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HEARING

ON

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2020

AND

OVERSIGHT OF PREVIOUSLY AUTHORIZED PROGRAMS

BEFORE THE

COMMITTEE ON ARMED SERVICES
HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTEENTH CONGRESS

FIRST SESSION

FULL COMMITTEE HEARING

ON

MEMBER DAY

HEARING HELD
APRIL 3, 2019



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[There were no Questions submitted during the hearing.]

QUESTIONS SUBMITTED BY MEMBERS POST HEARING:
[There were no Questions submitted post hearing.]

MEMBER DAY

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
Washington, DC, Wednesday, April 3, 2019.

The committee met, pursuant to call, at 9:00 a.m., in room 2118, Rayburn House Office Building, Hon. Adam Smith (chairman of the committee) presiding.

Chairman SMITH. Good morning. We will come to order.

To begin with, I have to ask for unanimous consent that all Members' written statements will be made part of the record. The committee has received 10 statements for the record in addition to our colleagues who are here in person. Without, objection so ordered.

So, welcome to this Members' Day. We will hear from other Members of the caucus on what their priorities are. You each will have 4 minutes and we will ask questions. I think it is okay. We will just have them all go and then ask questions at the end.

And we will go left to right, and start with Mr. Case.

STATEMENT OF HON. ED CASE, A REPRESENTATIVE FROM HAWAII

Mr. CASE. Chair Smith, Ranking Member Thornberry, distinguished members of the committee, thank you very much for the opportunity to testify today on this year's National Defense Authorization Act [NDAA]. And I do so representing Hawaii, a proud partner in the Indo-Pacific.

And to put this in perspective, if you get on a plane today and fly to Hawaii, that is 5,000 miles; if you get on a plane then and fly from Hawaii to Beijing, that is another 5,000 miles. So that would give you a sense of not only the distances that we are talking about in the Indo-Pacific, but the placement of Hawaii. So in Hawaii we live and breathe the Pacific, always have and always will.

The National Security Strategy and National Defense Strategy affirmed the reemergence of long-term strategic competition with other great powers as a central challenge to our national security.

I think most of us can now agree that no country poses as significant or long-term challenge and threat to us as does China. Thus the NDAA as our annual blueprint for the Department of Defense and our military should reflect the strategic interest that the U.S. has in the Indo-Pacific region generally and China specifically.

Our goal as summarized by this administration's free and open Indo-Pacific strategy with which I generally agree is to peacefully address China's rise and bring it into the existing regional architec-

ture of free and open navigation, interconnected trade and development, security cooperation and international institutions.

The purpose of a strong military posture in the Indo-Pacific is not to seek conflict or escalate competition with China, but to raise the costs and international consequences of Chinese aggression and reassure allies and partners of our engagement in this critical region.

The U.S. Indo-Pacific Command, INDOPACOM, headquartered in Hawaii is charged with addressing our military challenges in the Indo-Pacific. It is the largest combatant command in terms of areas of responsibility and assets, stretching from the west coast of the United States mainland to the west coast of India. But it requires additional resources.

Reports of forces in the region being overworked from high demand and struggling with readiness from deferred maintenance are simply unacceptable.

This year's NDAA should continue a long-term strategy for INDOPACOM to reach its goals in deployed forces and readiness especially in air and naval assets. We need to continue supporting improvements in doctrine, assets, and technology to counter China's aggressive military and soft power buildup. I urge the committee to continue investing in research and development of these technologies to address these risks.

Hawaii is of particular importance to our Indo-Pacific strategy. Hawaii offers an indispensable forward position in the Pacific, is home to INDOPACOM headquarters and commands for every service, and maintains a large military presence. We need increased investment in our military construction needs there, including the Hawaii Infrastructure Readiness Initiative, our shipyard and training ranges to improve our readiness in the Indo-Pacific.

Even with increased investment in improving our military posture in the Indo-Pacific, the U.S. cannot do it alone in the region. Peacefully integrating China into the existing rules-based regional order requires the active cooperation of partner countries, the vast geographic space that needs to be covered in the Indo-Pacific demands reliance on our allies there.

We need to reassure our traditional treaty allies such as Japan, South Korea, Australia, the Philippines, and Thailand while building relationships with partners and potential partners like India and Vietnam.

I also want to ask that this committee pays special attention to the Pacific Island countries such as Vanuatu, the Federated States of Micronesia, and Palau to name only a few. They are critical to our overall posture in the Pacific and simply need much more attention from both a military and a State Department foreign aid perspective for our overall strategy.

In conclusion, I urge this committee to ensure this year's NDAA reflects the strategic importance of Hawaii and the entire Indo-Pacific. We must enhance our military posture there and continue building alliances and partnerships in the region.

Thank you for your consideration and hard work in advancing our country's national security.

[The prepared statement of Mr. Case can be found in the Appendix on page 19.]

Chairman SMITH. Thank you. Mr. Green.

STATEMENT OF HON. MARK E. GREEN, A REPRESENTATIVE FROM TENNESSEE

Mr. GREEN. Thank you, Mr. Chairman Smith and Ranking Member Thornberry, members of the committee. Thanks for the opportunity to testify today.

Over several years prior to the current administration, the combination of sequestration and other cuts to DOD [Department of Defense] coupled with the ongoing fight against terrorism forced the military to prioritize readiness over some facility maintenance.

I am here to provide an innovative solution that will work to keep both sides of the aisle happy, deliver increased efficiency in the use of defense dollars, and ultimately strengthen our military's capability for success in combat and greater deterrence during peace.

Clearly we need to make numerous repairs to installation facilities, and I am very glad that this committee has shown the commitment to improvement by increasing defense spending over the past few years. That brings me to my concern with Davis-Bacon laws hampering DOD's spending effectiveness.

Davis-Bacon requires a Federal construction contract to pay at least the prevailing wage that construction workers in the area are earning on private contracts. Davis-Bacon requires on military construction and maintenance costs causes those contracts to pay an additional 20 percent higher wages than market rates according to Bacon-Hill study group.

These costs take dollars from other projects and limit the effective use of military construction dollars. In the near future, I will bring forward an amendment to allow a temporary exemption, temporary exemption, from Davis-Bacon for those military construction projects in States where there is no living wage requirement. In those States which require a living wage, Davis-Bacon would not be waived.

We don't have time to spare. The Marine Corps' Camp Lejeune is still broken as you know. Tyndall Air Force Base is struggling of course from Hurricane Michael still. And we need to build more capabilities for new projects as our military evolves to face a changing, expanding, and competitive environment.

Soldiers, sailors, airmen, Marines rely on home station facilities to refit for more and to retrain for future fights. We must house, refit, train our troops in a way that makes their competiveness unquestionable.

When I went to combat, Mr. Chairman, 15 years ago, it wasn't a fair fight. No American son or daughter should ever go to combat and it be a fair fight. We need to make every dollar spent on defense and specifically these construction projects as efficient as possible. That is why I am proposing that in those States where there is no living wage requirement, we waive Davis-Bacon for a temporary period of time to allow for the most efficient use of those construction dollars.

Thank you, and I yield back my time.

[The prepared statement of Mr. Green can be found in the Appendix on page 22.]

STATEMENT OF HON. JOE CUNNINGHAM, A REPRESENTATIVE FROM SOUTH CAROLINA

Mr. CUNNINGHAM. Thank you, Mr. Chairman, Ranking Member Thornberry, and distinguished members of the committee. I also want to thank the committee's professional staff who keep everything moving behind the scenes and are the reason this bill has passed every year for nearly 60 years running.

Our district is home to over 10,000 Active Duty service members who serve aboard Marine Corps Air Station [MCAS] Beaufort, Parris Island, Beaufort Naval Hospital, and Joint Base Charleston.

I am here today to advocate for these installations not only because they are critical to our national security, but also because they are an indispensable part of our economy in the Lowcountry. In the Beaufort area alone it is estimated that these installations have an economic impact of over $2 billion annually and support nearly 20,000 jobs.

MCAS Beaufort houses several of the Marine Corps F–18 squadrons, and it is the only place in the world where pilots are trained to fly F–35Bs.

As our adversaries continue to advance their own next-generation fighters and missile systems, it is imperative we expedite production of this aircraft and maintain our dominance in the skies. This is why I urge the committee's continued support for the F–35 program in this year's NDAA.

On Parris Island, Marine Corps drill instructors work brutal hours every day of the year to transform young men and women into United States Marines. As one of two training depots that make Marines and the only depot that trains women, Parris Island is a pillar of our national security apparatus. This is why it is essential that we provide the depot funding they need to modernize the island's firing ranges.

In the Marine Corps unfunded priority list, they requested additional resources to upgrade the Chosin Range, so recruits can continue to learn the fundamentals of marksmanship in a safe environment.

I respectfully request the committee support this proposal so that Parris Island can continue to prepare our best and brightest to win our nation's battles in service to the country.

Finally, I want to take a moment to discuss an issue that threatens nearly every base in our district and many of the bases in some of your districts as well, that is sea-level rise and climate change.

Parris Island and MCAS Beaufort already experience regular flooding, and by 2050 it is estimated that they could be under water nearly a third of the year.

Last year, this committee made important first steps towards addressing this growing threat by authorizing a new defense infrastructure program and expanding the Department's authority to improve roads near bases that are impacted by recurrent flooding.

I strongly urge the members of this committee to continue to prioritize climate resiliency and that service members in the Lowcountry can continue to do what they do best.

As you continue putting together this year's NDAA, I look forward to working with each and every one of you on these issues. And I thank you for your time and consideration.

[The prepared statement of Mr. Cunningham can be found in the Appendix on page 24.]

Chairman SMITH. Thank you. Mr. Kilmer.

STATEMENT OF HON. DEREK KILMER, A REPRESENTATIVE FROM WASHINGTON

Mr. KILMER. Thank you, Mr. Chair. And I want to thank you and the ranking member for holding this Member Day.

I represent Washington State's Sixth District which is home to 11 federally recognized tribes. And as you know, Native American tribes have unique status that entitles them to a special government-to-government relationship with the United States based on their federally recognized status as sovereign nations.

Many of these tribes entered into treaties with the Federal Government that guaranteed certain rights and outlined the commitments made by our government. And treaties are the supreme law of the land; treaty rights held by a tribe cannot be diminished by the passage of time or by non-use.

When any Federal executive agency or department including the Department of Defense proposes a project, it needs to engage in formal government-to-government consultation with any tribe that may be impacted by that project.

Now I also represent Naval Base Kitsap which is located on the Hood Canal where five distinct tribes have treaty-reserved rights to access their usual and accustomed fishing grounds. Naval Base Kitsap had had several important military construction projects in recent years. We have a shipyard that works on nuclear ships and a sub base that loads nuclear submarines, so dry-dock improvement and a new explosive-handling wharf are just a few examples of projects that are vital to the Navy's mission, to the security of the work being done, and to our national security.

So, having said that, every time a Navy construction project such as a dock or a pier involves a water interface, it likely has an impact to a treaty right.

In many cases, those impacts are first identified as part of the process mandated under the National Environmental Policy Act [NEPA] specifically when the Navy drafts an environmental impact statement [EIS] for a planned activity. But unfortunately, when project plans have developed to that point and impacts to tribal treaty rights are identified that late in the game, it is often very difficult and sometimes impossible to develop meaningful project alterations to mitigate the impact to the treaty-reserved rights.

So, to address that shortcoming, I believe that the consultation process should start well before the NEPA process and the issuance of a draft EIS for public comment.

I believe that a tribal consultation requirement and certification should be incorporated to the DD Form 1391 through which requirements and justifications in support of funding requests for DOD military construction are submitted to Congress. This would ensure that efforts have been taken to consult with the tribes early and that impacts to treaty-reserved rights can be identified at the earliest stages of the project.

That would assist in discussions between the DOD and the tribes on the next steps, which could involve alterations to the project to

avoid the impact and or further consultations between the DOD and tribes to possibly arrive at an acceptable mitigation to the impact to treaty-reserved rights.

Should an impacted tribe decide to work with the DOD to develop an appropriate mitigation strategy to allow the project to move forward, I believe that the DOD should not limit itself to the mechanisms spelled out under the Sikes Act, which was intended only to mitigate for environmental damage.

Impacts to treaty rights can't be equated to environmental impacts simply because those rights are tied to natural resources. In fact, treaty rights which have been guaranteed by legally binding documents is no different than any other form of property right.

An environmental review may identify that a project costs the ability to harvest 100 shellfish for example, but that fails to address a treaty right that guarantees the right of someone's grandchildren's grandchildren to harvest those shellfish. So with that in mind the DOD should use any and all resources, not just the Sikes Act, at its disposal when entering into negotiations with the tribe regarding equitable mitigation.

So I would appreciate your consideration of my request to include a provision in the NDAA to require tribal consultation requirement and certification on the DD Form 1391 and a provision noting that the committee recognizes that a treaty-reserved right is no different than any property right.

So my goal is twofold. One, to help to give the DOD and tribes one more tool so that they can increase the odds that they can successfully negotiate an outcome and allow projects to move forward without delay. And two, to ensure that DOD respects treaty rights and the self-determination of tribal governments.

Thank you.

[The prepared statement of Mr. Kilmer can be found in the Appendix on page 26.]

Chairman SMITH. Thank you all very much. I appreciate those perspectives.

Does anyone have any questions for any of the witnesses?

Thank you very much. I appreciate it.

And I think we have Mr. Takano and Mr. Thompson are both here. You just can come forward and we can get started. There are two other people on the second panel, but we will get started and plug them in when they arrive.

Thank you very much, and we will start with Mr. Takano. I apologize for moving you from the first panel to the second, I know you had another hearing this morning, but I appreciate your patience. And you are recognized.

STATEMENT OF HON. MARK TAKANO, A REPRESENTATIVE FROM CALIFORNIA

Mr. TAKANO. It is my pleasure, Mr. Chairman. Thank you, Chairman Smith, Ranking Member Thornberry, and other members of the committee. I thank you for the opportunity to testify today.

First, I am here to advocate for the Work for Warriors program. Work for Warriors was created to address the disproportionately higher unemployment rates among members of the National Guard and military spouses. The underlying model for this program con-

nects with local businesses to identify job openings, seek out qualified and currently unemployed applicants, and help individuals to navigate the resumé, interview, and hiring process.

California has one of the largest Work for Warriors programs in the country, along with Nevada, South Carolina, and Washington State. The programs are also being developed in Florida, Tennessee, Colorado, North Carolina, and other States.

My proposed language would create a national Work for Warriors pilot program that mirrors these State direct-to-employment programs to provide direct job placement and related employment assistance to members of the National Guard and Reserve, as well as military spouses and veterans.

A Work for Warriors provision has been included in the House NDAA every year since 2014. And I hope to continue the longstanding practice of this committee to support our veterans and members of the National Guard and Reserves by including this pilot program in NDAA.

As chairman of the Veterans Affairs Committee, one of my top priorities is ensuring that our veterans have the resources they need to succeed.

The Work for Warriors program has been extremely successful in my home State of California, and has placed more than 5,000 individuals in jobs. The other States I have mentioned have enjoyed comparable success through this program.

The Work for Warriors program job placement services provides a sense of stability, purpose, and continuity for those in the program. And we can deliver on this same successful model nationwide by creating a pilot program through the Department of Defense.

Although successful Federal veterans employment initiatives can cost more than $10,000 per placement, Work for Warriors has a total per placement cost of roughly $1,100. This staggering difference is a testimony to the incredible value that a national Work for Warriors program could bring to countless National Guardsmen, reservists, and veterans.

Now as we continue to seek out ways to improve outcomes and create new opportunities and provide adequate support and care for members of our armed services and veterans, we must recognize the programs that are successful and make appropriate investments to support those programs. Work for Warriors is a strong example of an investment that we should be rushing to make.

Now I am also here to advocate for another important initiative, the Keith Nolan Air Force Deaf Demonstration program. This language would create an Air Force demonstration program for deaf and hard-of-hearing individuals to access as officers of the Air Force as long as they continue to meet all the other essential qualifications for accession as an officer in the Air Force.

This provision is inspired by a deaf young man named Keith Nolan, a teacher at the Maryland School for the Deaf, who successfully completed two levels of Army ROTC [Reserve Officers' Training Corps]. Keith was preparing to take the next step when he was informed that he could not continue with his service because he is deaf.

I have no doubt that the Air Force would have been strengthened by Keith's service. And we should not be so quick to turn away individuals who proudly look to serve. Individuals who want to serve should have the opportunity to do so. This demonstration program would give them the opportunity to serve the country they love.

Now I am thankful that my amendment to create this program was included by the committee in last year's NDAA. And it is my sincere hope that it will be included again during this year's reauthorization. And I am excited that we are taking this step forward to give the deaf community a chance to defend the country that they love.

I urge you to support the inclusion of both the Work for Warriors and the Keith Nolan Air Force Deaf Demonstration programs and I welcome the opportunity to answer any questions.

And I yield back.

[The prepared statement of Mr. Takano can be found in the Appendix on page 29.]

Chairman SMITH. Thank you. Mr. Thompson.

STATEMENT OF HON. GLENN THOMPSON, A REPRESENTATIVE FROM PENNSYLVANIA

Mr. THOMPSON. Chairman Smith, Ranking Member Thornberry, members of the Armed Services Committee, good morning and thank you for the opportunity to share my priorities for the fiscal year 2020 with the House Armed Services Committee.

As a father of an Active soldier who received a Purple Heart during Operation Iraqi Freedom, I appreciate your willingness to receive my testimony. I recognize the challenges facing this committee and I appreciate your ongoing support for our service members.

These brave Americans put their lives on the line regularly in the defense of a higher cause, so we have a responsibility to support them in the strongest, most responsible way possible.

While I certainly understand that the Department of Defense has the best interest of our troops in mind, our oversight role is necessary that the Department stays on the right course.

Specifically, the Army Corps of Engineers work to construct the Rhine Ordnance Barracks Army Medical Center in Germany, or ROBMC, concerns me and warrants additional oversight.

I led a congressional delegation to this site in November of 2018; it consisted of five bipartisan members of Congress, three of whom sit on this committee, and what we found was alarming. For background, the ROBMC is a new hospital being constructed in Kaiserslautern, Germany, that will serve injured troops from AFRICOM [U.S. Africa Command], European, and Central Commands. It is located less than 2 miles from the flight line at Ramstein Air Base and will be the most strategically important military hospital outside of the continental United States.

It will cost American taxpayers more than $1 billion and is an excellent investment for our American heroes.

Congress fully understands the strategic importance of this hospital, but also recognizes its vulnerabilities. And one of the main vulnerabilities is its potential reliance on Russian-sourced natural gas.

According to the Energy Information Administration, Germany imported 40 percent of its natural gas supplies from Russia in 2015. And this percentage has only increased since. Just last year, Germany bought more natural gas from Gazprom, Russia's state-owned gas company, than any other nation. Considering Russia's willingness to use its energy export as a political tool in the past, or as I would like say, weaponize energy, we need to ensure that our military installations are not subject to Russian interference.

As a result of Germany's increased reliance on Russian natural gas, Congress and specifically this committee included language in both the fiscal year 2018 and 2019's National Defense Authorization Acts that limits Russia's influence over our military bases in Europe.

The fiscal year 2018 NDAA called on the Department of Defense to limit the use of Russian sourced energy at military facilities in Europe as much as possible.

The fiscal year 2019 NDAA took these concerns a step further and specifically cited the ROBMC and its energy supplies. It called for the medical center to be fueled using a mixed-fuel source that is domestically sourced when possible and that limits the use of Russian gas. The mixed-fuel source is particularly important as it ensures energy security through the diversification of fuel sources.

The Army Corps is working in direct violation of these laws. It is planning the construction of an onsite co-generation plant that will only use natural gas to produce the hospital's electricity and hot water backups. This is contradictory to congressional intent and an illogical costly path forward. The Army Corps insists on moving forward with this single-source plant despite Congress' previous actions calling for a mixed-fuel energy source.

It is also an illogical approach to ensuring energy security for the hospital. The Army Corps is planning on using Russian-sourced natural gas as a redundancy for disruption in Europe's natural gas supply. These disruptions, however, are most likely to be caused by Russia's willingness to shut off gas supplies to Western Europe. This is an irrational approach to energy security and poses a major threat to the American troops serving in the area, three areas of responsibility that the hospital will serve.

And I respectfully request the committee's consideration including language in the National Defense Authorization Act that prohibits the authorization of funds for the construction of the ROBMC's onsite co-generation plant; let me be clear, not the rest of hospital.

Now when my son was wounded in Iraq that was one of the three places that he got great care and surgery. I have a lot of respect for that hospital. And the new hospital will be amazing with the short commute from the Air Force strip.

But I just would ask that again, language to prohibit the authorization of funds for the construction of ROBMC's onsite co-generation plant until the U.S. Army Corps of Engineers can certify that it is in compliance with U.S. statute.

Thank you again for the opportunity to be here today, and I really look forward to working with you as this process moves forward.

[The prepared statement of Mr. Thompson can be found in the Appendix on page 33.]

Chairman SMITH. Thank you. Mr. Rose.

STATEMENT OF HON. MAX ROSE, A REPRESENTATIVE FROM NEW YORK

Mr. ROSE. Chairman Smith, Ranking Member Thornberry, thank you so much for giving me the opportunity to give this testimony today and thank you for your leadership.

I want to talk to you today about an issue that we are encountering in my district, Staten Island, South Brooklyn, New York City.

Today, and you all might not be aware of this, the BAH [Basic Allowance for Housing] for the GI Bill on Staten Island is significantly lower than the rest of New York City. And the reason for that is because Staten Island is not counted as a part of New York City when the BAH is calculated. So today, the monthly BAH is $600 less than the other four boroughs. That goes to $7,200 per year and it has been up to $1,000 less per month.

It makes veterans on Staten Island feel like we don't care. It makes them feel like we are there getting ignored or ripped off, and you all can fix it.

From your perspective this is tiny stuff. And we really ask in this NDAA that you include Staten Island as a part of New York City in terms of the calculation of the BAH.

And I want to go down for the facts as to why this is so ridiculous. Today, Staten Island has the highest percentage of vets as compared to any other borough. In fact, compared to Manhattan and Queens, it is double the number on a percentage basis.

Our median rents are very similar to the rest of New York City, and nonetheless, though, we have a BAH that is $600 less. The median household income is right in the middle for New York City, and to repeat, our BAH is $600 less and calculated as if we are not part of New York City. By all other government metrics, New York City is counted as a five-borough element.

Every other time the government is thinking about New York City, it is five boroughs, but for some reason for the BAH, four boroughs plus Staten Island. Again, this makes no sense and we are just inflicting pain on people.

And lastly, to really, and this is the icing on the cake. When the CONUS COLA [continental United States cost of living allowance] is determined, we have the highest, Staten Island has the highest one for all the five boroughs and one of the highest in the nation. If I were to tell you, highest COLA lowest BAH in the city, you would think that was crazy. You would think that was insane. And you can fix it.

People come here asking for the earth, the world, the moon, the stars, everything. I am not today. I am just asking for you to be fair as it pertains to Staten Island. But it is not just the veterans. This is our economy as well. Remember, BAH is based off where you go to school, not where you live.

So Staten Island is so hospitable, so wonderful to vets, they are moving to Staten Island at times but going to school in other places. They will take the free ferry to Manhattan because it could mean upwards of $1,000 extra per month for them. That is a mas-

sive hindrance to our local universities, and that hits our economy as well.

And we are following the rules. We are just trying to do the right thing and DC right now is not treating us fairly.

And so I come before you today, again, very thankful that you gave me this opportunity. And again, I ask you to equalize the BAH rates for Staten Island and the other four boroughs. Include us in the New York City calculations. It will be nice, simple, and most of all, it will be fair.

Thank you again.

[The prepared statement of Mr. Rose can be found in the Appendix on page 35.]

Chairman SMITH. Thank you very much. Mr. San Nicolas.

STATEMENT OF HON. MICHAEL F.Q. SAN NICOLAS, A DELEGATE FROM GUAM

Mr. SAN NICOLAS. Chairman Smith, Ranking Member Thornberry, Subcommittee Chair Garamendi, and members of this distinguished committee, thank you for the chance to testify on my priorities for Guam and the Asia-Pacific region and development of the chairman's mark for the National Defense Authorization Act for Fiscal Year 2020.

As the Federal Government continues its plan for realignment and building up its military presence in our territory and throughout the region, probable impacts to Guam's economy must be addressed. Guam recognizes its unique position and the key role it plays in our nation's defense, but the nation in turn must recognize its duty to ensure economic stability in the application of Federal laws.

Small steps can be taken to address these concerns in the fiscal year 2020 NDAA. First, I ask the committee to expand the language from the fiscal year 2019 NDAA to allow foreign labor through the H–2B visa program for construction projects to include civilian projects.

Recently, the approval rates for H–2B applications for civilian projects is close to zero percent, while military projects received very healthy approvals of H–2B labor. This alarming situation significantly increased the cost for building homes and delayed completion times for public infrastructure projects.

Addressing the significant labor shortages will allow for stabilization of the island's economy and bring parity into civilian construction projects outside the fence.

Additionally, with Guam receiving the highest per capita rate of tourism in the highly sensitive Asia-Pacific region, civilian projects are critical to soft power force projection, as the tourism experience on Guam is a direct showcase of American exceptionalism to the citizens of allies and potential adversaries.

Second, I ask that language be included that would extend by at least an additional year the prohibition of using the former ship repair facility property at Naval Base Guam for any other purpose than depot level ship repair. This language was included in the fiscal year 2019 NDAA.

I am concerned that the Navy continues to send Military Sealift Command ships to foreign shipyards in direct contravention of the

intent behind 10 U.S.C. 8680, which requires these ships to be repaired in U.S. shipyards except for voyage and emergent repairs.

I ask the committee to include language that requires U.S.-flag vessels serving the U.S. Armed Forces be repaired and maintained in ports within U.S. jurisdictions.

Allowing our military ships to be maintained and serviced in foreign jurisdictions when we have local jurisdictions that can provide the work is counter to and undermines our ability to protect our nation against threats in the Asia-Pacific region. Moreover, I am deeply concerned that the Navy continues to find reasons to reduce ship repair capability on Guam when their own report conducted by U.S. Pacific Fleet several years ago clearly showed a long-term cost savings to the Navy for maintaining such capability on Guam.

Finally, I request that language be included to require any future DOD telecommunication services and infrastructure installation on Guam be limited to U.S.-owned firms unless the Secretary of Defense certifies that a foreign firm can meet the resiliency and security requirements necessary to serve a U.S. military installation.

From recent experience of Huawei, ZTE, and others, it is apparent that some foreign countries have identified telecommunications infrastructure as a potential infiltration point and are seeking to exploit that through artificially low-cost exploits. Beyond this, the Pacific Islands are susceptible to hurricanes and other natural disasters requiring a high level of resiliency that lowest cost bids may not achieve.

In the Asia-Pacific region, U.S. military facilities enjoy a variety of missions from missile defense to rapid deployment and response. Foreign governments would be highly interested in the ability to monitor or even affect these missions. We must take steps necessary to protect our national security and interests.

The Armed Services Committee has been a friend of and strong advocate for Guam's interest as our island plays a key role in our nation's primary defense against adversaries in Asia. I have appreciated this committee's longstanding efforts in reaffirming Guam's seat at the table and ensuring that Guam's concerns are not brushed aside.

I want to thank you for your time and consideration of my testimony.

[The prepared statement of Mr. San Nicolas can be found in the Appendix on page 37.]

Chairman SMITH. Thank you.

I have two questions, actually.

Mr. Rose, first of all, and forgive my ignorance here, I do not know if that is our committee's jurisdiction on the GI Bill. Now, we do things outside of our jurisdiction all the time, but it is conceivably and since we have the chairman of the Veterans Affairs Committee with us, it is conceivably in his jurisdiction.

But we can work together to make that happen and do it in our bill. But I just want to be clear on that.

Mr. ROSE. I am on the VA Committee as well. Originally we thought that was the case, but actually the GI Bill's BAH is based off DOD calculations.

Chairman SMITH. Okay. Just within our bill.

And the other challenge there would be whether or not making that change carries with it a mandatory score which basically we have to find the money for that, so that is unfortunate.

I mean I completely agree with your argument. There is no reason that it should be separate. But once it is separate, to fix it you have to come up with the money to fix it. So we will have to look at different ways to do that.

So if you could make sure and work with the staff on if, is it mandatory; if it is not mandatory it is a hell of a lot easier to work out.

Mr. ROSE. Absolutely.

Chairman SMITH. Yes, but I completely agree with your assessment on that.

Mr. ROSE. Thank you for your consideration, Chairman.

Chairman SMITH. Thank you.

And Mr. Thompson, just so I am clear the current plan of the hospital is to rely on Russian natural gas. And you want us to prohibit them from, you talked about the onsite—

Mr. THOMPSON. Chairman, we are constructing right now a new medical center that is approximately just 2 miles from the landing strip on Ramstein. It is a great concept. When we were there and led a CODEL [congressional delegation] there, three of your members joined me. I mean, they were just clearing the site at that point.

Chairman SMITH. No, I am familiar with the project.

Mr. THOMPSON. Yes, what we do today is all of that electricity, hot water, everything is purchased through the city of Kaiserslautern.

Chairman SMITH. And they get it from the Russians?

Mr. THOMPSON. No. Kaiserslautern use multi-fuel source. They use biomass. They use wind.

Chairman SMITH. Sorry, I am just trying to get down to a very specific point. You want us to prohibit them from doing what?

Mr. THOMPSON. The Corps of Engineers is moving away from what we have always done and they are building a co-generation plant. They have plans to build a power generation plant on the site of the hospital, which would be solely and completely relying on natural gas.

Right now, part of the trust that we have with the community, the city of Kaiserslautern, that area is that partnership with the type of heating source that we use at Ramstein, it is used all throughout that region and it is the Corps of Engineers that have chosen to veer from that.

Chairman SMITH. What source of energy would we be using instead of natural gas?

Mr. THOMPSON. That, quite frankly, if they choose to continue to what I think is an excessive and unnecessary cost of building their own generation plant which we have never done that. This would be the first time. That would be obviously up to the Corps of Engineers. Our statute that this committee has passed and has been incorporated in the NDAAs in the past just calls for multiple sources so that we are not dependent on Russia for their natural gas, because Russia has been known to weaponize energy.

Chairman SMITH. Yes. I got all of that.

Mr. THOMPSON. And so there are two alternatives here. One, ultimately, I mean, if I had the opportunity to have a preference would be to continue the relationship we have with the city of Kaiserslautern that uses multiple sources for generating power, electricity, hot water.

Chairman SMITH. Right, understood. I mean, obviously we would rather not be reliant upon Russian natural gas. It depends on what we are then going to be reliant on if we don't allow them to go that route.

Mr. THOMPSON. That is correct. And the past two National Defense Authorizations have addressed this issue, but just clearly, the Army Corps of Engineers is ignoring Congress in this situation with proceeding with, quite frankly, building a plant at significant cost, and then the cost of operating that plant is going to require additional fulltime employees to operate.

And the part that I didn't address is it continues to break down that trust that we have within those German communities there. And I think that you will find with Ramstein that I am hard pressed to think anyone in there hasn't been well served by that partnership with the city of Kaiserslautern where all this is generated today.

Chairman SMITH. Absolutely. I have been to the current hospital at Landstuhl many, many times. It is an outstanding facility.

Mr. THOMPSON. It certainly is.

Chairman SMITH. And incredibly important. And they do amazing work there. I was in Iraq and visited a wounded soldier, and then by the time I got to Landstuhl, he was already there being treated. So it is an incredibly important part.

Mr. THOMPSON. It will be an easier trip now that you are coming down off that top of that hill. It would just be 2 miles from the point where that transport plane will be landing at Ramstein.

Chairman SMITH. Absolutely, thank you. That is all I have.

Anybody else?

Mr. THORNBERRY. Mr. Chairman, I just want to thank this panel and our previous panel. Some of the issues we have heard about today I am familiar with, some not so much. But that is the importance of having members bring their priorities to our attention, and I know that you and I will work together with our staff to look at each of the issues that the members have brought, so I appreciate it.

Chairman SMITH. Absolutely, that is a commitment on both my part and the ranking member's part. We represent the whole caucus. And we understand, certainly in the districts that have been represented here, that our national security needs are met by every district in this country and every member has an interest, and we want to make sure that we address those interests as best as we can on the committee.

So, appreciate you all being here.

Any further questions? Hearing none, thank you very much. We are adjourned.

[Whereupon, at 09:40 a.m., the committee was adjourned.]

A P P E N D I X

APRIL 3, 2019

PREPARED STATEMENTS SUBMITTED FOR THE RECORD

APRIL 3, 2019

Member Day Testimony on FY2020 National Defense Authorization Act (NDAA)
House Committee on Armed Services
Congressman Ed Case (HI-01)
April 3, 2019

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

Thank you for the opportunity to testify today on this year's NDAA.

The National Security Strategy and National Defense Strategy affirmed the reemergence of long-term strategic competition with other great powers as the central challenge to our national security. No country poses as significant a long-term threat to us as China does. Thus, the NDAA, as our annual blueprint for the Department of Defense and our military, should reflect the strategic interests the U.S. has in the Indo-Pacific region.

Our goal, as summarized by this Administration's "Free and Open Indo-Pacific" strategy, is to peacefully manage China's rise and bring it into the existing regional architecture of free and open navigation, interconnected trade and development, security cooperation and international institutions. The purpose of a strong military posture in the Indo-Pacific is not to seek conflict or escalate competition with China, but to raise the costs of Chinese aggression and reassure allies and partners of American engagement in this critical region.

Enhancing U.S. Military Posture

United States Indo-Pacific Command (INDOPACOM) is charged with addressing our military challenges in the Indo-Pacific. It is the largest combatant command in terms of area of responsibility and assets, but it requires additional resources. Reports of forces in the region being overworked from high demand and struggling with readiness from deferred maintenance are unacceptable.

This year's NDAA should continue a long-term strategy for INDOPACOM to reach its goals in deployed forces and readiness, especially in air and naval assets. We need to continue supporting improvements in doctrine, assets and technology to counter China's aggressive military buildup. I urge the Committee to continue investing in research and development of critical technologies to address these risks.

Hawai'i is of particular importance to our Indo-Pacific strategy. Hawai'i offers a forward position in the Pacific, is home to INDOPACOM headquarters and commands for every service and maintains a large military presence. We need increased investment in our military construction needs there, including the Hawai'i Infrastructure Readiness Initiative, our shipyard and training ranges to improve our readiness in the Indo-Pacific.

Strengthening Alliances and Partnerships

Even with increased investment in improving our military posture in the Indo-Pacific, the U.S. cannot go it alone in the region. Peacefully integrating China into the existing rules-based regional order requires the active cooperation of partner countries. The vast geographic space that needs to be covered in the Indo-Pacific demands reliance on our allies and partners there.

Strengthening these alliances and partnerships in the interconnected space of the Indo-Pacific will require a whole-of-government approach that combines multiple dimensions of power and security, including military, political, diplomatic, economic, social, technological and more. We need to reassure our traditional treaty allies of Japan, South Korea, Australia, the Philippines and Thailand, while building relationships with partners like India, Taiwan, New Zealand, Vietnam, Singapore, Indonesia and more. I especially support language that reaffirms our commitment to Taiwan's self-defense and that prevents the withdrawal of U.S. forces from South Korea, as featured in last year's NDAA.

I also want to ask that special attention be paid to the Pacific island countries, such as Vanuatu, the Federated States of Micronesia and Palau to name only a few. They are strategically important to our position in the Indo-Pacific, as demonstrated by the increasing interest and investment from China. We must include these Pacific island countries in our strategic thinking in the Indo-Pacific and invest more heavily in their security and development.

However, we must also be sure not to force countries to choose between the U.S. and China but focus our efforts instead at reinforcing the advantages of our vision for a Free and Open Indo-Pacific, namely a respect for sovereignty, open trade and development, security and stability, a respect for human rights and a rules-based system. The attractiveness of our values has always been critical to the success of our foreign policy, and the Indo-Pacific will be no exception.

Conclusion

In conclusion, I urge this Committee to ensure this year's NDAA reflects the strategic importance of Hawai'i and the Indo-Pacific. We must enhance our military posture there and continue building alliances and partnerships in the region. Thank you for your consideration and your hard work in advancing our country's national security.

STATEMENT OF

REPRESENTATIVE MARK E. GREEN, M.D. (TN-07)

FOR THE

HOUSE COMMITTEE ON ARMED SERVICES

APRIL 3, 2019

Mr. Chairman, thank you for the opportunity to testify today. Over several years prior to the current administration, the combination of sequestration and administrative cuts to DoD, coupled with the ongoing fight against terrorism forced the military to prioritize readiness over facility maintenance. I am here to provide an innovative solution that will work to keep both sides of the aisle happy, deliver increased efficiency in the use of defense dollars and ultimately strengthen our military's capabilities for success in combat and greater deterrence in peacetime. Clearly we need to make numerous repairs to installation facilities, and I am very glad that this Committee has shown the commitment to improvement by increasing defense spending after years of neglect and decline.

That brings me to my concern with Davis-Bacon laws hampering DoD's spending effectiveness. Davis-Bacon requires federal construction contracts to pay at least the prevailing wage that construction workers in the area are earning on private contracts. Davis-Bacon requirements on military construction and maintenance cause those contracts to pay an additional twenty-two percent higher wages than market rates, according to a Beacon Hill Group study. These costs take dollars from other projects and limit the effective use of military construction dollars. In the near future, I will bring forward an amendment to allow a temporary exemption

from Davis-Bacon for military construction projects in states where there is no living wage requirement. In those states which require a living wage, Davis-Bacon would not be waived.

We do not have time to spare. The Marine Corps' Camp Lejeune is still broken down from Hurricane Florence. Tyndall Air Force Base is still struggling from October's Hurricane Michael. And we need to build more capacities for new projects as our military evolves to face a changing, expanding, and competitive environment. Soldiers, Sailors, Airmen and Marines rely on home station facilities to refit from war, and to retrain for future fights. If we cannot house, refit and train, our troops – we cannot defend our country, and if we cannot defend our country, we cannot have a country.

I hope that I will have your support in this initiative to help our military, and I ask that you will consider repealing Davis-Bacon going forward.

House Committee on Armed Services: Member's Day
Statement for the Record
U.S. Congressman Joe Cunningham
1st District, South Carolina
April 3, 2019

Thank you, Mr. Chairman, Ranking Member Thornberry and distinguished Members of this Committee, including my friend, Congressman Wilson, whom I have the honor of serving with in the South Carolina delegation. I also want to take a moment to thank the professional staff, who keep everything moving behind the scenes and are the reason this bill has passed every year for nearly sixty years running.

I have the honor of representing South Carolina's First Congressional District, which is home to the over 10,000 active duty servicemembers who serve aboard Marine Corps Air Station Beaufort, Parris Island, Beaufort Naval Hospital, and Joint Base Charleston. I'm here today to advocate for these installations, not only because they are critical to our national security, but also because they are an indispensable part of our economy in the Lowcountry. In the Beaufort region alone, it is estimated that the military's presence an economic impact of 2.2 billion dollars annually and supports nearly 20,000 jobs.

MCAS Beaufort houses the Marine Corps' east coast fixed-wing, fighter-attack aircraft assets, and is the only place in the world where pilots are trained to fly F-35B Joint Strike Fighters. As our adversaries continue to advance their own next-generation fighters and missile systems, it is essential that we continue to increase production of these aircraft, so the U.S. can maintain its air dominance. That is why I respectfully request the Committee to prioritize funding for additional F-35s in this year's NDAA.

On Parris Island, the Recruit Training Regiment works to transform young men and women into United States Marines. As one of two training depots that make Marines, and the only depot that trains women, Parris Island is a pillar of our national security apparatus.

That is why it is essential we provide the depot funding they need to modernize the Island's firing ranges. In the Marine Corps' Unfunded Priority List, they requested funding to upgrade the Chosin Range, so recruits can continue to safely learn the fundamentals of marksmanship. I respectfully request the committee support this proposal so that Parris Island can continue to prepare our best and brightest to win our nation's battles in service to the country.

Finally, I want to take a moment to discuss how military installations in the Lowcountry are threatened by climate change and sea level rise. Parris Island and MCAS Beaufort already experience regular flooding, and by 2050, it is estimated that they could be underwater nearly a third of the year.

Last year, this Committee made important first steps towards addressing the growing national threat of sea level rise by authorizing a new Defense Infrastructure Program and expanding the department's authority to improve roads near bases that are impacted by recurrent flooding. I strongly urge the Members of this Committee to continue to prioritize climate resiliency and to ensure critical defense assets, like those in the Lowcountry, can perform their mission for generations to come.

As you continue the process of drafting the FY 2020 National Defense Authorization Act, I respectfully request that the committee incorporate the proposals I have outlined today. I look forward to working with the Members of this Committee, and I want to thank you all for your time and consideration.

To: Derek
From: Clayton
Date: April 3, 2019
Subject: HASC – NDAA Member Day Testimony

Hearing Details: This hearing is an opportunity for Members off the Committee to testify about their legislative priorities within the Committee's jurisdiction.

Testimony:

- Mr. Chair, I want to thank you and the Ranking Member for holding this Member Day.
- I represent Washington's Sixth Congressional District which is home to 11 Federally Recognized Tribes.
- As you know, Native American Tribes have a unique status that entitles them to a special government-to-government relationship with the United States based on their federally-recognized status as sovereign nations.
- Many of these Tribes entered into treaties with the federal government that guaranteed certain rights and outlined the commitments made by our government.
- Treaties are the supreme law of the land. Treaty rights held by a tribe cannot be diminished by the passage of time or non-use.
- When any Federal executive agency or department, including the Department of Defense, proposes a project, it must engage in formal government to government consultation with any tribe that may be impacted by that project.
- I also represent Naval Base Kitsap located on the Hood Canal where five distinct tribes hold treaty reserved rights to access their Usual and Accustomed fishing grounds.
- Naval Base Kitsap has had several important military construction projects in recent years. We have a shipyard that works on nuclear ships and a sub base that loads nuclear submarines, so drydock improvements and a new explosive handling wharf are just a few examples of projects that are vital to the Navy's mission, to the security of the work being done, and to our national security.
- Having said that, every time a Navy construction project – such as a dock or pier – involves a water interface, it is likely to impact tribal treaty rights.
- In many cases, those impacts are first identified as part of the process mandated by the National Environmental Policy Act, specifically when the Navy drafts an Environmental Impact Statement for a planned activity.

- Unfortunately, when project plans have been developed to that point and impacts to tribal treaty rights are identified that late in the game, it is often extremely difficult – and sometimes impossible – to develop meaningful project alterations to mitigate the impact to treaty reserved rights.

- To address this shortcoming, I believe that the consultation process should start well before the NEPA process and the issuance of a draft EIS for public comment.

- I believe that a tribal consultation requirement and certification should be incorporated into the DD Form 1391 through which requirements and justifications in support of funding requests for DOD military construction are submitted to Congress.

- This would ensure that efforts have been taken to consult with the tribes early and that impacts to treaty reserved rights can be identified at the earliest stages of a project.

- This would assist in discussions between the DOD and the tribes on next steps, which could involve alterations to the project to avoid the impact and/or further consultations between the DOD and the Tribes to possibly arrive at an acceptable mitigation to the impact to treaty reserved rights.

- Should an impacted Tribe decide to work with the DOD to develop an appropriate mitigation strategy to allow the project to move forward, I believe that DOD should not limit itself to the mechanisms spelled out by the Sikes Act, which was intended only to mitigate for environmental damage.

- Impacts to treaty rights cannot be equated to environmental impacts simply because those rights are tied to natural resources.

- In fact, treaty rights – which have been guaranteed by legally binding documents – is no different than any form of property right and should be treated as such by the DOD.

- An environmental review may identify that a project costs the ability to harvest 100 shellfish. But that fails to address a treaty right that guarantees the right of someone's grandchildren's grandchildren to harvest those shellfish.

- Therefore, the DOD must use any and all resources – not just the Sikes Act – at its disposal when entering into negotiations with a Tribe regarding equitable mitigation for a proposed impact to their treaty rights.

- I appreciate your consideration of my request to include a provision in the FY 2020 NDAA to require a tribal consultation requirement and certification on the DD Form 1391 and a provision noting that the Committee recognizes that a treaty reserved right is no different than any property right.

- My goal is two-fold:
    - 1) to help give DOD and tribes one more tool so that they might increase the odds that they can successfully negotiate desirable outcomes to both parties that allow for DOD infrastructure investments and improvements without substantial delays or litigation and;
    - 2) to ensure DOD respect for tribal treaties and for the rights of self-government and self-determination due to tribal governments during the military construction process.

- Chairman Smith and Ranking Member Thornberry – thank you for the opportunity to speak with you.

- I urge you to consider taking up these provisions as part of the FY 2020 NDAA and I would be happy to answer any questions you may have.

The Honorable Mark Takano

41st District, California

HASC FY20 NDAA Member Day

Work for Warriors & Deaf Demonstration Program

Charmain Smith, Ranking Member Thornberry, and other Members of the committee, I thank you for the opportunity to testify today.

First, I am here to advocate for the Work for Warriors program.

Work for Warriors was created to address the disproportionally higher unemployment rates among members of the National Guard and military spouses. The underlying model for this program connects with local businesses to identify job openings, seek out qualified and currently unemployed applicants, and help individuals to navigate the resume, interview, and hiring process.

California has one of the largest Work for Warriors programs in the country, along with Nevada, South Carolina, and Washington State. Programs are also being developed in Florida, Tennessee, Colorado, North Carolina, and other states.

My proposed language would create a national Work for

Warriors pilot program that mirrors these State direct employment programs to provide direct job placement and related employment assistance to members of the National Guard and Reserve as well as military spouses and veterans.

A WFW provision has been included in the House NDAA every year since 2014 – and I hope to continue the longstanding practice of this Committee to support our veterans and members of the National Guard and Reserves by including this pilot program in the NDAA.

As Chairman of the Veterans Affairs committee, one of my top priorities is ensuring that our veterans have the resources they need to succeed.

The Work for Warriors program has been extremely successful in my home state of California and has placed more than 5,000 individuals in jobs. The other states I have mentioned have enjoyed comparable success through this program.

The Work For Warriors job placement services provides a sense of stability, purpose and continuity for those in the program – and we can deliver on this same successful model nationwide by creating a pilot program through DOD.

Although successful federal veterans' employment initiatives can cost more than $10,000 per placement, WFW has a total

per placement cost of roughly $1,100. This staggering difference is a testament to the incredible value that a national WFW program could bring to countless National Guardsmen, Reservists, and veterans.

As we continue to seek out ways to improve outcomes, create new opportunities, and provide adequate support and care for members of our armed services and veterans, we must recognize the programs that are successful and make the appropriate investments to support those programs. Work for Warriors is a strong example of an investment that we should be rushing to make.

I am also here to advocate for another important initiative, the Keith Nolan Air Force Deaf Demonstration program.

This language would create an Air Force demonstration program for deaf and hard of hearing individuals to access as officers of the Air Force as long as they continue to meet all other essential qualifications for accession as an officer in the Air Force.

This provision is inspired by a young Deaf man named Keith Nolan, a teacher at the Maryland School for the Deaf who successfully completed two levels of Army ROTC. Keith was preparing to take the next step, when he was informed that he could not continue with his service because he is Deaf. I have

no doubt that the Air Force would have been strengthened by Keith's service, and we should not be so quick to turn away individuals who proudly look to serve.

Individuals who want to serve should have the opportunity to do so. This demonstration program would give them the opportunity to serve the country they love.

I am thankful my amendment to create this program was included by the Committee in last year's NDAA. It is my sincere hope that it will be included again during this year's reauthorization. I am excited that we are taking this step forward to give the Deaf community a chance to defend the country they love.

I urge you to support the inclusion of both the Work for Warriors and the Keith Nolan Air Force Deaf Demonstration programs and I welcome the opportunity to answer any questions.

The Honorable Glenn "GT" Thompson

Pennsylvania's 15th Congressional District

Testimony before the House Committee on Armed Services
Member Hearing on the Fiscal Year 2020 National Defense Authorization Act
Wednesday, April 3, 2019 at 9:00 a.m. | 2118 Rayburn House Office Building

Chairman Smith and Ranking Member Thornberry:

Good morning and thank you for the opportunity to share my priorities for Fiscal Year (FY) 2020 with the House Armed Services Committee. As the father of an active-duty soldier who received a Purple Heart during Operation Iraqi Freedom, and a firm believer in the importance of a strong national defense, I appreciate your willingness to receive my testimony.

I recognize the challenges facing this Committee and appreciate your ongoing support for our service members. These brave Americans put their lives on the line regularly in the defense of a higher cause, so we have a responsibility to support them in the strongest and most responsible way possible.

While I certainly understand that the Department of Defense has the best interests of our troops in mind, our oversight role is necessary to ensure the Department stays on the right course.

Specifically, the Army Corps of Engineers' work to construct the Rhine Ordnance Barracks Army Medical Center in Germany, or "ROBMC," concerns me and warrants additional oversight.

I led a Congressional Delegation to the ROBMC in November, 2018 that consisted of five bipartisan Members of Congress, three of whom sit on this Committee. What we found was alarming.

For background, the ROBMC is a new hospital being constructed in Kaiserslautern, Germany that will serve injured troops from AFRICOM, EUCOM, and CENTCOM. It is located less than two miles from the flight line at Ramstein Air Base and will be the most strategically important military hospital outside of the continental United States. It will cost the American taxpayers more than $1 billion.

Congress fully understands the strategic importance of this hospital, but also recognizes its vulnerabilities. One of the main vulnerabilities is its potential reliance on Russian-sourced natural gas. According to the Energy Information Administration, Germany imported 40 percent of its natural gas supplies from Russia in 2015 and this percentage has only increased since. Just last year, Germany bought more natural gas from Gazprom, Russia's state-owned gas company, than any other nation. Considering Russia's willingness to use its energy exports as a political tool in the past, we need to ensure our military installations are not subjected to Russian interference.

As a result of Germany's increased reliance on Russian natural gas, Congress, and this specifically this Committee, included language in both the FY18 and FY19 National Defense Authorization Acts (NDAA) that limits Russia's influence over our military bases in Europe. The FY18 NDAA called on the Department of Defense to limit the use of Russian-sourced energy at military facilities in Europe as much as possible. The FY19 NDAA took these concerns a step further and specifically cited the ROBMC and its energy supplies. It called for the Medical Center to be fueled using a mixed-fuel source that is domestically-sourced when possible, and that limits the use of Russian gas. The mixed-fuel source is particularly important, as it ensures energy security through the diversification of fuel sources.

The Army Corps is working in direct contravention of these laws. It is planning the construction of an on-site cogeneration plant that will only use natural gas to produce the hospital's electricity and hot water backups. This is contradictory to Congressional intent and an illogical, costly path forward. The Army Corps insists on moving forward with this single-sourced plant despite Congress's previous actions calling for a mixed-fuel energy source.

It is also an illogical approach to ensuring energy security for the hospital. The Army Corps is planning on using Russian-sourced natural gas as a redundancy for disruptions in Europe's natural gas supply. These disruptions, however, are most likely to be caused by Russia's willingness to shut off gas supplies to Western Europe. This is an irrational approach to energy security and poses a major threat to the American troops serving in the three Areas of Responsibility that the hospital will serve.

I respectfully request the committee's consideration in including language in the National Defense Authorization Act that prohibits the authorization of funds for the construction of the ROBMC's on-site cogeneration plant – not the rest of the hospital – until the U.S. Army Corps of Engineers can certify that it is in compliance with U.S. statute.

Thank you again for the opportunity to be here today and I look forward to working with you as this process moves forward.

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COMMITTEE ON HOMELAND SECURITY
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EMERGENCY PREPAREDNESS, RESPONSE AND RECOVERY

COMMITTEE ON VETERANS' AFFAIRS
SUBCOMMITTEES:
HEALTH
OVERSIGHT AND INVESTIGATIONS

March 29, 2019

Representative Max Rose - Testimony to the House Armed Services Committee

Chairman Smith and Ranking Member Thornberry, thank you for hearing this testimony today, and for your leadership.

I appreciate this opportunity to come before you, not only because my first hand understanding of military service as a U.S. Army veteran, but because my district--Staten Island and South Brooklyn--has one of the most vibrant veteran and active duty communities in the nation.

And when I see a huge portion of my district is not being allocated equitable benefits, I need to speak up and make sure this committee is aware.

Staten Island has the highest percentage of veterans in New York City relative to borough population, a number almost twice that of the percentage of veterans in Manhattan and Queens. And the largest Coast Guard operational field command on the East Coast, the U.S. Coast Guard Sector New York, has their main staff right at Fort Wadsworth on Staten Island's North Shore.

Currently veterans on Staten Island are receiving hundreds of dollars less in Basic Allowance for Housing, or BAH, than any of New York City's other four boroughs. And it is the only borough--the ONLY borough--to be separated into its own military housing area. This is inexcusable and needs to be remedied.

BAH is allocated to assist service members cover the cost of housing in the private sector, or the local economy. Recent rental data shows that Staten Island is not exempt from the rising cost of housing in New York City. But our BAH does not accurately reflect these prices. And who suffers -- our service members and our veterans. I bring this to your attention because Staten Islanders have repeatedly felt forgotten--as data is being collected by the Department of Defense to assess BAH rates for 2020, this body should show the veterans and service members on Staten Island the recognition that they deserve.

As you know, BAH is also distributed to veteran students through the Post-9/11 GI Bill. I have heard from several veteran students and university officials about a galling $600 dollars more in BAH received if these vets attend school not on Staten Island, but just across the bridge in Brooklyn.

Census data shows that the difference in median rents between Brooklyn and Staten Island is just $85 dollars. These numbers aren't adding up, and to be clear, New York City is one of the most expensive cities in the world for renters. That is reflected in the BAH for Brooklyn, Manhattan, Queens, and the Bronx, but not for Staten Island.

I ask Committee Members to include in their NDAA report language a directive for DoD to confer with the veteran stakeholders on Staten Island when they make these assessments -- to talk to the locals who are affected most, not only our brave service members, but also our veteran students. Finally, I urge the Committee to direct DoD to adjust New York City's Military Housing Area to include Staten Island, equalizing BAH rates--Staten Island is a part of New York City, and that should never be called into question.

This is an issue about fairness for the servicemembers and veterans who call Staten Island home. And as I know the Members on the Committee agree, these issues that matter to our constituents are the issues that need our attention the most.

Thank you for the opportunity to speak with you today, and I look forward to working with you all going forward.

Congressman Michael F.Q. San Nicolas of Guam
Testimony before the House Armed Services Committee
on the National Defense Authorization Act for Fiscal Year 2020 on April 3, 2019

Chairman Smith, Ranking Member Thornberry and Members of this distinguished Committee, thank you for the chance to testify on my priorities for Guam and the Asia-Pacific region in development of the Chairman's mark for the National Defense Authorization Act for Fiscal Year 2020.

As the Federal government continues its plan for realignment and building up its military presence in our territory and throughout the region, palpable impacts to Guam's economy must be addressed. Guam recognizes its unique position in the key role it plays in our nation's defense, but the nation in turn must recognize its duty to ensure economic stability and promote fairness in the application of federal laws. Small steps can be taken to address these concerns in the FY2020 NDAA.

First, I ask that the Committee expand the language from the FY2019 NDAA to allow foreign labor through the H2-B Visa program for construction projects to include civilian projects. Recently, the approval rates for H2-B applications for civilian projects is close to 0%, while military projects receive very healthy approvals. This alarming situation has significantly increased the costs for building homes and delayed completion times for public infrastructure projects. Addressing the significant labor shortages will allow for stabilization of the island's economy and bring parity to civilian construction projects outside the fence. Additionally, with Guam receiving the highest per capita rate of tourism in the highly sensitive Asia-Pacific region, civilian projects are critical to soft power force projection, as the tourism experience on Guam is a direct showcase of American exceptionalism to the citizens of allies and potential adversaries.

Second, I ask that language be included that would extend, by an additional year, the prohibition of using the former ship repair facility property at Naval Base Guam for any other purpose than depot level ship repair. This language was included the FY2019 NDAA.

I am concerned that the Navy continues to send Military Sealift Command (MSC) ships to foreign shipyards in direct contravention of the intent behind 10 USC 8680, which requires these ships to be repaired in US shipyards except for voyage and emergent repairs. I ask the Committee to include language that requires U.S. flag vessels serving the U.S. armed forces be repaired and maintained in ports within U.S. jurisdictions. Allowing our military ships to be maintained and serviced in foreign jurisdictions is counter to and undermines our ability to protect our nation against threats in the Asia-Pacific region. Moreover, I am deeply concerned that the Navy continues to find reasons to reduce ship repair capability on Guam when their own report conducted by U.S. Pacific Fleet several years ago clearly showed a long-term cost savings to the Navy, for maintaining such capability on Guam.

Finally, I request that language be included to require any future DOD telecommunications services and infrastructure installation on Guam be limited to U.S.-owned firms, unless the Secretary of Defense certifies that a foreign firm can meet the resiliency and security

requirements necessary to serve a U.S. military installation. In the Asia-Pacific region, U.S. military facilities enable a variety of missions, from missile defense to rapid deployment and response. Foreign governments would be highly interested in the ability to monitor, or even affect, these missions.

The Armed Services Committee has been a friend of and strong advocate for Guam's interest as our island plays a key role in our nation's primary defense against adversaries in Asia. I have appreciated this Committee's longstanding efforts in reaffirming Guam's seat at the table and ensuring that Guam's concerns are not brushed aside. I want to thank you for your time and consideration of my testimony.

DOCUMENTS SUBMITTED FOR THE RECORD

APRIL 3, 2019

JULIA BROWNLEY
26TH DISTRICT, CALIFORNIA
MEMBER OF CONGRESS

COMMITTEE ON VETERANS' AFFAIRS
CHAIRWOMAN, SUBCOMMITTEE ON HEALTH
SUBCOMMITTEE ON TECHNOLOGY MODERNIZATION

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
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April 2, 2019

The Honorable Adam Smith
Chairman
House Armed Services Committee
2216 Rayburn House Office Building
Washington, DC 20515-0001

The Honorable Mac Thornberry
Ranking Member
House Armed Services Committee
2216 Rayburn House Office Building
Washington, DC 20515-0001

Dear Chairman Smith and Ranking Member Thornberry:

As you begin work on the Fiscal Year 2020 National Defense Authorization Act, I write to share my priorities for the bill, including robust support for our naval test ranges and support for Navy aircraft programs critical to our nation's defense. I also urge the Committee to retain House language from prior years that would prohibit any new round of a Base Realignment and Closure Commission (BRAC).

As the proud representative of Naval Base Ventura County, I represent over 19,000 personnel working every day to keep our nation secure. Naval Base Ventura County's 90 tenant commands and its unique access to land, sea, and air test and training space make it a vital national security asset, made more important as the Department of Defense seeks to develop and field advanced capabilities for a high-end conflict.

As you know, the Naval Air Warfare Center Weapons Division Sea Range in Point Mugu, CA provides 125,000 square miles of instrumented sea range and 36,000 square miles of overlying airspace for testing DOD's most advanced assets and training U.S. warfighters so that they are prepared for any threats or environments they may encounter across the globe. Unfortunately, deferred maintenance has negatively impacted the DOD's ability to test and evaluate new systems, including those that we might need in a future conflict with a near-peer adversary.

First, I urge the Committee to authorize robust investments in range equipment, telemetry, and instrumentation that are vital to ensuring the range can continue to support these test and training missions. Specifically, I support an authorization of $434.02 million for the Navy's Test and Evaluation (T&E) Support Program (Line 187, PE 0605864N), an increase of $40 million over the President's budget request. Additionally, I support any additional authorization of funds the Committee can provide to support facility maintenance and upgrades. Backlogs in maintenance at bases supporting test and training activities have a direct effect on their ability to support the test and training mission.

Second, I support equipping the Department of Defense with the weapons systems and resources it needs to prevail over a near-peer competitor. The MQ-4C Triton gives the Navy a persistent maritime Intelligence, Surveillance, Reconnaissance and Targeting (ISR&T) capability that provides maritime domain awareness and readily-available lethality, when necessary. Additionally, ongoing upgrades to the program will incorporate signals intelligence capabilities, making the Triton an even more valuable intelligence-gathering asset. I am requesting the Committee authorize support for the President's budget request for MQ-4 Triton procurement (Navy Aircraft Procurement Line 23 and Line 24) and RDT&E accounts (Navy RDT&E, Line 248, PE 0305220N and Line 255, PE 0305421N), and $128 million – an additional $100 million above the President's budget request – for signals intelligence upgrades to the MQ-4 series (Navy Aircraft Procurement, Line 63).

Third, the Navy's E-2D Advanced Hawkeye is crucial to the Navy's battlefield management operations. By providing command and control capabilities for defense against air and cruise missile threats, the E-2D protects Navy Carrier Strike Groups (CSG) against lethal threats and enables naval operability, especially against potential near-peer adversaries in denied areas of operation. Therefore, I am requesting full support of the President's budget request for E-2D Advanced Hawkeye procurement (Navy Aircraft Procurement Line 16, Line 17, and Line 38) and RDT&E accounts (Navy RDT&E, Line 106, PE 0604234N).

Finally, I understand the need to identify excess infrastructure and cost-savings opportunities within DOD. However, I believe facilities outside the United States and its territories should be considered for closure. Nearly 70 years after the end of World War II, we have bases across the globe, many of which are outdated and do not reflect our current, and future, defense needs. I urge the Committee to include language similar to language in prior NDAA bills prohibiting any new round of BRAC.

I appreciate the Committee's continued willingness to listen to the views of Members, including myself, who represent our proud military personnel at bases around the country. I look forward to working with you to ensure the FY2020 NDAA supports the critical missions of our armed forces and fulfills our obligation to support our servicemembers and their families.

Sincerely,

JULIA BROWNLEY
Member of Congress

House Armed Service Committee Member Day
April 3, 2019
Testimony by U.S. Rep. Kathy Castor

Chairman Smith and Ranking Member Thornberry, thank you for letting me testify today about issues my community in Florida are facing that I believe the House Armed Services Committee should prioritize. I am proud to represent MacDill Air Force Base (AFB) in Tampa, home of the 6th Air Mobility Wing, U.S. Central Command, U.S. Special Operations Command, the 927th Air Refueling Wing and a number of additional mission partners. I am also a proud co-chair of the Congressional Air Force Caucus and the Special Operations Forces Caucus.

I would like to take a quick moment to member our colleague Rep. Walter B. Jones. I know he was a proud member of this committee. I was able to get to know him better during our time co-chair the Special Operations Forces Caucus. He was a gentleman through and through. I know he will be greatly missed by me and indeed by us all.

MacDill AFB's 6th Air Mobility Wing is the centerpiece of the U.S. Air Force's Global Vigilance, Global Reach, Global Power mission with its essential functions of aerial refueling and airlift. The scale of MacDill AFB's missions have rapidly increased with the recent expansion of eight new KC-135 tankers and related service members and their families. MacDill AFB's missions are vital to keeping America safe and ready for any contingencies we may face as a nation and it is a privilege to fight for the needs of the airmen, other service members and their families that call MacDill and Tampa Bay home.

MacDill is home to service members from all branches of our military and it is vital that we not only keep them safe on the battlefield, but also at home. Over the years, I have heard from base officials about different mold issues at facilities on base, but over the past few months, I have heard from the families of service members that they are finding mold in their homes located on-base. Plain and simple, military families deserve the best housing available and reports of substandard conditions of on-base housing are unacceptable. Our service members should be able to focus on their mission and keeping our great nation safe without being forced to deal with housing conditions that lead to sick family members and force their families to find alternative housing. My office and I personally have talked to neighbors whose families have been affected by this issue and I have been raising the cases of families affected to the highest levels.

Over the past several months and I met with Air Force Secretary Wilson and we discussed the challenges at the base and also a military family housing bill of rights. I am pleased that the U.S. House is taking this issue so seriously – especially here in the Armed Services Committee. I have raised the issue with Chairman John Garamendi, one of my co-chairs on the House Air Force Caucus and I understand he and HASC are taking steps to ensure the proper oversight is carried out. I am also working with Rep. Charlie Crist, who serves on the Defense Appropriations Subcommittee, and Rep. Wasserman Schultz, who serves as chair of Military Construction and Veterans Affairs Appropriations Subcommittee, on this issue to ensure military families have the resources and housing they deserve.

During my time serving my neighbors in Congress, I worked on provisions in legislation to encourage the Department of Defense and the military departments to continue taking cost-effective, timely and appropriate actions to prevent and remediate reported cases of indoor mold located on military installations. The fact that we are still facing these issues today is unacceptable and I will continue to stand up for these families by pressing the cases of those affected that come to my office and I want to work with you all to push for greater Congressional oversight. These families deserve better.

During my conversations with these families, they have shared how they have thousands of dollars in expenses directly related to the mold in their homes. Whether it is temporary living costs, moving costs, health care bills or other household incidentals, we must work to make these families whole for the out-of-pocket expenses they incurred. These private housing contractors have let our military families down and I hope to work with this committee and appropriators to ensure we protect these families who have already sacrifices so much to protect their fellow Americans.

In addition to addressing mold issues in on-base housing, I hope the committee will stand strong against drilling in the east central Gulf of Mexico. Aside from risks to our tourism-based economy in Florida and across the Gulf, our strong military presence throughout the region needs the east central Gulf for their exclusive use for testing – free of drilling rigs, platforms and supply vessel traffic. It is for this reason that the Military Mission Line (MML) in the east central Gulf (EGOM) was established by the 2006 GOMESA law to delineate the military testing area as being off limits to oil exploration. As the May 2018 Department of Defense report "Preserving Military Readiness in the Eastern Gulf of Mexico" clearly shows, the military is planning to increase testing out in the EGOM in the future.

In one of its most poignant references, the Department of Defense called the eastern Gulf of Mexico an "irreplaceable national asset" for combat force readiness and for accomplishing the goals of the 2018 National Defense Strategy. The MML creates a large-scale, flexible and irreplaceable training ground for our development of our leading defense technologies. The growing threat assessment of security risks in the Arabian Gulf region make this training all the more important. The report notes several times that the proximity to major military bases and its large-scale make the EGOM area a unique asset for national defense that cannot be replicated. It is important to mention the over $70 billion in economic impact Florida's military bases have on our state, according to research by the Florida Chamber of Commerce.

My colleague Rep. Francis Rooney and I recently led ***all*** of our Florida congressional colleagues – including Reps. Michael Waltz and Matt Gaetz of this committee – in sending a letter to Acting Secretary David Bernhardt of the Department of Interior to exempt drilling off Florida's coast in part because "any oil and gas development would be an obstacle to military preparedness and national security." I would like to submit our letter for the record.

I again want to thank you all for allowing me to testify today on topics that are important to my community, MacDill Air Force Base and our overall national security. I look forward to working with you during the National Defense Authorization process and beyond to ensure we face our nation's ongoing and future national security challenges head-on.

David N. Cicilline
Submitted Testimony to the House Armed Services Committee
Priorities for the National Defense Authorization Act for Fiscal Year 2020
March 29, 2019

I would like to thank Chairman Smith and Ranking Member Thornberry for the opportunity to provide testimony on this year's National Defense Authorization Act. I would like to identify several items that I hope the Armed Services Committee will pay close attention to during consideration of this year's bill.

First, I would like to ask that committee pay close attention to strengthening our nation's defense industrial base. In my home state of Rhode Island, the birthplace of the American Industrial Revolution, defense manufacturing is vital to our economy. From construction and development for our nation's naval fleet, to development of sophisticated intelligence technology, to textile production for military uniforms at home and abroad, Rhode Island plays a critical role in protecting our nation.

I ask the committee to support provisions which strengthen American defense manufacturing, bolster Buy America provisions, and support American workers who are the backbone of our industrial base.

In this same regard, I would like to thank the committee for continued support of the Virginia Class Submarine and Columbia Class Submarine programs. These programs not only play a vital role in securing our naval superiority around the world, but construction of these submarines supports more than 4,500 manufacturing jobs in my home state of Rhode Island. Supporting future construction and workforce development for these programs will advance our national security interests, and strengthen our nation's industrial base.

It is also imperative that this year's NDAA present a new course for American leadership around the world that has been in decline under the current administration. We should take concrete steps to reaffirm our nation's alliances and partnerships across the Atlantic, and around the world. One action that the committee can take is to support ending the long standing arms embargo against the Republic of Cyprus. Cyprus remains a critical partner for the United States in the Eastern Mediterranean region, particularly in areas of counterterrorism against organizations like the Islamic State. However, since 1987, the Republic of Cyprus has been subject to an arms embargo which has hindered deeper cooperation between our two nations. Strengthening our security relationship with Cyprus would only serve to support our interests, and those of Europe.

Additionally, this year's NDAA should take firm steps to demonstrate consequences for Turkey's increasingly authoritarian and reprehensible behavior, as well as its lurch toward the influence of Russia. I ask the committee to include provisions in this year's bill prohibiting the transfer of F-35 aircraft to Turkey, and take steps to prevent Turkey from obtaining Russian military technology and equipment, such as the S-400 air defense system.

While the United States must reaffirm its leadership around the world, we must also avoid costly, ill-advised military entanglements abroad. We have all watched in horror as the regime of Nicolás Maduro has destroyed Venezuela's economy, starved its people, and engaged in widespread corruption and repression. And while the Venezuelan people have a right to pick their leaders through free and fair elections, any transition must be truly democratic and lead by the people of Venezuela. I am concerned over continuing comments by the Trump Administration noting that the use of military force is, as the President said, "an option". Under the Constitution, only Congress can declare war, and this year's NDAA should make it clear that Congress has not granted the Administration the authority to send our Armed Forces into hostilities in Venezuela.

Finally, this year's NDAA must be accountable for increased unaccounted for defense spending through the Overseas Contingency Operations (OCO) account. These funds were intended to be used for emergencies and for providing funding for our Armed Forces deployed abroad. However, this account has been increasingly used as a slush fund to increase defense spending to record amounts and circumventing statutory budget caps, while cutting spending for other critical programs government wide. The President's budget proposed an astronomical $165 billion in OCO funds while proposing to drastically cut or eliminate essential education, environmental, and other domestic programs. I ask that this year, the Committee take concrete steps to reduce the misuse of OCO funds.

I would like to once again thank Chairman Smith and Ranking Member Thornberry for allowing me the opportunity to provide testimony regarding this year's NDAA, and I ask that the Armed Services Committee provide due consideration to the priorities that I have laid out.

April 2, 2019

Dear Chairman Smith and Ranking Member Thornberry:

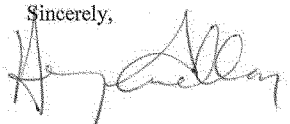
As you begin work on the fiscal year 2020 National Defense Authorization Act, I request that you please consider adding language to support Plan Latin America.

The United States has rightfully focused its attention on the near peer adversaries of China and Russia. However, the U.S. has been too focused on fighting this battle specifically in the European and Indo-Pacific regions. The lack of U.S. attention on the Latin America region has enabled China and Russia to take advantage in our absence. China and Russia are now investing in Latin America and creating partnerships with our neighboring countries. Russia is flying nuclear capable bombers out of Venezuela and within miles of the U.S. border. Multiple countries in the region are accepting Chinese funding for major infrastructure projects. Plan Latin America will place an increased strategic focus back on Latin America. The U.S. must remain vigilant in Latin America and help the region from succumbing to Chinese and Russian influences. Our adversaries are now in our backyard and if the U.S. is not careful, they will continue to make advancements in Latin America, creating the biggest threat to U.S. National Security.

Plan Latin America is not a means of militarizing the region and creating a forward military posture. Instead, the Plan is focused on creating partnerships in the region for training and exercise programs that will help ensure a U.S. presence in the region is sustained for years to come. The Plan will also focus on increased Foreign Military Financing to help strengthen those countries who cannot afford strong defense programs. The Plan will look to increase U.S. presence in the region through a multi-faceted approach between the Department of Defense, Department of State, and the U.S. Agency for International Development. It is time that we refocus our efforts in Latin America to advance our national security interests.

Thank you for your consideration. If you require further information, do not hesitate to contact me or Zack Linick, my Legislative Director, at zack.linick@mail.house.gov or 202-225-1640.

Sincerely,



Henry Cuellar, Ph.D.
U.S. Congressman
Texas, District 28

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April 3, 2019

The Honorable Adam Smith
Chairman
House Armed Service Committee
2216 Rayburn House Office Building
Washington, DC 20515

The Honorable Mac Thornberry
Ranking Member
House Armed Service Committee
2216 Rayburn House Office Building
Washington, DC 20515

Chairman Smith and Ranking Member Thornberry, thank you for this opportunity to submit a statement for the record about an issue that is of great importance to the Department of Defense. As you know, the U.S. government has struggled to keep pace with private sector technological development. This problem is particularly acute within the Department of Defense.

Our warfighters are increasingly dependent on information technology, yet the Pentagon continues to lag in its development. Major issues include an inability to both define requirements and to access the best technologies in the market. It is vital to empower the Department of Defense with the cutting-edge market research practices used in the private sector.

My suggested bill provision calls for a GAO review of the use of market research to improve the acquisition of information technology products and services. The review would include DoD's practices regarding benchmarking, assessments of market offerings, and maturity assessments of market-available capabilities and technologies. When empowered with information about the commercial supply market and global trends, the Department can make more informed procurement decisions and prevent costly program failures for its most critical IT systems.

Thank you for your consideration.

Sincerely,

Jim Himes
Member of Congress

PRAMILA JAYAPAL
7TH DISTRICT, WASHINGTON

COMMITTEE ON THE BUDGET
COMMITTEE ON THE JUDICIARY
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April 3, 2019

The Honorable Adam Smith
Chairman
Committee on Armed Services
HT-2, The Capitol
Washington, DC 20515

Dear Chairman Smith:

Thank you for the opportunity to provide input as you begin crafting the National Defense Authorization Act (NDAA) for fiscal year (FY) 2020. This bill is an important chance to reclaim Congressional oversight of our nation's defense spending budget, especially given that half of the Defense Department's annual budget goes to military contractors. I respectfully request that you give consideration to the following priorities:

- **Reassert Constitutional war powers of Congress.** The Committee should consider a repeal of the 2001 Authorization for Use of Military Force (AUMF) within 240 days and withdraw U.S. forces from Afghanistan. U.S. forces in Syria should also be withdrawn in a prompt, orderly manner unless and until such troop presence is authorized by Congress. The FY2020 NDAA should also terminate all U.S. military participation in the Saudi-led war in Yemen, especially in light of the recent vote demonstrating bipartisan Congressional approval of this priority. Additionally, with President Trump's threats of military action against Venezuela, North Korea and Iran, the Committee should consider prohibiting the unauthorized use of force in these countries. Finally, Congress should prohibit the Defense Department from providing any material support to a country in which battalions exhibit demonstrable Nazi sympathies or allegiances.

- **Maintain respect for U.S. and international law.** Congress should prohibit the Defense Department from using funds to test, procure, or field any missile that would be prohibited under the Intermediate-Range Nuclear Forces (INF) Treaty. The NDAA should also prohibit the use of funds to enforce any economic sanctions that violate international treaties to which the U.S. is a signatory, including the Charter of the United Nations and the Charter of the Organization of American States, or sanctions that implement collective punishments as defined by the Geneva convention.

- **Reduce inefficient and wasteful defense spending.** The Committee should consider including provisions of the Smarter Approach to Nuclear Expenditures (SANE) Act to eliminate $100 billion of wasteful nuclear weapons expenditures over the next ten years. The FY2020 NDAA should also prohibit the Defense Department from carrying out any operation that runs counter to parameters set by the Joint Comprehensive Plan of Action

(JCPOA). Additionally, it should require reporting from the Government Accountability Office (GAO) on estimated cost savings if a new Base Realignment and Closure process were conducted. Finally, Congress should consider taking action to reduce exorbitant executive pay for defense contractors.

- **Require transparency and accountability at the Department of Defense.** The FY2020 NDAA should prohibit the Department from providing weapons to any forces or governments that have provided material support to Al Qaeda or ISIS, and require that the Defense Department provide Congress with a list of Al Qaeda's "associated forces." Congress should also consider adopting the Berta Caceres Human Rights in Honduras Act, suspending U.S. military aid to Honduras until improvements in human rights are demonstrated. Finally, the Defense Department should improve its sustainability practice, starting with an NDAA-mandated report on greenhouse gas emissions produced by the Pentagon.

- **Hold defense contractors accountable for "high road" labor practices.** At a minimum, contractors who willfully violate federal workplace safety standards, wage and hour laws, and other worker protections should not be rewarded with new contracts at the taxpayers' expense. But in our new House majority, we should go further, ensuring that defense contractors with the best labor practices are rewarded. We should also ban contractors from using anticompetitive practices, including the use of noncompete and no-poach agreements.

- **Recognize the dignity of U.S. service members.** The FY2020 NDAA should adopt the Restore Honor to Service Members Act to help service members who were discharged for no other reason than their sexual orientation correct their military record so that it reflects their honorable service. The NDAA should also require the Defense Department to pay all service members a minimum of $15 per hour. Finally, Congress should require the prompt clean up of toxic materials at military bases, including PFAS chemicals.

- **Withhold additional funds until the Defense Department has completed its FY2019 audit.** The Department of Defense has ignored Congressional deadlines to become auditable since 1992. The fiscal year (FY) 2018 audit found that only five of the 21 Pentagon agencies received a passing grade. Congress should demand accountability on the FY2018 audit by refusing to expend additional funds to the Defense Department until it has completed its FY2019 audit and demonstrated improvement compared to the prior year.

Thank you for your consideration of these requests.

Sincerely,

PRAMILA JAYAPAL
Member of Congress

ADAM KINZINGER
16TH DISTRICT, ILLINOIS

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April 3, 2018

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

Dear Chairman Smith and Ranking Member Thornberry:

As you begin deliberations on the National Defense Authorization Act (NDAA) for Fiscal Year 2020, I write to respectfully request that you include language to create a pilot program for energy optimization initiatives at the United States Air Force.

As our military broadens its mission to focus on threats posed by near peer competitors, we must work to find ways to increase efficiency of our nation's aircrafts. For example, should we find ourselves in a conflict in the Pacific theater, our transport aircraft would need to cover much larger areas to provide support. By increasing energy efficiency at the Air Force, we would be able to cover more ground, reduce strain on the aircraft, and save the Department of Defense money which could be used to support other priorities.

Enclosed with this letter is suggested bill language to create the pilot program for energy optimization initiatives. Again, I respectfully request that you include this important language in the forthcoming NDAA for Fiscal Year 2020.

Thank you for your thoughtful consideration of this request and for your dutiful leadership of the House Armed Services Committee. Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Adam Kinzinger
Member of Congress

PILOT PROGRAM FOR AVAILABILITY OF WORKING-CAPITAL FUNDS TO AIR FORCE FOR IMPROVED READINESS THROUGH ENERGY OPTIMIZATION

(a) IN GENERAL.—Notwithstanding section 2208 of title 10, United States Code, the Secretary of the Air Force may use a working capital fund established pursuant to that section for expenses directly related to conducting a pilot program for energy optimization initiatives described in subsection (b).

(b) ENERGY OPTIMIZATION INITIATIVES.—Energy optimization initiatives covered by the pilot program include the research, development, procurement, installation, and sustainment of technologies or weapons system platforms, and the manpower required to do so, that would improve the efficiency and maintainability, extend the useful life, lower maintenance costs, or provide performance enhancement of the weapon system platform or major end item.

(c) LIMITATION ON CERTAIN PROJECTS.—Funds may not be used under subsection (a) for—

(1) any product improvement that significantly changes the performance envelope of an end item; or

(2) any single component with an estimated total cost in excess of $1,000,000.

(d) LIMITATION IN FISCAL YEAR PENDING TIMELY REPORT.—If during any fiscal year the report required by paragraph (1) of subsection (e) is not submitted by the date specified in paragraph (3) of that subsection, funds may not be used under subsection (a) in such fiscal year during the period—

(1) beginning on the date specified in paragraph (3) of subsection (e); and

(2) ending on the date of the submittal of the report under paragraph (1) of subsection (e).

(e) ANNUAL REPORT.—

(1) IN GENERAL.—Each fiscal year, the Secretary of the Air Force, shall submit to the congressional defense committees a report on the use of the authority in subsection (a) during the preceding fiscal year.

(2) RECOMMENDATION.—In the case of the report required to be submitted under paragraph (1) during fiscal year 2020, the report shall include the recommendation of the Secretary of the Air Force, regarding whether the authority under subsection (a) should be made permanent.

(3) DEADLINE FOR SUBMITTAL.—The report required by paragraph (1) in a fiscal year shall be submitted not later than 60 days after the date of the submittal to Congress of the budget of the President for the succeeding fiscal year pursuant to section 1105 of title 31, United States Code.

(f) SUNSET.—The authority under subsection (a) shall expire on October 1, 2021.

Congress of the United States
Washington, DC 20515

April 3, 2018

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

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

The Honorable Donald Norcross
Chairman
Subcommittee on Tactical Air and Land Forces
House Armed Services Committee
2216 Rayburn House Office Building
Washington, DC 20515

The Honorable Vicky Hartzler
Ranking Member
Subcommittee on Tactical Air and Land Forces
House Armed Services Committee
2216 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Smith, Ranking Member Thornberry, Chairman Norcross, and Ranking Member Hartzler:

As you begin deliberations on the National Defense Authorization Act (NDAA) for Fiscal Year 2020, we write to respectfully request that you include language to prohibit Air Force funds from being used to divest the RC-26B aircraft and direct the National Guard Bureau and Air National Guard (ANG) to enter into one or more Memorandum of Agreement so that the platform may be used to support the missions and activities of relevant federal civilian agencies.

The RC-26B is a manned intelligence, surveillance, and reconnaissance (ISR) and incident awareness assessment (IAA) platform utilized by the ANG. This aircraft is uniquely qualified as the only fixed-winged aircraft to have Title 32 authority to conduct domestic surveillance while maintaining the ability to conduct Title 10 missions abroad. The RC-26B has proven itself a remarkable asset for the ANG, providing significant contributions to Operation Iraqi Freedom and Operation Enduring Freedom in Afghanistan while also conducting wildfire assessment, hurricane relief, and counter cartel missions with domestic law enforcement.

For these reasons, and in light of consistent reports from senior national security officials that the United States has a shortage of manned ISR assets, we were alarmed by the ANG's announced plans to divest this important platform from operational status. We believe that divestment of this aircraft without appropriate consultation with this committee and interested members of Congress is extremely troubling and short sighted.

Enclosed with this letter is suggested bill and report language to halt the divestment of the RC-26B, ensure it is utilized to meet the statutory obligations of civilian agencies, and provide budgetary relief to the ANG. Again, we respectfully request that you include this important language in the forthcoming NDAA for Fiscal Year 2020.

Thank you for your thoughtful consideration of our request and for your dutiful leadership of the House Armed Services Committee. Should you have any questions or concerns, please do not hesitate to contact us.

Sincerely,

ADAM KINZINGER
Member of Congress

CATHY MCMORRIS RODGERS
Member of Congress

PETE OLSON
Member of Congress

DAVID B. MCKINLEY, P.E.
Member of Congress

Bill Language:

SEC. _____. (a) LIMITATION OF FUNDS - Notwithstanding any other provision of law, no funds authorized to be appropriated by this Act may be used to—

(a) retire, divest, realign, or place in storage or on backup aircraft inventory status, or prepare to retire, divest, realign, or place in storage or on backup aircraft inventory status, any manned aerial platform, including the RC-26B in both its Block 20 and Block 25 configurations, which are used in—

a. the execution of intelligence, surveillance, and reconnaissance missions, as defined in Department of Defense Dictionary of Military and Associated Terms, January 2019; or

b. support of the incident awareness and assessment mission, as defined in Joint Publication 3-28, updated October 29, 2018;

or

(b) disestablish or convert units associated with such platforms.

(b) MEMORANDUM OF AGREEMENT.—Notwithstanding any other provision of law, the Chief of the National Guard Bureau and the Director of the Air National Guard shall enter into one or more Memorandum of Agreement with other federal entities for the purposes of assisting with the missions and activities of such entities.

(a) ELGIBLE ACTIVITIES.—Activities eligible for support through a memorandum of agreement pursuant to subsection (a) include, but are not limited to—

a. domestic operations, including but not limited to situational awareness; damage assessment; evacuation monitoring; search and rescue; chemical, biological, radiological, and nuclear assessment; hydrographic survey, dynamic ground coordination, and cyberspace incident response; and

b. foreign operations, consistent with Title 10, United States Code;

(b) EXCEPTIONS.—Nothing in this section, or any memorandum of agreement established pursuant to this section, shall be construed to hinder or prevent the Secretary of Defense or the Secretary of the Air Force from—

c. prioritizing the utilization of the RC-26B to facilitate high-priority missions, as designated by the president, under Title 32 or Title 10; or

d. otherwise designating the RC-26B to a major command, as defined by Air Force Instruction 38-101, updated January 31, 2017.

(c) AIR FORCE REPORT.—Not later than one year after enactment of this Act, the Secretary of the Air Force shall submit to Congressional defense committees a report detailing the manner in which the Secretary would provide manned ISR/IAA mission support to military and non-military entities in the event the RC-26B is divested. The Secretary shall include a determination regarding whether or not this support would be commensurate with that which the RC-26B is able to provide.

Report Language:

PROHIBITION ON DIVESTITURE, RC-26B.—The committee remains concerned over the health and readiness of the Air National Guard's RC-26B intelligence, surveillance, and reconnaissance (ISR) and incident awareness assessment (IAA) platform. The committee is aware that the RC-26B is the Air National Guard's only manned, domestic IAA aircraft and that it is a critical asset in responding quickly to natural disasters, hurricanes, wildfires, missing persons, and terrorist attacks. Furthermore, the committee notes that this aircraft plays a vital role in counter-cartel operations on the southern border and has aided in the arrests of cartel members, confiscation of thousands of pounds of drugs, as well as confiscation of cash and weapons. This aircraft is uniquely qualified as the only fixed-winged aircraft to have Title 32 authority to conduct domestic surveillance, while maintaining the ability to conduct Title 10 missions abroad.

For these reasons, and in light of consistent reports from senior national security officials that the United States has a shortage of ISR assets, the committee was alarmed by the announced plans to divest this important platform from operational status, and without appropriate consultation with this committee and interested members of Congress. Any decisions or actions to divest the RC-26B without the proper engagement with Congress and other stakeholders would be hasty and shortsighted, the result of which would negate the benefits that the RC-26B aircraft provides to local, state, and federal partners; as well as its ability to respond to regional and national security issues. However, the committee was pleased that the Secretary of the Air Force and the Chief of the National Guard Bureau heard the concerns of members of Congress about this decision and agreed to temporarily delay those divestiture plans while promising to work with the committee to find an equitable solution.

Accordingly, no funds from this account may be used to retire, divest, realign, or place in storage or on backup aircraft inventory status, or prepare to retire, divest, realign, or place in storage or on backup aircraft inventory status, manned ISR/IAA platforms, including the RC-26B in either its Block 20 or Block 25 configurations. In an effort to ensure this important aerial platform will continue to be utilized to support the interests of the United States, the committee directs the Chief of the National Guard Bureau, in coordination with the Director of the Air National Guard, to enter into not less than one Memorandum of Agreement with other federal entities for purposes of assisting domestic operations, foreign operations, or both.

To bolster the Air Force and Air National Guard's manned ISR/IAA capabilities, the committee further directs the Director of the Air National Guard to fully and expeditiously execute its previously-approved plans to upgrade the RC-26B.

DEBBIE LESKO
8TH DISTRICT, ARIZONA

COMMITTEE ON
HOMELAND SECURITY
RANKING MEMBER, TRANSPORTATION AND
MARITIME SECURITY

COMMITTEE ON
THE JUDICIARY

COMMITTEE ON RULES

Congress of the United States
House of Representatives
Washington, DC 20515–0308

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April 2, 2019

Dear Chairman Smith and Ranking Member Thornberry,

I write to you to ask that the enclosed Resolution (H.Res. 177) be included in the Fiscal Year 2020 National Defense Authorization Act.

I have introduced a resolution with Congressman Marc Veasey to acknowledge the F-35 Joint Strike Fighter's vital importance to our national security and to encourage Congress' continued support for the program.

We must maintain air superiority in order to preserve global security and stability. Yet, in the past two decades, the U.S. Air Force fighter inventory was cut in half, and most current Air Force fighter aircraft are more than 25 years old.

The National Security Strategy emphasizes building a more lethal force and strengthening alliances, and we cannot afford to risk the security of America or its allies by allowing this program to fall short of its mission.

I urge that you include the text of H.Res. 177 in the Fiscal Year 2020 National Defense Authorization Act. Thank you in advance for your consideration.

Sincerely,

DLesko

Debbie Lesko

Member of Congress

March 29, 2019

The Honorable Adam Smith
Chairman
House Armed Services Committee
2216 Rayburn House Office Building

The Honorable Mac Thornberry
Ranking Member
House Armed Services Committee
2216 Rayburn House Office Building

Chairman Smith and Ranking Member Thornberry:

I want to thank you for holding the Member's Day forum and providing me with an opportunity to offer testimony about two issues of importance to my district and our nation: the administration's recent decisions on space defense, and an issue regarding the West Los Angeles National Guard Armory.

As a strong supporter of the Department of Defense's increased focus on space and efforts to spur innovation, I am concerned that the Department's efforts to stand up a Space Development Agency (SDA) risk creating duplicative layers of bureaucracy while undermining the existing organizations with a proven track record. Specifically, the new SDA risks jeopardizing the reliability of military space launch and specific national security payloads that would not be possible without the work of Air Force Space and Missile Systems Center (SMC). I urge the committee to conduct vigorous oversight of the Department and ensure that the the decision creates the best structure to promote U.S. space dominance.

Last month, reports detailed a draft plan for SDA written by Undersecretary of Defense for Research and Engineering Michael Griffin. The draft plan called for SDA to be housed within the Department of Defense, receive an initial budget of $149.8 million for fiscal year 2020, and be staffed by 30 civilian and 20 military employees. The Pentagon approved the proposal and formally stood up SDA on March 12, 2019.

The SDA raises serious questions about how it fits in with our existing military space structure. Specifically, it is unclear how the SDA will impact the role of SMC, a subordinate unit of Air Force Space Command and the longtime center of technical excellence for developing, acquiring, fielding and sustaining military space systems. SMC executes 85 percent of the Department's military space procurement budget and is manned by a high-level workforce of 6,000 service members, civilians and contractors. Simply put, SMC manages the business side of space launch and operations and is a national asset.

As I wrote to former Secretary Jim Mattis in December 2018, SMC is uniquely situated in the heart of our nation's most critical aerospace ecosystem, which provides immense military value to our space acquisition decisions. Due to its proximity to Southern California's innovation and technological-expertise, SMC has been able to cultivate synergies with three federally-funded research and development centers, nearby military installations with space-related missions, top university programs in aerospace engineering, leading space companies, and the nation's only aerospace startup accelerator.

According to public reporting on Undersecretary Griffin's proposal, he suggested "that SDA costs will be offset by personnel reductions in other organizations because many jobs associated in the space procurement bureaucracy will no longer be needed." Citing sources familiar with Undersecretary Griffin's thinking, reporting revealed that "the new agency is not intended to replace SMC but will grab pieces of the space portfolio, which could wipe out hundreds of government and contractors jobs at SMC."[1] The Department has not directly addressed tbis issue since formally standing up the new agency.

The notion that moving a piece of SMC's space portfolio out of the aerospace hub in Southern California will have a net-positive impact on military space acquisition fails the test of logic. A new name on the door and less proximity to innovators and expertise will not help the Department address the fundamental challenge with space acquisition: the Pentagon's procurement regulations. Standing up a new entity to simply work around the problem will leave in place its root cause.

As you may know, SMC is already well-underway to implement SMC 2.0, a reorganization that incorporates an enterprise view of space systems and seeks to speed up the development acquisition process. A new office was specifically set up to identify bureaucratic bottlenecks and work aggressively with fast track authorities at the Pentagon, such as the Rapid Capabilities Office, to accelerate procurement.

Beyond acquisition reform, the purpose of a Space Development Agency is to focus on the future of the domain and develop next-generation capability requirements. With that goal in mind, we believe it would be far more effective to expand SMC than to break it up. Such an arrangement could leverage the existing aerospace ecosystem built around SMC and create new synergies with those entities expanding our knowledge of space and pushing our technological limits.

Finally, as I have written to you in a separate letter with Sens. Feinstein and Harris, we are requesting that the Armed Services Committees include in the Fiscal Year 2020 National Defense Authorization Act (NDAA) the language allowing a portion of the West Los Angeles National Guard Armory to be utilized as a year-round homeless shelter. The West L.A. National

[1] "DARPA's Fred Kennedy tapped to lead Space Development Agency." Space News. 24 February 2019. <https://spacenews.com/darpas-fred-kennedy-tapped-to-lead-space-development-agency/>

Guard Armory was conveyed by the federal government to the State of California in 1957 for military purposes. In addition to its use as a National Guard Armory, the State has allowed it to be used as a temporary shelter for homeless persons, solely during the winter season, for more than 10 years.

Unfortunately, Los Angeles County is facing a homeless crisis that is compounded by a shortage of year-round homeless shelters. There are nearly 53,000 persons experiencing homelessness in Los Angeles County on any given night, with over 31,000 who have no other option but to sleep on the streets. While the use of the Armory during the winter months provides refuge from inclement weather, the ability to use the Armory year-round would help the County to better address this crisis.

To that end, we have worked with the General Services Administration (GSA), the Department of Health and Human Services, the State of California, and Los Angeles County to draft language allowing GSA to modify the Armory's 1957 deed so that it can be used as a year-round homeless shelter. Importantly, utilizing a portion of the Armory for a shelter would not interfere with its function as a National Guard training site. I urge the Committee to consider incorporating the draft language in the FY20 NDAA.

Thank you for your attention to these important matters and the committee's tireless work to protect U.S. national security.

Sincerely,

Ted W. Lieu
Member of Congress

DANIEL LIPINSKI
3rd District, Illinois
www.lipinski.house.gov

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Washington, DC 20515–1303
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Congress of the United States
House of Representatives
Washington, DC 20515–1303

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
RAILROADS, PIPELINES, AND HAZARDOUS MATERIALS
CHAIRMAN

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

April 3, 2019

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

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

Dear Chairman Smith and Ranking Member Thornberry:

As you begin to develop the National Defense Authorization Act (NDAA) for FY2020, I write to respectfully request that you include two proposals – MADE HERE and the Allied Nations Travel Modernization Act – in the text of the bill.

The Allied Nations Travel Modernization Act would recognize and encourage the work of our NATO allies who actively fund the required 2% of GDP for defense purposes as expected of NATO members. Specifically, this language would create an alternative pathway for admission into the Visa Waiver Program (VWP) for NATO countries that actually make the defense budget allocations as required. Countries utilizing this pathway also have to meet additional requirements, including demonstrating low overstay rates for visitors to the U.S. and having no elevated travel advisories from the State Department (elevated travel advisories can be an indicator of unrest or terrorism risk). Under current rules, citizens of nations such as Poland and Romania are ineligible to travel to the United States under VWP, despite their countries having close intelligence and defense relationships with the U.S. and posing low risk to our national security and the safety of U.S. citizens. I urge the inclusion of this provision so we can recognize this close relationship with our NATO allies.

MADE HERE would implement a recommendation included in the Strategy for American Leadership in Advanced Manufacturing released by the Administration last year. This report was produced as required under my National Manufacturing Strategy Act enacted into law in 2014, and is the first manufacturing strategy published thanks to my legislation. MADE HERE would authorize the Departments of Defense and Energy, as well as the National Institute of Standards and Technology, to carry out a manufacturing cluster program that builds partnerships between educational institutions, the private and public sectors, and DOD service member and veteran programs with the goal of sustaining our defense industrial base. The 2018 Strategy developed by the Administration is the first national manufacturing strategy produced in the U.S. since the times of Alexander Hamilton. We should take advantage of the knowledge gathered in this report and take this opportunity to implement recommendations that would strengthen our defense capabilities long into the future.

Should you have any questions, please contact Sofya Leonova on my staff at 202-225-5701 or sofya.leonova@mail.house.gov. Thank you for your kind consideration of these requests.

Sincerely,

DANIEL W. LIPINSKI
Member of Congress

6245 South Archer Avenue
Chicago, IL 60638
(312) 886-0481
(773) 767-9395 Fax

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US HOUSE OF REPRESENTATIVES

HOUSE ARMED SERVICES COMMITTEE

***

TESTIMONY OF HON. SEAN PATRICK MALONEY

MARCH 29th, 2019

INTRODUCTION

Chairman Smith, Ranking Member Thornberry, and Members of the Committee, I thank you for the opportunity to testify today. I am asking the Committee to consider including two of my bills, the *Never Forgotten Korean War POW Act* and the *Know Your Vets Act*, in the National Defense Authorization Act (NDAA). These bills address two specific problems with how our government cares for the brave men and women of the uniformed services after they have returned from combat. I represent the United States Military Academy at West Point as well as thousands of military families both active and retired. I have engaged this community through my Veterans Advisory Board which has been instrumental in the creation of this legislation. Our responsibility to honor those who are willing to sacrifice everything does not end when they return home and I appreciate the hard work the Members of this Committee do in that regard.

KNOW YOUR VETS ACT

One of the main issues I hear about from members of my Veterans Advisory Board is the difficulty many servicemembers face during the transition back to civilian life. My bill, the *Know Your Vets Act,* would help smooth that transition by giving veterans the option to have their discharge paperwork sent to their local Veterans Services Officer (VSO). This notification would

allow VSOs to proactively reach out to offer assistance and ensure the new veteran has a smooth transition back to civilian life. Many veterans struggle with finding jobs, adjusting to family life, or just feeling at home in the civilian world. Some battle mental health or substance abuse issues. Currently, VSOs have no way of knowing that a recently discharged veteran has returned home or moved to their community. This means that veterans must reach out proactively on their own to access resources, which can be a barrier to getting the help they need.

The *Know Your Vets Act* would address this issue by giving veterans the option of having the Department of Defense send their Certificate of Release or Discharge from Active Duty Form, also known as DD-214 form, to the country VSO in the county to which they are moving. This will allow VSOs to reach out and offer their assistance with the transition including accessing services and connecting with the local veterans community. By allowing the veterans to opt-in, their privacy will be protected if they do not wish to have their information transmitted. This bill is a simple fix which will offer these American heroes an easier transition back to civilian life.

I wrote this bill in close consultation with my Veterans Advisory Board which includes Stephanie Keegan, the mother of Daniel Keegan who died shortly after he transitioned out of the military. Daniel's mother, Stephanie, believes that this tragedy could have been prevented if Daniel had help navigating the process and connecting with the local community from a local official, like a VSO. My bill will help to prevent more stories like Daniel's by giving others in his position better, more streamlined, access to the help they need.

NEVER FORGOTTEN KOREAN WAR POW ACT

After working alongside Korean War veteran and prisoner of war (POW) Corporal Raymond Mellin of Cornwall, New York, in my district, I drafted the *Never Forgotten Korean War POW Act* to retroactively eliminate a unique and arbitrary three-month limit on combat pay eligibility for Korean War POWs. Corporal Ray Mellin was a POW for 37 months, but his time in an enemy prison wasn't recognized in the way it should have been and he did not receive fair compensation for his time in an enemy prison camp.

The Combat Duty Pay Act of 1952 established combat pay for the United States military. Although POWs from the Korean War did qualify for combat pay, the law instituted an arbitrary three-month limit on their eligibility. The Never Forgotten Korean War POW Act would strike the language which includes the limit and retroactively adjust the rate of pay to be consistent with inflation. This will make sure that those who served are fairly compensated and never forgotten.

We have the opportunity to rectify this injustice and I would urge the Committee to include my legislation in the NDAA.

CONCLUSION

To close, I again want to thank for the Committee's time and attention to these two important issues today. I would be pleased to respond to questions you or the other Members of the Committee may have. The brave men and women I represent appreciate your leadership on these issues and respect for their service.

A. DONALD MCEACHIN
4TH DISTRICT, VIRGINIA



Congress of the United States
House of Representatives
Washington, DC 20515-4604

House Armed Services Committee National Defense Authorization Act Member Day Testimony

Congressman A. Donald McEachin

March 29, 2018

Thank you, Chairman Smith and Ranking Member Thornberry, for your leadership in keeping our nation safe. Thank you, as well, for affording those of us who do not sit on the Armed Services Committee—or who *no longer* sit on the Committee—the opportunity to communicate our priorities at the outset of this year's National Defense Authorization Act process.

While I have many hopes for this year's NDAA, I would like to emphasize one in particular. I very much hope that this year's bill will fully reflect the 2017 *National Security Strategy*'s whole-of-government approach to important security challenges. A whole-of-government approach to our national security challenges is needed more now than ever. Ensuring that servicemembers and civil servants have an understanding of the importance of the whole-of-government effort and how to tackle problems in that context is sorely needed in the Department of Defense, as well as in other agencies. To that end, I want to express my support for bill language that has broad support from the Virginia delegation. I am including a draft of the legislative language below:

Sec. XX – Training in Whole of Government approaches to national security challenges.

a) In general. - The Secretary shall ensure that midcareer Department of Defense personnel receive training in whole of government approaches to national security challenges and shall coordinate with the heads of other federal departments and agencies to promote cross-agency and multi-sector learning, collaboration and problem-solving for midcareer military and civilian personnel.

b) Training components. - Critical elements of a whole of government training program shall include –
   1. creating integrated and consistent policy across the executive branch;
   2. understanding the role of Congress, state and local governments, community organizations, academia, foreign governments, non-governmental organizations and the private sector in influencing and executing whole of government solutions to regional, national and global challenges;
   3. operating collaboratively in an interagency environment;
   4. table-top role playing exercises and mentorship programs that will enable participants to gain a greater understanding of their interagency partners and how to leverage the whole of government approach to achieve desired outcomes.

c) Additional requirements. –
   1. Training shall be provided to cohorts comprised of a mix of military and civilian staff from across the Department and military services and, to the greatest extent possible, from other federal departments and agencies.

2. The Secretary shall ensure that the training provided under this section is made available through the military staff and war colleges, National Defense University and accredited public institutions of higher education that provide whole of government curricula and are centrally located in areas of high concentration of military and civilian national security personnel.
3. At least 50% of the training described in this section shall be provided at or by accredited public institutions of higher education as described in paragraph (c)(2).

It is important that this training is conducted by appropriately-accredited public institutions of higher education that can leverage a wide range of personnel with varied backgrounds that simply is not resident in Department of Defense educational institutions. I am hopeful that the Department of Defense will seek to make the best possible use of this permissive authority and similar educational and training programs, and that opportunities to participate will be afforded to personnel—particularly mid-grade officers and civil servants—from across all services and Departmental components.

Thank you again for your leadership, and for your consideration of this request.

# # #

Congress of the United States
Washington, DC 20515

April 3, 2018

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

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

The Honorable Donald Norcross
Chairman
Subcommittee on Tactical Air and Land Forces
House Armed Services Committee
2216 Rayburn House Office Building
Washington, DC 20515

The Honorable Vicky Hartzler
Ranking Member
Subcommittee on Tactical Air and Land Forces
House Armed Services Committee
2216 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Smith, Ranking Member Thornberry, Chairman Norcross, and Ranking Member Hartzler:

As you begin deliberations on the National Defense Authorization Act (NDAA) for Fiscal Year 2020, we write to respectfully request that you include language to prohibit Air Force funds from being used to divest the RC-26B aircraft and direct the National Guard Bureau and Air National Guard (ANG) to enter into one or more Memorandum of Agreement so that the platform may be used to support the missions and activities of relevant federal civilian agencies.

The RC-26B is a manned intelligence, surveillance, and reconnaissance (ISR) and incident awareness assessment (IAA) platform utilized by the ANG. This aircraft is uniquely qualified as the only fixed-winged aircraft to have Title 32 authority to conduct domestic surveillance while maintaining the ability to conduct Title 10 missions abroad. The RC-26B has proven itself a remarkable asset for the ANG, providing significant contributions to Operation Iraqi Freedom and Operation Enduring Freedom in Afghanistan while also conducting wildfire assessment, hurricane relief, and counter cartel missions with domestic law enforcement.

For these reasons, and in light of consistent reports from senior national security officials that the United States has a shortage of manned ISR assets, we were alarmed by the ANG's announced plans to divest this important platform from operational status. We believe that divestment of this aircraft without appropriate consultation with this committee and interested members of Congress is extremely troubling and short sighted.

Enclosed with this letter is suggested bill and report language to halt the divestment of the RC-26B, ensure it is utilized to meet the statutory obligations of civilian agencies, and provide budgetary relief to the ANG. Again, we respectfully request that you include this important language in the forthcoming NDAA for Fiscal Year 2020.

Thank you for your thoughtful consideration of our request and for your dutiful leadership of the House Armed Services Committee. Should you have any questions or concerns, please do not hesitate to contact us.

Sincerely,

ADAM KINZINGER
Member of Congress

CATHY MCMORRIS RODGERS
Member of Congress

PETE OLSON
Member of Congress

DAVID B. MCKINLEY, P.E.
Member of Congress

Bill Language:

SEC. _____. (a) LIMITATION OF FUNDS - Notwithstanding any other provision of law, no funds authorized to be appropriated by this Act may be used to—

(a) retire, divest, realign, or place in storage or on backup aircraft inventory status, or prepare to retire, divest, realign, or place in storage or on backup aircraft inventory status, any manned aerial platform, including the RC-26B in both its Block 20 and Block 25 configurations, which are used in—

a. the execution of intelligence, surveillance, and reconnaissance missions, as defined in Department of Defense Dictionary of Military and Associated Terms, January 2019; or

b. support of the incident awareness and assessment mission, as defined in Joint Publication 3-28, updated October 29, 2018;

or

(b) disestablish or convert units associated with such platforms.

(b) MEMORANDUM OF AGREEMENT.—Notwithstanding any other provision of law, the Chief of the National Guard Bureau and the Director of the Air National Guard shall enter into one or more Memorandum of Agreement with other federal entities for the purposes of assisting with the missions and activities of such entities.

(a) ELGIBLE ACTIVITIES.—Activities eligible for support through a memorandum of agreement pursuant to subsection (a) include, but are not limited to—

a. domestic operations, including but not limited to situational awareness; damage assessment; evacuation monitoring; search and rescue; chemical, biological, radiological, and nuclear assessment; hydrographic survey, dynamic ground coordination, and cyberspace incident response; and

b. foreign operations, consistent with Title 10, United States Code;

(b) EXCEPTIONS.—Nothing in this section, or any memorandum of agreement established pursuant to this section, shall be construed to hinder or prevent the Secretary of Defense or the Secretary of the Air Force from—

c. prioritizing the utilization of the RC-26B to facilitate high-priority missions, as designated by the president, under Title 32 or Title 10; or

d. otherwise designating the RC-26B to a major command, as defined by Air Force Instruction 38-101, updated January 31, 2017.

(c) AIR FORCE REPORT.—Not later than one year after enactment of this Act, the Secretary of the Air Force shall submit to Congressional defense committees a report detailing the manner in which the Secretary would provide manned ISR/IAA mission support to military and non-military entities in the event the RC-26B is divested. The Secretary shall include a determination regarding whether or not this support would be commensurate with that which the RC-26B is able to provide.

Report Language:

PROHIBITION ON DIVESTITURE, RC-26B.—The committee remains concerned over the health and readiness of the Air National Guard's RC-26B intelligence, surveillance, and reconnaissance (ISR) and incident awareness assessment (IAA) platform. The committee is aware that the RC-26B is the Air National Guard's only manned, domestic IAA aircraft and that it is a critical asset in responding quickly to natural disasters, hurricanes, wildfires, missing persons, and terrorist attacks. Furthermore, the committee notes that this aircraft plays a vital role in counter-cartel operations on the southern border and has aided in the arrests of cartel members, confiscation of thousands of pounds of drugs, as well as confiscation of cash and weapons. This aircraft is uniquely qualified as the only fixed-winged aircraft to have Title 32 authority to conduct domestic surveillance, while maintaining the ability to conduct Title 10 missions abroad.

For these reasons, and in light of consistent reports from senior national security officials that the United States has a shortage of ISR assets, the committee was alarmed by the announced plans to divest this important platform from operational status, and without appropriate consultation with this committee and interested members of Congress. Any decisions or actions to divest the RC-26B without the proper engagement with Congress and other stakeholders would be hasty and shortsighted, the result of which would negate the benefits that the RC-26B aircraft provides to local, state, and federal partners; as well as its ability to respond to regional and national security issues. However, the committee was pleased that the Secretary of the Air Force and the Chief of the National Guard Bureau heard the concerns of members of Congress about this decision and agreed to temporarily delay those divestiture plans while promising to work with the committee to find an equitable solution.

Accordingly, no funds from this account may be used to retire, divest, realign, or place in storage or on backup aircraft inventory status, or prepare to retire, divest, realign, or place in storage or on backup aircraft inventory status, manned ISR/IAA platforms, including the RC-26B in either its Block 20 or Block 25 configurations. In an effort to ensure this important aerial platform will continue to be utilized to support the interests of the United States, the committee directs the Chief of the National Guard Bureau, in coordination with the Director of the Air National Guard, to enter into not less than one Memorandum of Agreement with other federal entities for purposes of assisting domestic operations, foreign operations, or both.

To bolster the Air Force and Air National Guard's manned ISR/IAA capabilities, the committee further directs the Director of the Air National Guard to fully and expeditiously execute its previously-approved plans to upgrade the RC-26B.

GWEN MOORE
4TH DISTRICT, WISCONSIN

COMMITTEE ON
WAYS AND MEANS
SELECT REVENUE MEASURES
WORKER AND FAMILY SUPPORT
OVERSIGHT



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Congress of the United States
House of Representatives

TESTIMONY OF CONGRESSWOMAN GWEN MOORE ON THE FISCAL YEAR 2020 NATIONAL DEFENSE AUTHORIZATION ACT

Dear Chairman Smith and Ranking Member Thornberry,

Thank you for this opportunity to talk about priorities for the FY 2020 National Defense Authorization Act.

I represent the 4th Congressional District of Wisconsin which is also home to the Wisconsin Air National Guard's 128th Air Refueling Wing which consists of 10 KC-35 aircraft and associated personnel. I appreciate the hard work that the men and women of the Wisconsin National Guard do to protect their communities, our state, and our nation, no matter how many times they are called upon. Therefore, it is critical that the FY 2020 NDAA provide the necessary resources to ensure that these men and women can do their jobs. I want to particularly express ask you to authorize two projects included in the President budget, along with another funding authorization, that I believe will help the men and women of the 128th ARW do their jobs and ensure increased mission readiness of that critical unit.

Air National Guard, Operations and Maintenance Facilities Sustainment, Restoration and Modernization Account

I urge you to meet the President's authorized request in FY 2020 for the Air National Guard, Operations and Maintenance Facilities Sustainment, Restoration and Modernization account. Among the projects this request would fund is a long sought after renovation of the Operations Building (Bldg. 522) at the 128th ARW. This project is funded at $7.8 million in the President's request.

The existing operations building was built in 1970 and is inefficient in space utilization and building systems. Much of the current square footage is unusable and many of the building materials are outdated and inefficient. This is not an isolated story when it comes to the state of critical ANG facilities across the country which is why providing at least the President's request is so vital.

This particular project will completely remodel office and operation space in the outdated operations building, replace the roof, HVAC and electrical systems, and provide backup power generation, as well as a Sensitive Compartmented Information Facility (SCIF) for classified workspace and information storage.

According to the Air Force, if this project is not funded, the building systems will continue to deteriorate requiring increased maintenance actions and costs to continue operating. Meanwhile, much of the square footage will remain unsuitable and underutilized, also affecting mission readiness.

Again, I urge you to meet the President's full request for this ANG account so that this, and other important projects across the country can occur.

Additionally, I urge you to provide an increase in funding, beyond the President's request, for the Air National Guard, Operations & Maintenance Facilities Sustainment, Restoration and Modernization account. It is my hope that these additional funds would be prioritized for projects that may help Air National Guard units increase access to additional fuel storage at Air National Guard POL Facilities by allowing them to tap national fuel pipelines that may be located nearby (within 2 miles of the ANG facility).

At the 128th ARW, such a project would help provide a secure second delivery method that would ensure the 128th verified strategic missions could continue from home station uninterrupted should the primary method of receiving fuel be disrupted.

Such a move has multiple benefits including increasing the effectiveness and mission readiness of the 128th ARW by allowing them access to millions of additional gallons of fuel storage for a relatively small investment, reduce the threat to fuel supplies that are mission critical, and which may help reduce environmental impact by reducing the number of tanker trucks that have to travel to this facility and enable greater resiliency for execution of State and Federal Air National Guard missions. Additional funding will allow such important projects to move forward, increasing mission readiness at minimal additional costs to the taxpayers.

Defense Logistics Agency, Military Construction

I also urge you to support the President's requested FY 2020 for military construction projects at the Defense Logistics Agency. Again, that request includes $25.9 million for a long over POL Facilities Replacement at General Mitchell international Airport. This project has been in the ANG future years plan for several years now and is much needed.

This project is needed because the existing facility is one of the oldest operational systems within the U.S. Air Force, much less the Air National Guard. It was built in the 1960's and due to its age, most mechanical and electrical equipment is well beyond their service life and many repair parts are no longer available, which is an issue since this building is vital to the Air Refueling Wing's mission. The deteriorated condition of the fuel equipment is expected to worsen and increase the risk of mission failure. Additionally, the operations area of the building is severely undersized and the facility was not designated to accommodate the current staffing level of 13 simultaneously.

The much needed new facility would provide the 128th ARW with an adequately sized, functionally configured, environmentally compliant, and reliable system to refuel its fleet of 10 KC-135 aircraft and supporting vehicles.

Hostile Environment at the National Capital Consortium's Psychiatry Residency Program

Further, I continue to be concerned about reports of racial and other hostile comments and environment at the National Capital Consortium's Psychiatry Residency Program (PRP). Given the need to increase diversity of this and other medical profession workforces in the military, I hope you agree that we must send a strong message that leadership of this program must not tolerate a hostile environment.

While efforts have been made to address the "undercurrent of discrimination" that the program's ombudsman found a few years ago, much more needs to be done given that a more recent investigation found that hostile comments continue to be made in this program. Therefore, I urge the inclusion of a Sense of Congress that would make clear that:

- Racial, gender, or other forms of discrimination or harassment should not be tolerated within the PRP or any other military health profession training program;
- PRP leadership should maintain a workplace free from unlawful harassment and discrimination by setting the tone that such conduct is not acceptable; ensuring that all such complaints are thoroughly investigated; ensuring that violators are held accountable; and that victims are protected, and not retaliated against,

Inequities in the Military Justice System

Finally, I remained concerned about inequities in the military justice system where racial minorities may receive stricter discipline, including discharge characterization, than those of other groups, even for the same offense. It is critical that the Committee and Congress continue to receive the information needed to determine whether such inequities continue to exist and to explore options to address it.

Therefore, I urge you to include language in the FY 2020 NDAA calling for the Secretary of Defense to conduct a study to determine whether character of discharge and reenlistment codes are being assigned equitably among all members and whether the status of members of the Armed Forces as members of a protected class under title VII of the Civil Rights Act of 1964 increases the likelihood of harsher penalties, including other than honorable discharges, for such members.

It is critical that such a report include, at a minimum, the following information covering at least the last ten years in order to provide an opportunity for adequate analysis:

- The character of discharge members receive upon separation from the Armed Forces.
- The types of reenlistment codes members received.
- Any other information the Secretary determines appropriate to understand any disparity among the characters of discharge members of different races receive upon separation from the Armed Forces.
- If the Secretary determines that members of the Armed Forces who come from a protected class under title VII of the Civil Rights Act of 1964 are more likely to receive a discharge under conditions other than honorable than other members of the Armed Forces—the reasons the Secretary determines why any such disparity exists and whether substantially similar infractions result in consistent conditions of discharge and reenlistment codes.

Again, I thank you for your consideration of these requests.

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Congress of the United States
House of Representatives
Washington, DC 20515–2002

March 29th, 2019

COMMITTEE ON APPROPRIATIONS
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The Honorable Adam Smith
Chairman
House Armed Services Committee
2216 Rayburn House Office Building
Washington, DC 20515

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

Dear Chairman Smith and Ranking Member Thornberry:

Thank you for accepting my written testimony pertaining to the Fiscal Year 2020 National Defense Authorization Act.

There is no doubt that Russia seeks to diminish NATO, divide Europe, marginalize the United States and re-create its sphere of influence in Europe and beyond by using coercion, intimidation and outright aggression. Deterring Russia from further aggression is vital for transatlantic security.

In addition to strengthening NATO, increasing the Alliance's ability to reinforce Allies in times of crisis, and establishing credible Allied military presence in the frontline states, the defense of the Euro-Atlantic area requires bolstering the national defenses of Estonia, Latvia and Lithuania.

Baltic states have taken considerable steps in this regard. All countries invest 2% or above of their GDP into military defense. A significant share of their defense budgets is allocated for acquisitions. For instance, during the next four years, Estonia will allocate $1.39 billion for defense acquisition, with main priorities of large caliber ammunition and Command, Control, Communications, Computers and Intelligence (C4I).

The U.S. Congress has demonstrated ironclad commitment to the Baltic states by allocating resources for deterring Russia since Fiscal Year 2015. Previous examples of American assistance have been met with Baltic states' own additional investments. For instance, for every $1 invested in Estonia's defense, Estonia has invested over $2.6 into the same areas, thus significantly increasing the effect of our joint investments.

The Baltic states are among the smallest of Allies, and even with significant investments on their own, they will have major capability gaps for years to come. Filling these gaps in a sustainable manner should be considered in the following specific areas:

1) Even while Estonia's nominal investments to ammunition stocks surmounts nearly 25% of all defense procurements, Estonia is still far away from reaching even the absolute

minimum target for ammunition days of supply. Estonia already plans to invest $340 million into ammunition over the next five years. The United States should consider providing additional assistance for items such as Javelin missiles, 155mm artillery and 120mm mortar ammunition would provide Estonia with an additional one-day supply.

2) Estonia invests $227 million into tactical C4I and secure communications in the next five years, but this still leaves a number of units under-equipped, and thus unable to achieve interoperability and compatibility with Allied forces. Further U.S. assistance for procuring secure tactical communication devices would equip the entire Estonian wartime structure with secure C4I.

3) On air-defense, Estonia has invested in modern air-surveillance capabilities, and will invest over $12 million in the next five years to increase and sustain the capability. Further U.S. assistance for procuring IFF (*Identification, friend or foe*) MODE 5 would make Estonia's air-surveillance radars interoperable with the Allied air forces.

4) Estonia continues to improve maritime domain awareness capability and will invest $10 million in the next five years into a technical solution, which improves collecting, analyzing and disseminating information of the maritime domain, as well as improving recognized maritime picture. Additional U.S. assistance in procuring mobile radars, IFF MODE5 and IR/EO (*infrared, electro optical*) would provide the Estonian Navy the ability to exchange recognized maritime picture with Allies.

5) In order to carry out operations under any condition and uninterruptedly, Estonia invests $5 million into night vision equipment in the next four years. However, additional U.S. assistance is needed in order to supply the entire Estonian force with this equipment.

6) In the next five years, Estonia will invest $44 million to increase the early warning capabilities of the military intelligence. Further U.S. assistance for procuring sensors would increase Estonian Defense Forces' intelligence, surveillance and reconnaissance capability and provide Allies improved early warning.

I firmly believe that our Baltic Allies are a critical tool to deter Russia from further malign action in the European theater. Not only will our investment in their capabilities make them safer, but it will improve the strategic footing of the United States should the worst case scenario ever come to pass.

Thank you for your consideration of my priorities. Should you have any questions or concerns, please do not hesitate to contact Mr. Justin Brower, Military Legislative Assistant, at 202-225-3061, or at justin.brower@mail.house.gov.

Sincerely,

C.A. Dutch Ruppersberger

C.A. Dutch Ruppersberger
Member of Congress

HOUSE COMMITTEE ON
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SUBCOMMITTEE ON HEALTH
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The 116th Congress
U.S. House of Representatives
Washington, DC 20515

April 3, 2019

Dear Chairman Smith and Ranking Member Thornberry:

Thank you for this opportunity to testify before the committee for the Fiscal Year 2020 National Defense Authorization Act.

Two years ago, I heard from a constituent asking me for help with a problem he was facing. Sergeant First Class Alan Certain separated from the Army in 1992 under the Voluntary Separation Incentive program. He was then involuntarily recalled in 2005 to serve in Afghanistan with the National Guard. While serving he was injured, enough to qualify as 100 percent service related disabled. When he finally went to retire, he found that his military retirement was being withheld until he paid back the VSI he received in the 90s in full. My staff worked with him to find some kind of solution with DOD. Because, through no fault of his own, Alan is now facing a substantial financial hardship due to a direct consequence of his involuntary recall. We found, however, that this would need to be fixed legislatively if Alan was going to get the relief he needed.

Last Congress, I introduced the Recalled Veterans Protection Act to provide Alan and other veterans who find themselves in this situation the certainty that their government will not take advantage of their circumstances. The updated language I am proposing today gives DOD the same specific authority to waive repayment in these situations as they already have under the Voluntary Separation Program. Giving DOD this waiver authority will be a huge help to the limited population who fall into this situation.

My staff has been working with HASC staff, DOD folks, and CBO to fine tune this language. I believe that this version will give DOD the authority they need to waive these repayments and make sure our service members are not burdened by bureaucracy.

It is unfair for Uncle Sam to give a service member severance pay, involuntarily recall them 13 years later, break them, and then hold their retirement pay hostage until they've repaid those decades old funds. I look forward to continue working with the committee to ensure that this year's NDAA includes this simple fix. Thank you for your attention on this matter.

Sincerely,

KURT SCHRADER
Member of Congress

Statement of the Hon. Nydia Velázquez
Member Day
National Defense Authorization Act for FY2020

Thank you, Chairman Smith, Ranking Member Thornberry, and Members of this Committee for allowing me the opportunity to provide a statement on the FY2020 National Defense Authorization Act. I am honored to advance bipartisan legislation that will benefit small businesses alongside my colleague Ranking Member Chabot and support all the bills in the Small Business Committee package equally. I will highlight the Democratic bills in the package as they touch on a wide spectrum of small business needs.

Access to capital is the lifeblood of every small business. Since 1958, the Small Business Investment Company (SBIC) program has been an integral part of SBA's mission to provide small businesses with capital and create jobs. It achieves this purpose by partnering private and public investments in early stage start-up businesses.

Last year, the SBIC Program provided more than $5.5 billion in financing to approximately 1,150 small businesses and helped create or sustain over 106,000 jobs. It has afforded America's small businesses an invaluable opportunity to grow their innovative ideas.

Moreover, some of the nation's most successful corporations such as Apple, Tesla and FedEx, received early-stage financing from SBICs. Without it, they may not be the companies they are today.

While the SBIC program has immensely increased the flow of capital to worthy small companies, we can do more to ensure they can meet growing demand. That is why I appreciate Congresswoman Chu's introduction of H.R. 116, which will strengthen and grow the SBIC program by letting banks and federal savings associations invest up to 15 percent of their holdings into SBICs. This increase in capital, at no cost to the taxpayer, provides entrepreneurs with enhanced opportunities to grow their businesses and create jobs.

As we contemplate our country's infrastructure, we must protect the interest of the small businesses at the heart of building our roads and bridges. The Miller Act is a statute that was put in place to protect subcontractors through payment bond and protect U.S. taxpayers through performance bonds. Many subcontractors and suppliers on federal projects are small businesses. These small businesses often find that their only avenue in to the federal procurement arena is as subcontractors and suppliers. Surety bonds, in the form of payment bonds, ensure that they get properly

paid, whether the general contractor on the project pays them or not. Such protections cannot be allowed to be compromised as a result of periodic adjustments for inflation.

Each adjustment, which may occur every five years, in turn means that there is an increase in the threshold so that many more federal subcontractors and suppliers perform work on federal projects without the protection of payment bonds. Performance bonds protect the taxpayer from loss if the contractor on a federal project defaults. Periodic adjustments to address inflation should not be the reason to decrease the protection provided by performance bonds to the U.S. taxpayers. H.R. 224 amends 41 USC §1908 (b)(2)(B) to provide payment protections afforded small businesses performing work on federal construction projects by exempting construction contracts that must be bonded under the Miller Act (40 USC 3131, 3132, 3133, and 3134) from periodic inflation.

Congress recognized that certain protections should not be subject to this periodic adjustment. Specifically, Davis Bacon is excluded from the application of this periodic review to protect the payment of wages to laborers on federal projects. The same basis applies to excluding the application to surety bonds to protect payments to subcontractors and suppliers performing work on federal construction projects.

In fiscal year 2017, the Federal government purchased goods and services worth over $508 billion through over 22 million contract actions. Within this framework, subcontracts are growing in importance as an avenue for small businesses to work with the government. Therefore, is important that barriers to entry are reduced and that the right mechanisms are put in place to safeguard the interests of small business subcontractors.

H.R. 227 does just that by clarifying that, as part of their subcontracting plans, large prime contractors have the ability to receive subcontracting credit for small businesses at lower tiers. Furthermore, it creates a dispute process for nonpayment – a reoccurring problem for those working with the federal government.

By improving the tools that exist for small businesses to become subcontractors – like counting lower tier subcontracts— H.R. 227 will draw in more small businesses that are not regular government contractors. This is a critical step to expanding the industrial base and including more small firms.

Most importantly, it ensures more small contractors have just recourse through the Office of Small and Disadvantaged Business Utilization if payment is not received

within 30 days of completion. Timely payment protects small contractors who don't have the overhead margins to continue operating without being paid.

Finally, in the spirit of providing adequate oversight and furthering the participation that small businesses rightfully deserve in the $500-billion-a-year federal marketplace, Ranking Member Chabot and I came together to author H.R. 226, "Clarity on Small Business Participation in Category Management Act of 2019."

Category management is believed by some to be the best strategy to get agencies the lowest price. However, my committee has heard otherwise, and the data supports it: Small contractors on the multiple award schedule consistently provide lower prices to agencies than those offered through category management.

Despite this, agencies have increased the use of category management, which not just increases costs to the federal government but also limits contracts to small vendors. In our committee hearings last year, we heard that more and more contracts are being consolidated and put out of the reach of small businesses as a result of category management.

This bill is a commonsense first step to address the need of small vendors, particularly minority-, women-, and veteran-owned small businesses to remain competitive in the federal marketplace.

By requiring that contracting activity under this new regime of category management be reported in the annual goaling report from agencies to Congress, today's bill protects the industrial base by creating a mechanism for much needed accountability. H.R. 226 gives us the ability to analyze the data, so we can truly understand the role category management is playing in the marketplace and make changes accordingly.

After summarizing all these bipartisan bills, I strongly encourage the complete Small Business package's inclusion in the 2020 NDAA, including those highlighted by Ranking Member Chabot.

I want to thank you all again for allowing me to provide a statement and I urge the inclusion of all bills presented to the House Armed Services Committee to bolster the presence and economic health of our country's small businesses.

Testimony of
The Honorable Don Young
Before the House Armed Services Committee
FY 2020 National Defense Authorization Act Member Request Day

Chairman Smith, Ranking Member Thornberry, 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. Though I am not a member of the Armed Services Committee, I am proud to represent the most strategic state in our country, with the largest number of service members and veterans per capita in the nation. I appreciate your consideration of the following provisions for inclusion in the Fiscal Year 2020 National Defense Authorization Act. 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.

Joint Pacific Alaska Range Complex (JPARC) Modernization

Alaska is home to the nation's largest air training range—the Joint Pacific Alaska Range Complex (JPARC). This range complex is nine times larger than the Nevada Test and Training Range at Nellis Air Force Base, and more than twenty times larger than the Barry Goldwater Range near Luke AFB in Arizona. While this range complex provides unmatched training capacity for the Air Force, much of its infrastructure (including its threat emitters) was developed for 4th generation aircraft. Given Joint Base Elmendorf-Richardson's two F-22 squadrons, the decision to base two F-35A squadrons at Eielson Air Force Base, as well as Eielson's annual Red Flag and biannual Operation Northern Edge exercises, the Air Force should modernize the range complex to continue to provide our Joint Air Forces with the best training possible.

I request a provision which authorizes and supports all actions needed to modernize JPARC. This modernization must ensure that the JPARC can accommodate and support multiple squadrons of fifth generation aircraft and beyond, allow them to train to their maximum potential in a realistic environment versus a near-peer adversary. Additionally, it must be able to support annual Red Flag- Alaska exercises and biannual Operation Northern Edge exercises.

Arctic Center of Excellence

As a Nation, we have continued to be late to the ball game that is Arctic defense. Our adversaries in the region are lining up to knock out home runs while we are still in the dugout. First and foremost, Russia's build up the Arctic should be distressing to everyone. In 2014, President Vladimir Putin stated that Russia must "pay more attention to issues of development of the Arctic and the strengthening of our position," and since then he has been building up Russia's presence in the Arctic at an alarming rate. In addition to creating a new Arctic Command, the Northern Fleet Joint Strategic Command (also known as the Arctic Joint Strategic Command), he has established new Arctic brigades, opened new military installations along with reopening closed ones, deployed an early missile warning radar, and has conducted more training exercises in

the region. This buildup includes a growing presence of operational airfields, the deployment of a K-300P Bastion coastal defense cruise missile system on the New Siberian Islands, and a deployment of surface vessels armed with the modular KALIBR-NK cruise missile system.

Furthermore, the economics of the region cannot be forgotten as that is what is driving much of the new activity in the region, predominantly from China. With the increasing ease of access to the Arctic, it opens new avenues of commerce, from tourism to resource extraction, particularly in rare earth minerals. The latter of which should be worrisome to many, as now there will be tremendous aggression from our military and economic adversaries as they compete for an estimated 13 percent of the world's undiscovered oil and 30 percent of its natural gas.

In testimony before the Senate Armed Service Committee, U.S. Northern Command commander, General Terrance O'Shaughnessy, stated "It has become clear that defense of the homeland depends on our ability to detect and defeat threats operating both in the Arctic and passing through the Arctic."

This build up is in sharp contrast to our activities and capabilities in the Arctic. To this end, I request a provision which directs the DOD to establishe an Arctic Defense Research and Development Program as well as an Arctic Center of Excellence. The purpose of these entities would be to ensure the United States gains superiority in Arctic operations necessary for meeting national security requirements. They would do so by conducting research and testing, including field-testing, of best practices, techniques, and equipment for military operations in the Arctic and developing and facilitating training and education for members of the armed forces for operations in the Arctic and by providing technical support for operations in the Arctic.

Cold Weather Training

U.S. capabilities in cold weather environments have atrophied over the past several years, understandably our attention has been drawn to the Middle East, but it truly calls into question our capabilities in extreme cold weather environments. The National Defense Strategy calls out Russia, China, and North Korea, all three of which have extremely cold weather areas, which we are not prepared to handle. For example, when the U.S. Marine Corps started rotations to Norway, they faced a multitude of cold weather problems, not the least of which being their packs breaking from the extreme cold. Typically, one could argue that this is what training is for. However, that should not be that case when part of the reason they were there was to show Russia we can compete in that environment. Everything in extreme cold is different – how vehicles and equipment operate, the types of lubricants you can use, the gear you use and how you store it. Even the way you shoot is different. From Napoleon in Russia to Task Force Smith in Korea and the Marines in the Chosin, history has shown us what can happen if you are unprepared to fight and operate in the cold.

Therefore, I request language that would direct DOD to develop a plan to expand cold weather training opportunities.

Strategic Seaports Study

The ability to deploy a military force, and sustain and support them, is critical to DOD operations. The Strategic Seaport Program which is administered by the DOD in conjunction with the MARAD plays an essential role in ensuring DOD success in that movement of forces and supplies. It is vital to U.S. interest that these designated seaports remain viable and successful entities. The FY 2012 NDAA required a DOD study on Strategic Seaports, including an assessment of facilities, improvements needed, effects on operational readiness if improvements aren't met, and potential funding sources.

In the seven years since 2012, the world looks remarkably different. No longer are we solely focused on threats from the Middle East. Now, we must contend with threats from our near-peer adversaries in China and Russia. These new threats, coupled with DOD's Pacific shift, and new domains like the Arctic, require us to evolve and update continually. Therefore, I request a provision which would direct DOD to relook at and update the Strategic Seaport study.

SUSV Replacement Strategy Briefing

The Small Unit Support Vehicle (SUSV) is a critical vehicle when it comes to Arctic movement. However, it has not been a program of record since the 1980s and are becoming harder and harder to maintain. Unites have been cannibalizing parts from other SUSVs and in some cases have been manufacturing their own parts to keep the fleet running. Given the vital nature of these vehicles and the slow replacement process

Therefore I request the following language:

> *The committee understands that extreme cold weather, as well as, challenging and demanding terrain found in the Arctic makes military operations, especially maneuverability, extremely difficult. Key to any U.S. military maneuver success in the Arctic can be greatly attributed to the Small Unit Support Vehicle (SUSV) fleet. However, due to the age of these vehicles, the lack of repair parts, and the fact that it has not been a program of record for some time, the committee is concerned about the viability of the SUSV fleet before a replacement is fielded. Therefore, the Committee directs the Secretary of the Army to provide a briefing to the House Committee on Armed Services not later than March 4, 2020, on the status and timeline for acquisition and fielding of the Joint All-Terrain/All-Weather Support Vehicle (JAASV) to replace the SUSV.*

Domestic Non-Availability Determination Waiver Language

Our Nation's dependence on foreign sources of critical minerals has continued to grow. In fact, during testimony before the Senate Committee on Energy and Natural Resources, Dr. Steven M. Fortier, the Director of the National Minerals Information Center, stated that "...our country continues to rely on foreign sources for some raw and processed mineral materials. In 2017, the country was 100 percent import-reliant for 21

mineral commodities. For comparison, in 1984, the country was 100 percent import-reliant for just 11 mineral commodities."

For example, our Nation is completely dependent on foreign sources of graphite, which is one of the 35 critical mineral commodities that the U.S. Geological Survey found to be "critical to the economic and national security of the United States." Our reliance on foreign sources of graphite is alarming enough; however, those concerns are exacerbated when you couple that with the fact that graphite is critical to our defense technologies and that China accounts for 67 percent of the global market. Not only was China named as one of the central challenges to U.S. prosperity and security in the most recent National Defense Strategy, but a recent report found that China had infiltrated the computer chip supply chain and directly affected secure government operations. Currently, if in the acquisition/procurement process a contractor cannot locate a domestic source then they must seek a waiver. However, there is no requirement for long term planning to attempt to find or develop domestic sources.

Therefore I request a provision to add a requirement for a Domestic Non-Availability Determination (DNADs) waivers that mandate they must include a new section outlining steps the petitioner will take to encourage a new domestic supply of the requested metal/mineral.

Applicability Sister Subsidiary Past Performance Consideration for Native Small Business

The current evaluation of an Alaskan Native Corporation (ANC), Tribal, or Native Hawaiian company's use of sister subsidiary experience is being increasingly restricted and is inconsistently implemented across agencies. Non-consideration of such subsidiary experience severely restricts these companies' ability to compete. Without having this past performance considered, ANC/Tribal companies cannot compete. With DOD's greater emphasis on BVTO procurements and limiting the use of LPTA procurement to specific situations, eliminating or severely restricting an ANC/Tribal company's use of sister-subsidiary experience hamstrings that company's ability to compete equitably on non-price factors.

Therefore I request the following language:

> *The committee is aware that current FAR and DFAR language is open-ended and flexible in its guidance of the use of past performance for predecessor companies of Native Small Business, also known as "sister subsidiaries". The committee also recognizes that the current evaluation of an Alaskan Native Corporation (ANC)/Tribal/Native Hawaiian company's use of sister subsidiary experience is being increasingly restricted and is inconsistently implemented across agencies. Non-consideration of such subsidiary experience such as of an ANC direct and indirect subsidiary corporation, joint venture, or partnership that meet the requirements of section 1626 (e) of title 43, United States Code, severely restricts these companies' ability to equitably compete on non-price factors.*

The committee believes that a change to the FAR and DFARs may be required to recognize sister subsidiary past performance for Native Small Businesses and to ensure that it is equitably considered in proposals. Therefore, the committee directs the Secretary of Defense to work with the FAR Council to modify FAR 15.305(a)(2)(iii) to ensure that the proposal evaluation shall take into account for Native Small Businesses past performance information of predecessor companies. The Committee also directs the Secretary to ensure that solicitation language for future DOD contracts include standardized language for past performance of Native Small Business to include consideration of otherwise relevant projects performed by the parent, sister, or subsidiary companies, predecessor companies, or satellite offices (i.e., any offices of a Native Small Business other than the one submitting the current proposal) of the offeror provided the offeror's proposal reasonably explains how the offered experience will be effectively utilized in the performance of the solicited contract. The committee believes if it is unclear how the experience gained through a particular project or projects will be utilized by the Native Small Business contractor for the benefit of the Government in the contractor's performance of the proposed contract, the contractor should be given an additional opportunity to clarify the relevance of the project or projects in question without the Government having to open discussions.

Facility Clearance for Joint Ventures

Joint ventures provides the government with tremendous value. Not only do they allow the companies involved to complement each other's capabilities, but it also offers the government the best combination of performance, cost, and delivery for system or product being acquired. However, despite these clear benefits, companies still have to fight through unnecessary and redundant hurdles. This includes the need for a joint venture that is formed to perform a classified contract to have its own Facility Clearance even when the companies that make up the joint venture already have the appropriate facility clearances independent if each other. Furthermore, joint ventures require full sponsorship and approval process which can take over 150 days. Additionally, joint ventures are usually created in response to specific solicitations as a prime contractor, therefore they cannot pursue a facility clearance until a solicitation is issued. Considering the general timeline from issuance to the solicitation of a proposal in 30 to 60 days, then it effectively eliminates the ability of joint ventures to compete on classified contracts, as they are not typically eligible with a facility clearance by the proposed deadline.

Therefore, I request a provision that changes the FAR to eliminate the need for a facility clearance when both firms in the joint ventures already each possess the required facility clearance. This allows joint ventures to compete on an equal field and prevents the need for redundant clearance process.

Chairman Smith, Ranking Member Thornberry, and 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 all that we offer the Department of Defense. A strong defense presence in Alaska is not only vital to the state, but also vital to our national security.

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