulder with our servicemembers in Operation Enduring Freedom. As an Air Force pilot that served in Afghanistan, I saw firsthand how this program is critical to our national security and to our servicemembers and veterans in any future engagement that will likely come at some point in the future.

The SIV programs provide lifesaving protections to those who served in U.S. missions and now are in danger as a result at the end of that service. The Taliban, ISIS, and other extremist groups are hunting these people down as we speak here today. It is essential that we continue to keep our promises and protect our allies because it is the right thing to do.

I want to thank you both for your leadership on this issue. As a result of that leadership, you have protected several Afghans that risked their lives to serve American servicemembers as guides, interpreters, and drivers. In the 2016 NDAA, Congress was able to extend the program through the end of 2016 and add 3,000 visas for our Afghan allies.

However, even while we added 3,000 additional visas to the program, it is still riddled with processing delays for applications. According to the State Department, there are approximately 10,000 Afghan principal applicants at some stage in the process. Many applicants (approximately 5,200) are at the first step of the process, pending submission of a complete set of documents for consideration by the Chief of Mission. The deadline for Afghans to apply for Chief of Mission approval is December 31, 2016.

I mentioned earlier the threats that these people live under. It is estimated that multiple people who served the United States as translators are being killed every day. These translators – when served – wouldn't even put on anything to obscure their face and would stand side by side with American soldiers against Taliban in very tough areas, many of them, now as America withdraws its mission from Afghanistan and winds down its mission, now find themselves under



threat every day. Given this significant backlog, these people still face endless waiting and constant threats from extremists sworn to kill them.

In a time of war, what can American soldiers and marines, airmen, and sailors do in order to communicate with the local population and to get them on our side versus a determined enemy? Of course, the basic thing to that is to be able to speak to the local population in their native language.

The reality of it is this: we all can agree that those that were willing to stand by us and to stand against this enemy deserve a chance to apply for this program, which they earned with their service and sacrifice to the United States.

That is why I am asking this Committee to continue to remember the sacrifice of these individuals. Specifically, I request that the Committee language in the 2017 NDAA that extends the deadline for the Afghan SIV program and adds no fewer than 4,000 additional visas to the Afghan program. This will help alleviate the ongoing backlog that the State Department is dealing with and give these people hope for their sacrifice.

As I stated earlier, these individuals provided a vital service to our men and women in uniform and sacrificed their own safety to serve the United States. As Americans, we subscribe to the motto that we "leave no one behind." It is critical that we put that into practice when thinking about our Afghan brothers and sisters who served with our military.

In addition to my request regarding the Afghan SIV program, I would like to request the Committee include provisions related to the following in the FY 2017 NDAA:

- Recommend the U.S. Army Tank and Automotive Research Development and Engineering Command (TARDEC) continue its work on Metal Matrix Composite technology to reduce weight, reduce fuel consumption, increase payload capacity, and extend service life of ground combat and tactical vehicles
- Clarify that the contracting officer conducting market research for commercial items should include a determination of price reasonableness

Thank you Chairman Thornberry and Ranking Member Smith for the opportunity today to address these critical issues.

March 1, 2016

**1. Commercial Item Definition****Proposal Description**

For over two decades, the Congress has expressed support for providing the U.S. Government with access to the latest commercial technologies. Title VIII of the 1994 Federal Acquisition Streamlining Act (Public Law 103-355) (FASA) established the statutory requirements for acquiring commercial items which subsequently resulted in the creation of FAR Part 12. Section 8104 of the Act specifies a preference for commercial item acquisitions. Section 8105 specifies that certain provisions of law do not apply to acquisitions of items that meet the definition of a commercial item when acquired by the Government.

The commercial item definition was intended to be broad and includes items “of a type” that have been sold, leased, or licensed or even merely offered for sale, lease, or license to the general public. This includes items that are not yet available in the marketplace due to their advances in technology or performance, items that have modifications of a type customarily available in the commercial marketplace, and items with minor modifications of a type not customarily available in the commercial marketplace but made to meet U.S. Government requirements. Commercial items “off the shelf” are also a subset of a commercial item as defined by the FAR. The commercial item definition is thus broad, and intentionally so, in order to allow the Government to have access to the latest and most innovative commercial items, technologies and companies.

In recent years, the Department of Defense has tried to narrow the statutory definition, either through legislative proposals, which were rejected by the Congress, or through policies such as assigning a specific percentage to a modification in order for it to be determined as “minor” or requiring a certain percentage of sales to be commercial, both of which are not consistent with the statutory language or congressional intent.

More recently, the Department has attempted to define “of a type” itself by requiring the exact item offered to the Government (no modifications, alterations, additions, etc.) be sold, leased, or licensed or offered for sale, lease, or license, to the general public. This narrows the definition of “of a type” to only items sold in the commercial marketplace, and subsequently, excludes similar items in terms of form, fit or function that are capable of meeting governmental requirements. This construct essentially eliminates “of a type” items and allows only “off the shelf” items.

By narrowing the definition of commercial items, the Government not only limits the types of commercial items it is able to access, but also limits its potential sources of supply to only those companies that have established the infrastructure to accommodate unique government cost

accounting, audits and other requirements. These requirements cause companies not to compete for DoD programs or, in cases where they do compete, often results in separate businesses for government and commercial customers so that the increased costs of the government infrastructure can be allocated to the government contracts.

There is ample evidence that the commercial item definition was intended to be interpreted broadly. In a January 5, 2001 policy memo, the Under Secretary of Defense for Acquisition Technology and Logistics stated that “of a type” broadens the commercial item definition so that qualifying items do not have to be identical to those in the commercial marketplace. More recently, in the SASC report for the FY13 NDAA, the committee stated FASA “adopted a broad definition of commercial items to ensure the federal agencies would have ready access to products that are available in the commercial marketplace – including new products and services and modified products that are just becoming available.” Further, in its July 2014 report, the Defense Business Board (DBB) concluded that the procurement process for acquiring non-commercial items (FAR Part 15) is a significant barrier to innovation and does not accommodate commercial operating or investment models; the report recommended that FAR Part 12 be established as the default procurement method for non-platform acquisitions. The DBB’s number one recommendation was for DoD to utilize its existing FAR Part 12 authorities more and to expand rather than restrict the definition of “of a type” commercial items.

The Government’s current, narrow approach to commercial items that are “of a type” is creating an acquisition environment within which commercial suppliers cannot depend on reasonable and practical approaches to valuing their products. Ultimately, these challenges will drive suppliers out of the market and create an impenetrable barrier to entry for new, innovative suppliers.

Congress should reinforce the broad definition of commercial items, including items “of a type”, items with modifications customarily available in the commercial marketplace, and items with minor modifications required by the Government. It should be noted that these modifications do not need to be derived from an item sold to the general public, but only be similar in terms of form, fit or function.

**Bill Language:**

Amend 41 U.S. Code §103 as shown to clarify the “of a type” items with modification or minor modifications:

In this subtitle, the term “commercial item” means—

(1) Any item or service, other than real property, that: ~~is of a type customarily used by the general public or by non-governmental entities for purposes other than governmental purposes, and—~~

(A) *is of a type customarily used by the general public or by non-governmental entities for purposes other than governmental purposes, and ~~Has been sold, leased, or licensed to the general public; or,~~*

(B) *is of a type that has been sold, leased, or licensed to the general public, or offered for sale, lease or license to the general public; ~~Has been offered for sale, lease, or license to the general public;~~*

(2) Any item that evolved from an item described in paragraph (1) of this definition through advances in technology or performance and that is not yet available in the commercial marketplace, but will be available in the commercial marketplace in time to satisfy the delivery requirements under a Government solicitation;

(3) Any item that would satisfy a criterion expressed in paragraphs (1) or (2) of this definition, but for --

(A) Modifications of a type customarily available in the commercial marketplace; or

(ii) Minor modifications of a type not customarily available in the commercial marketplace made to meet Federal Government requirements. Minor modifications mean modifications that do not significantly alter the nongovernmental function or essential physical characteristics of an item or component, or change the purpose of a process. Factors to be considered in determining whether a modification is minor include the value and size of the modification and the comparative value and size of the final product. ~~Dollar values and percentages may be used as guideposts, but are not conclusive evidence that a modification is minor.~~ *For minor modifications, the item need only retain a predominance or preponderance of nongovernmental functions or essential physical characteristics. In either case – modifications of a type customarily available in the commercial marketplace or minor modifications – the source of funding for the modifications shall not be a factor in a determination that an item is a commercial item under this subsection or in determining the Government's rights in any technical data pertaining to such modified commercial item or in computer software qualifying as a commercial item;*

(4) Any combination.....

**Report Language:**

The Committee intends that a commercial item does not have to be "off the shelf" to be classified as commercial and that modification of a type and that minor modification should be acquired to meet Federal Government requirements.

**2. Limiting contractual flowdown requirements to the commercial supply chain**

**What does it do?**

Excludes unique government flow down requirements from commercial suppliers providing commodities that are fulfilling both commercial and government orders. In short, if a commercial contractor is buying bulk commodities from a commercial supplier - and those commodities are then being used in the manufacturing line for both commercial and government orders - those commercial suppliers in the commercial supply chain will not be subject to unique federal flow downs requirements as outlined in FAR Part 12.301 and FAR Subpart 213.3.

**Proposal Description:**

All companies buy commodities for production and operations that do not relate in any way to a particular contract, customer or customer requirements. This is generally referred to as "general procurement of commodity items purchased in the ordinary course of business", and is a standard commercial practice. Companies purchase items in this manner in order to take advantage of bulk pricing and for efficiency of operations and production.

The proliferation of the application of unique terms and conditions as flow-down requirements on government contracts has created a uniquely problematic situation for these general procurement purchases, where the supply chain is largely commercial in nature and is comprised of a significant number of small businesses. The suppliers are not subcontractors on any particular program, and no specific contract is yet known for purposes of the ultimate use of the commodity. The flow-down requirements should not be applied in these situations.

**Bill Language:**

Amend 41 USC 1906, "List of Laws inapplicable to procurements of commercial items," as follows (*new language red italics*):

(c) Subcontracts.—

(1) Definition.—In this subsection, the term "subcontract" includes the transfer of commercial items between divisions, subsidiaries, or affiliates of a contractor or subcontractor; *the term does not include agreements entered into by a contractor with a non-traditional defense contractor or for the supply of commodities that are intended for use in the performance of multiple contracts with the Government and other parties and that are not identifiable to any particular contract.*

**Report Language:**

"The committee intends that the definition of subcontract not include agreements for commodities that are used to meet both commercial and military contracts."

### 3. Definition of Nondevelopmental Items

**Issue:**

In FAR Part 2.101, Definitions, the definition of “Nondevelopmental item” means --

- (1) Any previously developed item of supply used exclusively for governmental purposes by a Federal agency, a State or local government, or a foreign government with which the United States has a mutual defense cooperation agreement;
- (2) Any item described in paragraph (1) of this definition that requires only minor modification or modifications of a type customarily available in the commercial marketplace in order to meet the requirements of the procuring department or agency; or
- (3) Any item of supply being produced that does not meet the requirements of paragraph (1) or (2) solely because the item is not yet in use.

In the FY2009 NDAA, the sales of commercial items to foreign governments was removed from the definition of “general public”.

“General public” and “non-governmental entities,” as used in the definition of “commercial item” at FAR 2.101, do not include the Federal Government or a State, local, or foreign government (Pub. L. 110-181, section 815(b)).

Since sales to foreign governments are excluded from the definition of “general public”, it would be appropriate to include such sales under the section for Nondevelopmental items, given that term currently includes sales to other types of government entities. This will enable the USG to acquire products that are already developed without incurring costs to develop a government-unique item.

**Legislative proposal:**

*Subsection 8 of 41 USC 103 and the FAR 2.101 definition of a Commercial Item should be changed as follows:*

- (8) A nondevelopmental item, if the procuring agency determines the item was developed exclusively at private expense and sold in substantial quantities, on a competitive basis, to multiple State, ~~and local~~ or foreign governments.

### 4. Market research for the determination of price reasonableness

**Proposal description:**

Government decisions concerning commercial item price reasonableness typically are based on a narrow approach that relies solely on commercial sales data provided by the offeror. This approach fails to account price and material factors found in market research. While 10 USC 2377 establishes the preference for acquisition of commercial items, it limits the requirement for market research only to preliminary market research. Preliminary market research is defined in terms of understanding what commercial items are suitable to meet military requirements. Similarly, Federal Acquisition Regulation (FAR) Part 10.001 focuses the requirement for market research on potentially identifying commercial items can meet an agency's needs and requirements.

There is a distinct deference between conducting market research to determine if commercial technology is available to meet military requirements and market research done to support price reasonableness of commercial items. The former is a capabilities based research with the focus at identifying commercial items that can meet government requirements – to include the modification of commercial items (of a type). The latter is a decision-based process to evaluate prices offered in context of the market place to determine the prices proposed are fair and reasonable. Without market research when evaluating commercial item prices, the determination of price reasonableness is constrained. Commercial prices are not developed in a vacuum free of market forces, resources constraints and material availability. Just as it is important for the government to perform market research to understand what is available in the market place, it is equally important to understand prices offered in context of that same market place.

**Bill language:**

Amend 10 USC 2377 by adding a new subsection (d) as shown to include market research in the determination of price reasonableness:

“(d) Market Research for Price Analysis – (1) the contracting officer shall conduct market research to support the determination of the reasonableness of price for commercial items.”

**Report language:**

“The committee intends that market research be included to the determination of the reasonableness of price for commercial items.”

**5. Tactical Combat Training System, Inc II (TCTS II) and the Common Range Integrated Instrumentation System (CRIIS)**

Air Combat Training (ACT) ranges provide the opportunity for greatly improving the readiness of aviation forces by enabling the simulation of numerous combat scenarios while employing a wide range of platforms, both in capability and quantity. The Tactical Combat Training System, Increment II (TCTS II) program is a major modification of the current Tactical Combat Training

System that will address current system shortfalls while also providing a pathway towards future requirements, such as live, virtual constructive training, and/or embarked (i.e. “rangeless”) training .

The Common Range Integrated Instrumentation System (CRIIS) is a seven (7) year DoD effort that has invested more than \$300M to mature and develop key technologies to field an open architecture, MILS encrypted, high bandwidth datalink system for both the test and training communities. This development effort was specifically designed to address historic shortfalls in both test and training ranges. CRIIS is a mature program and had achieved NSA Type 1 security certification for its MILS solution.

TCTS II is envisioned as an air combat training program that will follow Better Buying Power 3.0’s key tenants of technology responsiveness through use of open architecture and appropriate commercial technology. CRIIS provides a pathway for TCTS II to achieve DON’s vision of a next generation training range capability.

**Report Language:**

The Common Range Integrated Instrumentation System (CRIIS) program, developed by DoD to provide the needs of future test ranges, is a proven, secure and cost-effective system that addresses current and future DoD training needs as identified in the DoN’s Tactical Combat Training System (TCTS) Increment II acquisition program. Therefore, included NDAA Report language should state:

- The Committee encourages the Department of the Navy to leverage the current investment DoD has made for their test ranges, i.e., the Common Range Integrated Instrumentation System (CRIIS) program, as their solution for the Navy’s Tactical Combat Training System (TCTS) Increment II program
- Furthermore, the Committee recommends that the Department of the Air Force leverage existing technologies developed in DoD’s CRIIS program by incorporating its MILS encryption, datalink technology and open architecture design into the Air Force Research Lab’s Secure LVC Advanced Training Environment (SLATE) Advanced Technology Demonstration (ATD)



Testimony Before the House Armed Services Committee  
Congressman David B. McKinley, P.E.  
February 29, 2016

Thank you, Chairman Thornberry for the opportunity to speak before the House Armed Services Committee today. As your Committee begins the process of crafting the critically important annual National Defense Authorization Act ('NDAA'), I would like to revisit an issue which, under your leadership, the Committee attempted to address last year only to have the Senate block it. The issue involves our nation's solid rocket motor ('SRM') industrial base. This issue affects not only our national security, but also American manufacturers and the continued supply of the nation's premier air-to-air missiles.

Last year I testified that limited new tactical missile programs, coupled with few planned upgrades to existing tactical missile programs, have placed the domestic industrial base of SRMs at risk. The situation has been made worse by outsourcing rocket motor production to foreign suppliers. Since then, the situation has only worsened. In October 2015, the Office of the Under Secretary of Defense for Acquisition, Technology and Logistics submitted a report to Congress that stated, "declining DoD missile development and procurement funding has allowed [the SRM industrial base] to atrophy and become fragile." As this Committee knows well, the October 2015 report is simply the latest in a string of clarion reports dating over a decade that warn of a critical military capability that has declined and is under duress. Normally, one would think that if the Department of Defense identified a military weakness that has a direct operational impact, action would be taken and taken quickly. Unfortunately, little or no measurable steps have been taken – allowing the situation to degrade further.

To stem continual decline, my ask today is the same as it was a year ago: include language in the NDAA to ensure that every US military tactical missile program that uses solid propellant as the primary propulsion system include at least one (1) American domestic rocket motor supplier. This change will not only help safeguard a vital industrial capability, but help guarantee competition which ultimately delivers much needed technical innovation and cost efficiencies.

Since the mid-1980s, the number of US domestic producers of tactical SRMs has declined from five (5) suppliers to two (2). Two main factors have contributed to this decline: (1) a significant reduction in the number of new tactical missile programs developed and produced and (2) the volatility from year-to-year of planned missile purchases, which causes financial uncertainty and inefficiencies in the marketplace. Existence of a struggling, at-risk SRM industrial base has been highlighted in numerous Department of Defense and Congressional Committee reports, which have been provided for your staff.

Aggravating the industrial base situation are instances in which missile programs have used foreign SRM suppliers. For example, the US military's primary air-to-air missile, AMRAAM,

relies solely on a Norwegian supplier despite desires of the Air Force to have two suppliers. Reliance on a single, foreign supplier is an inherent national security issue and is a considerable risk in terms of supply chain vulnerability and cost containment. Further, not sustaining an American SRM industrial base now will only impede the future development of missile systems. The Defense Department's own analysis estimates that new programs could be delayed by 5 to 10 years or more should we lose domestic SRM production capability and the US will need to reconstitute its propulsion design and engineering capabilities. Simply put, SRM design and manufacturing is a highly technical and specific field, and if we lose American know-how and capabilities, it will take years of time and money to get it back.

As this Committee knows well, a constrained defense budget limits the number of weapon programs that can be started or upgraded. This is especially true for tactical missiles where SRM designers and manufacturers have undergone dramatic "right-sizing" to match reduced market demands. Nevertheless, the SRM industry remains at risk and thus any program delays or outsourcing of work has an amplified impact on an industry which relies on several key single-source sub-tier suppliers. Increased support of a shrinking SRM industrial base is warranted given the limited number of new and planned upgrade missile programs that are identified in the out-year budget. A Department of Defense policy that ensures that at least one (1) US SRM supplier be required for every US missile program that is designed, developed and used by our military will encourage competition, drive down costs and reduce a glaring national security risk.

Attached please find suggested language that addresses this critical national security issue. Thank you for taking my views into consideration.

Sincerely,

David B. McKinley, P.E.  
Member of Congress

Solid Rocket Motor Industrial Base Suggested Language

**Policy regarding solid rocket motors used in tactical missiles:**

- (a) Policy – The Secretary of Defense shall ensure that every tactical missile program of the Department of Defense that uses solid propellant as the primary propulsion system shall have at least two fully certified rocket motor suppliers in the event that one of the rocket motor suppliers is outside the national technology and industrial base (as defined in section 2500(1) of title 10, United States Code).
- (b) Waiver – The Secretary may waive subsection (a) in the case of compelling national security reasons.

BILL POSEY  
8TH DISTRICT, FLORIDA

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**Congress of the United States**  
**House of Representatives**  
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February 29, 2016

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The Honorable Mac Thornberry  
Chairman  
House Armed Services Committee  
2216 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Thornberry:

Thank you for the opportunity to submit my requests for the FY2017 National Defense Authorization Act. I appreciate the work you do in crafting the NDAA, which is no small task. Providing for the national defense is one of the most important constitutional responsibilities of the federal government.

First, I ask the Committee to include in the NDAA a common sense provision that was adopted by the House two years in a row by voice vote. Despite broad support in the House, the provision did not make it through the Senate or the conference process. This provision simply allows nonprofit organizations to ship items to U.S. service members serving overseas on a space available basis.

Since 1985, under the "Denton Program" the Department of Defense has been authorized to transport privately-donated humanitarian cargo for foreign nationals on a space available basis. This program has the dual benefit of making good use of open space on DOD transports while saving humanitarian organizations prohibitive shipping costs.

I introduced the *Deployed Troops Support Act* to extend the benefits of the popular Denton Program to members of the U.S. Armed Forces. H.R. 1177 would allow nonprofit organizations to ship items via DOD transport which are intended for U.S. service members currently serving overseas. Like humanitarian items shipped under the Denton Program, these items intended for U.S. troops could only be transported on a space available basis. The program would be administered at the discretion of the Secretary of Defense. The Secretary would have authority to determine that there is a legitimate need for the goods being shipped, that supplies are suitable for distribution, and that adequate arrangements have been made for distribution. My bill would give veterans' nonprofits and private charitable organizations that support our troops the same consideration that humanitarian organizations are already given for transporting humanitarian goods.


I also ask the Committee to encourage the Army to continue to make modernizing the tactical network a top priority. The Mid-Tier Networking Vehicular Radio (MNVR) program provides vehicle mounted radios with a new "mid tier" – connecting the soldier to mission command, and enhancing capability to exchange voice and data simultaneously and faster than current systems. The Army's new network of tactical radios is essential to getting soldiers where they need to go, and enabling information sharing between mission command and forward deployed soldiers. I suggest the Committee insert report language, which is attached.

Additionally, I request the Committee to insert report language to encourage the Department of the Navy to continue their stated schedule and requirements for updating their air combat training ranges, i.e., the Tactical Combat Training System (TCTS) Increment II program, as well as to leverage the all existing technology to meet present and future needs, such as the multi-level secure datalink and open architecture capable system, developed by the DoD to meet their needs on future test ranges.

I suggest the Committee include a directive to the Assistant Secretaries for Acquisition for both the Air Force and the Navy to provide to this Committee, no later than July 1, 2016, their respective plans for procuring Mobile User Objective System (MUOS) firmware and enabling their respective communications systems, current and future, with the MUOS capability. MUOS is replacing the aging Ultra High Frequency Follow On (UFO) constellation, and currently has a satellite constellation on orbit but few Air Force and Marine Corps communications terminals actually carrying the MUOS waveform software. The benefits of MUOS include enhanced communications capability over existing systems, including simultaneous voice and data, similar to capabilities delivered by smart phones. Both the Air Force and the Marine Corps have requested funds for MUOS waveform upgrades in FY17, and were appropriated similar funds in FY16.

I respect the work the Committee has done on commercial acquisition, but I believe there are other issues which need to be clarified in the FY2017 NDAA. Specifically, clarification of the definition of a commercial item to those used by the general public or by non-governmental entities, which preserves commercial status even if there have been slight modifications, if the preponderance of characteristics of the item remain commercial.

I thank the Committee for their consideration of these requests. Attached are several addendums with the referenced suggested report and bill language.

Sincerely,  
  
Bill Posey  
Member of Congress

**Recommended Report Language**  
**Mid-Tier Networking Vehicular Radio**

Modernizing battlefield communications is a critical priority for the Army. After years of delay, the Army is moving forward with procuring, testing, and fielding next-generation tactical radios via the Mid-Tier Networking Vehicular (MNVR) and Handheld, Manpack, Small Form Fit (HMS) programs.

MNVR provides the terrestrial backbone for the Army's tactical network, connecting lower-echelon radios, like HMS Manpack and Rifleman, with the upper tier at the brigade and battalion level. This terrestrial backbone provides a critical capability to the Army and reduces reliance on satellite communications for command and control capability. The radio utilizes advanced network waveforms, including the Wideband Networking Waveform (WNW) and the Soldier Radio Waveform (SRW), to transmit voice, data, imagery, and video across the battlefield.

The Army's MNVR radio has completed initial test activities and is expected to move to full-rate production after testing in the Summer of 2016. Any further delay in this program will jeopardize the fielding schedule for Capability Sets 18 and beyond. The Committee reiterates its support for MNVR and urges the Army to maintain its testing schedule in order to meet fielding requirements.

**Recommended Report Language****Tactical Combat Training System, Inc II (TCTS II) and the Common Range Integrated Instrumentation System (CRIIS)**

*The Committee encourages the Department of the Navy to leverage the current investment DoD has made for their test ranges, i.e., the Common Range Integrated Instrumentation System (CRIIS) program, as their solution for the Navy's Tactical Combat Training System (TCTS) Increment II program*

*Furthermore, the Committee recommends that the Department of the Air Force leverage existing technologies developed in DoD's CRIIS program by incorporating its MILS encryption, datalink technology and open architecture design into the Air Force Research Lab's Secure LVC Advanced Training Environment (SLATE) Advanced Technology Demonstration (ATD)*

**Recommended Report Language**  
**Accelerate Mobile User Objective System (MUOS) to the Warfighter**

The Committee has previously noted the lack of alignment between the space, ground, and user equipment segments on various space-based acquisition programs. The MUOS program has a satellite constellation on orbit but few communications terminals carrying the MUOS waveform software. The Committee understands that MUOS capability will be available for operational deployment within FY16. Both the Air Force and the Marine Corps have requested funds for MUOS waveform upgrades in FY17, and the Congress appropriated similar funds in FY16. The Committee directs that the Assistant Secretaries for Acquisition for both the Air Force and the Navy provide to the Congress, no later than July 1, 2016, their respective plans for procuring MUOS firmware and enabling their communications systems, current and future, with the MUOS capability. These reports shall include a schedule for orders, delivery, and fielding.



### Commercial Item Definition

#### Suggested Bill Language:

Amend 41 U.S. Code §103 as shown to clarify the “of a type” items with modification or minor modifications:

In this subtitle, the term “commercial item” means—

(1) Any item *or service*, other than real property, that: ~~is of a type customarily used by the general public or by non-governmental entities for purposes other than governmental purposes, and--~~

(A) *is of a type customarily used by the general public or by non-governmental entities for purposes other than governmental purposes, and* ~~Has been sold, leased, or licensed to the general public; or;~~

(B) is of a type that has been sold, leased, or licensed to the general public, or offered for sale, lease or license to the general public; ~~Has been offered for sale, lease, or license to the general public;~~

(2) Any item that evolved from an item described in paragraph (1) of this definition through advances in technology or performance and that is not yet available in the commercial marketplace, but will be available in the commercial marketplace in time to satisfy the delivery requirements under a Government solicitation;

(3) Any item that would satisfy a criterion expressed in paragraphs (1) or (2) of this definition, but for --

(A) Modifications of a type customarily available in the commercial marketplace; or  
(ii) Minor modifications of a type not customarily available in the commercial marketplace made to meet Federal Government requirements. Minor modifications mean modifications that do not significantly alter the nongovernmental function or essential physical characteristics of an item or component, or change the purpose of a process. Factors to be considered in determining whether a modification is minor include the value and size of the modification and the comparative value and size of the final product. ~~Dollar values and percentages may be used as guideposts, but are not conclusive evidence that a modification is minor.~~ For minor modifications, the item need only retain a predominance or preponderance of nongovernmental functions or essential physical characteristics. In either case -- modifications of a type customarily available in the commercial marketplace or minor modifications -- the source of funding for the modifications shall not be a factor in a determination that an item is a commercial item under this subsection or in determining the Government's rights in any technical data pertaining to such modified commercial item or in computer software qualifying as a commercial item;

(4) Any combination.....

#### Recommended Report Language:

The Committee intends that a commercial item does not have to be “off the shelf” to be classified as commercial and that modification of a type and that minor modification should be acquired to meet Federal Government requirements.

Congressman Gregorio Kilili Camacho Sablan

Before the House Armed Services Committee

Member Day Testimony on the Fiscal Year 2017 National Defense Authorization Act

March 1, 2016

2118 Rayburn House Office Building

Thank you Chairman Thornberry, Ranking Member Smith, and Members of the House Armed Services Committee for the invitation to submit testimony from non-HASC members on our nation's Defense priorities as you craft the National Defense Authorization Act for Fiscal Year 2017.

I request that you consider two proposals for inclusion in the 2017 NDAA. The first proposal is authorization for the establishment of a unit of the National Guard in the Northern Mariana Islands. Legislative language I have introduced, H.R. 3649, is attached that would amend Titles 10, 32, and 37 of the United States Code for this purpose.

The National Guard Bureau issued a report on August 19, 2015, affirming that it would be feasible to establish a National Guard unit in the Northern Mariana Islands. The Bureau was responding to the mandate for a study, contained in Section 515 of the Fiscal Year 2014 National Defense Authorization Act, that Congress required for guidance on this issue.

Establishing a National Guard in the Northern Marianas would support the Defense Department's goal of a rebalance to Asia, increasing our military presence in the first line of U.S. soil in the western Pacific and thereby enhancing security and stability in the region.

In addition to the national security rationale, a National Guard unit would give the Governor of the Northern Marianas additional capacity to respond quickly and effectively to emergency. Ours is one of only two jurisdictions nationwide that does not have its own National Guard — a deficiency sorely apparent in August of last year, when Typhoon Soudelor caused widespread damage and led the President to declare a major disaster in the islands.

The groundwork for establishment of the Guard unit is already in place at the local level. The Northern Mariana Islands National Guard Act (Public Law 13-32) was enacted in 2002 by the Northern Marianas Legislature. What is now needed is federal action. H.R. 3649, my bill authorizing National Guard units in my district, will not require any funding nor would it impose any new requirements on the National Guard Bureau or the Department of Defense. It would simply include the Northern Mariana Islands in the definitions sections of current law of what constitutes the National Guard.

My second request is that the 2017 NDAA include language requiring the Department of Defense to produce a report detailing its plan on how it would implement a unit of the National Guard in the Northern Mariana Islands. The 2015 feasibility report found formation of National Guard units in the Northern Marianas to be feasible. I believe the proper next step would be for

the Secretary to report to this Committee its implementation plan to establish, maintain, and sustain a unit of the National Guard in the Northern Mariana Islands. Such a report should include details regarding force structure allocation, recruiting, and funding requirements that would enable this Committee to better understand how the Department would stand up a new National Guard unit, and how Congress could help.

I thank the Committee for its consideration of these two proposals for inclusion in the National Defense Authorization Act for Fiscal Year 2017. I also thank the Committee for keeping a keen eye on the expansion of military activity in the Northern Marianas and for working with me as these plans continue to develop. The military buildup and presence in the Marianas region will have long-term consequences for the people I represent; and I appreciate the partnership of this Committee in managing these developments in the best interest of my constituents and of the national security needs of our nation.

114TH CONGRESS  
1ST SESSION

# H. R. 3649

To amend titles 10, 32, and 37 of the United States Code to authorize the establishment of units of the National Guard in the Commonwealth of the Northern Mariana Islands.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2015

Mr. SABLAN introduced the following bill; which was referred to the Committee on Armed Services

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## A BILL

To amend titles 10, 32, and 37 of the United States Code to authorize the establishment of units of the National Guard in the Commonwealth of the Northern Mariana Islands.

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. ESTABLISHMENT OF UNITS OF THE NATIONAL**  
4 **GUARD IN THE COMMONWEALTH OF THE**  
5 **NORTHERN MARIANA ISLANDS.**

6 (a) TITLE 32 (NATIONAL GUARD) AMENDMENTS.—

7 (1) DEFINITIONS.—Section 101 of title 32,  
8 United States Code, is amended—

1 (A) in paragraph (4), by striking “Puerto  
2 Rico” and inserting “the Commonwealth of  
3 Puerto Rico, the Commonwealth of the North-  
4 ern Mariana Islands,”;

5 (B) in paragraph (6), by striking “Puerto  
6 Rico” and inserting “the Commonwealth of  
7 Puerto Rico, the Commonwealth of the North-  
8 ern Mariana Islands,”; and

9 (C) in paragraph (19), by striking “Puerto  
10 Rico,” and inserting “Puerto Rico, the Com-  
11 monwealth of the Northern Mariana Islands,”.

12 (2) BRANCHES AND ORGANIZATIONS.—Section  
13 103 of title 32, United States Code, is amended by  
14 striking “Puerto Rico,” and inserting “Puerto Rico,  
15 the Commonwealth of the Northern Mariana Is-  
16 lands,”.

17 (3) UNITS: LOCATION; ORGANIZATION; COM-  
18 MAND.—Section 104 of title 32, United States Code,  
19 is amended—

20 (A) in subsection (a), by striking “Puerto  
21 Rico,” and inserting “Puerto Rico, the Com-  
22 monwealth of the Northern Mariana Islands,”;

23 (B) in subsection (c), by striking “Puerto  
24 Rico,” and inserting “Puerto Rico, the Com-

1           monwealth of the Northern Mariana Islands,";  
2           and

3           (C) in subsection (d), by striking "Puerto  
4           Rico," and inserting "Puerto Rico, the Com-  
5           monwealth of the Northern Mariana Islands,".

6           (4) AVAILABILITY OF APPROPRIATIONS.—Sec-  
7           tion 107(b) of title 32, United States Code, is  
8           amended by striking "Puerto Rico," and inserting  
9           "Puerto Rico, the Commonwealth of the Northern  
10          Mariana Islands,".

11          (5) MAINTENANCE OF OTHER TROOPS.—Sec-  
12          tion 109 of title 32, United States Code, is amended  
13          by striking "Puerto Rico," each place it appears and  
14          inserting "Puerto Rico, the Commonwealth of the  
15          Northern Mariana Islands,".

16          (6) DRUG INTERDICTION AND COUNTER-DRUG  
17          ACTIVITIES.—Section 112(h)(3) of title 32, United  
18          States Code, is amended by striking "Puerto Rico,"  
19          and inserting "Puerto Rico, the Commonwealth of  
20          the Northern Mariana Islands,".

21          (7) ENLISTMENT OATH.—Section 304 of title  
22          32, United States Code, is amended by striking "or  
23          of Puerto Rico" and inserting "the Commonwealth  
24          of Puerto Rico, the Commonwealth of the Northern  
25          Mariana Islands,".

1           (8) ADJUTANTS GENERAL.—Section 314 of title  
2       32, United States Code, is amended by striking  
3       “Puerto Rico,” both places it appears and inserting  
4       “Puerto Rico, the Commonwealth of the Northern  
5       Mariana Islands,”.

6           (9) DETAIL OF REGULAR MEMBERS.—Section  
7       315 of title 32, United States Code, is amended by  
8       striking “Puerto Rico,” each place it appears and in-  
9       serting “Puerto Rico, the Commonwealth of the  
10      Northern Mariana Islands,”.

11          (10) TERMINATION OF APPOINTMENT.—Section  
12      324(b) of title 32, United States Code, is amended  
13      by striking “Puerto Rico,” and inserting “Puerto  
14      Rico, the Commonwealth of the Northern Mariana  
15      Islands,”.

16          (11) RELIEF FROM NATIONAL GUARD DUTY  
17      WHEN ORDERED TO ACTIVE DUTY.—Section 325 of  
18      title 32, United States Code, is amended—

19           (A) in subsection (a), by striking “Puerto  
20      Rico,” each place it appears and inserting  
21      “Puerto Rico, the Commonwealth of the North-  
22      ern Mariana Islands,”; and

23           (B) in subsection (b), by striking “Puerto  
24      Rico” and inserting “Puerto Rico or the Com-  
25      monwealth of the Northern Mariana Islands”.

1           (12) COMPOSITION OF COURTS-MARTIAL.—Sec-  
2           tion 326 of title 32, United States Code, is amended  
3           by striking “Puerto Rico,” and inserting “Puerto  
4           Rico, the Commonwealth of the Northern Mariana  
5           Islands,”.

6           (13) CONVENING AUTHORITY OF COURTS-MAR-  
7           TIAL.—Section 327(a) of title 32, United States  
8           Code, is amended by striking “Puerto Rico,” and in-  
9           serting “Puerto Rico, the Commonwealth of the  
10          Northern Mariana Islands,”.

11          (14) GOVERNOR’S AUTHORITY.—Section 328(a)  
12          of title 32, United States Code, is amended by strik-  
13          ing “or the Commonwealth of Puerto Rico,” and in-  
14          serting “, the Commonwealth of Puerto Rico, the  
15          Commonwealth of the Northern Mariana Islands,”.

16          (15) TRAINING GENERALLY.—Section 501(b) of  
17          title 32, United States Code, is amended by striking  
18          “Puerto Rico,” and inserting “Puerto Rico, the  
19          Commonwealth of the Northern Mariana Islands,”.

20          (16) SUPPORT OF TRAINING OPERATIONS AND  
21          TRAINING MISSIONS.—Section 502(f)(2)(B)(i) of  
22          title 32, United States Code, is amended by striking  
23          “or the Commonwealth of Puerto Rico” and insert-  
24          ing “, the Commonwealth of Puerto Rico, the Com-  
25          monwealth of the Northern Mariana Islands,”.



1           (17) PARTICIPATION IN FIELD EXERCISES.—  
2       Section 503(b) of title 32, United States Code, is  
3       amended by striking “Puerto Rico,” and inserting  
4       “Puerto Rico, the Commonwealth of the Northern  
5       Mariana Islands,”.

6           (18) NATIONAL GUARD SCHOOLS AND SMALL  
7       ARMS COMPETITIONS.—Section 504(b) of title 32,  
8       United States Code, is amended by striking “Puerto  
9       Rico” and inserting “, the Commonwealth of Puerto  
10      Rico, the Commonwealth of the Northern Mariana  
11      Islands,”.

12          (19) ATTENDANCE AT ARMY AND AIR FORCE  
13      SCHOOLS.—Section 505 of title 32, United States  
14      Code, is amended in the first sentence by striking  
15      “Puerto Rico,” and inserting “Puerto Rico, the  
16      Commonwealth of the Northern Mariana Islands,”.

17          (20) NATIONAL GUARD YOUTH CHALLENGE  
18      PROGRAM.—Section 509(l)(1) of title 32, United  
19      States Code, is amended by striking “Puerto Rico,”  
20      and inserting “Puerto Rico, the Commonwealth of  
21      the Northern Mariana Islands,”.

22          (21) ISSUE OF SUPPLIES.—Section 702 of title  
23      32, United States Code, is amended—

24              (A) in subsection (a), by striking “Puerto  
25      Rico,” and inserting “Puerto Rico, the Com-

1 monwealth of the Northern Mariana Islands,”;  
2 and

3 (B) in subsections (b), (c), and (d), by  
4 striking “Puerto Rico” each place it appears  
5 and inserting “the Commonwealth of Puerto  
6 Rico, the Commonwealth of the Northern Mar-  
7 iana Islands,”.

8 (22) PURCHASES OF SUPPLIES FROM ARMY OR  
9 AIR FORCE.—Section 703 of title 32, United States  
10 Code, is amended by striking “Puerto Rico,” both  
11 places it appears and inserting “Puerto Rico, the  
12 Commonwealth of the Northern Mariana Islands,”.

13 (23) ACCOUNTABILITY.—Section 704 of title  
14 32, United States Code, is amended by striking  
15 “Puerto Rico,” and inserting “Puerto Rico, the  
16 Commonwealth of the Northern Mariana Islands,”.

17 (24) PROPERTY AND FISCAL OFFICERS.—Sec-  
18 tion 708 of title 32, United States Code, is amended  
19 by striking “Puerto Rico,” both places it appears  
20 and inserting “Puerto Rico, the Commonwealth of  
21 the Northern Mariana Islands,”.

22 (25) EMPLOYMENT, USE, AND STATUS OF  
23 TECHNICIANS.—Section 709(a)(3)(C) of title 32,  
24 United States Code, is amended by striking “or the  
25 Commonwealth of Puerto Rico” and inserting “, the

1 Commonwealth of Puerto Rico, the Commonwealth  
2 of the Northern Mariana Islands,”.

3 (26) ACCOUNTABILITY FOR PROPERTY ISSUED  
4 TO THE NATIONAL GUARD.—Section 710 of title 32,  
5 United States Code, is amended by striking “Puerto  
6 Rico,” each place it appears and inserting “Puerto  
7 Rico, the Commonwealth of the Northern Mariana  
8 Islands,”.

9 (27) DISPOSITION OF OBSOLETE OR CON-  
10 DEMNED PROPERTY.—Section 711 of title 32,  
11 United States Code, is amended by striking “Puerto  
12 Rico,” and inserting “Puerto Rico, the Common-  
13 wealth of the Northern Mariana Islands,”.

14 (28) DISPOSITION OF PROCEEDS OF CON-  
15 DEMNED STORES ISSUED TO NATIONAL GUARD.—  
16 Section 712(1) of title 32, United States Code, is  
17 amended by striking “Puerto Rico,” and inserting  
18 “Puerto Rico, the Commonwealth of the Northern  
19 Mariana Islands,”.

20 (29) SETTLEMENTS FOR PROPERTY LOSS, PER-  
21 SONAL INJURY, OR DEATH.—Section 715(c) of title  
22 32, United States Code, is amended by striking “or  
23 Puerto Rico” and inserting “, the Commonwealth of  
24 Puerto Rico, or the Commonwealth of the Northern  
25 Mariana Islands”.

1           (30) HOMELAND DEFENSE ACTIVITIES.—Sec-  
2           tion 901(2) of title 32, United States Code, is  
3           amended by striking “Puerto Rico,” and inserting  
4           “Puerto Rico, the Commonwealth of the Northern  
5           Mariana Islands,”.

6           (b) TITLE 10 AMENDMENTS.—

7           (1) DEFINITIONS.—Section 101 of title 10,  
8           United States Code, is amended—

9           (A) in subsection (c)—

10           (i) in paragraph (2), by striking  
11           “Puerto Rico,” and inserting “the Com-  
12           monwealth of Puerto Rico, the Common-  
13           wealth of the Northern Mariana Islands,”;  
14           and

15           (ii) in paragraph (4), by striking  
16           “Puerto Rico,” and inserting “the Com-  
17           monwealth of Puerto Rico, the Common-  
18           wealth of the Northern Mariana Islands,”;  
19           and

20           (B) in subsection (d)(5), by striking  
21           “Puerto Rico,” and inserting “Puerto Rico, the  
22           Commonwealth of the Northern Mariana Is-  
23           lands,”.

24           (2) MILITIA DUTY EXEMPTIONS.—Section  
25           312(a)(2) of title 10, United States Code, is amend-

1 ed by striking “Puerto Rico,” and inserting “Puerto  
2 Rico, the Commonwealth of the Northern Mariana  
3 Islands,”.

4 (3) ARTICLES OF UNIFORM.—Section 771a(c)  
5 of title 10, United States Code, is amended by strik-  
6 ing “Puerto Rico,” and inserting “the Common-  
7 wealth of Puerto Rico, the Commonwealth of the  
8 Northern Mariana Islands,”.

9 (4) MILITARY POWERS OF ATTORNEY.—Section  
10 1044b(d) of title 10, United States Code, is amend-  
11 ed by striking “Puerto Rico,” and inserting “Puerto  
12 Rico, the Commonwealth of the Northern Mariana  
13 Islands,”.

14 (5) ADVANCE MEDICAL DIRECTIVES OF MEM-  
15 BERS AND DEPENDENTS.—Section 1044c(e)(1) of  
16 title 10, United States Code, is amended by striking  
17 “Puerto Rico,” and inserting “Puerto Rico, the  
18 Commonwealth of the Northern Mariana Islands,”.

19 (6) DETAIL OF ARMY NATIONAL GUARD AS STU-  
20 DENTS, OBSERVERS, AND INVESTIGATORS AT EDU-  
21 CATIONAL INSTITUTIONS, INDUSTRIAL PLANTS, AND  
22 HOSPITALS.—Section 4301(c) of title 10, United  
23 States Code, is amended by striking “Puerto Rico,”  
24 and inserting “Puerto Rico, the Commonwealth of  
25 the Northern Mariana Islands,”.

1           (7) DETAIL OF AIR NATIONAL GUARD AS STU-  
2           DENTS, OBSERVERS, AND INVESTIGATORS AT EDU-  
3           CATIONAL INSTITUTIONS, INDUSTRIAL PLANTS, AND  
4           HOSPITALS.—Section 9301(c) of title 10, United  
5           States Code, is amended by striking “Puerto Rico,”  
6           and inserting “Puerto Rico, the Commonwealth of  
7           the Northern Mariana Islands,”.

8           (8) DEFINITION OF STATE FOR DIVISION E.—  
9           Section 10001 of title 10, United States Code, is  
10          amended by striking “Puerto Rico,” and inserting  
11          “Puerto Rico, the Commonwealth of the Northern  
12          Mariana Islands,”.

13          (9) TRAINING OF MILITARY TECHNICIANS  
14          (DUAL STATUS).—Section 10216(a)(3)(C) of title 10,  
15          United States Code, is amended by striking “or the  
16          Commonwealth of Puerto Rico” and inserting “, the  
17          Commonwealth of Puerto Rico, the Commonwealth  
18          of the Northern Mariana Islands,”.

19          (10) COMMISSIONED OFFICERS ORIGINAL AP-  
20          POINTMENT.—Section 12204(b) of title 10, United  
21          States Code, is amended by striking “Puerto Rico,”  
22          and inserting “the Commonwealth of Puerto Rico,  
23          the Commonwealth of the Northern Mariana Is-  
24          lands,”.

1           (11) DETAIL FOR ORGANIZING, ADMIN-  
2           ISTERING, ETC., RESERVE COMPONENTS.—Section  
3           12310 of title 10, United States Code, is amended—

4                   (A) in subsection (b)(4), by striking “or  
5           the Commonwealth of Puerto Rico” and insert-  
6           ing “, the Commonwealth of Puerto Rico, the  
7           Commonwealth of the Northern Mariana Is-  
8           lands,”; and

9                   (B) in subsection (c)(7), by striking “Puer-  
10          to Rico,” and inserting “Puerto Rico, the Com-  
11          monwealth of the Northern Mariana Islands,”.

12          (12) STANDARDS AND QUALIFICATIONS FOR  
13          COMMISSIONED OFFICERS.—Section 12642(c) of title  
14          10, United States Code, is amended by striking  
15          “Puerto Rico,” and inserting “the Commonwealth of  
16          Puerto Rico, the Commonwealth of the Northern  
17          Mariana Islands,”.

18          (13) FACILITIES FOR RESERVE COMPO-  
19          NENTS.—Section 18232(1) of title 10, United States  
20          Code, is amended by striking “Puerto Rico,” and in-  
21          serting “Puerto Rico, the Commonwealth of the  
22          Northern Mariana Islands,”.

23          (c) TITLE 37 DEFINITIONS.—Section 101 of title 37,  
24          United States Code, is amended—

1           (1) in paragraph (7), by striking “Puerto  
2       Rico,” and inserting “the Commonwealth of Puerto  
3       Rico, the Commonwealth of the Northern Mariana  
4       Islands,”; and

5           (2) in paragraph (9), by striking “Puerto  
6       Rico,” and inserting “the Commonwealth of Puerto  
7       Rico, the Commonwealth of the Northern Mariana  
8       Islands,”.

○



JOHN P. SARBANES  
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**Congress of the United States**  
**House of Representatives**  
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February 24, 2016

The Honorable Mac Thornberry  
Chairman  
Committee on the Armed Services  
US House of Representatives  
Washington, DC 20515

The Honorable Adam Smith  
Ranking Member  
Committee on the Armed Services  
US House of Representatives  
Washington, DC 20515

Dear Chairman Thornberry and Ranking Member Smith:

I submit this testimony to express my strong support for three important military construction projects at Fort George G. Meade for the National Security Agency (NSA). These projects – NSAW Recapitalization Building #2, Increment 2, NSAW Campus Feeders Phase 3 and Fort Meade Access Control Facility – all are included in the President's FY 2017 budget.

I support authorization of the NSAW Recapitalization Building #2, Increment 2 project. The NSA recapitalization plan calls for the phased replacement of aging facilities that have exceeded their service life and can no longer support the technology required for new missions. This facility is needed to provide an environment necessary for support mission operations. With authorization for this project, NSA will be able to further implement the recapitalization plan, and will not continue to overburden existing facilities and infrastructure, which impedes its ability to effectively operate and meet its mission.

I also support authorization of the NSAW Campus Feeders Phase 3 project. The existing feeders and physical infrastructure surrounding them have exceeded their service lives and are not able to meet requirements for the increasing power demand. Upgrading the feeder size and building them to modern standards will contribute to overall improved electrical reliability across the NSAW campus. As the NSAW campus electrical loads increase to meet demand, unplanned outages resulting from excessive thermal loading pose a risk to the currently inadequate electrical distribution duct bank, conduits, and medium voltage power feeds. Without this project, NSA will continue operating under progressively reduced levels of power reliability.

Finally, I support authorization of the Fort Meade Access Control Facility. Fort Meade has insufficient facilities and requires additional area to process visitors due to mission growth. The Access Control Facility will allow NSA to effectively process the expected increase of visitors requesting and/or requiring access to the installation. Without this project, NSA will continue to overburden the existing access control facility, which is not adequate to process the expected increase in the amount of visitors.

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PRINTED ON RECYCLED PAPER

Fort Meade has continued to grow as other military installations have shrunk because of the critical role it plays in our Nation's security. As home to NSA and to U.S. Cyber Command, Fort Meade is at the forefront of the modernization of our Armed Forces, and I urge the Committee's support for these necessary improvements.

Sincerely,

A handwritten signature in black ink, appearing to read "John P. Sarbanes". The signature is fluid and cursive, with a long horizontal stroke at the end.

John P. Sarbanes  
Member of Congress

## Long Range Transport of War-Related Burn Casualties

Evan M. Renz, MD, FACS, Leopoldo C. Cancio, MD, FACS, David J. Barillo, MD, FACS, Christopher E. White, MD, FACS, Michael C. Albrecht, MD, Charles K. Thompson, PA-C, Jody L. Ennis, RN, BSN, Sandra M. Wanek, MD, James A. King, MD, FACEP, Kevin K. Chung, MD, Steven E. Wolf, MD, FACS, and COL John B. Holcomb, MC

**Background:** US military burn casualties are evacuated to the US Army Institute of Surgical Research Burn Center in San Antonio, TX. Patients are transported by US Army Institute of Surgical Research Burn Flight Teams, Air Force Critical Care Air Transport Teams, or routine aeromedical evacuation. This study characterizes the military burn casualties transported by each team and reports associated outcomes.

**Methods:** We performed a retrospective review of burn center registry data, identifying all US burn casualties admitted to the Army's burn center between March 2003 and February 2007. Data included total body surface area (TBSA)

burn, ventilatory status, inhalational injury, associated injuries, injury severity, disposition, morbidity, and mortality.

**Results:** During 4 years of military operations in Iraq and Afghanistan, 540 casualties were admitted to our burn center for treatment of injuries resulting from war-related operations. Mean burn size was 16.7% total body surface area (range, <1%–95%) with a mean Injury Severity Score of  $12.2 \pm 13.7$ . One hundred eight-one (33.5%) casualties required ventilatory support in flight; inhalation injury was confirmed in 69 (12.7%) patients. Two hundred six (38.1%) were transported by the Burn Flight Team and 174

(32.2%) were transported by Critical Care Air Transport Team, with a mean transit time of 4 days after injury. One hundred sixty (29.6%) patients were routine aeromedical evacuees. There were no in-flight deaths reported; 30 (5.6%) patients died of their wounds at our burn center.

**Conclusions:** Burn casualties represent a group of patients with severe traumatic injuries. Our current system of selectively using specialty medical transport teams for the long-range transport of burn casualties is safe and effective.

**Key Words:** Burns, Aeromedical evacuation, Critical care air transport.

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United States military operations in support of the Global War on Terrorism continue throughout the world, but occur on the largest scale in Iraq and Afghanistan. Since March 2003, more than 8,000 US service members have sustained injuries from hostile action for which air transport was required.<sup>1</sup> Military surgeons assigned to deployed units, as well as those in Germany and at military medical facilities in the United States, continue to treat multisystem trauma which frequently includes extremity wounds, fragment injuries, and burns related to flame and explosive devices.<sup>2</sup> The percentage of combat wounded with thermal injury varies from war to war, ranging from 2% to 10%. Even relatively small surface area burns, such as those isolated to

the hands, can represent serious war-related injury with significant long-term sequelae. Since military operations began in Iraq in March 2003, hundreds of US military personnel have sustained thermal injuries from explosions and other implements of war, severe enough to warrant specialty care at a designated burn center.<sup>3</sup> The United States Army Institute of Surgical Research (USAISR) Burn Center in San Antonio is the designated treatment facility for all military casualties.

Improvised explosive devices, both man-packed and vehicle-borne, have resulted in significant traumatic burn injuries.<sup>4</sup> Currently, combat casualties from Iraq and Afghanistan are initially evacuated from military hospitals in their respective theater of operations by US Air Force (USAF) Aeromedical Evacuation crews to the US military Regional Medical Center at Landstuhl (LRMC) in Germany. At LRMC, trauma patients are rapidly reassessed and admitted to receive further resuscitation and operative interventions as required to ensure continuity of care.<sup>5</sup> Patients are then flown back to one of the designated receiving hospitals in the continental US (CONUS), typically Walter Reed Army Medical Center (WRAMC) in Washington, DC, the National Naval Medical Center in Bethesda, MD, or Brooke Army Medical Center (BAMC) in San Antonio, TX.

All burn casualties are flown more than 5,300 miles (8,600 km) from Germany to the USAISR burn center, located at BAMC, for definitive care and rehabilitation; these flights are usually 12 hours to 13 hours in duration. During aeromedical transport, less severely burned patients, sched-

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From the United States Army Institute of Surgical Research (E.M.R., L.C.C., D.J.B., C.E.W., M.C.A., C.K.T., J.L.E., K.K.C., S.E.W., J.B.H.), Fort Sam Houston, Texas; Landstuhl Regional Medical Center (S.M.W.), Landstuhl, Germany; and United States Air Force School of Aerospace Medicine (J.A.K.), Lackland AFB, Texas.

The views expressed herein are those of the authors and do not necessarily reflect those of the Army Medical Department or the Department of Defense.

Abstract and portions of this article were presented at ATACCC 2007.

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uled for routine evacuation, receive in-flight care from aeromedical evacuation (AE) crewmembers. When transporting critically ill burn patients, the AE crew is augmented by either an Army Burn Flight Team (BFT) or a US Air Force Critical Care Air Transport Team (CCATT). Under these circumstances, the augmenting team assumes direct care of the patient in flight. It is the mission of both the BFT and CCATT crews to provide worldwide in-flight critical care for personnel who have sustained severe thermal and nonthermal trauma. The purpose of this study was to characterize recent combat burn casualties transported by each team, examine patient outcomes and disposition, and to analyze the process currently used to transport this group of often severely injured warriors. We expected to find that US military burn casualties were transported with the appropriate level of care based upon individual patient acuity, injury severity, and the number of patients transported.

### PATIENTS AND METHODS

During the 4-year period from March 2003 through February 2007, 1,497 patients were admitted to our burn center. Eight hundred fifty-six (57.2%) of these patients were civilian emergency patients from San Antonio and the surrounding region and 656 (43.2%) were military personnel including active duty, family members, and retirees. Thermal injuries occur in a variety of working environments and result from various mechanisms of injury, including direct combat action, explosions, shipboard crashes, and use of pyrotechnics.

Using a protocol approved by our Institutional Review Board, we performed a retrospective review of data collected from the burn center registry of all US military burn casualties injured in Iraq or Afghanistan who were transported from LPMC to our burn center between March 2003 and February 2007 by a BFT, CCATT, or AE crew alone. Data included total body surface area (TBSA) burn, ventilatory status, presence of associated injuries including inhalational injury, injury severity, disposition, morbidity, and mortality. Patients who were transported because of inhalation injury alone, without cutaneous burns, or for skin and soft tissue conditions such as necrotizing fasciitis, toxic epidermal necrolysis, or heparin-induced thrombosis were excluded from analysis.

### RESULTS

#### Patients and Characteristics

Five hundred forty US combat casualties, with an average age of 25.9 years (range, 19–52 years), were flown from Germany to San Antonio for treatment at our burn center during the 4-year study period; 522 (96.7%) were men and 18 (3.3%) were women. The majority (73.2%) of the casualties were Army personnel (Table 1). War-related burn casualties represented 36% of the total 1,497 burn center admissions during the study period. Mean burn size was 16.7% TBSA (range, 0.1%–95%); 149 (27.6%) had burn wounds greater than 20% TBSA. Thermal injury was directly related to an explosion in 342 (63.3%) cases, most often an improvised

**Table 1** Casualties by Branch of Service

US War-related Burn Casualties Mar 2003–Feb 2007	Number (%)
Army	395 (73.2)
Navy	10 (1.8)
Air Force	7 (1.3)
Marines	128 (23.7)
Total	540

explosive device. One hundred eight-one (33%) casualties required ventilatory support during transport; inhalation injury was confirmed in 69 (12.8%) burn patients.

#### Associated Injuries

The average Injury Severity Score (ISS) was  $12.2 \pm 13.7$  and an ISS of 16 or greater was reported for 169 (31.3%) patients, generally reflecting the presence of severe associated injuries. The lack of statistically significant different ISS between the BFT and CCATT groups was expected, as the burn injury itself was often the less severe of multiple injuries transported by CCATT. Two hundred seventy-five (50.9%) patients had multiple traumatic injuries with fractures of the lower extremity being most common. Tibial fractures were found in 29 (5.4%) patients. Femur fractures were noted in 20 (3.7%) patients and 12 (2.2%) patients were noted to have ankle fractures. Upper extremity fractures included the radius or ulna in 18 (3.3%) patients followed by fractures of the humerus in 15 (2.7%) patients. One hundred nine (20.1%) patients required escharotomies of one or more extremities and 93 (17.2%) patients required fasciotomies because of the severity of their wounds or because of compartment syndrome. Other serious injuries included closed head injuries, traumatic brain injury, and injuries to the lungs or intraabdominal organs.

#### Transport Information

The BFT transported 206 (38.1%) patients on 57 flight missions and 174 (32.2%) patients were transported during 85 CCATT missions. The mean transit time, defined as the period from the day of injury until arrival at the burn center, was just under 4 days for both groups of intubated patients (Table 2). When all patients were considered, the BFT patients arrived at the burn center slightly sooner than the CCATT patients. The remaining 160 (29.6%) patients were classified as routine aeromedical evacuees and arrived at the burn center approximately 7 days after injury. The patient manifest for each mission ranged from 1 to 13 burn patients.

#### Outcomes

Five hundred ten (94.4%) of the transported patients survived their injuries. The length of hospitalization at our burn center averaged 26 days, ranging from 1 day to 496 days (Table 3).

**Table 2** Comparison of Burn Casualties Transported\*

Variable	Burn Flight Team	CCATT	p
No. patients	206 (38.2%)	174 (32.2%)	0.0354
Flight missions	57	85	NA
Average patients per flight mission	3.7 ± 2.8; range, 1–13	2.0 ± 1.2; range, 1–8	NS
Mean %TBSA	25.9 ± 25.2	16.0 ± 15.0	0.0012
>20% TBSA	91 (44.2%)	56 (32.2%)	0.0079
Mean ISS	16.7 ± 16.5	14.2 ± 12.4	0.0464
Associated injuries	122 (59.2%)	104 (60.5%)	NS
Ventilated	102 (49.5%)	79 (44.8%)	NS
Inhalation injury	45 (21.8%)	24 (13.8%)	0.0464
Transit time	3.68 ± 1.89	4.38 ± 2.42	0.0011
Transit time for ventilated patients	3.42 ± 1.37	3.65 ± 2.11	NS
Burn center length of stay	38.0 ± 57.8	28.0 ± 56.6	0.0175

\* Trauma patients without burns were not included in analysis.  
NA indicates not assayed; NS, not significant.

**Table 3** Burn Casualty Characteristics

Variable	BFT	CCATT	Routine AE	Overall
Patients	206 (38.2%)	174 (32.2%)	160 (29.6%)	540
Age (yr)	26.5 ± 6.4	25.9 ± 6.4	25.2 ± 5.9	25.9 ± 6.26
Mean %TBSA	25.9 ± 25.2	16.0 ± 15.0	5.6 ± 4.0	16.7 ± 19.7
ISS	16.9 ± 16.5	14.2 ± 12.4	4.2 ± 4.9	12.2 ± 13.7
Ventilated	102 (49.5%)	79 (45.9%)	0	181 (33.5%)
Inhalation injury	45 (21.8%)	25 (14.4%)	0	70 (12.9%)
Transit time (d)	3.68 ± 1.89	4.38 ± 2.42	6.7 ± 4.2	4.8 ± 3.2
Mean length of stay (d)	38.0 ± 57.8	28.0 ± 56.6	8.7 ± 9.8	26.1 ± 49.7
Mortality	27 (13.1%)	3 (1.7%)	0	30 (5.6%)

Two hundred ninety-four (54.4%) patients returned to duty after their hospitalization. One hundred four (19.3%) patients had one or more traumatic injuries that prevented them from continuing their military service as determined by a Medical Evaluation Board process. Currently, 112 (20.7%) burn patients are classified as Warriors in Transition as they continue their rehabilitation until the full extent of their physical disability is determined. (Table 4) There were no in-flight deaths reported. However, unscheduled diversion was requested for four patients enroute between Germany to San Antonio; two of these patients died at the alternate destination and two were later admitted to burn center. Among the 30 (5.6%) patients who died of their wounds at the burn center, the median burn size was 67% TBSA, the mean %TBSA was

63.1 ± 22.3, and the mean ISS was 39.9 ± 16.1, ranging from 22 to 75 (Table 5).

## DISCUSSION

Survival of the critically injured burn trauma patient depends on many factors including timely access to facilities able to provide expert care.<sup>6–8</sup> The provision of military burn care mirrors the civilian standards set by the American Burn Association and the Advanced Burn Life Support Program. Casualties are initially treated by military medics or corpsmen closest to the point of injury. Initial treatment is focused on the priorities of airway protection, hemorrhage control, and initiation of volume resuscitation. The wounded are then rapidly evacuated to the next higher level of care where the patient can be further assessed and stabilized. The evacuation plan for the burn casualty is to stabilize and prepare the patient for transport back to the USAISR Burn Center as safely and expeditiously as possible to facilitate early excision and grafting, minimize ventilatory days, and institute rehabilitation therapy.

Burn patients injured in CONUS generally experience relatively short transport times and arrive at a definitive care facility within several hours after injury. Certain regions of the country experience somewhat longer evacuation times as noted by Klein et al.<sup>9</sup> US military medical personnel are capable of providing critical care during both tactical intrath-

**Table 4** Disposition of Patients Compared With Severity of Injury

Patient Disposition	Number (%)	Mean % TBSA	Mean ISS
Returned to duty (RTD)	294 (54.4)	7.1 ± 6.6	5.3 ± 6.4
Medically boarded (MEB)	104 (19.3)	20.2 ± 16.3	16.0 ± 11.6
Warrior in transition (WIT)*	112 (20.7)	26.2 ± 21.7	19.3 ± 14.6
Died of wounds (DOW)	30 (5.6)	63.1 ± 22.3	39.9 ± 16.1
Total	540	16.7 ± 19.7	12.2 ± 13.7

\* Warriors in transition may ultimately undergo Medical Evaluation Board.

**Table 5 Mortality Data**

Casualty	Branch	TBSA Burn (%)	ISS	Inhalation Injury	Transport Team
1	Army	93.3	75	No	BFT
2	Army	92.0	29	No	BFT
3	USMC	92.0	75	Yes	BFT
4	Army	92.0	75	Yes	BFT
5	Army	83.5	25	No	BFT
6	Army	80.0	34	No	BFT
7	USMC	78.0	34	No	BFT
8	USMC	77.5	34	No	BFT
9	USMC	76.0	34	No	BFT
10	Army	75.0	54	Yes	BFT
11	Army	75.0	50	Yes	BFT
12	Army	71.5	34	Yes	BFT
13	Army	71.0	50	Yes	BFT
14	Army	70.0	25	No	BFT
15	USMC	69.0	50	Yes	BFT
16	Army	65.0	34	Yes	BFT
17	USMC	65.0	43	Yes	BFT
18	Army	60.0	59	Yes	BFT
19	Army	59.5	34	Yes	BFT
20	USMC	56.0	26	Yes	BFT
21	Army	55.5	51	Yes	BFT
22	Army	55.0	25	No	BFT
23	Army	54.0	25	No	BFT
24	Army	51.0	25	No	CCATT
25	Army	51.0	26	Yes	BFT
26	USMC	48.0	25	No	BFT
27	Army	31.5	25	Yes	BFT
28	Army	30.0	50	No	BFT
29	Army	8.0	50	Yes	CCATT
30	Army	6.5	22	No	CCATT
Mean $\pm$ SD		63.1% $\pm$ 22.3	39.9 $\pm$ 16.1	Yes = 16 (53.3%)	

USMC, United States Marine Corp.

ester evacuation and generally longer strategic intertheater transport of casualties. With this capability, patients are typically transferred from anywhere in the world, including Iraq or Afghanistan, to CONUS within 4 days of being wounded. In comparison, Treat and coworkers reported that burn casualties injured in Vietnam between 1968 and 1972 generally arrived at the Army's burn center weeks after injury.<sup>10,11</sup>

#### Initial Management and Consultation

Initial management of the burn casualty in the combat zone requires a strategy of rapid assessment, airway protection, and appropriate resuscitation in addition to a thorough examination for associated injuries common to the battlefield casualty. Patients with severe facial burns, those demonstrating signs or symptoms suggestive of inhalation injury, and those with large burns for which a significant resuscitation and associated edema are anticipated, are often preemptively intubated soon after injury to ensure airway protection and mechanical ventilatory support. Appropriate volume replacement in the burn patient can be very challenging, requiring that the practitioner provide adequate intravascular replacement, whereas simultaneously striving to avoid the potentially devastating complications associated with high-volume crystalloid resuscitation as noted by Chung et al.<sup>12</sup>

Primary and secondary trauma surveys of the combat injured often reveal multiple injuries, including multiple open soft tissue wounds, in addition to burn wounds. Many casualties are injured while traveling in a moving vehicle and need evaluation for blunt injury, as well as penetrating injury from an explosion. After initial assessment in the emergency medical treatment area, patients are often transported directly to the operating room at the initial military hospital for debridement of all wounds and treatment of associated injuries, including placement of external fixation devices for stabilization of fractures. Circumferential burn wounds of the extremities are prone to the potentially devastating effects of vascular compromise as the subcutaneous tissues are constrained by the restrictive eschar. Early performance of fasciotomies of the burned extremities is indicated when compartment syndrome is suspected. The burn patient is also extremely susceptible to hypothermia because of his or her inability to maintain thermoregulation, which can further complicate the condition of the trauma patient who may already demonstrate acidosis or coagulopathy or both.

To assist in the management of burn patients, USAISR Burn Center physicians, physician assistants, and nurses are continuously available by phone or e-mail for consultation. Since early 2005, the USAISR has deployed a burn surgeon

to Iraq to serve as both trauma surgeon and theater consultant for burns. Although the theater consultant is not able to examine every burn patient, he or she is able to provide rapid consultation and facilitate the evacuation process, especially when internet access and digital imagery is available.

An electronic consultation system established by the US Army Medical Command speeds access to care as key medical information is sent from theater hospitals back to the Burn Center at Fort Sam Houston. The value of early telephone communication and email between providers along the evacuation route cannot be overemphasized. A relatively recent and major enhancement in the transmission of critical patient information is provided by the Joint Patient Tracking Application. The Joint Patient Tracking Application is a Department of Defense web-based software utility which enhances the provision of care by allowing providers to review care provided along the evacuation route. Weekly videoconferences between theater and CONUS facilities also enhance care by providing rapid performance improvement.

Evacuation of the combat casualties is managed by the Theater Patient Movement Requirements Center. The Patient Movement Request initiated for each burn casualty identifies BAMC as the definitive receiving medical facility. Current US evacuation policies support urgent or priority transport for burn casualties based upon the severity of injuries. US Transportation Command policy regarding the transport of burn casualties provides guidelines similar to American Burn Association burn center admission criteria based on the severity of burn injury, the presence and severity of inhalation injury and other associated injuries<sup>13</sup> (Table 6). Timely transmittal of casualty information between providers allows for early consultation and rapid mobilization of the appropriate evacuation teams.

#### AE Teams

AE is a major operational competency of the Air Force Medical Service. AE crews aboard Air Force aircraft have been transporting America's wounded since World War II.<sup>14</sup> Today's standard AE crew is comprised of two Flight Nurses and three AE Technicians. Patients are transported on "aircraft of opportunity", usually cargo aircraft that are empty

after unloading supplies in the war zone. Currently, the C-17 Globemaster III is the principle long-range transport aircraft used for AE. With a cruising speed of 450 knots, it is designed to carry 36 litter and 54 ambulatory patients and attendants, and routinely makes the journey between Ramstein Air Base in Germany to San Antonio in approximately 12 hours. Each C17 is equipped at all times with stanchions and equipment for nine litter patients. AE crews are specially trained to configure any USAF cargo aircraft to meet AE mission requirements. Both CCATT and BFT crews augment the AE personnel assigned to every AE mission. The medical crew director is part of the organic AE crew assigned to an evacuation mission.

#### Transport Options

The decision whether to transport a particular patient attended only by the AE crew, or to augment the AE mission with either a CCATT or a BFT is based upon many factors, including the number and severity of burn patients, their overall clinical status, and the presence of inhalation injury. In the case of the stable patient ready for transport at the time of a scheduled mission that already includes a CCATT, the decision may favor using a CCATT rather than incurring the delay inherent in activating a BFT that must travel from their home station in San Antonio; CCATT personnel are based near LRMC, at Ramstein Air Base along with the AE crews that routinely perform AE missions back to CONUS.

The patient's pulmonary status and response to conventional ventilatory support is often a key factor in the decision to request a BFT. One hundred eighty-one (33%) of the burn patients required intubation and ventilatory support and inhalation injury was confirmed in 69 (12.8%) of the patients studied. On occasions when a burn casualty is stabilized for flight, and is adequately oxygenated using conventional ventilatory support, it may be more prudent to manifest the patient with an available CCATT crew rather than delaying transport to await the arrival of a BFT. Conversely, BFT personnel are experienced and equipped to manage multiple burn patients with inhalation or pulmonary injury, which requires ventilatory support beyond the capabilities of traditional transport ventilators. The BFT carries portable fiberoptic bronchoscopes as part of its standard equipment package in the event bronchoscopy is required for diagnosis or treatment in flight. Frequently multiple patients sustain thermal injuries in the same explosion and the BFT is ideally suited to transport multiple burn casualties, as well as trauma patients without thermal injuries, designated for evacuation back to BAMC.

#### Air Force CCATT

Casualty transport from Iraq or Afghanistan to Germany is performed by Air Force AE crews, generally augmented by a CCATT. The Air Force CCATT program was launched in 1994 in support of evolving military medical doctrine to meet the challenge of transporting seriously injured military patients requiring critical care expertise.<sup>14</sup> Since 2003, CCATT

**Table 6** USTRANSCOM Guidelines for Specialty Burn Flight Team Utilization

Patients With the Following Criteria Should be Considered for Transport by Burn Flight Team
Burns involving more than 20% of the total body surface area
Inhalation injury requiring intubation and mechanical ventilation
Burn patients with severe mechanical trauma
Burn or inhalation injury patients with $PaO_2$ to $FiO_2$ ratio of less than 200
High voltage electrical burns
Any other burn patient whose severity of illness or injury merits burn specialty team transport as determined by the attending, validating, or receiving surgeon



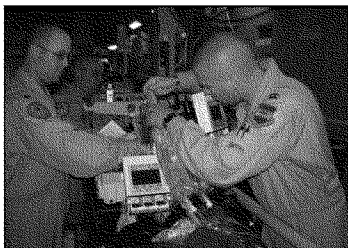


Fig. 1. CCATT crew in flight.

crews have transported thousands of US military patients from war zones to Germany. The 3-person CCATT crew includes a critical care physician, typically one specialized in pulmonary medicine and critical care, emergency medicine, anesthesiology, or surgery, a critical care registered nurse, and a cardiopulmonary technician (Fig. 1). Key to the success of these teams is their daily involvement with critical care in their hospital practice. CCATTs are equipped to provide care for three to six patients depending on the level of patient acuity.

The experience of a given CCATT crew caring for burn patients is variable based on their clinical specialty and previous flight experience. CCATT personnel receive training in management of burn patients during both the initial and advanced CCATT courses. USAISR BFT members serve as adjunct faculty at the initial CCATT course. The value of this frequent interaction between the teams has been demonstrated on multiple occasions where CCATT and BFT crews have flown together, caring for both burn and trauma patients destined for CONUS.

#### Army BFT

The mission of the USAISR is to enhance and improve care provided to the battlefield casualty, through both research and advanced clinical care. The USAISR Burn Center is designated as the definitive care facility for all US Armed Forces personnel who sustain severe burns. Clinicians and researchers assigned to the USAISR are actively involved in all aspects of burn and trauma care. Surgeons deployed from the USAISR participate in the treatment of warriors from their early assessment and treatment at deployed facilities such as those in Iraq through the process of evacuation back to the military's only combined American College of Surgeons verified Level I trauma center and American Burn Association verified burn center.

Since 1951, the United States military has used the Army's BFT to transport severely burned personnel, including those injured in combat, during training exercises, or related to injuries from other causes, to its burn center for

definitive care.<sup>15,16</sup> The rationale for a specialized BFT mirrors that used by burn centers themselves—patients benefit from specialized care afforded to them by personnel who work daily with critically ill burn patients.

In addition to caring for the combat casualty, the USAISR Burn Center supports the Army's Special Medical Augmentation Response Team (SMART) system. The SMART-Burn consists of burn center personnel organized to perform consultation, assessment, treatment, and transport missions as assigned. The SMART-Burn mission can be tailored for homeland defense contingencies or to respond to natural disasters where burn specialty team support is required.

Each of the BFTs has five personnel assigned to the USAISR Burn Center, who work daily in one of the center's intensive care units (ICUs). Team size and composition can be augmented based on the number and complexity of patients to be transported. Each BFT carries with them equipment and supplies necessary to provide complete ICU level care within the austere transport environment. The leader for each BFT is a general surgeon experienced in the areas of burn, trauma, and surgical critical care, including the management of patients with severe lung disease commonly seen with inhalation injury. Each of the BFT surgeons is credentialed to operate and perform surgical interventions at LRMC as needed before transporting the patients back to the burn center.

The lead flight nurse for each BFT is a critical care Registered Nurse with significant burn and critical care experience. A Licensed Vocational Nurse serves as the second flight nurse on the team, and has completed the Army's critical care nursing program as designated by a specialized career identifier (68WM6). Respiratory care is provided in-flight by a Certified Respiratory Therapist (68V) with extensive experience in using a variety of ventilators and in treating patients with severe lung disease and inhalational injury (Fig. 2). The operations noncommissioned officer for the team is also a medical technician who serves as both the operations officer for each mission, and provides assistance to the flight team as needed.

One of the most unique aspects of the BFT involves continuity of care. The BFT surgeon who assesses the patient in Germany routinely becomes the attending physician for the



Fig. 2. Burn Flight Team members attending to patient.

patient and is actively involved in the care of the patient throughout his or her stay at the burn center, in the ICU, in the operating room, and throughout the process of rehabilitation and reconstruction.

The shorter transit time for the BFT may be explained by one or more factors: CCATT crews often fly from Germany to CONUS on a set schedule, with an intervening stop in CONUS to allow patients destined for WRAMC or National Naval Medical Center to disembark. The BFT is typically scheduled for a priority flight directly from Ramstein Airbase to San Antonio, which can save 6 or more hours in transit. The BFT routinely adds any and all burn patients, as well as any other patients at LPMC destined for BAMC to their flight mission, thereby maximizing utilization of limited airframes and expediting transport to the burn center and BAMC. This process often frees a CCATT to fly another mission, thereby maximizing the capabilities of both teams, which exist in limited numbers.

### **Critical Care in Flight**

The priorities of care in flight are the same as those used in the modern intensive care trauma unit, regardless of the team providing the care. The manner in which care is provided, however, may be markedly more challenging in flight than on the ground. Long-range air transport is affected by the isolated nature and austere environment of the aircraft, which allows for finite staffing and limited supplies and equipment. Airway protection and maintenance is a continuous focus for all team members during flight. Adequacy of breathing and ventilatory support is continuously monitored in flight using pulse oximetry and interval arterial blood gas measurements. Arterial blood gas measurements, as well as basic laboratory values, such as hematocrit and basic chemistry are obtained in flight using the i-STAT blood analyzer (Abbott Medical Diagnostics Products, East Windsor, NJ) allowing the team to adjust ventilatory support and replace electrolytes as required.

Continuous cardiac monitoring is accomplished using the PROPAQ Encore 206 EL (Welch Allyn, Skaneateles Falls, NY) secured to the SMEED Special Medical Emergency Evacuation Device (Impact Instrumentation, West Caldwell, NJ) which is then attached to the standard North American Treaty Organization (NATO) litter. The SMEED was designed at the USAISR, by a former member of the BFT, to provide a solid, yet lightweight platform upon which to mount multiple medical devices. Crewmembers must use visual cues on the monitors as the alarms are inaudible against the drone of aircraft noise.

Hemodynamic support using pressor agents is required for a subset of patients and the use of these medications is generally managed with the use of continuous arterial blood pressure monitoring. Venous and arterial access lines sewn in place for added security must be intermittently inspected during flight for patency and security. Both BFT and CCATT use the IVAC Medsystem III (Cardinal Health, Dublin, OH)

for infusion of maintenance and resuscitative fluids as well as pressor agents. Pain management and sedation are closely monitored and controlled using intravenous medications administered through the IVAC system. Exposure to the environment of the aircraft and thermoregulation remains a challenge in the care of most burn patients. Heat loss from multiple open wounds, including temporary abdominal closures must be taken into consideration. Refinements in airborne aircraft environments have provided greater cabin temperature control, which facilitates improved patient comfort and thermoregulation. Fluid management, monitoring of input and output volumes, and controlling fluid replacement is a continuous process during the flight. Urinary output is closely monitored to avoid either inadequate or excessive fluid replacement required for both ongoing resuscitation and insensible losses.

To enhance their knowledge of the unique requirements and rigors of providing care at high altitudes in the austere aeromedical environment, as well as strengthen the effective working relationship with Air Force Medical Service personnel, BFT team personnel complete the CCATT initial course along with new CCATT members at the US Air Force School of Aerospace Medicine. Before deployment, CCATT members also attend two additional weeks of training at the Center for Sustainment of Trauma and Readiness Skills located at the Cincinnati University Hospital Trauma Center, Cincinnati, OH. This training hones the abilities to provide care in the aeromedical environment.

Military aircraft transporting patients destined for the Burn Center at Fort Sam Houston generally land at either San Antonio International Airport or at Kelly Air Force Base. Each of these airfields is able to accommodate the C17 transport aircraft. Medical transportation between the arrival airfields and BAMC varies depending on the number and priority of the patients. Advanced Life Support ambulances, staffed with Paramedics are routinely used for transport of burn patients as they provide temperature controlled, radio equipped emergency vehicles able to negotiate the traffic even during the most congested periods. Military ambulance buses (Ambus), which can transport multiple patients while maintaining integrity of the transport team and equipment, are also used.

### **Ventilatory Support**

The patient's severity of injury, pulmonary status, and response to ventilatory support dictates the choice of ventilator and ventilator mode during transport. Patients with inhalation injury can require significant ventilatory support beyond the capabilities of conventional devices and highlights one of the most common reasons for using the BFT. In addition to the Uni-Vent Eagle Model 754 (Impact Instrumentation, Inc, West Caldwell, NJ) and LTV 1000 (Pulmonetics, VIASYS Healthcare, Inc, Minneapolis, MN) transport ventilators used by CCATT crews, the BFT uses both the VDR-4 and the TXP (Percussionaire Corp, Sand Point, ID).<sup>17</sup>

Extensive use of the Percussionaire Volumetric Diffusive Respirator (VDR) by our burn center to treat patients with inhalation injury and other severe pulmonary dysfunction led to the inclusion of the VDR in the team's standard equipment list. The TXP pressure control ventilator is also used by the BFT because of its simplicity, compact size, and effectiveness. The TXP is driven by compressed oxygen and has no electrical requirements. The basic VDR-4 also requires no electrical power, however, an ample supply of dry, compressed air is required during long-duration flights. The Aridyne 3500 Medical Air Compressor (Timeter Instrument Corporation Allied Health Care Products, St Louis, MO) is certified by the USAF for use in flight and provides a ready source of compressed air for the VDR-4.

#### Minimizing Complications In-Flight

Patients are carefully assessed by CCATT or BFT personnel before flight to ensure they are stabilized for the 12-hour to 13-hour flight. Assessment includes an in-depth review of the medical record, physical examination, and review of all recent laboratory data and radiographs. Every precaution is taken to avoid emergency procedures in-flight. All patients, whether scheduled for transport by CCATT or BFT, are assessed by a validating flight surgeon to help ensure that the patient can be transported safely. Although the validating flight surgeon is primarily focused on patient safety related to the physiology of flight, this medical officer provides another objective assessment of the patient's status before flight.

Despite these efforts, four patients required unscheduled in-flight diversion between Germany and San Antonio. Two of the patients died at the alternate facility, and two were later transported to the Burn Center and subsequently discharged. Both patients who died before arriving at our burn center demonstrated severe hypotension consistent with sepsis, but were unresponsive to multiple pressor agents and volume; neither demonstrated significant anemia. Postmortem examination of these patients revealed no findings to fully explain their decompensation such as evidence of pulmonary embolism, bleeding, myocardial infarction, or intestinal ischemia associated with abdominal compartment syndrome. One of the patients who required in-flight diversion, but survived, demonstrated bloody output from his abdominal drain and a marked decrease in hematocrit suggestive of bleeding from his operative site. He was deplaned enroute to the burn center, and underwent abdominal exploration, which revealed no evidence of bleeding. He tolerated subsequent transport well and was flown to the burn center for treatment and eventual discharge. The fourth patient experienced a brief unscheduled stop at WRAMC and was later transported to the burn center without further sequelae.

Concerns regarding long-range flight and prolonged bed rest and immobility heightened concern for deep vein thrombosis among evacuated patients. Chung and colleagues at the USAISR recently reported that subjecting military burn pa-

tients to prolonged global evacuation did not increase venous thromboembolic complications when compared with the local civilian emergency patients. Unless contraindicated, chemical prophylaxis with low molecular weight heparin is often administered before, and in flight, in an effort to reduce the risk of deep vein thrombosis and pulmonary embolism.

Volume resuscitation of the burn patient during the first 72 hours after injury remains a significant challenge for providers at all levels. Both over- and under-resuscitation of the burn patient can lead to serious complications. The challenge is even greater as patients are transferred between at least three facilities, separated by a distance of several hundred to thousands of miles. Efforts to improve the process of fluid resuscitation throughout the evacuation process include web-based publication of consensus guidelines and development of a burn resuscitation flowsheet to be used during the first 24 hours to 72 hours after injury.

Our regression analysis of the data examining age, %TBSA, ISS, intubation, and inhalation injury as possible predictors of mortality. Not surprisingly, only %TBSA and the ISS proved to be predictive of mortality (Table 6).

#### CONCLUSIONS

Burn casualties represent a group of seriously injured warriors. Rapid treatment and critical care transport remain vital to the survival of the burn casualty injured thousands of miles away from definitive care. Current policies and procedures provide early consultation, both remotely and in theater; early communication between deployed providers caring for the burn casualty and the burn center staff is important. Joint training such as the CCATT course and Joint Combat Predeployment courses provide essential education for those who will provide initial care and in-flight management of burn and trauma patients.

Our review of the data collected from 4 years of combat operations confirmed our hypothesis that burn casualties are well served by the current system used by the US Armed Forces to evacuate patients from foreign soil back to the military's burn center. Our data supports the current practice and policy of augmenting AE missions with CCATT or BFT crews depending upon the number of patients, the severity of their injuries, and the clinical judgment of the physicians caring for the patient. The joint system currently employed provides state of the art care for severely burned casualties with unprecedented rapidity when compared with that used just several decades past.

Although the relatively low mortality rate and high return to duty rate among the burn casualties is encouraging, many challenges remain. Research to develop closed-loop resuscitation algorithms coupled with advanced monitors and digital urimeters holds much promise. The development of lightweight, multifunctional devices that combine ventilator support, hemodynamic monitoring, and multiple device controllers will also benefit aircrews managing several critically injured patients in-flight.

Based on patient outcomes, the criteria used to determine when and how to augment AE missions transporting burn casualties from the war in Iraq and Afghanistan appears to be appropriate and efficient. Current guidelines maximize the capabilities of highly specialized, yet very limited resources available within the Army and Air Force. The current system encourages teamwork while striving to match severely injured patients with the appropriate team, at the right time, and at the right place.

### ACKNOWLEDGMENTS

We thank the USAISR Research Nurses including Peggy A. Bielke, RN, BSN; Juliette Castillo, RN, BSN; Nancy Molter, RN, PhD; and Karl Williams, RN, BSN for their assistance in data collection and John A. Jones for statistical consultation. We also acknowledge the contributions of LTC Louis R. Stout, RN, MSN; MAJ Lisa Johnson, RN, MSN; CPT Mario A. Rivera, RN, BSN; and CPT Kristine P. Broger, RN, BSN for their contributions to flight mission data collection.

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### DISCUSSION

**Dr. Stephen L. Barnes** (Division of Trauma and Critical Care, University of Cincinnati, Cincinnati, OH); **Dr Renz** and his colleagues from the USAISR present an excellent descriptive analysis with outcomes of the final stage of the global aeromedical evacuation of burn related casualties in support of OEF/OIF. Significant burns, especially those with associated combat related trauma and inhalational injury are some of the most challenging patient movements in our current en route casualty care system. The Burn Flight Team has been moving patients for nearly 60 years. In 1993, the USAF embarked on formalization of critical care in the air with the development of Critical Care Air Transport Teams, modeled in part, after the Burn Flight Team. Although more general in construct and for the most part staffed by nonsurgeons, the three person CCAT teams have moved more than 3,400 severely injured and disease stricken patients in support of OEF/OIF. They do not, however, have the same level of experience or all of the equipment provided by the Burn Flight Team to comfortably manage severely burned casualties. I have a few questions for the authors. Is the Burn Flight Team effective because of the team construct of individuals involved in the day-to-day care of the burn patient? How much does the difference in equipment packages and personnel between CCATT and BFT come into play in the clear decision, based on your data, to have the Burn Flight Team move the more severely burned and a greater proportion of patients with inhalational injuries? Most, if not all patients are transported out of the AOR to Germany by CCAT teams. If equipment plays a significant role in effective movement, should we be making changes to the USAF CCATT equipment package to better manage these casualties? Do you have data on patients who died of wounds at LRMC after CCATT aeromedical evacuation? If so, what role do you think team inexperience in burn management or equipment played in these outcomes?

The USTRANSCOM guidelines for Burn Flight Team utilization are very general. Can you be more specific as to the most effective deployment of the Burn Flight Team and do you think that evaluation of your data set will lead to more specific guidelines for Burn Flight Team deployment?

To my knowledge this is the first description with outcomes of Burn Flight Team utilization with comparison between CCATT and BFT movements and the authors should be applauded for their efforts. They have demonstrated that our aeromedical en route care system, though complex in construct, is both safe and effective for the movement of our

thermally wounded warriors. Thank you for the opportunity to review this article.

**Dr. Evan M. Renz** (US Army Institute of Surgical Research, Fort Sam Houston, TX): The authors are grateful to Dr Barnes for his insightful comments and offer the following responses to the questions raised.

One of the main advantages possessed by the Burn Flight Team in caring for severely burned trauma patients stems from the fact that the entire team is comprised of personnel who are immersed in the care of burn patients, many of whom are critically ill. The authors would submit that being able to translate experience gained through working daily in the Burn Intensive Care Unit, and studying the unique pathophysiology of burns through ongoing research and practice, offers a decided benefit to the patient.

In response to the question of whether equipment or personnel provide a unique advantage to the team, the answer is both. Our institution's experience using the VDR over the past few decades to support patients with severe inhalation injury provides an option that we think is uniquely beneficial. The VDR does require that both the physician and the respi-

ratory technician possess significant experience in its use to maximize its effectiveness. We are currently implementing a randomized control trial comparing the VDR4 with conventional ventilatory support to help us determine the validity of our practice. It is our hope that our group will be able to provide data to help answer the question of ideal equipment for supporting burn patients in the near future.

With respect to the question of need and feasibility for additional guidelines detailing the employment of the BFT, we would offer that the answer lies in education and dissemination of information. Our efforts to maximize training in burn care through the Joint Forces Deployment courses, CCATT, and other educational programs continue to enable providers to better assess burn patients before transport and request consultation as needed. Discussion forums such those provided through the Joint Theater Trauma System videoconferences also supplement the guidelines. We have striven to help develop practical guidelines which assist the clinician in providing safe and timely evacuation for the burn patient, while taking into account the likelihood of other associated injuries.

## CARE PLANS *for life*

### Burn Injury Life Care Plan

#### Case # 2 – Johnathon Doe

The attached tables represent a Life Care Plan for "John Soldier", age 36, as it pertains to the severe and devastating third burn injuries he sustained to approximately 65% of his body. \*The burns were so severe that he was hospitalized for almost one year during the acute care phase. The tables show the realistic amount of care that he will need for the remainder of his lifetime. The Life Care Plan is designed to assist in determining the patient's long term needs which are a result of their burn injuries. The tables include a plan of care that projects the cost of associated medical and home care needs over the individual's lifetime. The goal is to develop a plan of care that will assist in maintaining medical stability, maintain or increase the patient's functional status and quality of life and assist in the prevention of future potential complications.

These tables represent an actual patient. The name and all other identifiers have been changed to protect the client's privacy.

**Life Care Plan Averaged Summary  
for  
Jonathon H. Doe**

**Anytown, USA,**

Date of Birth: March 12, 1973

Event Date: March 10, 2007

Primary Disability: 65% - Mostly 3rd Degree Burns

Preparation Date: July 21, 2009

Ruth B. Rimmer PhD, CLCP

2145 East Glencove  
Mesa, AZ 85213

480-612-2994

Prepared by: Ruth B. Rimmer PhD, CLCP

Option 1

Services		Beginning Date#	Ending Date#	Number of Years	Cost Per Year Average***	Total***
Projected Evaluations						
1	Plastic Surgeon	2008	2017	10	\$400.00	\$4,000.00
2	Internal Medicine	2008	2049	42	\$325.00	\$13,650.00
3	Plastic Surgeon	2018	2049	32	\$80.00	\$2,560.00
4	Physiatrist	2008	2049	42	\$275.00	\$11,550.00
5	Dietician	2008	2017	10	\$137.50	\$1,375.00
6	Dermatologist	2008	2049	42	\$137.50	\$5,775.00
7	Occupational Therapy	2008	2049	42	\$225.00	\$9,450.00
8	Otolaryngologist	2008	2027	20	\$200.00	\$4,000.00
9	Physical Therapy	2008	2049	42	\$300.00	\$12,600.00
10	Psychiatrist	2008	2017	10	\$212.50	\$2,125.00
11	Psychologist	2008	2023	16	\$270.83	\$4,333.28
12	Podiatrist	2008	2049	42	\$162.50	\$6,825.00
13	Opthamalogist	2008	2049	42	\$157.50	\$6,615.00
14	Recreational Therapy	2008	2049	42	\$46.67	\$1,960.14
15	Psychologist	2013	2038	26	\$122.50	\$3,185.00
16	Psychiatrist	2018	2049	32	\$85.00	\$2,720.00
Sub Total						\$92,723.42

Life Care Plan Averaged Summary Jonathon H. Doe

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Prepared by: Ruth B. Rimmer PhD, CLCP

Option 1

	Services	Beginning Date#	Ending Date#	Number of Years	Cost Per Year Average***	Total**
<b>Projected Therapeutic Modalities</b>						
1	Occupational Therapy	2008	2049	42	\$1,300.00	\$54,600.00
2	Physical Therapy	2023	2049	27	\$1,125.00	\$30,375.00
3	Hypnotherapy	2008	2017	10	\$575.00	\$5,750.00
4	Massage Therapy Intermediate	2008	2027	20	\$2,500.00	\$50,000.00
5	Massage Therapy Ongoing	2028	2049	22	\$1,950.00	\$42,900.00
6	Disabled Driver Training	2008	2018	11	\$480.00	\$5,280.00
7	Individual Psychotherapy	2008	2017	10	\$2,700.00	\$27,000.00
8	Individual Psychotherapy	2018	2049	32	\$1,250.00	\$40,000.00
						<b>Sub Total \$255,905.00</b>
<b>Diagnostic/Educational Testing</b>						
1	Vocational Rehabilitation Evaluation	2009	2027	19	\$221.43	\$4,207.17
						<b>Sub Total \$4,207.17</b>
<b>Wheelchair(s)/Mobility/Maintenance</b>						
1	Scooter	2018	2049	32	\$396.79	\$12,697.28
2	Scooter Batteries	2006	2037	32	\$18.40	\$588.80
3	Scooter Maintenance	2006	2037	32	\$68.75	\$2,200.00
4	Scooter Canopy	2006	2037	32	\$19.66	\$629.12
						<b>Sub Total \$16,115.20</b>

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Life Care Plan Averaged Summary Jonathon H. Doe

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Option 1

	Services	Beginning Date#	Ending Date#	Number of Years	Cost Per Year Average***	Total**
<b>Orthotics/Prosthetics</b>						
1	Compression Garments - Arms	2008	2049	42	\$35.00	\$1,470.00
2	Compression Garments - Legs	2008	2049	42	\$54.59	\$2,292.78
3	Silicone Face Mask	2008	2009	2	\$1,900.00	\$3,800.00
4	Compression Garments -Gloves	2008	2049	42	\$642.00	\$26,964.00
5	Elbow Splint	2008	2020	13	\$260.82	\$3,390.66
6	Elastomer	2008	2020	13	\$146.25	\$1,901.25
7	Long Leg Splint	2008	2008	1	\$245.56	\$245.56
8	Elastomer	2008	2008	1	\$117.00	\$117.00
9	Axilla Splint	2008	2049	42	\$558.33	\$23,449.86
10	Elastomer	2008	2049	42	\$17.06	\$716.52
						<b>Sub Total \$64,347.63</b>
<b>Orthopedic Equipment</b>						
1	CPM	2008	2010	3	\$3,270.00	\$9,810.00
						<b>Sub Total \$9,810.00</b>

Life Care Plan Averaged Summary Jonathon H. Doe

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Option 1

Services		Beginning Date#	Ending Date#	Number of Years	Cost Per Year Average **	Total ***
Aids for Independent Function						
1	Button and Zipper Aid	2008	2049	42	\$1.59	\$66.78
2	Adaptive Clothing	2008	2049	42	\$950.00	\$39,900.00
3	Long Handled Bath Brush	2008	2049	42	\$5.32	\$223.44
4	Reacher	2008	2049	42	\$1.99	\$83.58
5	Shower Chair	2008	2049	42	\$25.00	\$1,050.00
6	Jar Opener	2008	2049	42	\$2.63	\$110.46
7	Shower, Hand Held	2008	2049	42	\$6.99	\$293.58
8	Long Shoehorn	2008	2049	42	\$4.80	\$201.60
9	Commode With Padded Seat	2008	2049	42	\$7.60	\$319.20
10	Medication Organizer/Box	2008	2049	42	\$1.25	\$52.50
Sub Total						\$42,301.14
Supplies						
1	Bandage Scissors	2008	2017	10	\$7.50	\$75.00
2	Dressing Change Materials	2008	2017	10	\$1,700.00	\$17,000.00
3	Gloves, Latex	2008	2027	20	\$6.00	\$120.00
4	Ensure	2008	2017	10	\$2,606.40	\$26,064.00
5	Aloe First Spray	2008	2049	42	\$144.00	\$6,048.00
6	Aloe Vera Lotion	2008	2049	42	\$504.00	\$21,168.00
7	Lip Balm	2008	2049	42	\$120.00	\$5,040.00
8	Aquaphor	2008	2049	42	\$917.46	\$38,533.32
9	Maderma	2008	2017	10	\$318.89	\$3,188.90
Sub Total						\$117,237.22

Life Care Plan Averaged Summary Jonathon H. Doe

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Prepared by: Ruth B. Rimmer PhD, CLCP

Option 1

Services		Beginning Date#	Ending Date#	Number of Years	Cost Per Year Average**	Total***
Medications						
1	Neurontin	2008	2049	42	\$5,066.49	\$212,792.58
2	Ibuprofen	2008	2049	42	\$59.96	\$2,518.32
3	Pepcid AC Tablets	2008	2049	42	\$215.88	\$9,066.96
4	Tylenol 500 mg.	2008	2049	42	\$51.96	\$2,182.32
5	Artificial Tears	2008	2049	42	\$144.00	\$6,048.00
6	Benadryl	2008	2017	10	\$179.88	\$1,798.80
7	Multi-vitamin	2008	2049	42	\$65.70	\$2,759.40
8	Sun Screen	2008	2049	42	\$137.45	\$5,772.90
9	Stool Softener	2008	2017	10	\$62.25	\$622.50
10	Bacitracin	2008	2017	10	\$43.50	\$435.00
Sub Total						\$243,996.78
Home Care/Facility Care						
1	Case Management	2008	2049	42	\$4,880.00	\$204,960.00
2	Housekeeping Services	2008	2033	26	\$3,640.00	\$94,640.00
3	Interior/Exterior Home Maintenance	2008	2033	26	\$9,360.00	\$243,360.00
4	Lawn Care	2008	2033	26	\$4,375.00	\$113,750.00
5	Assisted Living Facility	2034	2049	16	\$41,400.00	\$662,400.00
6	Daily Attendant	2034	2049	16	\$15,375.00	\$246,000.00
Sub Total						\$1,565,110.00

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Option 1

Services		Beginning Date#	Ending Date#	Number of Years	Cost Per Year Average**	Total**
Future Medical Care Routine						
1	Physiatrist	2008	2017	10	\$510.00	\$5,100.00
2	Internal Medicine	2008	2049	42	\$437.50	\$18,375.00
3	Blood Work, Chemistry	2008	2049	42	\$235.50	\$9,891.00
Sub Total						\$33,366.00
Transportation						
1	Van, Adaptive with Lift	2008	2034	27	\$5,375.00	\$145,125.00
2	Mileage	2008	2017	10	\$281.25	\$2,812.50
3	Mileage	2018	2049	32	\$117.50	\$3,760.00
Sub Total						\$151,697.50
Architectural Renovations						
1	Architectural Renovations	2008	2033	26	\$4,750.00	\$123,500.00
Sub Total						\$123,500.00
Health and Strength Maintenance						
1	Gym Membership Monthly Fee	2008	2034	27	\$360.00	\$9,720.00
Sub Total						\$9,720.00
Acute Medical Intervention						
1	Radiation to elbow	2008	2010	3	\$5,000.00	\$15,000.00
2	Emergency Room Visits	2008	2017	10	\$1,525.00	\$15,250.00
Sub Total						\$30,250.00

Life Care Plan Averaged Summary Jonathon H. Doe

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Option 1

Services	Beginning Date	Ending Date#	Number of Years	Cost Per Year Average	Total**
<b>Surgical Intervention</b>					
1 Repair heterotropic ossification of left elbow	2008	2008	1	\$4,000.00	\$4,000.00
2 Integra - Dermal Replacement	2008	2008	1	\$4,537.50	\$4,537.50
3 Anesthesia Fee	2008	2008	1	\$3,625.00	\$3,625.00
4 OR/Surgery Suite	2008	2008	1	\$11,250.00	\$11,250.00
5 Grafting	2008	2008	1	\$2,908.00	\$2,908.00
6 Anesthesia Fee	2008	2008	1	\$3,187.50	\$3,187.50
7 OR/Surgery Suite	2008	2008	1	\$8,375.00	\$8,375.00
8 Post-Op Therapy	2008	2008	1	\$6,900.00	\$6,900.00
9 Post-Op Home Health	2008	2008	1	\$3,600.00	\$3,600.00
10 Repair heterotropic ossification of right elbow	2008	2008	1	\$4,000.00	\$4,000.00
11 Integra - Dermal Replacement	2008	2008	1	\$9,537.50	\$9,537.50
12 OR/Surgery Suite	2008	2008	1	\$11,250.00	\$11,250.00
13 Anesthesia Fee	2008	2008	1	\$3,375.00	\$3,375.00
14 Grafting	2008	2008	1	\$2,908.00	\$2,908.00
15 Anesthesia Fee	2008	2008	1	\$3,187.50	\$3,187.50
16 OR/Surgery Suite	2008	2008	1	\$8,375.00	\$8,375.00
17 Post-Op Therapy	2008	2008	1	\$6,900.00	\$6,900.00
18 Post-Op Home Health	2008	2008	1	\$3,600.00	\$3,600.00
19 Dermabrasion	2012	2018	7	\$4,333.33	\$30,333.31
20 Grafting of bilateral popliteals (behind) knees	2008	2008	1	\$6,480.00	\$6,480.00
21 Anesthesia Fee	2008	2008	1	\$3,625.00	\$3,625.00
22 OR/Surgery Suite	2008	2008	1	\$11,375.00	\$11,375.00
23 Post-Op Therapy	2008	2008	1	\$7,950.00	\$7,950.00
24 Post-Op Home Health	2008	2008	1	\$3,240.00	\$3,240.00
25 Contracture Release Axilla	2008	2044	37	\$1,691.67	\$62,591.79
26 Integra - Dermal Replacement	2008	2044	37	\$2,079.69	\$76,948.53

Life Care Plan Averaged Summary Jonathon H. Doe

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Option 1

Services	Beginning Date#	Ending Date#	Number of Years	Cost Per Year Average***	Total***
<b>Surgical Intervention</b>					
27 OR/Surgery Suite	2008	2044	37	\$6,729.17	\$248,979.29
28 Anesthesia Fee	2008	2044	37	\$406.25	\$15,031.25
29 Post-Op Home Health	2008	2044	37	\$1,380.00	\$51,060.00
31 Grafting	2008	2044	37	\$987.00	\$36,519.00
32 Anesthesia Fee	2008	2044	37	\$982.29	\$36,344.73
33 OR/Surgery Suite	2008	2044	37	\$2,479.17	\$91,729.29
34 Post-Op Home Health	2008	2044	37	\$540.00	\$19,980.00
35 Post-Op Therapy	2008	2044	37	\$4,150.00	\$153,550.00
<b>Sub Total</b>					<b>\$957,253.19</b>

<b>Potential Complications</b>					
1 Arthritis	0	0	1	\$0.00	
2 Commissuroplasty - release of contractures around mouth	0	0	1	\$0.00	
3 Major Depression	0	0	1	\$0.00	
4 Contractures	0	0	1	\$0.00	
5 Decrease Range of Motion	0	0	1	\$0.00	
6 Decubitus Ulcers	0	0	1	\$0.00	
7 Heterotopic Ossifications	0	0	1	\$0.00	
8 Osteoporosis	0	0	1	\$0.00	
9 Peptic Ulcer Disease	0	0	1	\$0.00	
10 Infection	0	0	1	\$0.00	
11 Skin Breakdown	0	0	1	\$0.00	
12 Chronic Pain	0	0	1	\$0.00	
13 Respiratory Complications	0	0	1	\$0.00	
14 Surgical Complications	0	0	1	\$0.00	
<b>Sub Total</b>					<b>\$0.00</b>

Life Care Plan Averaged Summary Jonathon H. Doe

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Option 1 Yearly Cost (base # 2)

CLCP		Option 1				
		Beginning Date#	Ending Date#	Number of Years	Cost Per Year Average	Total
Home Furnishings						
		2008	2049	42	\$8.33	\$349.86
		2034	2049	16	\$105.00	\$1,690.00
					Sub Total \$2,029.86	
Hospital Days						
		2008	2017	10	\$17,940.00	\$179,400.00
		2008	2017	10	\$3,500.00	\$35,000.00
2	X-Rays and Diagnostic Studies	2008	2017	10	\$2,625.00	\$26,250.00
3	Dressing Supplies	2008	2017	10	\$1,250.00	\$12,500.00
4	Medications & IV Fluids	2008	2017	10	\$2,500.00	\$25,000.00
5	Therapies Inpatient	2018	2049	32	\$531.25	\$17,000.00
6	Med-Surg Days	2018	2049	32	\$2,795.00	\$89,440.00
					Sub Total \$384,590.00	
					****Grand Total \$4,104,160.11	
					****Annualized	

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Life Care Plan Averaged Summary Jonathon H. Doe

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**Sample Costs of Burn Patients during Acute Care Phase Patients cared for at the  
Arizona Burn Center and a Burn Center in the Southeast – Verified US Burn Centers**

Male – 48 years - 15 % Total Body Surface Area Burns with ankle fracture

31 Days **Acute Care** Hospitalization - \$ 626,725

Wound Care - Outpatient for three weeks - \$ 39,168

Total – approximately - **\$665,893**

Male - 39 years – 35% Total Body Surface Area

20 Days **Acute Care** Hospitalization - **\$337,847.66**

Male – 22 years – 65% Total Body Surface Area

Pre- Burn Center Care for Stabilization: \$32,456.00

150 Days - **Acute Care** - Burn Center Costs - Southeast: **\$5,248,372.00**

Male – 35 years – **64%** - Total Body Surface Area

96 Days - **Acute Care** - Burn Center Costs - Southeast: **\$ 4,635,954.00**

Male – 32 years – **45%** - Total Body Surface Area

52 Days - **Acute Care** - Burn Center Costs - Southeast: **\$ 1,884,681**

Male – 19 years – **35%** - Total Body Surface Area with Inhalation Injury

43 Days - **Acute Care** - Burn Center Costs - Southeast: **\$ 906,458.37**

**The average cost of care for ICU and Med Surgical at the Arizona Burn center is  
combined is \$ 12,174.00 per day.**

**Testimony of  
The Honorable Don Young (AK-AL)  
Before the  
House Armed Services Committee  
Hearing: FY2017 National Defense Authorization Act Member  
Request Day  
2118 Rayburn HOB  
March 1, 2016**

Chairman Thornberry, Ranking Member Smith, and distinguished colleagues on the House Armed Services Committee, thank you for holding this hearing, and for giving me the opportunity to testify as the lone Representative for the State of Alaska. I will keep my remarks today brief, and my staff will be happy to follow up with you to provide additional information on all of these issues, if needed.

According to Air Force General Billy Mitchell, “he who holds Alaska will hold the world, and I think [Alaska] is the most important strategic place in the world.” This was true when Gen. Mitchell testified to that fact in 1933, and it remains true today. Alaska offers unparalleled training areas, including the Joint Pacific Alaska Range Complex. While ranges in the Lower 48 are parts of states, JPARC’s training areas are the size of states. JPARC includes 65,000 square miles of unencumbered air space (The size of Florida), 2,490 square miles of land space (The size of Delaware), and 42,000 square nautical miles of surface, subsurface, and overlying airspace over the Gulf of Alaska (The size of Virginia). Support for service members, their families, and veterans runs deep in Alaska’s DNA. Alaska’s active duty military personnel, combined with our Veteran population, equate to more than 15% of the state’s entire population. We as Alaskans pride ourselves in the strong, mutually beneficial relationship we have with our Alaska-based military members.

As you continue to in the FY 2016 NDAA process, I would like to highlight several specific language and funding requests that are important to Alaska and the United States.

**Language Requests**

**Inclusion of the Rural Guard Act of 2016**

I request language from a bill I introduced, the Rural Guard Act of 2016. When I first moved to Fort Yukon, Alaska, the National Guard played a huge, positive role in the community. Unfortunately, since then, rural participation has dramatically decreased—partly because of the high cost of travel to guard and reserve training. While the current travel reimbursement system may seem equitable in urban areas of the country, it fails to recognize the unique geography and distances people in my state and across the country face.

I hope to increase participation by leveling the playing field for rural Americans looking to serve their nation in the Guard or Reserves. This legislation is endorsed by

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the National Guard Association of the United States, the Reserve Officers Association, and the Enlisted Association of the National Guard of the United States, and currently has a bipartisan group of 18 cosponsors (10 Democrats and 8 Republicans). It would increase rural participation and remove cost-prohibitive factors in the National Guard and Reserves by removing the arbitrary \$300 reimbursement cap for members traveling to training exercises and activities. This provision is critical in ensuring that all Americans, no matter how rural an area they live in, can serve their country by participating in the National Guard and Reserves.

#### USAF Land Transfer to Galena, Alaska

I request a no-cost, public purpose land transfer from the Air Force to the city of Galena, Alaska. The western Alaska town of Galena was hit by a devastating flood in the spring of 2013 (the third major flood event in Galena in the past 50 years). Federal and State Disasters were declared, and more than \$75 million (\$56 mil Federal, \$19 mil state) has been spent on recovery efforts thus far. While Galena has made great strides to recover from this terrible disaster, its residents are still vulnerable to catastrophic floods due to its location in the Yukon River flood plain. To eliminate the flood threat, the City of Galena would like to move to higher ground. They have done surveys of the areas, and found an optimal area above the flood plain in the former home of Campion Air Force Radar Station. I request language authorizing a public purpose transfer of this land to the City of Galena. While this language was included in last year's House-passed NDAA, it regrettably fell in the Conference Committee. I hope that this year we can keep this language in the final bill and help Galena avoid future Yukon River floods.

#### USAF Land Transfer to the University of Alaska & AHTNA, Inc.

I request a provision that would direct the Air Force to convey the High Frequency, Active Auroral Research Program facility to the University of Alaska, and surrounding areas to Alaska Native Corporation AHTNA, Inc. This research facility was originally developed by DARPA and the Air Force and Navy Research Laboratories to conduct research in the ionosphere, the uppermost portion of the atmosphere. In 2014, the Air Force decided that it did not intend to continue use of the facility, and planned to dismantle it. Since then, the University of Alaska has worked with the Air Force to continue use of the facility. As the Air Force would like to relinquish ownership of the facility and surrounding areas, I request language that would authorize the Air Force to transfer the facility and underlying land to the University of Alaska, and the surrounding areas to AHTNA, Inc. for consideration agreeable to the Air Force and the University of Alaska, and the Air Force and AHTNA.

#### Native American/Hawaiian SBA Section 811 Fix

I request a fix to the Native American/Hawaiian Small Business Administration 8(a) program. Late in Conference for the FY2010 NDAA, an original "good government" provision, Section 802 was modified to unfairly isolate native contractors for enhanced scrutiny. This new provision, Section 811, has had large negative effects on Native American and Hawaiian community-based contracting organizations participating in the SBA's 8(a) Program. Given Section 811's negative effect on Native 8(a)s in Alaska and around the country, I request that the House include language that was included in last

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year's House-Passed NDAA (The amendment was en-blocced and approved on the floor, but fell in Conference). This provision would repeal section 811 justification and approval process, and would then replace it with the justification and approval process from the Competition in Contracting Act for contracts above \$20 million. This will ensure that there are fair, equitable, and balanced requirements for all contractors seeking Federal sole source contracts.

#### Creation of the National Icebreaker Fund

I join my colleague from Southern California, Mr. Duncan Hunter, in requesting that the Committee create a new acquisition fund that it is vital to our national security interests—a National Icebreaker Fund. This body has established several of these acquisition funds in our history when it has become clear that the nation must prioritize the acquisition and procurement of equipment vital to our interests—whether it was the National Defense Sealift Fund, or the National Sea-Based Deterrence Fund.

During my time in Congress, I have seen firsthand the hurdles we face in trying to expand our icebreaker fleet. Every year, our ice breaking needs grow, as does the cost to build a new icebreaker or renovate an existing one. Under this proposal, the National Icebreaker Fund would allow the Coast Guard to use funds to renovate its existing polar icebreakers, acquire a new one, or lease such a vessel from a private owner. In these times of growing threats in the Arctic region, it is time that we in Congress prioritize the development of these icebreakers, which are truly critical to defending our national interests.

#### Inclusion of the POSTURE Act

I request that the Committee sets military force structure levels in accordance with H.R. 4534, the Protecting Our Security Through Utilizing Right-Sized End-Strength (POSTURE) Act of 2016. When the Obama Administration announced its plan in 2014 to reduce the Army's size from 490,000 to 450,000, the world was a very different place. Since then, global threats have grown and our security environment has worsened. The risks are real, be it ISIS spreading violence across the globe, a nuclear ambitious North Korea, or Russia actively expanding its military footprint by reopening Soviet-era military bases and positioning four new combat brigades above the Arctic Circle. To adequately protect our interests worldwide, we must have a sufficient land force. This language would reverse the President's ill-advised decision, set personnel levels that match the global threat environment, and ensure that the U.S. Military has the resources, and the people, necessary to protect our national security.

### Funding Requests

#### State Sponsored Aerospace Facilities Funding

I request a \$10 million funding authorization for State Sponsored Aerospace Facilities. In the enacted FY2016 NDAA, language was included to recognize the "legitimate role of state government sponsored aerospace infrastructure as space assets." This language specifically urged the Department of Defense to "consider" the

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use that state government capabilities can provide to the national security interests of the United States. This funding was included in the FY 2015 Consolidated and Further Continuing Appropriations Act, and provided critical support for these state sponsored aerospace facilities. Unfortunately, this funding was not appropriated for Fiscal Year 2016, despite the language stressing its importance. It is my hope that the Committee will take the next step and specifically authorize \$10 million, from currently existing funds, for DOD support of commercially licensed spaceports or launch and range complexes, which provide mid-to-low inclination orbits or polar high inclination orbits in support of the national security space program.

#### **Alaska Military Construction**

I request authorization for the full PB-17 funding request for Alaska Military Construction (MILCON). This funding includes several important MILCON projects in Alaska, totaling \$561 million. These projects include \$155 million for construction of Phase 1 of the Long Range Discrimination Radar at Clear Air Force Station, \$295 million for the beddown of two F-35A squadrons at Eielson Air Force Base, as well as other projects at Fort Wainwright, Joint Base Elmendorf-Richardson, and Fort Greely. I request that the Committee authorizes all of these important requests.

#### **Report Language Request**

##### **DoD Report on location for US Navy Arctic Operations Base**

I request a Report from the Department of Defense on locations for a U.S. Navy Arctic Operations Base. As the Arctic Ocean warms, its waters are becoming increasingly navigable. Other countries have begun exploiting the Northern Sea Route, as well as other routes through these far-north waters. For the United States to continue to be a global player in Naval operations, it must not only increase the number of vessels that can operate in the Arctic Ocean, but must also develop a deep water port from which it can operate. Therefore, I request that the Committee direct the Department of Defense to complete a report that will examine possible locations in the Arctic and Sub-Arctic Regions from which it can operate.

Chairman Thornberry, Ranking Member Smith, and other members of the Armed Services Committee, I again thank you for giving me this opportunity. I encourage all of you, and your staff, to come to Alaska to see firsthand our strategic value, our incredible training areas, and the support Alaskans provide the military and its members. A strong defense presence in Alaska is not only vital to Alaska, but also vital to the national security of the United States.