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CRITICAL CHALLENGES CONFRONTING NATIONAL SECURITY—CONTINUING ENCROACHMENT THREATENS FORCE READINESS

HEARING

BEFORE THE

COMMITTEE ON GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED SEVENTH CONGRESS

SECOND SESSION

MAY 16, 2002

Serial No. 107–79

Printed for the use of the Committee on Government Reform

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CRITICAL CHALLENGES CONFRONTING NATIONAL SECURITY—CONTINUING ENCROACHMENT THREATENS FORCE READINESS

THURSDAY, MAY 16, 2002

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC.

The committee met, pursuant to notice, at 10:20 a.m., in room 2154, Rayburn House Office Building, Hon. Bob Barr (vice chairman of the committee) presiding.

Present: Representatives Barr, Gilman, Morella, Shays, Horn, Ose, Davis of Virginia, Putnam, Schrock, Waxman, Norton, Cummings, Kucinich, Tierney, Allen, Watson and Lynch.

Staff present: Grace Washbourne, Gil Macklin, and Susan Mosychuk, professional staff members; Daniel R. Moll, deputy staff director; David A. Kass, deputy chief counsel; Allyson Blandford and Susie Schulte, staff assistants; Robert A. Briggs, chief clerk; Robin Butler, office manager; Elizabeth Crane, deputy communications director; Joshua E. Gillespie, deputy chief clerk; Michael Layman, legislative assistant; Nicholis Mutton, assistant to chief counsel; Leneal Scott, computer systems manager; Corinne Zaccagnini, systems administrator; Uyen Dinh, subcommittee counsel; Jonathan Tolman, subcommittee professional staff member; David Rapallo, minority counsel; Karen Lightfoot, minority senior policy advisor; Ellen Rayner, minority chief clerk; and Jean Gosa and Earley Green, minority assistant clerks.

Mr. BARR [presiding]. Good morning. A quorum being present, the Committee on Government Reform will now come to order. I ask unanimous consent that all Members and witnesses' written and opening statements be included in the record. Without objection, so ordered.

I ask unanimous consent to include in the record statements by Vice Admiral Charles Moore, Major General Thomas S. Jones, Major General Robert L. Van Antwerp and Major General Randall M. Schmidt. Without objection, so ordered.

I ask unanimous consent that all written questions submitted to witnesses and answers provided by witnesses after the conclusion of this hearing be included in the record. Without objection, so ordered.

I ask unanimous consent that all articles, exhibits and extraneous or tabular material referred to be included in the record. Without objection, so ordered.

I ask unanimous consent that Chairman Hansen be permitted to participate in today's hearing. Without objection, so ordered.

I recognize myself for purposes of an opening statement.

Some people may not like to be reminded of the fact that the United States of America is at war, but we are. And so far we are doing very well in this war against terrorism. We are reminded of the need for military benefits for our soldiers, sailors, airmen and marines when they are at greatest risk. However, we need to examine the very most important military benefit that our men and women in uniform require and need to be successful on the battlefield now and in the future, and that is tough, realistic, mission-oriented training.

It is the judgment of this Chair, based on first-hand observation, that our fighting forces are getting the short end of the stick when it comes to the subject of the encroachment on and loss of U.S. military training ranges. All military career fields require training, be it the Army artillery forward observer calling in fire missions to support the maneuver of an infantry battalion or a Navy carrier pilot delivering bombs in a close air support mission. These exercises are critical to the synergistic effect of combined arms training. This type of training keep our soldiers, sailors, airmen and marines alive on the battlefield, successful in combat, and proficient in their use of ever more complex military technology. This is the only way we can give our armed forces the highest likelihood of success.

The Department of Defense currently has four different task forces and study groups involved in examining training encroachment issues. There is a current General Accounting Office study of Department of Defense management and reporting of encroachment concerns. All of these activities examine the training requirements for our combat units, yet the bureaucracy in these efforts by the Department of Defense appears to have become a career field in itself. We need to interject some common sense answers to our questions and demand leadership to put our troops first, not some plant life or bird egg or the sex life of some turtle.

From what I've seen personally, the encroachment issue is a serious readiness problem. If readiness is a problem, we will get people killed needlessly in combat. There can be no argument about that. The young soldiers, sailors, airmen and marines who spoke with me and who continue to speak with us have all told us they need more live fire training and that requires firing ranges and maneuver areas, and they need more and more realistic training. I know. I've seen it for myself.

Last summer, for example, I visited the previously live fire training ranges at Vieques, Puerto Rico. These ranges are absolutely critical to training our artillery crews, our naval gunfire crews and aircraft crews and our forward air controllers in order to form a well functioning combined arms team.

This past March, the House Armed Services Subcommittee on Readiness held a hearing on the issue of encroachment. The political appointees in the current administration admitted that encroachment does in fact impact readiness. That was 14 months after the Bush administration came into office. Now we are at war. We need to speed things up a bit.

We need some tough leadership from the Department of Defense. We need hard decisions that, while perhaps not politically correct, are correct when it comes to doing what is right for our men and women in combat. What is right is what will better prepare our warriors to win and survive on the battlefield, not limiting training so we don't run a risk of trampling blades of grass or upsetting the nesting habits of a cockamamie warbler. When things go wrong on the battlefield, people, and the importance of the Marine Mammal Protection Act, the Migratory Bird Treaty Act or the Noise Control Act pale in comparison.

I have yet to a speak to a soldier, sailor, airman or Marine who would prefer a migratory bird or marine mammal merit badge to coming home in one piece from the battlefield. The United States is at war and we need to proceed with that in mind.

[The prepared statement of Hon. Bob Barr follows:]

Opening Statement
The Honorable Bob Barr
Vice Chairman, Committee on Government Reform
Hearing on:
"CHALLENGES TO NATIONAL SECURITY: CONSTRAINTS ON MILITARY TRAINING – ONE YEAR LATER"
May 16, 2002

Some people probably don't like to be reminded of the fact that the United States of America is at war…but we are!!! And so far, we are doing very well in this war against terrorism. We are reminded of the need for military benefits for our Soldiers, Sailors, Airmen and Marines, when they are at greatest risk. However, we need to examine the very most important … "Military Benefit"… that our men and women in uniform require and need to be successful on the battlefield of the future.

And that is tough, realistic, mission-oriented training!

It is the judgment of this chair, based on first-hand observation, that our fighting forces are getting the short end of the stick when

it comes to the subject of the encroachment on, and loss of, U.S. military training ranges.

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From what I've seen personally, the encroachment issue is a serious readiness problem. If readiness is a problem, we ***will*** get people killed needlessly in combat. There can be no argument about that. The young soldiers, sailors, airmen and Marines who spoke with me have all told me they need more live fire training, and that requires firing ranges and maneuver areas; and they need more and more realistic training. I know, because I've seen for myself.

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We need some tough leadership from the Department of Defense. We need hard decisions that, while perhaps, not politically correct, are correct where it comes to doing what is RIGHT for our men and women in combat. What is right is what will better prepare our warriors to win and survive on the battlefield; not limiting training so we don't run a risk of trampling blades of grass or upsetting the nesting habits of a cockamamie warbler.

When things go wrong on the battlefield people, and the importance of the Marine Mammal Protection Act, the Migratory Bird Treaty Act or the Noise Control Act … pale in comparison.

I have yet to speak to a soldier, sailor, airman or Marine who would prefer a Migratory Bird or Marine Mammal Merit Badge to coming home in one piece from a battlefield.

The United States is at WAR and we need to proceed with that in mind. I look forward to hearing from our witnesses today and I expect to hear about the efforts to reform some rather silly Acts that serve as impediments to preparing our warriors for what they face on the battlefield. WE OWE IT TO THEM !

Mr. BARR. I look forward to hearing from our distinguished witnesses today and expect to hear about the efforts to reform some rather silly acts that serve as impediments to preparing our warriors for what they face on the battlefield. We owe it to them.

I ask unanimous consent to read into the record the statement of Chairman Dan Burton who, because of a death in his family, was unable to be here today. The following is the statement of Chairman Burton.

The Committee on Government Reform has conducted a 2-year long investigation of encroachment on military training ranges and the critical importance of training for the safety of the men and women in the armed forces. This investigation has uncovered a growing number of restrictions placed on training at military training ranges by environmental regulations, urban sprawl, international treaties and competition of limited airspace and frequency spectrum.

Last year we held 3 hearings on this issue. We learned that the unbalanced implementation of environmental regulations, urban expansion and commercial interest in frequency spectrum have endangered and degraded the training of our military.

At our first hearing last year we heard senior military officers detail the critical challenges they face in sustaining realistic and comprehensive training in this country. On August 4, 2001, the Subcommittee on National Security, Veterans Affairs and International Relations at the urging of Mr. Putnam held a hearing in Avon Park, Florida to focus on the importance of sustaining critical military training facilities. On April 23 this year, Mr. Shays' subcommittee held another hearing on the importance of radio frequency spectrum in securing military readiness and national security.

Today we are pleased to bring to the encroachment debate the unique perspective and opinions of experienced special operations personnel and leaders. For the first time the deputy commander in chief of U.S. Special Operations Command will discuss the preliminary results of an ongoing SOCOM range encroachment study.

We are also honored to include other distinguished members of the military services who have recently served in Operation Enduring Freedom. Their ability to comment on the critical importance of realistic training for continued success on the battlefields of tomorrow should be of great interest to all Americans.

The committee is also very concerned about the government reforms needed by the these departments and agencies responsible for managing the use of military lands. The committee requested the U.S. General Accounting Office look into limitations on military training in this country and to look at the encroachment and management practices of the Department of Defense. We look forward to hearing the progress made by the Department of Defense over the last 2 years and to the recommendations of GAO.

The purpose of our investigation and of our hearing today is rather simple. National security is of utmost importance to our country. Our freedom and our safety depend on a strong and proficient military. Our war on terrorism will require many different kinds of military training and levels of military training and skills, not only abroad, but also at home in our own Nation.

As a government, we have a duty similar to the men and women of the armed forces. We need to go no further than the preamble of our Constitution to know of our responsibility to provide for the common defense. As a Nation we are confronted with the uncertainty of terrorism and war, coupled with technological advances that will change the battlefield and change the fortunes of war. We must decide that our military has the right to train in this country. We must set aside places in which they can train for the proficiency and skills they know are best needed.

Secretary Rumsfeld and all the men and women in uniform that he represents have asked Congress for help. Every executive branch department and agency with responsibilities for Federal range management has been called to consider the proposals for the administration's readiness and range preservation initiative. There are no exemptions or sweeping rollbacks of environmental laws in this legislation. The $48 billion the Department of Defense invested in environmental programs from 1991 to 2001 does not represent an exemption. There are no soldiers or sailors, airmen or marines who want to permanently damage the environment. The very important National Environment Policy Act, NEPA, process that requires State, local and public comment at every step is still in effect. These proposals are aimed at creating better regulatory management that will allow the Department of Defense, Interior and Commerce and the Environmental Protection Agency to act with an eye

on the future instead of reacting to problems when it is too late to compromise. It is in the best interest of the people we all represent to balance the policies and procedures of our executive branch missions. It is also our solemn responsibility.

I want today to take this opportunity to thank all the many thousands of Federal and military personnel across the departments and services that have contributed to this committee's knowledge of these important concerns. Solutions to encroachment are not out of our reach.

[The prepared statement of Hon. Dan Burton follows:]

STATEMENT OF CHAIRMAN DAN BURTON

COMMITTEE ON GOVERNMENT REFORM

"CRITICAL CHALLENGES CONFRONTING NATIONAL SECURITY – CONTINUING ENCROACHMENT THREATENS FORCE READINESS"

May 16, 2002

The Committee on Government Reform has conducted a two year long investigation of "encroachment" on military training ranges and the critical importance of training for the safety of the men and women in the Armed Forces. This investigation has uncovered a growing number of restrictions placed on training at military training ranges by environmental regulations, urban sprawl, international treaties and competition of limited airspace and frequency spectrum.

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critical importance of realistic training for continued success on the battlefields of tomorrow should be of great interest to the American public.

The Committee is also very concerned about the government reforms needed by those departments and agencies responsible for managing the use of military land. The Committee requested that the US General Accounting Office look into limitations on military training in this country and to look at the encroachment management practices of the Department of Defense. We look forward to hearing the progress made by the Department of Defense over the last two years and to the recommendations of GAO.

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instead of reacting to problems when it is too late to compromise. It is in the best interest of the people we all represent to balance the policies and procedures of our executive branch missions, it is also our solemn responsibility.

I want to take this opportunity to thank all the thousands of federal and military personnel across the departments and services that have contributed to this Committee's knowledge of these important concerns. Solutions to encroachment are not out of our reach.

Mr. BARR. The Chair is pleased to recognize the distinguished ranking member, Mr. Waxman of California, for any opening statement he might provide.

Mr. WAXMAN. Thank you very much, Mr. Chairman. The hearing today is about whether the Defense Department needs special exemptions from a host of environmental laws enacted by Congress to protect public health and safety. This issue raises serious questions that need careful examination. But, unfortunately, this committee and the House are not acting in a careful or deliberate manner. Last month the Pentagon delivered to Congress a package of amendments that would exempt them from compliance with numerous Federal environmental statutes, including the laws governing clean air, endangered species, solid waste disposal, and Superfund provisions. Today is our opportunity to finally discuss these exemptions and already several of them have been pushed through on the House floor.

To make matters worse, Republican leadership prohibited any debate on them.

The Pentagon defines encroachment very broadly to include a wide variety of limitations on training. These include competition for airspace, commercial and residential development, restrictions on noise, and competition for frequency spectrum. Despite these very varied constraints, however, the Pentagon aimed its legislative guns exclusively and squarely at the environment. They submitted no proposals to address the many other forms of encroachment.

The Pentagon seeks these environmental exemptions despite the fact that it has not made a solid case for why it needs them. A recent General Accounting Office report made four findings that undermine the department's claims.

First, the department has not even completed an inventory of its own training facilities. According to GAO, commanders sometimes find out about other training facilities by chance.

Second, GAO found that the department does not know what its training requirements are. GAO found that no military service has, "comprehensively reviewed available range resources to determine whether assets are adequate to meet needs."

Third, GAO concluded that the Pentagon has no data showing that the encroachment has increased cost. No installation GAO visited could provide data on costs incurred as a result of encroachment. Instead, GAO found that the Pentagon's overall cost for environmental obligations have decreased over the past 3 years. Most importantly, GAO reported that the services demonstrated no significant reduction in readiness as a result of encroachment.

GAO analyzed the Pentagon's readiness reporting system as well as the quarterly readiness reports the Pentagon sends to Congress. Although these reports are intended to identify units that cannot meet standards, they rarely if ever mention encroachment.

For these reasons, the Pentagon's legislative proposals are premature at best. The Pentagon's claims of urgency are also undermined by the fact that many of our environmental laws already contain exemptions that the Defense Department has chosen not to utilize. Section 7(j) of the Endangered Species Act, for example, provides an exemption for any agency action, including action that

would impact critical habitat, if the Secretary of Defense finds it necessary for national security. So much for the Endangered Species Act. This can be dealt with under section 7(j).

The Pentagon has never sought such an exemption. Perhaps they hope to avoid the scrutiny that would be brought to bear by the local communities affected.

There are important reasons why our environmental laws must apply to the Defense Department. Consider what happened at the Massachusetts Military Reservation in Cape Cod. Their munitions training contaminated a sole source aquifer that supplies drinking water to nearly 150,000 permanent residents and over 400,000 seasonal residents of Cape Cod. This threat was averted only after EPA intervention under the Safe Drinking Water Act.

In their briefing last week with committee staff, Pentagon officials stated that if some of these exemptions are not passed quickly, they fear various constituencies could grow up around them and prevent their passage. Today one of these constituencies, the States, will finally have the opportunity to present their views to Congress. What will we learn? What we will learn is that State officials do not support this reckless attempt to allow Defense Department to despoil our environment.

Mr. Chairman, our Federal environmental statutes were not passed with the intention of creating a burden for military commanders. They were designed to protect the health and safety of our population. While I recognize the department has a responsibility to train, they have not made a sufficient case for special exemptions to these universal protections.

[The prepared statement of Hon. Henry A. Waxman follows:]

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Congress of the United States

House of Representatives

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Statement of Rep. Henry A. Waxman
Hearing on
"Critical Challenges Confronting National Security -- Continuing Encroachment Threatens Forces Readiness"

May 16, 2002

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This issue raises serious questions that need careful examination. But unfortunately, this Committee and the House are not acting in a careful or deliberate matter.

Last month, the Pentagon delivered to Congress a package of amendments that would exempt them from compliance with numerous federal environmental statutes, including the laws governing clean air, endangered species, solid waste disposal, and Superfund provisions. Today is our opportunity to finally discuss these exemptions. But already, several of them have been pushed through on the House floor. To make matters worse, the Republican leadership prohibited any debate on them.

The Pentagon defines encroachment very broadly to include a wide variety of limitations on training. These include competition for air space, commercial and residential development, restrictions on noise, and competition for frequency spectrum. Despite these varied constraints, however, the Pentagon aimed its legislative guns exclusively and squarely at the environment. They submitted no proposals to address the many other forms of encroachment.

The Pentagon seeks these environmental exemptions despite the fact that it has not made a solid case for why it needs them. A recent General Accounting Office report made four findings that undermine the Department's claims:

- First, the Department has not even completed an inventory of its own training facilities. According to GAO, commanders sometimes find out about other training facilities by chance.

- Second, GAO found that the Department does not know what its training requirements are. GAO found that no military service has "comprehensively reviewed available range resources to determine whether assets are adequate to meet needs."

-over-

- Third, GAO concluded that the Pentagon has no data showing that encroachment has increased cost. No installation GAO visited could provide data on costs incurred as a result of encroachment. Instead, GAO found that the Pentagon's overall costs for environmental obligations have decreased over the past three years.

- Most importantly, GAO reported that the services demonstrated no significant reduction in readiness as a result of encroachment. GAO analyzed the Pentagon's readiness reporting system, as well as the quarterly readiness reports the Pentagon sends to Congress. Although these reports are intended to identify units that cannot meet standards, they rarely if ever mention encroachment.

For these reasons, the Pentagon's legislative proposals are premature at best. The Pentagon's claims of urgency are also undermined by the fact that many of our environmental laws already contain exemptions that the Defense Department has chosen not to utilize. Section 7(j) of the Endangered Species Act, for example, provides an exemption for any agency action, including action that would impact critical habitat, if the Secretary of Defense finds it necessary for national security.

The Pentagon has never sought such an exemption. Perhaps they hope to avoid the scrutiny that would be brought to bear by the local communities affected.

There are important reasons why our environmental laws must apply to the Defense Department. Consider what happened at the Massachusetts Military Reservation in Cape Cod. There, munitions training contaminated a sole-source aquifer that supplies drinking water for nearly 150,000 permanent residents and over 400,000 seasonal residents of Cape Cod. This threat was averted only after EPA intervention under the Safe Drinking Water Act.

In their briefing last week with Committee staff, Pentagon officials stated that if some of these exemptions are not passed quickly, they fear various "constituencies" could grow up around them and prevent their passage. Today, one of these constituencies — the states — will finally have the opportunity to present their views to Congress. What we will learn is that state officials do not support this reckless attempt to allow Defense Department to despoil our environment.

Mr. Chairman, our federal environmental statutes were not passed with the intention of creating a burden for military commanders. They were designed to protect the health and safety of our population. While I recognize that the Department has a responsibility to train, they have not made a sufficient case for special exemptions to these universal protections.

Mr. WAXMAN. Thank you very much, and I yield back my time.

Mr. BARR. Are there other Members that wish to——

Mr. WAXMAN. I ask unanimous consent, because we had two Republicans statements in a row, that we have two Democrat.

Mr. BARR. That's fine. The gentleman from Maine, Mr. Allen, is recognized for an opening statement.

Mr. ALLEN. Thank you, Mr. Chairman. I welcome this opportunity to debate the relationship between environmental protection and military training. The title of this hearing refers to encroachment, a term designed to imply that environmental regulation is encroaching on military land, restricting the space available for the military to train. I serve on the Armed Services Committee. As we modernize the military, the ranges of aircraft and artillery get longer. New technologies are fielded, such as naval sonar systems that may have new impacts on the environment that weren't a problem before. As we use the term encroachment, fairness demands that we recognize that the impact can be felt in both directions and in particular, that new military technologies can represent encroachment on the environment.

Setting aside policy for a moment, the process by which the Department of Defense environmental exemptions are being moved through Congress is highly objectionable. First, DOD submitted its readiness and range preservation initiative to the Armed Services Committee on April 19th, a Friday evening, and only 4 working days before the markup of the defense bill by the Readiness Subcommittee. This constricted timeframe prevented a full review of the package by the Armed Services Committee and committees with actual jurisdiction over environmental laws.

Second, the two provisions included in the defense authorization bill modifying the Endangered Species Act and the Migratory Bird Treaty Act were added without any hearings on the legislation and without any involvement of the Resources Committee. It was just too convenient that the chairman of Resources happened to serve on Armed Services and was able to waive Resources' jurisdiction, denying his committee's ability to debate these changes to laws under its jurisdiction.

Third, while the military has been given every forum to express its views on this issue, the other stakeholders in our Nation's environmental laws have not. In the only hearing the Armed Services Committee held this year on the environment, only Bush administration officials were allowed to testify. The majority refused requests to allow State and local governments, environmental or conservation groups, or community representatives to present their views. Today, the Government Reform Committee is following suit with a one-sided approach.

While I appreciate hearing from the Colorado Attorney General's office, there is no one here to represent communities, nongovernmental organizations or citizens groups. These stakeholders have asked to testify on environmental exemptions before this committee and before Armed Services, but have been shut out by the majority.

Taken together, these efforts give the appearance of a stealth attempt by the most anti-environmental administration in generations and its Republican allies in Congress to use the popularity of the military to carve loopholes in our Nation's landmark environ-

mental laws; laws they have been unable to repeal directly. And today's witness list is stacked to present a one-sided, anti-environmental view.

Getting back to policy, I dispute the contention that current environmental laws are incompatible with military readiness. If they were ever allowed to testify, State and local officials, and even the career people at the Environmental Protection Agency would tell you that today's laws give DOD ample flexibility to conduct appropriate training. They would tell you that changes in regulatory policies can meet DOD's concerns and that wholesale statutory changes are unnecessary.

I look forward to hearing from the GAO witness whose new report reportedly will find that DOD has little documentation or hard evidence that environmental "encroachment" is harming readiness. If accurate, it suggests that DOD and the Armed Services Committee are engineering a predetermined result.

The first panel of commanders will offer appealing anecdotes about environmental "encroachment," but we do not, at least at our best, govern by anecdote. The administration has yet to make a balanced, coherent, well-defended case that environmental laws that DOD finds inconvenient should be changed. It may be that some laws should be modified, but until this Congress has the opportunity to hear from all sides, and have enough time to make well-informed decisions, we should not accede to DOD's last-minute request.

Thank you, Mr. Chairman. I hope that we can follow this hearing with another that includes testimony from the rest of the stakeholders in our Nation's environmental laws.

Mr. BARR. Thank you. In order to set the record straight after the distortions of the previous speaker, I'd like to ask unanimous consent that the following document be submitted for the record, the History of Congressional Hearings on Military Training Encroachments, prepared by the House Committee on Government Reform, May 3, 2002. Without objection, so ordered.

[The information referred to follows:]

HISTORY OF KEY CONGRESSIONAL HEARINGS ON MILITARY TRAINING ENCROACHMENTS

Prepared by House Committee on Government Reform, May 3, 2002

2001

March 20,2001	Subcommittee on Readiness and Management Support Senate Armed Services Committee Testimony on readiness impact of range encroachments
May 9, 2001	**House Committee on Government Reform** **"Challenges to National Security: Constraints on Military Training"**
May 22, 2001	Subcommittee on Readiness, House Armed Services Committee Testimony on Constraints and Challenges facing military test and training ranges.
August 4, 2001	**Subcommittee on National Security, House Committee on Government Reform** **"Sustaining Critical Military Training Facilities: Avon Park AF Range**

2002

March 8, 2002	Subcommittee on Readiness, House Armed Services Committee Testimony on military training capabilities/shortfalls
March 14, 2002	Subcommittee on Readiness, House Armed Services Committee Testimony on environmental encroachment issues
April 23, 2002	**Subcommittee on National Security, House Committee on Government Reform** **"Radio Frequency Spectrum: Military Readiness and National Security"**
May 16, 2002	**House Committee on Government Reform** **"Critical Challenges Confronting National Security – Continuing Encroachment Threatens Force Readiness"**

Senators Inhofe (Chairman), Thurmond, McCain, Santorum, Roberts, Bunning, Akaka, Byrd, Cleland, Landrieu, Nelson (NE), and Dayton

WITNESSES

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

There will be a meeting of the

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Tuesday, March 20, 2001

9:30 a.m.

Room SR-232A, Russell Senate Office Building

OPEN

To receive testimony on the readiness impact of range encroachment issues, including: endangered species and critical habitats; sustainment of the maritime environment; airspace management; urban sprawl; air pollution; unexploded ordinance; and noise.

WITNESS LIST

Major General Robert L. Van Antwerp, Jr., USA
Assistant Chief of Staff for Installation Management

Vice Admiral James F. Amerault, USN
Deputy Chief of Naval Operations, Fleet Readiness and Logistics

Major General Edward Hanlon, Jr., USMC
Commanding General
Camp Pendleton, California

Major General Walter E. L. Buchanan, III, USAF
Deputy Chief of Staff for Air and Space Operations

NOTICE: On Thursday, May 16, 2002, the Government Reform Committee will hold a hearing on the depletion of training ranges for our military forces.

Hearing on " Challenges to National Security: Constraints on Military Training"

May 9, 2001:

Chairman Dan Burton's Opening Statement

Statement by Representative Jo Ann Davis

Hearing Transcript

PANEL ONE:

Admiral William J. Fallon
United States Navy
Vice Chief of Naval Operations

General John P. Jumper
United States Air Force
Commanding General,
Headquarters Air Combat Command
Langley AFB, Virginia

Lieutenant General Larry R. Ellis
United States Army
Deputy Chief of Staff for Operations and Plans

Major General Edward Hanlon, Jr.
United States Marine Corps
Commanding General, Camp Pendleton

PANEL TWO:

Lieutenant General Leon J. LaPorte
United States Army
Commanding General, III Corps
and Fort Hood, Texas

Major General (Select) James R. Battaglini
United States Marine Corps
Deputy Commanding General,
I Marine Expeditionary Force

Captain William H. McRaven
United States Navy
Commodore, Naval Special Warfare,
SEAL Group One

Colonel Herbert J. Carlisle
United States Air Force
Commander, 33rd Fighter Wing,
Eglin AFB, Florida

House Committee on Armed Services
Subcommittee on Readiness

May 22, 2001

Military Readiness Subcommittee hearing on constraints and challenges facing military test and training ranges.

Opening Statement of Chairman Weldon (html doc)
Hearing Transcript (html doc)

Mr. Joseph J. Angello, Jr., Acting Deputy Under Secretary of Defense (Readiness), Department of Defense (html doc)
Maj. Gen. Robert L. Van Antwerp, Assistant Chief of Staff for Installations Management, Department of the Army (html doc)
Vice Adm. James F. Amerault, Deputy Chief of Naval Operations, (Fleet Readiness & Logistics), Department of the Navy (html doc)
Maj. Gen. Walter E. Buchanan, III, Director of Operations & Training, and Deputy Chief of Staff for Air & Space Operations, Department of the Air Force (html doc)
Maj. Gen. Edward Hanlon, Jr. , Commanding General, Camp Pendleton, Headquarters, U.S. Marine Corps

Committee on Government Reform
Subcommittee on National Security

August 4, 2001
Avon Park, Florida

"Sustaining Critical Military Training Facilities: Avon Park AF Range"

(Washington, DC) -- Congressman Christopher Shays (R-CT), Chairman of the Subcommittee on National Security,Veterans Affairs, and International Relations, will hold a field hearing in Avon Park, Florida on August 4 to examine Air Force bombing range management issues. Testimony will focus on natural resource conservation efforts, airspace management and the impact of range usage on area communities. The hearing was requested by Congressman Adam Putnam (R-FL), Subcommittee Vice Chairman.

Witnesses:

Lt Col Earle R. Thompson, USAF
Commander, 347 Rescue Wing, DET 1 & Avon Park AFR
MacDill AFB, Florida

Mr. Curt Olsen
Timber Management Operations
Avon Park Air Force Range
Avon Park, Florida

Mr. Dale Landress
Warden, Avon Park Correctional Institution
Avon Park, Florida

Lt. Col Charles Golden
Operations and Plan Officer
Florida National Guard
Camp Blanding
Stark, Florida

Mr. Steve Handley
Rancher/Councilman
Avon Park, Florida

Ms. Carolyn Blum (Invited)
Regional Administrator
Federal Aviation Administration
College Park, Georgia

March 8, 2002

House Armed Services Committee
Subcommittee on Readiness
Fort Carson, Colorado

Military Readiness Subcommittee will receive testimony on military training capabilities/shortfalls.
Opening Statement of Chairman Hefley (html)

Panel 1:

Gen. John N. Abrams, Commander, Army Training and Doctrine Command, Department of the Army (html)
Vice Adm. Alfred Harms, Commander, Chief of Naval Education and Training, Pensacola, FL, Department of the Navy (html)
Gen. Donald Cook, Commander, Air Education and Training Command, Air Force, Department of the Air Force (html)
Lt. Gen. Edward Hanlon, Jr., Commander, Marine Corps Combat Development Command, Headquarters, U.S. Marine Corps (html)

Panel 2:

Brig. Gen. J. D. Thurman, Commander, Army National Training Center, Department of the Army (html)
Brig. Gen. Guy C. Swan, III, Commander, 7th Army Training Command, Grafenwohr, Germany, Department of the Army
Brig. Gen. Jason K. Kamiya, Commander, Joint Readiness Training Center, Ft. Polk, LA, Department of the Army (html)
Rear Adm. Richard J. Naughton, Commander, Navy Strike and Air Warfare Center, Fallon Naval Air Station, CA, Department of the Navy (html)
Maj. Gen. L. D. Johnston, Commander Air Warfare Center, Nellis AFB, NV, Department of the Air Force (html)
Brig. Gen. Joseph F. Weber, Commander, U.S. Marine Corps Training Command, Twenty Nine Palms, CA, Headquarters, U.S. Marine Corps (html)

March 14, 2002

Committee on Armed Services
Subcommittee on Readiness

Military Readiness Subcommittee will receive testimony on environmental and encroachment issues.
Opening Statement of Chairman Hefley (html)

Panel 1:

Honorable Raymond F. DuBois, Jr., Deputy Under Secretary of Defense (Installations & Environment), Department of Defense (html)
Honorable Paul W. Mayberry, Deputy Under Secretary of Defense (Readiness), Department of Defense (html)
Honorable Mario Fiori, Assistant Secretary of the Army (Installations & Environment), Department of the Army (html)
Honorable Hansford T. Johnson, Assistant Secretary of the Navy (Installations & Environment), Department of the Navy (html)
Honorable Nelson Gibbs, Assistant Secretary of the Air Force (Installations, Environment & Logistics), Department of the Air Force (html)

Panel 2:

Mr. Steven Shimberg, Deputy Associate Administrator for Enforcement & Compliance Assurance, U.S. Environmental Protection Agency (html)
Mr. Craig Manson, Assistant Secretary for Fish, Wildlife & Parks, Department of the Interior (html)
Mr. William Hogarth, Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic & Atmospheric Administration (html)

United States House of Representatives

SUBCOMMITTEE ON NATIONAL SECURITY,
VETERANS AFFAIRS, AND INTERNATIONAL RELATIONS

Christopher Shays, Connecticut
Chairman

B-372 Rayburn House Office Bldg.
Washington, D.C. 20515
Phone: 202-225-2548
Fax: 202-225-2382

Radio Frequency Spectrum: Military Readiness and National Security
(Tuesday, April 23, 2002)

WITNESSES

PANEL ONE

Mr. Steven Price
Deputy Assistant Secretary for Spectrum and C3 Policy
Office of the Secretary of Defense, C3I

Lieutenant General Joseph Kellogg (Army)
Director, Command, Control, Communications, and Computers (C4)
Joint Chiefs of Staff

Vice Admiral Richard Mayo
Director, Space, Information Warfare, Command and Control
Chief of Naval Operations

Lieutenant General John Woodward
Director, of Headquarters Communications and Information
U.S. Air Force

Major General Steven W. Boutelle
Director, Information Operations, Networks and Space
U.S. Army

Brigadier General Robert M. Shea
Director, Command, Control, Communications, and Computers (C4)
U.S. Marine Corps

PANEL TWO

Mr. Michael Gallagher
Deputy Assistant Secretary for Communication and Information
National Telecommunications and Information Administration
Department of Commerce

Major General James D. Bryan
Deputy Director, Defense Information Systems Agency (DISA)

Mr. Julius Knapp
Deputy Chief, Office of Engineering and Technology
Federal Communications Commission

House Committee on Government Reform

"Critical Challenges Confronting National Security – Continuing Encroachment Threatens Force Readiness"

May 16, 2002

PANEL ONE

Lt. General William P. Tangney, Deputy Commander in Chief, United States Special Operations Command
Colonel Thomas D. Waldhauser, Commanding Officer, 15th MEU, Special Operations Capable, Camp Pendleton, United States Marine Corps
Captain Steve Voetsch, Commander, Air Wing One, USS Theodore Roosevelt
Lt. Commander Kerry Metz, Naval Special Warfare Group One
Captain Jason Amerine, 5th Special Forces Group(Airborne) Fort Campbell, Kentucky

PANEL TWO

The Honorable Ray DuBois, Deputy Under Secretary of Defense for Installations and the Environment
The Honorable Paul Mayberry, Deputy Under Secretary of Defense for Readiness
Mr. Barry Holman, Director, Defense Capabilities Management, U.S. Government Accounting Office
Vice Admiral Charles Moore, Deputy Chief of Naval Operations for Logistics and Readiness
Major General Thomas S. Jones, Commanding General, Training and Education Command, United States Marine Corps
Major General Robert Van Antwerp, Assistant Chief of Staff of Installation Management, Department of the Army
Major General Randall M. Schmidt, Assistance Deputy Chief of Staff for Air and Space Operations, United States Air Force

Mr. BARR. The Chair recognizes the distinguished gentleman from Connecticut, Chairman Shays, for any opening statement he might care to provide.

Mr. SHAYS. Thank you, Mr. Barr. There is a dangerous arrogance in the conclusion that a victory in Afghanistan proves there are no problems in sustaining military readiness. Ignoring long evident constraints and pressures on the fragile infrastructure of military training and testing facilities puts lives at risk, perhaps not today but certainly in dispersed asymmetric battles we know we will have to fight tomorrow.

The training platforms from which we launched our forces to victories in the Gulf war in Afghanistan is shrinking just as the strategic landscape of future conflicts expands. The land, sea lanes, airspace and radio frequencies once used for indispensable training exercises are being put to other uses.

In a recent hearing before the National Security Subcommittee which I chair, we learned just one Global Hawk unmanned aerial vehicle [UAV], consumes 5 times the total electromagnetic band width consumed by the entire U.S. military during the Gulf war. Five times.

But here at home, military requirements far exceed the available range of electromagnetic band width needed to train and fight an ever eccentric battlefield of the future. Some ask if training range constrictions and encroachments are so serious why isn't readiness ratings degraded as a result. One part of the answer lies, I believe, in the very personal aspects of what we call readiness. If the readiness ratings are flawed, it's that they measure too accurately the willingness of the men and women in uniform to fight. They're ready and willing, out of patriotism and personal pride, they're always ready to fight. That's their job. It's our job to see they never go into a fight unprepared and that they are truly ready to win, and that because of their exceptional training and equipment, the fight is never fair.

The lack of data quantifying the extent of range encroachments, the cost of work-arounds and the effect on readiness proves only that DOD has not been asking the right questions. In the Pentagon, range sustainment questions were consigned to a maze of committees, task forces, working groups and the Tiger Teams where they fell prey to budget pressures, interservice rivalries and bureaucratic inertia. But waiting for more data before addressing training range sustainment issues is not the answer. Unless training needs are addressed now, the hard data we get on the degraded training will be in the form of mortalities statistics.

As we will hear in testimony today, the General Accounting Office [GAO], says there is a problem, the full dimensions of which are simply not fully known. They found each installation they visited has lost some capacity in terms of, 1, the time training ranges were available or, 2, the types of activities that can be conducted. They found these limitations and impediments often prevented training to doctrinal standards.

An immutable equation applies in war. The more that has to be learned in the heat of battle, the higher the casualties. On-the-job training costs lives. Only realistic exercises before deployment conquers the steep cruel learning curve.

Our first panel of witnesses today knows that equation well. Their testimony will help us understand the life and the death link between realistic training and prevailing in combat.

I am in awe of their service to our Nation. I am grateful they are here today and I look forward to their testimony and that of all our witnesses.

[The prepared statement of Hon. Christopher Shays follows:]

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Congress of the United States

House of Representatives

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Statement of Rep. Christopher Shays
May 16, 2002

There is a dangerous arrogance in the conclusion a victory in Afghanistan proves there are no problems sustaining military readiness. Ignoring long-evident constraints and pressures on the fragile infrastructure of military training and testing facilities puts lives at risk; perhaps not today, but certainly in the dispersed, asymmetric battles we know we will have to fight tomorrow.

The training platform from which we launched our forces to victories in the Gulf War and Afghanistan is shrinking just as the strategic landscape of future conflicts expands. The land, sea-lanes, airspace and radio frequencies once used for indispensable training exercises are being put to other uses. In a recent hearing before the National Security Subcommittee, which I chair, we learned just one Global Hawk unmanned aerial vehicle (UAV) consumes five times the total electromagnetic bandwidth consumed by the entire U.S. military during the Gulf War. But here at home, military requirements far exceed the available range of electromagnetic bandwidth needed to train and fight on the network-centric battlefield of the future.

Some ask: If training range constrains and encroachments are so serious, why aren't readiness ratings degraded as a result? One part of the answer lies, I believe, in the very personal aspects of what we call "readiness." If the readiness ratings are flawed, it is that they measure too accurately the willingness of the men and women in uniform to fight. They're ready. Out of patriotism and personal pride, they'll always be ready to fight. That's their job. It's our job to see they never go into a fair fight, and that they're ready to win.

The lack of data quantifying the extent of range encroachments, the cost of workarounds, and the effect on readiness proves only that DOD has not been asking the right questions. In the Pentagon, range sustainment questions were consigned to a maze of committees, task forces, working groups and Tiger Teams where they fell prey to budget pressures, inter-service rivalries and bureaucratic inertia.

But waiting for more data before addressing training range sustainment issues is not the answer. Unless training needs are addressed now, the hard data we get on degraded training will be in the form of mortality statistics.

As we will hear in testimony today, the General Accounting Office (GAO) says there is a problem, the full dimensions of which are simply not yet fully known. They found each installation they visited "has lost some capacity in terms of (1) the time training ranges were available or (2) the types of activities that could be conducted. They found those limitations and impediments often "prevented training to doctrinal standards."

An immutable equation applies in war: The more that has to be learned in the heat of battle, the higher the casualties. On the job training cost lives. Only realistic exercises before deployment conquers that steep, cruel learning curve.

Our first panel of witnesses today knows that equation well. Their testimony will help us understand the life and death link between realistic training and prevailing in combat. I am in awe of their service to our nation, I am grateful they are here today and I look forward to their testimony, and that of all our witnesses.

Mr. SHAYS. I would particularly say that as a Peace Corps volunteer who was in the Peace Corps where my generation, many of them, was in Vietnam, and I would just like to conclude I don't know the protocol, General Tangney, but I've been looking forward to this day. Three years ago you gave me a coin in Fort Bragg at the U.S. Army Special Operations Command. I know I'm not in a bar and I'm not prepared to risk the fact you may have this coin in your pocket and treat everyone here to a drink, but one on one, I challenge you, here's my coin, General. Do you have a coin?

General TANGEY. I'm sure my XO has but I have to buy you a beer.

Mr. SHAYS. Did I cheat? Am I only allowed to have them in the bar? Was I unfair?

General TANGEY. No, you were not.

Mr. SHAYS. I won't feel guilty.

Mr. BARR. I thank the distinguished subcommittee chairman for his comments.

Do any other Members wish to make opening statements?

Mr. CUMMINGS. I do.

Mr. BARR. The gentleman from Maryland is recognized for an opening statement.

Mr. CUMMINGS. Thank you very much, Mr. Chairman. Today our committee meets to discuss the issue known as encroachment. The term encroachment refers to the impairment of training capabilities due to the growth of civilian populations near military installations that were once isolated. In general, encroachment issues fall into the following categories: Urban growth and development; regulatory compliance, including critical habitat designation and maritime restrictions; air space restrictions; airborne noise abatement; and radio frequency spectrum limitations.

The Armed Services conduct a wide variety of activities on their training ranges which include areas of land, water and airspace in or around military installations. Mr. Chairman, an argument is made that the ability of the military to execute air, ground and naval training across the country is eroding. I'm sure that we all can agree that given the war on terrorism in Afghanistan and around the world, our servicemen and women must have realistic training if this military campaign is to be successful. But we must find a balance between adequate training and military training within the environment and population perimeters.

The General Accounting Office recently completed a draft report regarding encroachment issues. GAO proposed several recommendations to address this issue. While GAO found some specific instances in which training had to be altered to ensure compliance with Federal law at the these installations, GAO made several other findings that question the rationale for immediate exemptions from a host of environmental laws.

GAO's findings suggest that the Defense Department has failed to make a solid indication for special treatment under the laws protecting public health and safety. Despite GAO's findings, the Pentagon came forward last month with an entire package of legislative proposals to exempt the Pentagon from full compliance with a host of environmental laws.

Representative Hansen of Utah introduced portions of these recommendations as an amendment during the House Armed Services Subcommittee on Readiness hearing on April 25th. H.R. 4546, the National Defense Authorization Act of fiscal year 2003, passed on the floor of the House on May 9, 2002. The fate of the House legislation will be decided in a Senate-House conference in June.

Mr. Chairman, I want the record to reflect that the National Association of Attorneys General have joined the National Governors Association and the National Conference of State Legislatures in expressing a, "significant concern," with recent congressional efforts to push through the Pentagon's legislative package.

I look forward to hearing from the GAO officials and our military officers about encroachment and the challenges we face. Thank you, Mr. Chairman.

Mr. BARR. I thank the gentleman from Maryland. Any other members? The gentleman from Florida, Mr. Putnam, is recognized for an opening statement.

Mr. PUTNAM. Thank you, Mr. Chairman. Mr. Chairman, for the past year the Government Reform Subcommittee on National Security and International Relations has investigated the growing number of restrictions or encroachments placed on training at military training ranges, including one which I represent in Avon Park. Our hearings have substantially demonstrated that environmental regulations are among the most pervasive and burdensome constraints on military training.

At a hearing last spring, for example, the committee learned that 16 of 17 miles of coastline at Camp Pendleton, CA are off limits for amphibious training due to a growing list of wildlife protections. Witnesses testified that soldiers are not allowed to dig foxholes on some ranges and instead must practice jumping into circles marked with tape.

Our experience in Afghanistan has demonstrated that our success on the battlefield is directly related to the quality of our military training. We have a commitment to all military men and women and their families. They have volunteered to go into harm's way. We owe it to them to send them there trained to win. Training saves lives.

Only 1.2 percent of the land in the United States is owned by the military, while the Federal Government owns over 20 percent. Perhaps it's just my Florida way of thinking, Mr. Chairman, but it's not a lot to ask that we dedicate 1 percent of this great Nation to training men and women to fight to protect the freedoms and liberties that we all take for granted. I think it's interesting that the other side has chosen, rather than coming in here armed with facts and records from their own investigations, have accused the men and women in uniform in this room of engineering a result, armed only with appealing anecdotes of the troubles that they face in preparing to defend this country.

Perhaps, Mr. Chairman, we should conduct environmental impact statements on Tora Bora in conjunction with NGO's and other respective groups. Perhaps we should abide by village noise restrictions before we drop daisy cutters onto al Qaeda training cells. Perhaps we should engage in more consultation with interested parties. But that's not what these men and women are here to discuss.

They're here to discuss what it takes for our training forces to be the best trained, best equipped, and most prepared for any spot in the world. And I look forward to their testimony, Mr. Chairman, and I'm proud to have them here.

Mr. BARR. I thank the gentleman from Florida. Any other Members over here wish to make opening statements? The gentleman from Virginia, Mr. Schrock, is recognized for an opening statement.

Mr. SCHROCK. Thank you, Mr. Chairman. I wasn't going to say anything because I knew if I did, my blood pressure would probably go through the roof by some of the stuff I have heard earlier this morning. I cannot let it go unchallenged.

Mr. Chairman, you're absolutely right. This is about training. This is about saving lives. If we're going to put these men and women in uniform and task them to do the missions we task them to do, we darn well better provide them the territory to do that training so when they go over there, they're going to come home safely. This is about common sense. Common sense sometimes doesn't reign supreme up here. And some of the laws and regulations that have been put in place do not provide common sense for the men and women we're putting in harm's way.

Speaking to the troops, I was privileged, and I mean privileged, to wear the Navy uniform for 24 years. I think I have an understanding of what some of this stuff is all about. And for people to sit up here and say these men are going to come here and that we're going to govern by anecdote, they've been there, they've been in the harm's way. You have a commander of an air group here whose airplanes flew longer than any other air group in the history of our country. They set a record unlike anything on the TR battle group. You have SEALs who are out there giving their all every day.

Last Monday a dream of mine came true. Since I was in Vietnam when I lived with the SEALs, I wanted to spend a day with the SEALs and do everything they did. Well, I spent a day with the SEALs. I'm not sure I was able to do everything they did, but at least I got a taste of what they do and what it takes to be a SEAL and go in and do those sort of things.

We have to provide them with the land and the space to make sure they get done what they need to get done. I heard a statement, political correctness is getting in the way of the servicemen's life. You bet it is. I was privileged to take a 4-day trip around this country in 12 States, visit 25 military bases, Army, Navy, Air Force, Marine Corps. I saw what some of the problems are. I heard the commanders, I heard the troops complain about the restrictions they have put on them.

For instance, at Camp Pendleton in California they have a wonderful ocean and beachfront there where they're able to train, do realistic training, but there are certain times of the year when there are certain creatures mating on that beach, and when that happens the exercises have to be closed. What kind of nonsense is that? Do you suppose when we go into some of these countries overseas if there are birds doing that same sort of activity on the beaches we're going to say the war is over until they're finished? We have to let these people do what they're supposed to do.

I don't know how many of you have read this GAO report. I don't usually read this kind of stuff but I did the last 2 days. I highlighted everything that bothered me and when I ran out of ink in two pens, I stopped. Of the land mass at Camp Pendleton 57 percent is for endangered species now. What kind of nonsense is that? How can these troops train out there to get ready for the battles we're going to put them into if they have those sort of restrictions?

Yes, they do need special exemptions. We're in a different kind of war. Our country, our Nation has been attacked on our soil, and if we don't do something about it, then we're going to have this the rest of our lives.

By training these kids, we're going to provide them with the training to maybe not have that happen again. I don't want any more 9/11s to come down our street.

So I heard somebody say the Pentagon proposal will harm the environment. Give me a break. Every single base that I've ever seen or ever served on, they're probably better stewards of the environment than most people in the civilian sector. So to say they aren't doing that is totally unfair. I think they need to be given the credit for what they're doing.

Let me see. I made so many notes here. I shouldn't have made this many notes.

The popularity of the military. Somebody complained about the popularity of the military. That probably irritated me more than anything else. Sure they're popular because they're doing what we've asked them to do. They're going to protect our country. If the defense of our country is at risk and we're going to have people coming in here blowing the daylights out of us, the snail darter isn't going to make a difference because they're not going to be around, anyhow. So we have to make sure that doesn't happen. We have to keep these bases open as long as we can. And the more restrictions we put on them, the more harm we're going to bring to our people.

I heard Mr. Shays say I think people perceive that we've had victory in Afghanistan. We have not. I spent 8 days there in April. We are nowhere near completed with that country. And once we get done with them, we've got to go over in other countries as well. So we're going to be in this a long time. And kids that aren't even born yet are going to be involved in these wars. We better make sure we provide the wherewithal, we provide the equipment and the training and the land to train these people on. And if a snail darter gets killed in the process, folks, I'm sorry. I'd rather have an airman, a sailor, a soldier, Marine come home alive rather than worry about whether a snail darter is going to survive some training.

I'm very anxious to hear what these distinguished gentleman say. I hope we listen carefully. They're the ones on the front lines. They're the ones that know what needs to be done. We need to pay attention to them and heed what they say and get off their backs. Thank you, Mr. Chairman.

Mr. BARR. Thank the gentleman from Virginia. Any other opening statements? Gentlelady from California wish to make an opening statement?

Ms. WATSON. Thank you so much, Mr. Chairman, and the former speakers. What I will be looking for in listening to the representatives at the table there is how we provide balance as we prepare for the challenges that we have had and will have in the future. As we have a mind-set to look at our Nation differently than we did prior to 9/11, how do we do what we need to do? How do we train your people? How do we train your people in areas that are similar to the areas that we will be fighting in, possibly? And how do we take in the concerns that citizens have about the environment that they live in every single hour of the day?

What I want to see is the balance—how much consideration there is for the issues that were brought up. I don't think anyone that I have heard prior is antimilitary. I don't think anyone that I have heard prior does not want a well-trained force. We would be foolhardy if we did not have that. But what I will be listening for is how do we balance it with the needs of all those citizens out there. And I think we ought to take time to listen. We ought to take time to look. We ought to take time to see what the needs are, and we ought to take into consideration the environment in which we reach these goals.

So I would be very, very pleased to hear, as you make your presentations, how we have balance. I think if we get that, the criticisms that you hear will vanish because they will be addressed. Thank you very much. I am very, very interested in hearing from you.

Mr. BARR. I thank the gentlelady. There being no other opening statements, we will proceed to the heart of the matter here with the introduction of the witnesses on our first panel, their testimony, and then questions and answers.

For those witnesses and Members and folks in the audience who haven't been at one of these hearings before, members will come and go depending on other meetings, other hearings, and markups that may be going on in other committees or subcommittees. Also, there may be other meetings from time to time. Many of the Members on our side of the aisle are currently at a caucus meeting, a conference meeting that hopefully will be ending shortly, so there will be several more Members here and same on the other side. So Members will come and go, but don't let that bother you all. And if I have to leave—we have a markup in the Judiciary, a series of bills, just down the hall, and I will ask Mr. Shays to take over the chair from time to time.

We appreciate very much the witnesses being with us today. Like all of the witnesses, please stand at this time to be sworn in.

[Witnesses sworn.]

Mr. BARR. Thank you, gentlemen. Let the record reflect that all five witnesses answered in the affirmative. You may be seated, gentlemen. I ask unanimous consent that full biographic information on these five distinguished military leaders be included in the record. Without objection, so ordered.

Rather than take time to introduce at length—and it would really would be at length—the relevant biographical information on each one of these gentlemen here today that brings them to the point of being a witness before this committee, we will submit that for the record. I will introduce each one of them very briefly by

title, and each one of them, I believe, may insert in the record or may refer to other specific background that they have that might be relevant to their testimony today.

But I would at this time turn to the gentleman from Florida, Mr. Putnam, to make a special recognition of our first witness, General Tangney. Gentleman from Florida.

Mr. PUTNAM. Thank you, Mr. Chairman. It's a special honor to welcome someone from my part of the world, Lieutenant General William P. Tangney, Deputy Commander in Chief of U.S. Special Operations Command, tip of the spear. Based at MacDill Air Force Base in Tampa, FL, Pentagon South. He served in Vietnam with the U.S. Army Second Battalion, Ninth Artillery, Fourth Infantry Division after graduating from the Citadel. He returned to Vietnam after graduation from Special Forces Officer Course to serve as an operations officer and senior launch site commander. He has a master's degree in anthropology from Syracuse University and is a graduate of the Naval Command and Staff College and the Army War College.

His awards and decorations include the Defense Superior Service Medal, with one oak leaf cluster; the Distinguished Service Medal; Legion of Merit, with one oak leaf cluster; Bronze Star, with V device and two oak leaf clusters; Defense Meritorious Service Medal, Meritorious Service Medal with two oak leaf clusters; Combat Infantryman Badge; Master Parachutist Badge; Ranger tab and the Special Forces tab.

General Tangney, we look forward to your appealing anecdotes.

Mr. BARR. I thank the gentleman from Florida. There was reference made earlier to this being part of some stealth operation. I think one can tell by the size of the audience here today, the number of witnesses, and the number of TV cameras and other media folks here, this is anything but a stealth proceeding.

We do welcome all of the witnesses here, in addition to hearing from General Tangney who has already been very eloquently introduced by the gentleman from Florida.

We will hear from Colonel Thomas D. Waldhauser, U.S. Marine Corps, Commanding Officer 15th EMU Special Operations Capable, Camp Pendleton, CA.

We will be hearing Captain Steve Voetsch, U.S. Navy Commander, Carrier Group Air Wing One, USS Theodore Roosevelt. Commander Voetsch, welcome. It's good to see you here. I had the honor of being aboard the carrier a little less than a year ago and met you then, and I know you have logged a lot of miles, nautical and air miles, between now and then, and we appreciate your service. Good to see you again.

We'll also be hearing from Lieutenant Commander Kerry Metz, SEAL, Naval Special Warfare Group One.

And finally on this first panel, anchoring it from the Army is Captain Jason Amerine, U.S. Army, Fifth Special Forces Group, Airborne, Fort Campbell, KY.

Gentlemen, we welcome you all very much here today. As I indicated earlier, your full statements will be inserted into the record, and the way we will proceed is to recognize each one of you, starting with General Tangney and working our way down. Each of you, we would appreciate it if you try and limit your opening remarks

to about 5 minutes. If it goes over to some extent that's fine, but try to limit it to about 5 minutes. And once all of your opening statements have been made, we will turn to Members on both sides of the aisle up here for questions.

At this time, I am happy to recognize General Tangney for his opening statement.

STATEMENTS OF LIEUTENANT GENERAL WILLIAM P. TANGNEY, USA, DEPUTY COMMANDER IN CHIEF, U.S. SPECIAL OPERATIONS COMMAND, TAMPA, FL; COLONEL THOMAS D. WALDHAUSER, USMC, COMMANDING OFFICER, 15TH MARINE EXPEDITIONARY UNIT, SPECIAL OPERATIONS CAPABLE, CAMP PENDLETON, CA; CAPTAIN STEPHEN S. VOETSCH, USN, COMMANDER, AIR WING ONE, USS THEODORE ROOSEVELT, NORFOLK, VA; COMMANDER KERRY M. METZ, USNR, NAVAL SPECIAL WARFARE GROUP ONE, CORONADO, CA; AND CAPTAIN JASON L. AMERINE, USA, 5TH SPECIAL FORCES GROUP (AIRBORNE), FORT CAMPBELL, KY

General TANGNEY. Thank you, sir. Mr. Chairman and members of the committee, as previously indicated I am Lieutenant General Bill Tangney, and I'm the Deputy Commander in Chief of U.S. Special Operations Command.

Mr. BARR. All the witnesses pull the mic's pretty close, just to make sure that it picks up both for the purposes of the audience, us hearing, as well the court reporter.

General TANGNEY. OK, Mr. Chairman, we will try this again.

Mr. Chairman, members of the committee, as previously noted, I am Lieutenant General Bill Tangney. I'm the Deputy Commander in Chief, U.S. Special Operations Command, Mac Dill AFB Tampa, FL. I am privileged today to report to the Congress on critical challenges confronting national security, with particular emphasis on how continuing encroachment threatens force readiness as it pertains to USSOCOM forces.

We are a fully integrated joint force of soldiers, sailors, airmen and marines, and must train together on a routine basis. Our goal with regard to range use is to be prepared and ready for every contingency. Because we are a fully integrated joint force, we rely heavily on the Services for training ranges and access. Throughout the years, the Services have provided excellent support to this command. However, resources spent on environmental studies and assessments take valuable assets from the command that could be used for training.

Additionally, formal training areas now set aside or restricted as habitat for endangered species, such as the northern spotted owl at Fort Lewis, WA; the Red Cockaded Woodpecker at Eglin Air Force Base, FL; at Fort Bragg, NC, the Loggerhead Shrike; and the Sage Sparrow on San Clemente Island, CA; along with the loss of other former live-fire ranges now restricted from use, all create increased demand and competition for shrinking ranges and training areas.

Live-fire training is an essential part of combat readiness. Military training is inherently dangerous, and the United States has set aside areas to use specifically for this purpose as DOD operational ranges. Although crucial to maintaining national security, these ranges comprise, as previously noted by one of the members

of the panel, just over 1 percent of the U.S. land mass. Because there is so little land set aside for operational training, we coordinate closely with the Services to get access that we need to train our Special Operations forces.

You have heard the concerns and challenges encroachment has had in previous testimony on the U.S. Army, Navy, Air Force, and Marine Corps. Their problems and concerns are also our problems and concerns, for we are truly a joint team. In addition to what you have heard from them, I will offer what Special Operations' unique concerns are in the area of encroachment.

There are inherent risks we must accept if we are not able to exercise the full range of activities demanded of our forces in combat. Restrictions on training equal consequences on the modern battlefield. For example, in Afghanistan, U.S. Special Operations Command, Air Force Special Tactics Teams, Navy SEALS, Army and Air Force PSYOP units, Army and Air Force aviation assets, Army Special Forces, Rangers and Civil Affairs units are all executing complex operations and missions during periods of extremely limited visibility. They face climatic extremes and must operate over rough and unfamiliar terrain in support of U.S. Central Command. Many of these soldiers, sailors, and airmen were able to hone their combat skills on adequate ranges just prior to deployment. However, many did not get this opportunity.

A large part of the reason that we can support our global commitment is that the Special Operations troops are embedded with our philosophy of how to train and deploy. These troops are the humans and are more important than hardware; that quality is better than quantity. That special operations forces cannot be mass produced; and that competent special operations forces cannot be created after emergencies occur.

In closing, I would like to reiterate two key points. First, we provide the Armed Forces of our Nation with unique, one-of-a-kind capabilities. We have been available to develop these assets because of the foresight of the U.S. Congress in creating this command and providing it with the tools to get the job done.

Second, we must protect our people, provide for their professional development, give them the tools that they need to do their job, and remember those and their families who have given the last full measure of dedication and devotion. With continued support from the Congress and key investments in quality people, readiness, and training, we will continue to have the best Special Operations forces in the world, a force that is ready, responsive, and relevant to the challenges of the 21st century. I believe that the Special Operations soldiers, sailors, and airmen represent one of our Nation's greatest assets, superbly trained, physically tough, culturally aware, independent thinkers, quiet professionals, all.

Mr. Chairman, members of the committee, thank you very much for the opportunity to testify on this critical issue of national importance.

Mr. BARR. Thank you, General.

[The prepared statement of General Tangney follows:]

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COMMITTEE ON GOVERNMENT REFORM

STATEMENT OF

LIEUTENANT GENERAL WILLIAM P. TANGNEY, U.S. ARMY

DEPUTY COMMANDER IN CHIEF

UNITED STATES SPECIAL OPERATIONS COMMAND

BEFORE THE

HOUSE COMMITTEE ON GOVERNMENT REFORM

ON THE CRITICAL CHALLENGES CONFRONTING NATIONAL SECURITY -

CONTINUING ENCROACHMENT THREATENS FORCE READINESS

MAY 16, 2002

FOR OFFICIAL USE ONLY
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COMMITTEE ON GOVERNMENT REFORM

Mr. Chairman and distinguished Members of the Committee: I am privileged to report to Congress on the current challenges confronting national security, with particular emphasis on how continuing encroachment threatens force readiness as it pertains to the United States Special Operations Command (USSOCOM).

In September of last year, this Nation was suddenly and brutally challenged with a new type of war waged on U.S. soil by terrorists. These terrorists, driven by hatred for Western ideals and basic individual rights, attacked innocent men, women, and children in two of our Nation's greatest cities. These terrorists have since learned that the American spirit, resolve, and commitment to freedom are not fragile nor easily destroyed. All of us at USSOCOM are proud that special operations forces (SOF) have played a significant role in reminding the world that although freedom is not free, it will be protected. We are committed to providing the best-trained special operations force to any point on the face of the earth in defense of freedom.

USSOCOM and SOF

The visionaries in Congress who created USSOCOM in 1987 defined the function of the command as the preparation of SOF to carry out assigned missions to counter and destroy such adversaries. The intent was to ensure that the U.S. had a

combat-ready force trained and equipped to carry out special operations throughout the world. This force is deployed globally to protect U.S. interests, American citizens, and our allies and friends against asymmetric threats that endanger our way of life.

USSOCOM consists of three component commands and one sub-unified command. The U.S. Army Special Operations Command (USASOC) organizes, trains, mans, equips, educates and maintains combat readiness and deploys assigned Active and Reserve components of Army SOF. Army SOF units include Special Forces, Rangers, Special Operations Aviation (SOA), civil affairs (CA), and psychological operations (PSYOP).

The Naval Special Warfare Command (NAVSPECWARCOM) also organizes, trains, equips, mans, educates, and deploys combat-ready maritime SOF in support of joint and fleet operations worldwide. NAVSPECWARCOM forces include Sea-Air-Land (SEALs), Special Boat Units, and SEAL Delivery Vehicle Teams.

The Air Force Special Operations Command (AFSOC) is America's specialized air power. A step ahead in our changing world, AFSOC delivers special operations combat power anytime, anywhere. AFSOC forces include Combat Talon and Pave Low infiltration fixed and rotary wing platforms, AC-130 Gunships, Combat Shadow refueling aircraft, Commando Solo—America's only psychological

operations airborne platform, a Foreign Internal Defense (FID) Squadron, and Special Tactics units.

Finally, the Joint Special Operations Command (JSOC) is a sub-unified command located at Fort Bragg, North Carolina. JSOC provides a standing joint headquarters battlestaff that studies special operations requirements, ensures interoperability and equipment standardization, develops joint special operations plans and tactics, and conducts joint special operations exercises and training.

USSOCOM provides specially trained, ready, and equipped SOF to the Secretary of Defense, regional combatant commanders, and American Ambassadors and their country teams for the successful conduct of special operations, including CA and PSYOP, during both peace and war. The principal mandated missions of USSOCOM are: counterproliferation (CP), combating terrorism (CBT), foreign internal defense (FID), special reconnaissance (SR), direct action (DA), psychological operations (PSYOP), civil affairs (CA), and unconventional warfare (UW). Overlaying these principal missions are information operations.

Additionally, USSOCOM is the only combatant commander with the authority and resources (major force program-11) to acquire and equip for SOF-peculiar needs. With an annual budget of just over $4 billion and less than 46,000 personnel, USSOCOM

constitutes only 1.3 percent of the Defense budget and force structure.

In the recent campaign in Afghanistan, SOF have been in the forefront of U.S. strategy and operations. SOF have worked on the ground in close cooperation with the conventional U.S. Air Force and U.S. Navy aviation making U.S. air and sea power more effective than ever before. SOF have also provided command, control, and intelligence liaison between allied headquarters and Afghan resistance forces. SOF have conducted raids against key Taliban and al Qaida targets, performed strategic reconnaissance and intelligence collection to support coalition military operations, and made critical terrain and facilities inhospitable for enemy operations. SOF have also provided medical support to coalition forces, coordinated humanitarian assistance operations for the civil population, conducted PSYOP ranging from leaflet drops to airborne radio broadcasts, performed Combat Search and Rescue (CSAR) missions, and conducted maritime intercept operations at sea.

Carefully selected, regionally focused, uniquely trained equipped, SOF stand ready, with our joint and interagency partners, to meet our Nation's present and future security challenges. Our Nation and its citizens deserve no less.

Role of SOF in OPERATION ENDURING FREEDOM

Since the beginning of Operation Enduring Freedom (OEF), SOF have conducted nearly all of their principal missions. In addition, several SOF collateral activities have been and are being accomplished. These activities include CSAR, coalition support and humanitarian assistance (HA).

Throughout OEF, SOF air and ground forces conducted CSAR Operations in support of the initial air strikes into Afghanistan. SOF penetrated enemy air defenses and conducted joint air operations deep within hostile territory to recover U.S. personnel.

SOF aviation have provided close air support (CAS) to SOF and coalition ground forces by having specially trained forces with a remarkable inventory of skills, on the scene, providing communications and coordination. During the early stages of the conflict, SOF aviation was the only method available for the insertion, exfiltration, and re-supply of SOF in Afghanistan.

SOF ground forces have conducted UW in support of the Northern Alliance. SOF organized, trained, advised and assisted Northern Alliance forces and provided terminal guidance for CAS offensive operations. Additionally, SOF have conducted DA Operations, numerous short-duration strikes, and other small-scale offensive actions in order to destroy, capture, recover or inflict damage on designated personnel and material.

SOF joint forces have conducted advance force operations. These operations included reconnaissance and surveillance, safe site location, force reception, and terminal guidance for CAS operations. SOF joint forces have also conducted tactical reconnaissance and target analysis in support of time-critical strike operations and sensitive site exploitation.

A Special Operations Task Force (SOTF) was deployed to provide coalition support. This task force integrated all of the coalition units into multinational military operations ensuring interoperability and battlefield coordination.

SOF naval forces also deployed as part of this SOTF and conducted surveillance and reconnaissance operations. During these missions, SOF infiltrated hostile territory to obtain and verify information concerning the capabilities, intentions and activities of the enemy, and to secure data regarding characteristics of particular areas. SOF naval forces have also conducted surveillance and reconnaissance of Objective Rhino, in advance of the U.S. Marines' occupation of that key forward operating base.

SOF personnel performing CA missions have had a major impact on the mission in Afghanistan. These soldiers, uniquely comprised of nearly 90 percent Reserve Component forces, bring a wide variety of skills to the battle. CA soldiers in Afghanistan have assisted both SOF and conventional unit

commanders by building relationships with the local populace and our Coalition partners. They have helped reconstruct schools, medical facilities, and other facilities. They have restored power, water, and sanitation to needy people. They have assisted local authorities in reestablishing basic administrative structures. They have also helped forge relationships and build trust between Afghan civilians, coalition forces, and other U.S. forces.

Because the CA soldiers are involved in the communities, they have helped our forces in many ways. Their daily interaction has built support among the people and they have become conduits of information for our commanders. Their actions showed the Afghans that we have their best interest at heart, thus making them willing to help us. In short, they have helped create an atmosphere in which U.S. forces could successfully assist the Afghans in creating a stable, peaceful tomorrow.

In conjunction with the efforts of CA soldiers, SOF air and ground forces have had a substantial impact on the Afghan people through HA. Getting food, blankets, and medical supplies into isolated areas is a vital mission. By coordinating with a myriad of international and non-governmental organizations, host Nation authorities, and Coalition members, SOF provided

substantial amounts of HA ultimately saving hundreds, potentially thousands, of lives.

In many areas of Afghanistan, SOF have been a conduit for desperately needed aid. In some cases, they have directly distributed this aid. In others, by their presence, SOF have prevented enemy interference, allowing relief supplies to reach the needy. While HA is not a primary SOF mission, helping to improve, and in some cases save the lives of Afghan citizens, SOF HA support has laid the groundwork for successful military operations.

One of the most difficult obstacles to overcome in any military operation, particularly in an austere environment such as Afghanistan, is the mindset of the population. That challenge has been tackled by our PSYOP personnel. Prior to the Allied arrival in theater, the Afghan people were purposefully misinformed or utterly uninformed of the U.S. mission, motivation, and intentions in their country. With the Taliban propaganda machine in place, the citizens of Afghanistan had every reason to fear and distrust Americans. Our PSYOP forces disseminated information via airborne and ground radio, leaflets, and loudspeakers. They have worked tirelessly to educate the Afghan people about why we're there. PSYOP forces conveyed the U.S. intention to free them from the terrorists and rulers who had ruined their country.

While leaflets and broadcasts alone do not change the minds of a whole Nation, they go hand-in-hand with our supportive, humanitarian/civil actions and ultimately have a tremendous influence. Afghans have seen the relief we brought to their cities and villages. They saw the actions we took against their oppressors and unwelcome guests. At the same time, they were exposed to the information spread by our PSYOP forces, proclaiming our intentions. It is this combination of words and actions that ultimately changes the minds of millions, eroding support for our enemies and sowing the seeds for victory.

As important as winning the war is winning the peace that follows. SOF helps win that peace through the mission of FID. Essentially, this means ensuring the future security of a host Nation by training their military personnel. American SOF are executing this mission as we speak.

SOF are training newly formed Afghan National Army units. They are using their expertise in military tactics and techniques, training, organization, and language skills to create an army capable of functioning on its own. For some time SOF have been helping the fledgling Afghan government protect its people from continued subversion, lawlessness, and insurgency.

Importance of Special Operations Training in the U.S. and Abroad

The successes of the recent campaign plan against terrorism have been dramatic but not surprising. The Services, supported by the Department of Defense (DOD) and the Joint Chiefs of Staff, have demonstrated the quality, professionalism, and determination of U.S. Armed Forces. The successes in the campaign in Afghanistan fighting the global war on terrorism demonstrate again the wisdom of the joint warfighting construct initiated by the Goldwater-Nichols Act in 1986, and the follow-on creation of USSOCOM by the Nunn-Cohen Act. But it also demonstrates the importance of realistic training and the necessity for providing appropriate resources and areas to accomplish realistic training.

The recent actions in Afghanistan show how joint warfighting has evolved from 1987 to the powerful and precise tool to support the Nation's vital interests it is today. This success is not isolated; the ability to win across the spectrum of military operations requires tight teamwork and intense training. The men and women that make up the SOF are the ultimate joint warfighting team.

However, to make it all come together as one seamless fighting force requires intense, demanding, and yes, even dangerous training. We owe our soldiers, sailors, airmen, and

marines a realistic training environment. These warfighters need to be able to train close to their units, unencumbered by unnecessary travel and additional absences from home.

The jointness of the current war provides a lesson in our dependence on all the Services for their crucial support and capabilities. Early in the prosecution of the conflict in Afghanistan, we had to stage SOF from U.S. Navy carriers off the Pakistani coast. On the ground in Afghanistan, AFSOC trained combat controllers (CCT) provided the direct connection needed for Navy, Marine and Air Force aircrews to accurately target Taliban and al Qaeda positions and assets. This highly developed and interoperable combination allowed our Army SF teams to direct precision bombing runs against Taliban forces with devastating effect.

The introduction of conventional Marine and Army forces with SOF strengthens U.S. capability and influence in the theater. The concept of combined conventional and unconventional units leverages the fact that they are trained for mutually supporting frameworks, significantly improving joint warfighting effectiveness. SOF's complementary relationship with the Air Force and Navy conventional forces has already shown what a truly potent force a joint force is to reckon with. However, joint forces must have sufficient training areas where they can practice together and hone their combined combat skills. This

means they must be allowed to make noise, create dust, fire live rounds, and create battlefields that simulate the deadly business in which we work.

Departmental support of Service and SOF resources greatly enhances the effectiveness of our Nations' SOF and our ability to meet the operational requirements expected. SOF's resources enhance the effectiveness of conventional military forces by providing essential leveraging capabilities while ensuring that "must succeed" special operations are completed with the absolute certainty and professionalism the Nation demands.

SOF's regionally-oriented, culturally aware forces provide a depth of expertise not available to the conventional forces.

The current state of SOF capabilities is strong, but to meet the evolving weaponry and tactics of potential adversaries, we must invest and train now to remain relevant and capable. To do this, SOF must revise "SOF-to-conventional-force" transition plans in order to relieve our low density/high demand (LD/HD) capabilities from non-SOF missions as soon as the threat allows. SOF expects to be called on early in the conflict to provide a force that has trained aggressively for politically sensitive missions. Their capability to handle unforeseen missions will continue to make SOF a scarce asset; because commanders will always want to minimize the risk of a mission's failure by employing such capable forces. When transition allows, we must

ensure it is done smartly, to allow the employed SOF to reconstitute and prepare for the next challenge. The only way to achieve this type of seamless transition is by training at all levels in major joint exercises.

For USSOCOM, the driving force behind everything we do are the "SOF Truths." These SOF Truths are:

- Humans are more important than hardware.
- Quality is more important than quantity.
- SOF can't be mass produced.
- Competent SOF can't be created after an emergency occurs.

The message that we take away from these truths is that people are the most important asset we have. Quality people are the toughest asset for this command to replace. Our primary concern is that our most cost-effective, and mission-effective path is to keep the tremendous people we have as long as possible. One way to do that is to train them to the highest levels our resources and environment will allow. A highly trained soldier, sailor, airman, and marine is a warfighter that survives on the modern battlefield. Quality training attracts quality people.

SOF, like the Services, are experiencing shortages of personnel with critical skills, in both the officer and enlisted ranks. Recruitment and accession of personnel into the special operations community continue to be challenges for us.

It is important to note that not all military personnel can meet the stringent requirements for joining SOF. There is a qualitative level that is uncompromising. Tough, stringent training standards ensure survival on the modern battlefield. Our mission and people are too precious to experiment with this proven area of success.

USSOCOM-Wide Range Issues Resolution Tiger Team

Even before the tragic events of September 11th, the Commander in Chief of USSOCOM directed a study on range issues. The USSOCOM-wide Range Issues Resolution Tiger Team (Range Tiger Team) study was tasked and chartered to review all SOF range issues and identify solutions to enhance SOF combat readiness. It should be noted that the Range Tiger Team was initiated to study the entire scope of range issues, of which encroachment is only one.

To accomplish this mission, the Strategic Range Tiger Team was designed with a mix of personnel representing all SOF Components and JSOC and a methodology capable of conducting a fully global strategic research and analysis of all SOF ranges and range issues. The Range Tiger Team continues to consolidate this data into a comprehensive report which specifically addresses all issues and findings by Component command (based on U.S. soil) and Theater Special Operations Commands (mostly based overseas). The Range Tiger Team has worked diligently to ensure the highest standards of depth, scope and quality control. This approach eliminated bias from Service, Component, and

Headquarters (HQ) USSOCOM perspectives. It also included input from all levels, to include operators, mid-level staff, senior staff, command elements, and support facilities at all Service Components and the Centers at HQ USSOCOM.

In order to ensure the final report will be credible, factual, and accurate, the Range Tiger Team composition has been critical. The Command assigned range experts at each Component and JSOC, at least one participant from each Center at HQ USSOCOM, and further augmented the Range Tiger Team by adding professionally credentialed experts at the doctorate level in the fields of engineering, law, and research and analysis.

The methodology established by the Range Tiger Team was developed along the lines of tried and proven business model(s) for performing business research, and transforming the outcomes into an organizational strategic plan. These components are structured into an integrated matrix that best identifies and defines the current state versus desired future state, and identifies the resources, processes and plan for corrective action to achieve success. This model was augmented with a Risk Analysis looking out through Fiscal Year 2008. We describe the study process model below:

Step 1: Identify ``Mission/Purpose.''

Step 2: Identify ``Desired Future State'' (Vision).

Step 3: Identify ``Present State'' (Situational Analysis).

Step 4: Conduct ``Gap Analysis'' to identify ``Delta'' between Present State and Desired Future State.

Step 5: Conduct ``Needs Assessment'' to identify Material & Non-material solutions.

Step 6: Establish ``Strategic Goals/Objectives'' to direct efforts of ``Corrective Actions.''

Step 7: Establish ``Master Strategy'' as a plan to achieve Strategic Goals/Objectives.

Step 8: Establish ``Tactical Pyramid'' comprised of actions & programs to accomplish Master Strategy.

Step 10: Conduct ``Risk Analysis'' of present and potential future risks/threats.

Current and Specific Findings of the Range Tiger Team

Again, the Range Tiger Team was chartered to study all SOF range issues. As the Range Tiger Team conducted their research, they found that encroachment is one of the major issues affecting special operators and their ability to train. I will talk primarily to the areas of: endangered species and critical habitat, unexploded ordnance and munitions, constituents, maritime sustainability, and urban growth. While we have found issues in spectrum encroachment, airspace restrictions, air quality and noise, we believe that the Services are affected to the same extent as we are in these matters. Any change that leads to a positive outcome for the Services will improve our operations as well.

In our effort to work closely with the Services and the Department of Defense concerning range encroachment issues, the

Range Tiger Team conducted face-to-face meetings with the range offices of the respective organizations. These meetings assured us that U.S. forces are addressing these critical issues in a coordinated manner, and all appropriate training requirements and needs are highlighted. The Department, the Services, and USSOCOM are working in concert to develop strategic range plans that encompass all aspects of training.

We continually alter and improve the methods we use to train, in order to protect endangered species and critical habitat. It is the balance between a strong defense and a healthy environment that guides our actions. However, as a result of continued encroachment, designated lands are either permanently or temporarily closed to training. The SEALs in Coronado, California, have seen the greatest loss of training areas due to closures in their own backyard. In 1980, the Navy agreed to discontinue using a portion of the beach that had become populated by the California Least Tern and Western Snowy Plover. The bird population grew. Eventually all of the operational beaches at the Naval Amphibious Base in Coronado were declared critical habitat for the Plover, as a result, SEAL training has been curtailed during breeding season.

San Clemente Island, California, has been a primary training area for the West Coast SEALs since the 1950's. It is the only range on the West Coast where NAVSPECWARCOM can conduct live

fire, over-the-beach training. There are presently 13 endangered or threatened species identified on the island. Over the past ten years, the Navy has been forced to implement significant and increasing restrictions on military training to protect the various species, habitat and archeological sites. As a result, traditional landing area access, tactical movement, and live ammunition use has been greatly restricted over much of the island, resulting in additional training area losses.

Wildlife populations continually reestablish or relocate onto our few remaining training areas. Yet the constraints are left on training. For example, at Fort Lewis, Washington, where we have a Ranger battalion and a SF Group, 70 percent of the training land is designated as critical habitat for the threatened Northern Spotted Owl. However, no owls currently inhabit the lands set aside on the Army post. In 1997, one third of San Clemente Island was placed off limits for the Island Night Lizard. Since then, the number of lizards has climbed from the endangered few thousand to over a million, yet no relief has been granted to ease training restrictions.

In addition to restricting our land use, more constraints are continually being placed on the way we train in order to protect the various endangered species. While we have proven our ability to co-exist in an area with an endangered species, the growing limitations erode our future ability to conduct critical

training operations. If we cannot train like we fight, we will end up fighting like we train.

For Army SF who train at Fort Bragg, North Carolina; Fort Stewart, Georgia; and Fort Benning, Georgia, a required task of the training evolution is spotting and avoiding marked trees designated as confirmed and potential nesting locations for the Red-Cockaded Woodpecker. The SF Operators cannot use camouflage netting, incendiary devices, smoke, nor fire artillery within 200 feet of these trees. However, live-fire is an essential part of our training.

Acquiring permits and conducting investigations takes time and requires vast training dollars and man-hours. In many cases, our training operation is suspended until the environmental evolution is completed. Our training is not configured to adapt to stopping an exercise for permits and investigations. Our operators train constantly to ensure that they are always ready and have skills that are refined to exacting standards. Delays in training ultimately lead to poorly prepared operators. Our personnel train in many states. It takes time for them to learn, prepare and adapt to environmental requirements for each training evolution. Maritime sustainability effects are similar to those encountered from endangered species and critical habitat issues. Water training areas have been closed and live-fire and underwater

demolition have been prohibited due to fears that our operations may disturb marine mammals. Water ranges in the Gulf of Mexico for AC-130 Gunship training were used when land ranges were unavailable or the weather was bad. In 1997, use of the Gulf ranges was closed to training and restricted for testing over concerns of harming sea life, specifically whales and turtles. Now training events must be cancelled or rescheduled if the land ranges are unavailable. The effect is a reduced availability of training time for our Air Force SOF.

Piñeros Island, Puerto Rico, is a premier live-fire, over-the-beach range for NAVSPECWARCOM Unit FOUR as the only location where forward-deployed East Coast SEALs and Special Warfare Combatant Crews can train together. Similarly, Farallon de Medinilla is the only location in the Marianas where NAVSPECWARCOM Unit ONE could practice over-the-beach live fire. Piñeros was closed to live-fire and land and water detonations as a result of safety and environmental concerns in May 1999. Farallon de Medinilla was closed for all training operations in April of this year. Again, the result is that SOF have less time to train because the areas are unavailable.

Urban Growth is very closely linked to all of the other encroachment issues. It can be seen as the cause of the rest. Increased population growth near our bases has restricted training due to noise and safety concerns from our "new

neighbors." As a result, we are restricted in where we can fly, where and how we can shoot, and how we train at night. Populations have grown in areas that used to be wildlife habitat, forcing the species to move to our uninhabited training areas and forcing us to restrict training to protect them or to travel to other bases to train. This is illustrated in Coronado where populations have exploded along the California coastline, forcing the Plovers and Terns to inhabit the SEALs' open training beaches. SOF do not have the luxury of stepping into their backyard to train because the areas are just not available.

Community growth on all sides of our bases and training areas has driven an increased demand for access through these areas, placing new limits on operations due to safety or loss of land. Local authorities in Florida have proposed the construction of a new road crossing through the western training area of Eglin Air Force Base. If this road is built, Air Force SOF might be restricted from firing in all directions on the ranges. Again, we will be subject to less realistic training for SOF.

Another example of training range encroachment involves previously set-aside training ranges in Nevada. On Nevada Department of Energy Test Sites, there is a proposal to build "wind farms" adjacent to important SOF training ranges. The construction of these wind farms could have a negative impact on

range communications, navigational aids, beacons, and advanced weaponry from radio frequency energy and safety of military flight. If implemented, 545 wind turbines generating up to 600 megawatts would be installed, thus creating numerous hazards around an important training area. Both USSOCOM and the Air Force share great concern over this initiative.

Our training areas are shrinking while our needs are growing. The introduction of new equipment and capabilities requires additional or expanded training areas. New weapons have longer firing ranges. However, our ranges do not have the land available to lengthen the shooting lanes. Our capabilities have increased to include the requirement for Army SF to fire crew served weapons from a moving high mobility, multi-wheeled vehicle (HMMWV). Additionally, we do not have the lands available to create new ranges for this function.

Of growing concern is the ability for all U.S. conventional and special operations forces to conduct CAS training with live ordnance. A lack of suitable ranges and CAS training was highlighted at Udairi Range, Kuwait, when multiple fatalities occurred when live ordnance landed on friendly forces. The investigation revealed that U.S. Navy commanders actively sought CAS Training opportunities, but were denied because of "limited opportunities and lack of range availability." Losing training ranges in places like Vieques, Puerto Rico, and Farallon de

Medinilla create shortfalls in CAS operations and amphibious warfare readiness.

All of the environmental issues addressed have a combined effect on our training operations. An example is the required documentation and studies to address an anticipated land's use and its affect on the environment. Environmental Assessments, as required by the National Environment Policy Act (NEPA), are costly and time consuming. While it is necessary to guarantee that we are not recklessly endangering our environment, we need to also ensure that we can accomplish our required training in a timely manner. Many times our hands are tied waiting for decisions. In 2000, AFSOC requested the review of a new ammunition round and its effects on marine mammals in the hopes that they would again be allowed to use the water ranges in the Gulf of Mexico. They do not expect a decision until January 2003, leaving them with the prospect of reduced training time until then.

Our Service Components have expended a great deal of money and time meeting NEPA requirements. The use of MFP-11 funds for these studies means less money is available to conduct exercises or to meet operational requirements. For example, NAVSPECWARCOM has spent over $400,000 and expended over 2,000 man-hours to support an Environmental Assessment for three SOF ranges on San Clemente Island.

When the documentation is complete and the findings are implemented, the commands usually find they cannot fully conduct their training in the manner they needed to or at the closest location. This leads to work-arounds. For years, our leaders have been told to get the training done. They have accomplished their mission by using facilities and equipment not built for the way they are used or by traveling out of the local area. West Coast SEALs travel from Coronado to Camp Pendleton, La Posta and Niland, while Air Force SOF travel from Florida to Nevada. This travel usually requires overnight stays, is costly, and more importantly takes our people away from their families.

Work-arounds are becoming more difficult to accomplish. Decreased funding restricts the ability to spend money for travel. Individual TEMPO restrictions, while temporarily lifted, will restrict our ability to travel in the future. Eventually, we may not be able to accomplish the work-arounds and will not be able to train to meet our mission requirements.

For all encroachment issues, the main result is loss of training areas. Our operators end up training at the same location time-after-time because it is the only location. They become familiar with the range and the situations it produces. They know it like the "back of their hand." This could lead to complacency in our operators during their training. Since they

know the location, they can do extremely well in their training and believe that they can accomplish the mission. We all know that when our operators hit the ground in Afghanistan, it was nothing like Fort Bragg, Fort Campbell or even Fort Benning. Our operators need diversity, not only in the training situations, but also in the environments in which they train. They need deserts, jungles, and coastlines to train on.

CONCLUSION

In closing, I want to reiterate two key points: First, SOF provide our Nation with unique, one-of-a-kind capabilities. We have been able to develop them because of the foresight of Congress in creating the command and providing it with the tools to get the job done.

Secondly, we must protect our people, provide for their professional development, give them the tools they need for the job, and remember those and their families who have given the last full measure.

With continued support from Congress and key investments in quality people, readiness, and training, we will continue to have the best Special Operations Force in the world--one that is ready, responsive, and relevant to the challenges of the twenty-first century.

We cannot know with certainty who our foes will be or precisely what demands will be placed on us in the future. I

believe the SOF warrior is one of our Nation's great assets--an independent thinker, who is superbly trained, physically tough, and culturally aware. In these times of uncertainty and opportunity, USSOCOM will continue to provide our Nation with the special capabilities to protect our interests and promote a peace that benefits America and the democratic ideals we cherish. Mr. Chairman, thank you for the opportunity to tell the special operations story.

Mr. BARR. Colonel Waldhauser.

Colonel WALDHAUSER. Mr. Barr, members of the minority, and distinguished members of the committee, before I proceed with my remarks this morning, I would like to express sincere condolences of the Commandant of the Marine Corps and all Marines on the passing of Chairman Burton's wife Barbara. Our thoughts and prayers are with the chairman at this time, and his family, in this very difficult period. Thank you.

Mr. BARR. Thank you for those sentiments reflecting, I'm sure, all of the panelists and all of the members of this committee.

Colonel WALDHAUSER. It is currently my privilege to serve as the commanding officer of the 15th Marine Expeditionary Unit [MEU], from Camp Pendleton, CA. Three expeditionary units from Pendleton routinely rotate and forward deploy for approximately 6 months to the western Pacific and Arabian Gulf region. Although the MEU is generally the smallest Marine Air/Ground Task Force, it serves as the Nation's forward-deployed quick response force, capable of accomplishing a wide variety of missions around the globe on short notice.

The MEU consists of approximately 2,200 marines. In addition to the command element, the MEU is made up of a ground combat element based around an infantry battalion, an aviation combat element consisting of a composite helicopter squadron and a detachment of AV–8 Harrier jets, and finally a combat service support element to provide that function. Together with the ships from the Navy's Amphibious Ready Group, this forward-deployed Navy/Marine team provides an extremely flexible and responsive force to our Nation.

The 15th MEU arrived in the northern Arabian Sea in late September 2001 and continued to support Operation Enduring Freedom until January 2002. We recently returned to Camp Pendleton in early March. Several of our significant taskings during Operation Enduring Freedom were to seize from the sea an air strip 350 nautical miles inland in southern Afghanistan called Rhino; conduct offensive operations to destroy Taliban and al Qaeda forces attempting to escape from Kandahar; and to secure the Kandahar airfield for turnover to the 26th MEU. Obviously, our predeployment training program, most of which was conducted in southern California, was vital to our ability to handle the variety of missions and tasks that came our way.

Effective training is the price of success in combat. Consequently, I as a commander, and marines of the MEU, share the concern that encroachment is limiting our training opportunities with potentially negative consequences for our readiness. Wildlife and habitat regulations, airspace and target engagement restrictions, and the proximity of civilian homes to our bases cause our training to be sometimes fragmented, segmented, and in many cases not in accordance with sound military doctrine. We must be able to hone our skills, from the individual marine up to the Marine Air/Ground Task Force level. This means we must be able to dig in, move cross country, off roads with our vehicles, fly our aircraft on different routes and tactical altitudes, and conduct combined arms live-fire exercises, especially at night. Presently on board Camp Pendleton, we are limited in being able to accomplish all of these tasks.

Another area of concern to the MEU is access to the beaches along Camp Pendleton's coast line, as has been alluded to here this morning. Because the MEU primarily comes from the sea, we need beach access. Although Camp Pendleton has 17 miles of coastline and four landing beaches for training, we were only allowed to use one of these beaches during our work-up period, primarily due to wildlife restrictions during that time of the year at Camp Pendleton. This makes amphibious training for the marines and sailors very frustrating and somewhat unrealistic.

Finally, I am concerned about the impact multiple encroachments are having on our junior leaders and their ability to develop sound tactical judgment and keen time sense and awareness on the battlefield. Over time, bad habits caused by encroachment may become the accepted way of doing business. From my own experience at Camp Pendleton, amphibious exercises conducted in the mid-eighties to test at that time new equipment and evolving doctrine are simply not possible today as a result of these encroachment restrictions.

In sum, encroachment is pushing us in the wrong direction. As we modernize our weapons systems in order to be able to engage the enemy at extended ranges and maneuver our forces over great distances to place that enemy in a dilemma, we will need all of our range and training area space in order to be properly trained and prepared for future combat operations.

I thank you very much, Mr. Chairman, and look forward to your questions.

Mr. BARR. Thank you very much, Colonel.

[The prepared statement of Colonel Waldhauser follows:]

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THE HOUSE GOVERNMENT
REFORM COMMITTEE

STATEMENT

OF

COLONEL THOMAS D. WALDHAUSER

COMMANDING OFFICER, 15TH MARINE EXPEDITIONARY UNIT

BEFORE THE

UNITED STATES HOUSE OF REPRESENTATIVES

GOVERNMENT REFORM OVERSIGHT COMMITTEE

ON

CRITICAL CHALLENGES CONFRONTING NATIONAL SECURITY

16 MAY 2002

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UNTIL RELEASED BY
THE HOUSE GOVERNMENT
REFORM COMMITTEE

Chairman Burton, Congressman Waxman, and distinguished members of the Committee:

I. Introduction

It is my privilege to serve as the Commanding Officer of the 15th Marine Expeditionary Unit (MEU) of the I Marine Expeditionary Force (I MEF), and to appear before you today. One year ago, the Deputy Commanding General of I MEF appeared before this Committee to express serious concerns that encroachment, including certain wildlife and habitat preservation regulations are having a detrimental and growing impact on realistic operational training. I share those concerns. Effective combat training is the price of success in war. Anything that degrades our ability and flexibility to train creates a risk of increased casualties and decreased operational efficiency. As a commander, my objective is maximize combat readiness--and to minimize those risks--through realistic training. I will use any and all methods at my disposal to train our Marines as thoroughly as possible. My message to the Committee is a simple one: encroachment is limiting our training opportunities with potentially negative consequences for our readiness.

II. The Mission of the 15th MEU

The operating forces of the Marine Corps have been organized into Marine Air Ground Task Forces (MAGTF). These

organizations are combinations of command, air combat, ground combat, and combat support assets. MAGTFs are established for specific missions, or in anticipation of a wide range of possible missions. The MEU is generally the smallest of the MAGTFs. Together with U.S. Navy forces, this team serves as the Nation's forward deployed, quick response force, capable of accomplishing numerous missions around the globe. Most recently, 15th MEU participated in combat operations in Afghanistan as part of Operation Enduring Freedom.

The 15th MEU, working with its Navy Amphibious Ready Group, is one of three MEUs based at Camp Pendleton, California. The west-coast MEUs routinely rotate through the Western Pacific and Southwest Asia regions for regularly scheduled deployments that usually last six months in duration. Prior to deployment, each MEU is trained to be able to execute 23 separate tasks during a fast-paced, six-month training cycle. Upon completion of this comprehensive training and a rigorous certification process, the MEU is designated as "Special Operations Capable." [1]

In each of these mission capabilities, our combat readiness is directly related to the quality of our training. The quality

[1] 15th MEU(SOC), like all MEUs, is trained to execute the following capabilities and missions: Amphibious Operations (amphibious assault; amphibious raid; amphibious demonstration; amphibious withdrawal); Maritime Special Operations (direct action search and seizure; tactical recovery of aircraft and personnel); Military Operations Other Than War (peace keeping and enforcement; non-combatant evacuation operations; humanitarian assistance and disaster relief); and Supporting Operations (rapid response planning, terminal guidance; enhanced urban operations; intelligence, surveillance, and reconnaissance; fires support planning; C4; airfield and port seizure;

of our training, in turn, is directly related to the capability of our ranges and training areas to support our requirements.

In order to train to the required standards, the MEU primarily trains at Camp Pendleton, California. However, the MEU must seek additional training opportunities using the facilities and ranges located at San Clemente Island, Yuma, Arizona, 29 Palms, California, and the Marine Corps Mountain Warfare Training Center in order to become proficient at the unique and demanding tasks the MAGTF is expected to carry out when called upon. Training areas that combine a variety of settings, offer unfamiliar terrain, and which provide Marines the ability to maneuver from the sea are extremely important and serve to enhance our training.

III. Impacts of Encroachment on Training

The MEU's ability to conduct realistic combat training on these ranges is becoming increasingly restricted. A single restriction is an obstacle that can be worked around. In the southern California region, however, we're faced with multiple restrictions or constraints on the several ranges we need for training. These constraints arise from various factors: Wildlife and habitat preservation regulations, the presence of civilian infrastructure on military lands, airspace

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limited expeditionary airfield operations; enabling operations; non-lethal weapons employment; tactical deception; electronic warfare; anti-terrorism).

restrictions, noise concerns, proximity of civilian homes to bases and interference of civilian frequencies with military frequencies. The need to work within restrictions increasingly determines the training environment. As a result, our training becomes fragmented and segmented, conforming not to sound and time-tested military training doctrine, but to accommodating various encroachments. Coordinated, combined-arms training for multiple contingencies become difficult or impossible to accomplish. The following examples illustrate these concerns.

a. Defensive Positions and Field Fortifications.

In late November 2001, the 15th MEU seized an airstrip in Southern Afghanistan after completing a 350 nautical mile insertion from ships of the Amphibious Ready Group. The establishment of the security and defensive posture at this position was, in reality, the first time the Marines were able to actually dig and construct appropriate fighting positions required for protection. Restrictions on entrenching at Camp Pendleton prevent Marines from continuously practicing proper defensive tactics. The standard procedure of "digging-in" for protection is prohibited in most areas due to the presence of endangered species and habitat, cultural resources, or wetlands. This technique, which should be second nature to Marines in a combat theater, is rarely used in training due to environmental restrictions.

The following historical example illustrates the concern. During the Chosin Reservoir campaign of the Korean War, a Marine infantry company occupied a mountain pass for what was to have been a brief rest before advancing. Beginning that night, and for several days, they came under constant attack. Eventually, the entire 1st Marine Division fought back through that pass. Years later, the company commander recalled:

> "I'll never forget how close we came to not digging in that first night. It seemed almost foolish at the time, because we expected to move off the position early the next morning. But something made me order them to break out those entrenching tools, even though it was growing dark and we were dead tired. If we hadn't, we would have been wiped out. We would not have survived that first night." [Martin Russ, *Breakout: The Chosin Reservoir Campaign*, page 316]

The "something" to which the company commander refers to is realistic training, much of which was conducted at Camp Pendleton. His Marines had been trained to dig their fighting holes as an automatic response in combat conditions. That trained response came as a result of repetition and reinforcement in a training environment. Today, we are impaired in our ability to provide the same type of realistic training to tomorrow's company commanders.

b. Cross-Country Maneuver and Live Fire.

The ability to skillfully maneuver off-road through various types of terrain and vegetation is an absolute must for the Marines of the 15th MEU. One of the most significant combat operations we conducted in Afghanistan was the interdiction of Taliban and Al Qaeda forces along Highway One. The dynamics of this complex operation included a night cross-country movement of a mobile force to a position more than sixty miles from our forward operating base through rugged desert terrain. Upon arrival on the outskirts of Kandahar, Marines interdicted enemy forces in a crucial and decisive engagement. In order to ensure the outcome of any engagement with enemy forces was decisively in our favor required a synchronized and closely coordinated ground attack combined with close air support over a killing zone that ended up being measured in miles rather than in meters. The ability of ground mobile troops to maneuver with speed and stealth to and from the attack while the aircraft continued to engage the enemy was key. The operation was highly successful, but was one of the first times the elements of this raid force had been able to conduct a combined arms attack over such distances, through unfamiliar terrain and with the freedom to engage targets on other than carefully pre-selected and well known firing ranges.

This particular mission underscores our need for training areas of sufficient dimension to allow for practical application of unrestricted live fire and maneuver. The complexity of combined arms missions integrating air and ground fires is significant and requires ample dedicated training resources to ensure a reasonable readiness level or proficiency. This is not to say we should expect the opportunity to rehearse every potential complex evolution for war. Nonetheless, there are clearly missions where the lack of training will significantly increase the incidence of casualties from both enemy and friendly fire.

In the training environment we encounter in southern California, off-road movement and maneuver using our Light Armored Vehicles, tanks and Humvees is severely restricted. To be frank, we are not providing our drivers, small unit leaders, and commanders with realistic training in this fundamental aspect of modern combat. During a recent training exercise in the California desert, for example, movement of vehicles was limited to roads in order to avoid desert tortoise habitat. On Camp Pendleton, off-road vehicle traffic is not permitted over much of the Base for much of the year due to endangered species and habitat concerns.

c. Tactical Air / Close Air Support.

Without a doubt, a stand off capability to engage the enemy with precision-guided munitions as well as with close air support directly relates to our success as a MAGTF during operations in Afghanistan. Effective training for such air support requires the overlay of sufficient maneuver airspace above a suitable live ordnance impact area. The compatibility of such training in the available Southern California ranges has been seriously diminished due to encroachment and wildlife habitat preservation regulations. San Clemente Island is one of the few islands suitable for amphibious operations where air to ground ordnance delivery training can be conducted. However, wildlife and habitat preservation regulations limit live ordnance delivery and laser designation to two small areas at the southern end of the island.

The airspace overlapping Camp Pendleton ranges is surrounded by some of the most congested commercial air traffic routes and terminal control areas in the nation. The lateral limits and altitude restrictions require tactical aircraft to be in a near constant turn to remain within the range airspace. Restricted ingress and egress routes to the target area further reduce training viability, particularly for target acquisition. The limited size of the Camp Pendleton live ordnance impact area and overlying airspace does not afford aircrews sufficient

opportunity to practice those skills that will be absolutely essential in combat.

Technology has enhanced both our capabilities and that of our enemy. It is essential that our training areas keep pace with these capabilities allowing us to exploit the maximum effectiveness of our weapons systems so when the time comes to bring them to bear on our adversaries, we will be as proficient and lethal as possible.

d. Non-battle Injuries.

In military operations, the risk of non-battle injuries is high in both peacetime and combat. Vehicle accidents are a common cause of non-battle injuries. All of our training bases in the west have some degree of restriction on off-road vehicle movement, and in places such as Camp Pendleton such restrictions are severe. These restrictions not only reduce the realism of the training, but prevent tactical vehicle drivers from maximizing the training opportunity. They are, therefore, less prepared for the off-road operations that they will be required to perform in combat.

e. Military Noise:

Simply stated, combat is often extremely loud. Concerns about impacts of military noise on local communities near Camp Pendleton restrict live fire on many ranges past 2300. Additionally, our aircraft are restricted from flying at certain

altitudes or along certain routes in the late evening. This prevents Marines from practicing realistic nighttime live-fire and combined arms training. In reality, operating at night gives Marine infantry a significant advantage due to technological superiority. To underscore this point, when asked what were some of the reasons behind the Taliban folding in November, one of the detainees aboard the USS Peleliu indicated that it was because United States forces fought at night. By preventing or limiting the training that can be conducted at night, we are reducing our own ability to maximize this advantage over the enemy.

f. Amphibious Operations and Beach Access:

Restrictions due to endangered species, wetlands and/or cultural resources--from Coronado to San Clemente Island to Camp Pendleton-- prohibit realistic execution of amphibious doctrine as it relates to ship to shore movement. In fact, Camp Pendleton has 17 miles of coastline but from March 15th to September 15th we are allowed to use only one beach for amphibious landings. This beach is heavily used by joint logistics exercise forces and is always in high demand. Units conducting tactical training often end up co-using the beach with logistics forces who are there to build temporary piers, or receive cargo because there is simply no other place for them to go. Wildlife and habitat preservation regulations force

amphibious planners to execute tactically unsound plans to meet the requirements of various constraints and restrictions.

g. Tactical Judgment and Initiative:

Encroachment has created an inflexible training environment. Tactics, which is the embodiment of judgment and initiative, requires the ability to change the direction of attack at a moments notice. Judgment and initiative can only be trained in a flexible environment where leaders are confronted with various possible courses of action and must make decisions.

Multiple encroachments create a situation where there is often only one course of action. The light armored vehicle commander can only drive on existing roads; the battalion commander can only land at one beach; forces can only exit that beach over one pre-determined route; the mortar team has never prepared a fully dug-in position according to established training criteria. This lack of flexibility impacts the effectiveness of training and the development of tactical judgment and initiative in our leaders that is essential to success and survival on the modern battlefield.

IV. Lessons Learned and Future Training Needs

Encroachment is pushing us in the wrong direction. As we modernize weapons systems in order to be able to engage the enemy at extended ranges or maneuver forces over great distances to place the enemy in a dilemma, we'll need more land / airspace

/ sea space in which to train. Modern battlefields and those of the future will likely belong to forces where mobility and precision engagement capability combine to put the enemy at a disadvantage from which he cannot recover. Shrinking training ranges, increases wildlife and habitat preservation regulations and limits on access to multiple widely dispersed training locations seem to be combining to make training less realistic rather than more applicable to future requirements.

V. Conclusion

For our Marines to continue to succeed, we must train them as they will need to fight. Training must realistically simulate the environments that Marines may encounter in combat. Encroachment limits our ability to provide optimum training. Commanders will continue to identify reasonable work-arounds to simulate combat conditions as closely as possible, and a reduction in our combat capability will therefore not be immediately apparent. But, over time, as we build bad habits into our training, or substitute the classroom and simulators for field training, our combat edge will become dulled. Limited training opportunities translate into increased risk where the price of success in combat will be unnecessarily high. That risk ultimately is being shouldered not only by the Nation's Marines, but the sailors, soldiers and airmen as well.

Mr. BARR. Captain Voetsch.

Captain VOETSCH. Good morning, Mr. Barr and members of the committee. I was asked after my recent return from deployment on board the Theodore Roosevelt to testify about my personal involvement with my air wing's combat performance during Operation Enduring Freedom. I accepted it because I believe it is important enough to explain in person the process my air wing went through in preparation for the war.

My name is Captain Steve Voetsch, and with me today is my wife Libby, behind me. And before I begin, sir, I would like to point out it was also a pleasure for me to be here today and meet these two gentlemen in person sitting next to me. They were both on the ground in Afghanistan when we were dropping our bombs, and it is an honor for me to actually meet them face to face.

I am a graduate of the U.S. Naval Academy and proudly served 24 years of active duty. I have flown in five different squadrons of both the F–4 Phantom and F–14 Tomcat. I have 4,800 flight hours and 1,100 carrier landings and 350 combat hours in Operation Desert Storm, Bosnia, Operation Southern Watch, and Operation Enduring Freedom. I am a graduate of Top Gun, the Armed Forces Staff College, and a fellow at the Hoover Institute, Stanford University.

My responsibilities as the air wing commander include being in direct charge of eight squadrons and over 1,500 personnel. This air wing is unique, given the fact of the geographic locations of the squadrons. The number of aircraft that Air Wing One brings to the battle group is 68. We joined the Theodore Roosevelt Battle Group over a year ago, and we previously deployed with the John F. Kennedy Battle Group prior to that.

CVW–1, a short name for our air wing, uses a stair-step approach to training. It begins with unit level training where individual squadrons train in section and division tactics. All eight of my air wing's squadrons trained at various locations throughout the United States completing their syllabus.

Once a squadron completes their ULT requirements at the varied locations, the entire air wing deploys to Fallon, NV, home of the Naval Strike Air Warfare Center. This is the first time all eight squadrons get together as a unit to prepare and train at the ranges in Fallon for combat. In Fallon, the squadrons integrate together as an air wing, practicing air wing tactics and working to get together to conduct coordinated strikes. That range in Fallon provides outstanding over-land training to an air wing prior to deployment, due to the fact its ranges provide a unique blend of mountains and desert targets much like we experienced in Afghanistan.

Air Wing One then integrates with the aircraft carrier in the battle group during our interdeployment training cycle. This encompasses three at sea periods: tailored ship training availability; composite training unit exercise; and joint task force exercise.

Theodore Roosevelt Battle Group with Air Wing One deployed on September 19, 2001, only 8 days after the attacks on New York and the Pentagon. The battle group crossed the Atlantic as the air wings sharpened their skills as much as possible, dropping practice 25-pound bombs on Larne targets, basically a sled that floats, towed behind two of our battle group ships, USS Vella Gulf and

USS Leyte Gulf. As the battle group sailed through the Mediterranean waters, we received an Execute order to continue through the Suez Canal and to the Arabian Sea to start operations upon arrival. As we arrived on station, we were assigned the night flying window, and we would begin at 2230 at night and finish at 1330 the next day, flying an average 15 hours, 7 days a week. For the first 3 months, from October through December, all sorties flown by Air Wing One were in support of Operation Enduring Freedom. The missions included coordinated strikes deep in Afghanistan, delivering laser-guided GPS and MK–80 series iron bombs. Additionally, aircraft flew off the coast of Iran and Pakistan in defense of the coalition forces, and provided support to maritime interdiction and leadership interdiction operations.

It wasn't until January, when the Taliban and al Qaeda defenses crumbled, that our tasking was reduced and the air wing began to fly unit level training flights to stay proficient in other warfare areas. The preponderance of our flying was at night, wearing night vision goggles, dropping our ordnance under the cover of darkness. Air Wing One performed well and set numerous squadron flight records due to long flights in Afghanistan. We did it safely, without losing any aircraft.

Our lessons learned are many, and mostly classified. However, Operation Enduring Freedom continues to stress the importance of training and flying in the carrier environment. Afghanistan and the war on terrorism was unique, and the training we received prior to deployment prepared us for those challenges. Afghanistan presented a fluid battlefield in an unconventional war where Air Wing One's capability and flexibility proved to be successful and lethal. Training and readiness must remain a top priority in future operations throughout the globe. Thank you.

Mr. BARR. Thank you very much, Captain.

[The prepared statement of Captain Voetsch follows:]

NOT FOR PUBLICATION UNTIL
RELEASED BY THE HOUSE COMMITTEE
ON GOVERNMENT REFORM

STATEMENT OF

CAPTAIN STEPHEN S. VOETSCH

COMMANDER, CARRIER AIR WING ONE

BEFORE THE

HOUSE OF REPRESENTATIVES COMMITTEE ON GOVERNMENT REFORM

ON
CRITICAL CHALLENGES CONFRONTING NATIONAL SECURITY;

CONTINUING ENCROACHMENT THREATENS FORCE READINESS

16 MAY 2002

NOT FOR PUBLICATIONS UNTIL
RELEASED BY THE HOUSE COMMITTEE
ON GOVERNMENT REFORM

Good morning. Mr. Chairman and members of the Committee, I am Captain Steve Voetsch, Commander of Carrier Air Wing ONE (CWV-1). It is an honor for me to be here today in the presence of such a distinguished group in Congress. After my recent return from deployment onboard the USS THEODORE ROOSEVELT, I was asked to testify about my personal involvement with my air wing's combat performance in Operation Enduring Freedom (OEF). I gratefully accepted because I believe it is important to explain in person the process Air Wing ONE went through in preparation for OEF.

I would like to briefly introduce myself and then provide an overview of CVW-1's training CVW-1. As I stated earlier, my name is Captain Steve Voetsch, commander of Carrier Air Wing ONE, which is the air wing assigned to the Theodore Roosevelt Battle Group. I am a graduate of the U.S. Naval Academy and have proudly served on active duty for 24 years. I have flown both the F-4 Phantom and the F-14 Tomcat, and have been a member of 5 Navy squadrons. I have 4,800 flight hours, over 1100 carrier landings, and have flown over 350 hours as a participant in Operation Desert Storm, Bosnia, Operation Southern Watch and Operation Enduring Freedom. I am a graduate of the Navy Fighter Weapons School ("Topgun") and the Armed Forces Staff College, and was a Fellow at the Hoover Institute at Stanford University. As Air Wing Commander, I am in charge of eight squadrons and over fifteen hundred personnel. The geographic locations of the squadrons is as follows:

Squadron	Type Aircraft/#	Location

CVW-1 staff	all	NAS Oceana, VA
VF-102	F-14 (10)	NAS Oceana, VA
VFA-82	F/A-18 (12)	MCAS Beaufort, SC
VFA-86	F/A-18 (12)	MCAS Beaufort, SC
VMFA-251 *USMC	F/A-18 (12)	MCAS Beaufort, SC
VAQ-137	EA-6B (4)	NAS Whidbey Island, WA
VAW-123	E-2C (4)	NAS Norfolk, VA
VS-32	S-3B (8)	NAS Jacksonville, FL
HS-11	SH-60B (6)	NAS Jacksonville, FL

Air Wing ONE brings 68 aircraft to the Theodore Roosevelt Battle Group. Air Wing One joined the Battle Group over a year ago, and previously deployed with the John F. Kennedy Battle Group.

Interdeployment Training Cycle

At this point I would like to explain the Inter Deployment Training Cycle (IDTC), and discuss how CVW-1 prepared for deployment.

Unit Level Training

CVW-1 uses a stairstep approach to training. Training begins with Unit Level Training (ULT), where individual squadrons train in section (2-plane) and division (4-plane) tactics. All eight of CVW-1's squadrons train at various locations throughout the United States while completing the required syllabus for that squadron's type of aircraft.

Naval Strike Air Warfare Center

Once the squadrons complete the structured ULT requirements, the entire air wing deploys to Fallon, Nevada, home of the Naval Strike Air Warfare Center (NSAWC). At Fallon, the squadrons integrate together as an air wing, practice air wing tactics, and work together to conduct coordinated strikes. Because NSAWC ranges feature a unique blend of mountainous and desert targets very similar to Afghanistan, NSAWC provides outstanding overland training. The aircraft and range are instrumented, providing real time feedback and post-flight analysis for the aircrew. Operating at Fallon also affords the air wing a needed opportunity to train with and drop live ordnance. Air Wing ONE completed training at Fallon in April 2001, 5 months prior to our September deployment.

Battlegroup Training:

After training at Fallon, Air Wing ONE integrated with the Theodore Roosevelt Battle Group. Battle Group training encompasses three at sea exercises: Tailored Ship Training Availability; Composite Training Unit Exercise; and Joint Task Force Exercise.

Tailored Ship Training Availability:

Tailored Ship Training Availability (TSTA I/II) is a basic phase of training in which the air wing and the carrier train together and the aviators get requalified in day and night carrier landings. A key objective during this phase is for the air wing/ship team to train together to perform the complicated tasks required to conduct cyclic operations (the daily schedule of flight deck operations).

Composite Training Unit Exercise (COMPTUEX)

The next at sea exercise is COMPTUEX, which is the first opportunity during the IDTC where the entire Battle Group trains and operates together to demonstrate required mission capabilities (such as power projection, maritime superiority, force protection, and information warfare). During COMPTUEX, the air wing is required to achieve "blue water certification" (the ability to safely conduct airwing operations beyond 120 miles from land, with no divert fields available). The Battle Group also conducts various combined and unit level intermediate exercises, including exercise missile firings, Naval Surface Fire Support, and anti-submarine warfare training events. Our Battle Group completed COMPTUEX off the coast of Puerto Rico in June, 2001.

Joint Task Force Exercise: (JTFEX)

The JTFX is a scenario-based exercise used to provide final deployment certification for a Carrier Battle Group and Amphibious Ready Group. In this joint exercise the Battle Group Commander, with the support of his staff and Warfare Commanders, acts as the Maritime Component Commander, exercising control of the Battle Group and Amphibious Ready Group operations in support of missions assigned by the Joint Task Force Commander. The Air Wing participates in all warfare areas including Overland Strike and Close Air Support missions, war at sea, Electronic warfare and Amphibious warfare operations. JTFEX was conducted in the waters off the coast of Puerto Rico and the Virginia/North Carolina coast in August, 2001.

Deployment:

Theodore Roosevelt Battle Group deployed on 19 September 2001, only eight days after the attacks on New York and the Pentagon. As the Battle Group crossed the Atlantic Ocean, aircrews maintained their skills by dropping 25-pound practice bombs on Larne targets (floating sleds towed behind two Battle Group ships, USS VELLA GULF and USS LEYTE GULF). As the Battle Group sailed through the Mediterranean, we received an execute order to continue through the Suez Canal and into the Arabian sea, and upon arrival to commence operations in support of Operation Enduring Freedom (OEF). When we arrived on station we were assigned the night flying window, from 2230 until 1330 the following day. For the first three months, from October through December, all sorties flown by CVW-1 were in support of OEF. These sorties included coordinated strikes deep into Afghanistan delivering laser guided, GPS and MK-80 series iron bombs. Additionally, aircraft were assigned to fly air patrols to ensure defense of Coalition forces and to provide support to Maritime Interdiction and Leadership Interdiction operations. The preponderance of our flying was at night, wearing night vision goggles, dropping ordnance under the cover of darkness. Air Wing ONE performed very well and set numerous squadron flight records due to the long flights into Afghanistan. We did it safely, without losing any aircraft. When the Taliban and Al Qaida defenses crumbled in January 2002, our tasking was reduced, and the air wing began to add unit level training flights to maintain proficiency in other warfare areas.

Lessons Learned:

Our lessons learned are many, and most are classified. However, our experiences during Operation Enduring Freedom reemphasized the importance of realistic and rigorous

training for our aircrews. The training we received prior to deployment prepared us for the challenges we faced. The capabilities and flexibility we gained during training proved invaluable, and enabled us to deliver lethal strikes on Afghanistan's unconventional and fluid battlefield. Training and readiness must remain a top priority in order to ensure that Navy air wings are prepared for future operations around the globe.

Mr. BARR. Commander Metz.

Commander METZ. Mr. Chairman and members of the committee, I appreciate the opportunity to appear before you. My name is Kerry Metz, I am from Colorado and currently stationed at Naval Special Warfare Group in Coronado, CA. In support of our Navy, Navy Special Warfare and the entire Special Operations community has been vital to our Nation's ongoing war effort. As you know, Operation Enduring Freedom is challenging our forces to conduct the full spectrum of Special Operations. We are asking the operators to use every tool in the kit bag in an effort to accomplish the mission while mitigating the risk to civilian populations, our coalition partners, and ourselves.

Just over a month ago, I returned from Afghanistan where I served as the director for operations for the Special Operation Task Force charged with the conduct of special reconnaissance and direct action missions. We were fortunate to have the finest special operators from a coalition of seven nations. We challenged our operators to conduct missions in some of the most hostile environments ever operated in. For example, we had special reconnaissance teams operating in the mountains of Afghanistan at altitudes above 10,000 feet for extended periods without resupply.

I am a SEAL officer and therefore most familiar with the somewhat unique challenges of training SEALs and special boat operators for combat operations around the world. In addition to my service in Afghanistan, I have served as an instructor for our basic underwater demolitions/SEAL or BUD/s training course in Coronado, CA, and as a training officer at one of our Naval Special Warfare units. SEAL is an acronym for Sea, Air, and Land. These are environments in which we are trained to operate. In order to win in combat, special operators must have the opportunity to train in environments that simulate as closely as possible the environments in which they are expected to fight. The Naval Special Warfare Command in Coronado, CA led by Rear Admiral Eric Olson, has the ultimate responsibility to ensure that every SEAL and special boat operator is fully trained to the highest level of readiness prior to deployment.

The encroachment areas that are of most concern and pose significant negative impact on Naval Special Warfare training are endangered species and critical habitat, unexploded ordnance, maritime sustainability, and urban growth. We are asking our special operators to go into harm's way. We demand a lot from them. We need to ensure they are as ready as possible when we deploy. The increasing toll from encroachment is felt in many forms and work-arounds are used to compensate for the limitations encountered. These work-arounds impact the realism of the training, the amount of time spent away from home, and the quality of life for our operators and their families. Additional costs are also incurred.

Special operators focus on one goal: to win in combat. I strongly believe you must train like you fight, and to do this you must have adequate ranges. It has always been our intent to be good stewards of the environment and a reasonable balanced approach to range management should be achievable.

I would like to thank the Members of the committee and Congress for their continued support of Naval Special Warfare and Special Operations. Thank you, sir.

Mr. BARR. Thank you very much, Commander.

[The prepared statement of Commander Metz follows:]

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HOUSE COMMITTEE ON
GOVERNMENT REFORM

STATEMENT OF

COMMANDER KERRY M. METZ, USNR

DIRECTOR FOR OPERATIONS, COALITION JOINT SPECIAL OPERATIONS
TASK FORCE – SOUTH (TASK FORCE K-BAR)

BEFORE THE

HOUSE COMMITTEE ON GOVERNMENT REFORM

ON

THE EFFECTS OF ENCROACHMENT ISSUES ON TRAINING FOR NAVAL
SPECIAL OPERATIONS PERSONNEL

16 MAY 2002

NOT FOR PUBLICATION
UNTIL RELEASED BY THE
HOUSE COMMITTEE ON
GOVERNMENT REFORM

Mr. Chairman and members of the subcommittee, I appreciate the opportunity to appear before you. Your support of our Navy, Naval Special Warfare and the entire Special Operations community has been vital to our nation's ongoing war efforts. As you all know, Operation ENDURING FREEDOM is challenging our forces to conduct the full spectrum of special operations. We are asking the operators to use every tool in the kit bag in an effort to accomplish the mission while mitigating the risk to civilian populations, our coalition partners and ourselves.

Just over a month ago, I returned from Afghanistan where I served as the Director for Operations for the special operations task force charged with the conduct of special reconnaissance and direct action missions. We were under the command of Captain Robert S. Harward, U.S. Navy, the Commander of Naval Special Warfare Group One in Coronado, California, and we were fortunate to have the finest special operators from a coalition of seven nations. We challenged our operators to conduct missions in some of the most hostile environments ever operated in. For example, we had special reconnaissance teams operating in the mountains of Afghanistan above 10,000 feet for extended periods without re-supply.

As I mentioned, our task force was a coalition effort, but today I would like to focus my statement on just one of our components, the U.S. Naval Special Warfare personnel more commonly referred to as Navy SEALs and Navy Special Boat combatant crews. I am a SEAL officer and am therefore most familiar with the somewhat unique challenges of training SEALs and Special Boat operators for combat operations around the world. In addition to my service in Afghanistan, during the past 18 years I have served as an instructor for our Basic Underwater Demolition/SEAL (BUD/S) training

course in Coronado, California, and as the training officer of our Naval Special Warfare Unit in Panama.

SEAL is an acronym for *SE*a, *A*ir and *L*and. These are the environments in which we are trained to operate. In order to win in combat, special operators must have the opportunity to train in environments that simulate, as closely as possible, the environments in which they are expected to fight. The Naval Special Warfare Command in Coronado, California led by RADM Eric Olson has the ultimate responsibility to ensure that every SEAL and Special Boat operator is fully trained to the highest level of readiness prior to deployment.

There are eight encroachment areas identified by DoD as critically restricting military testing and training. I would like to address the encroachment areas that are of most concern and pose significant negative impact on Naval Special Warfare training. The four most critical concerns are: endangered species and critical habitat; unexploded ordnance; maritime sustainability; and urban growth.

Endangered species and critical habitat

We train in several areas inhabited by endangered species and/or are characterized by a critical habitat. Allow me to cite a few real world examples.

San Clemente Island off the coast of Southern California is the only range on the West Coast where Naval Special Warfare can conduct live fire over-the-beach training. The island also provides a remote training location with irreplaceable ranges for BUD/S and advanced training courses. In the past ten years, the Navy has implemented significant and increasing restrictions on military training because of the presence of

protected species, habitats and archeological sites. Traditional landing area access, tactical movement and live ammunition use has been restricted over much of the island.

Protected habitats within training areas at Naval Amphibious Base Coronado have restricted access to training beaches and offshore operating areas historically used by Naval Special Warfare components. Naval Special Warfare Command has worked around the numerous restrictions, only to find that the protected birds have expanded their habitat further into training areas.

SEALs have used Camp Billy Machen, near the Chocolate Mountain Aerial Gunnery Range in Southeastern California, since 1968 for tactical patrolling and live fire training. However, in 1996 the available training area inside the gunnery range was reduced by more than 60% owing in part to the desert tortoise critical habitat. Naval Special Warfare can no longer conduct 360 degree live fire training inside the Chocolate Mountain Range or train to essential, realistic scenarios inside the denied area. Compared to other NSW training ranges, the Chocolate Mountain Range is most representative of the Afghanistan terrain.

Unexploded Ordnance

There is potential for significant negative impact to Naval Special Warfare training, as the Clean Water Act does not allow deposition of material into the waters of the United States without a permit. Essential training over or in the water such as small arms fire and underwater demolitions could be restricted. Combat is not the first time you want to be attempting an underwater demolition.

Maritime Sustainability

Pineros Island, Puerto Rico, is located just one mile from Naval Special Warfare Unit Four. Naval Special Warfare had primacy of use of the range which is accessible in minutes by boat. Pineros has a premier explosive ordnance over-the-beach range where forward deployed SEALs and Special Boat crews train together. Underwater demolitions were routinely conducted at Pineros but were discontinued along with small arms fire when explosive ordnance training ceased on Vieques.

Fear of impacts to marine mammals and other species have severely restricted Naval Special Warfare's ability to conduct underwater demolition training. Naval Special Warfare components on the East Coast have repeatedly been denied underwater demolition training requests in East Coast waters.

Urban Growth

Because Navy bases are primarily along the coastline, they compete with encroaching civilian populations for shore access and beach use. There are very few areas of unencumbered coastline near East and West Coast bases were Naval Special Warfare units train. Naval Special Warfare needs large littoral training areas in order to maintain operations security and safety and to limit civilian access during training. Urban encroachment is pushing endangered species onto naval property, which forces the military to further restrict training.

The La Posta training facility, only one hour drive from San Diego, supports several essential Naval Special Warfare training scenarios. Significant encroachment has

already occurred as a result of a private organization planning to build a camp for "at risk youth" on the flanks of the small arms range.

The proliferation of pleasure craft in the waters off of Little Creek Amphibious Base requires frequent halting of small arms and airdrop evolutions when boats venture into training space.

Conclusion

We are asking our special operators to go into harm's way. We need to ensure they are as ready as possible when we deploy them. Naval Special Warfare training typically has relatively little impact on the environment or local quality of life and can in some cases help protect existing natural resources from other, more damaging activities. The increasing toll from encroachment is felt in many forms. Workarounds impact the amount of time spent away from home. This in turn impacts the quality of life for the operators and their families. Additional costs are incurred.

I would like to thank members of the Committee and Congress for their continued support of Naval Special Warfare and Special Operations.

Mr. BARR. Captain Amerine.

Captain AMERINE. Mr. Chairman and members of the committee, I am captain Jason Amerine. Over the past 14 years I have served in various infantry and Special Forces units, in Hawaii, Panama, Honduras, Venezuela, Korea, Kuwait, Kazakhstan and Germany. Most recently I commanded a Special Forces team in central Asia, deployed in support of Operation Enduring Freedom from October 20 to December 5, 2001.

In November 2001, my team, Operational Detachment Alpha 574, infiltrated Afghanistan in a 4-hour low-level insertion deep into enemy territory. Our mission was to assist antiTaliban forces and replace the Taliban regime with a legitimate government to ensure that Afghanistan would never again be a safe haven for terrorism. Once on the ground, we engaged the enemy in several pitched battles and we won all of them.

My team advised and assisted antiTaliban fighters through military training and by providing humanitarian aid and weapons. We directed air strikes against Taliban targets in southern Afghanistan by using laser designation equipment and pilot "talk-on" for nearly a month. My team traveled across southern Afghanistan in pickup trucks with antiTaliban forces conducting unconventional warfare.

From an operational perspective, my team's ability to train for this war was far from ideal. Range encroachment issues affected nearly every aspect of this mission's profile. Ranges and impact areas in some of our military installations were designed for military equipment dating back to the 1950's, at a time when military posts were located well away from the civilian population. The increase in urbanization around our military bases will make it even more difficult to train effectively with our most lethal weapons on the space available.

On some installations we cannot train adequately for close air support, a critical aspect of our success in Afghanistan. Such training opportunities are limited because impact areas do not support parameters needed for realistic effective training. The usable area for such training is very small and we have limited locations from which to direct air strikes. Noise concerns constrain fighter aircraft conducting attack runs, day or night. We must limit the approaches of our attack runs based upon civilian airspace restrictions. These measures reduce the effectiveness of the training.

Laser designation equipment, our most critical tool in executing close air support, cannot be used in some training areas. Lasers can only be used in training areas to the extent of the maximum range of the equipment itself or which have well-developed backstops. This impedes our ability to train with and test our equipment in a realistic environment.

Long-range movements are a core task of 5th Special Forces Group. In the last decade, this group exercised this skill extensively in Southwest Asia. My team applied the skills in the deserts of Afghanistan. We are severely limited in our ability to realistically practice these skills due to limited training areas. Operating outside installation boundaries requires extensive and time-consuming coordination with outside agencies, the local government, and private landowners. My team's readiness enabled us to execute

the classic warfare mission in Afghanistan. Our training, however, could have been better. Some of the best training my men received for this war came from within the war zone itself, where we could completely exercise our combat systems without facing the many training restrictions and work-arounds that have become a normal part of life for the military due to encroachment.

We must continue to fulfill our responsibilities as good neighbors, but in order to save lives we must provide realistic training opportunities for those who serve our country. Thank you.

Mr. BARR. Thank you very much, Captain.

[The prepared statement of Captain Amerine follows:]

RECORD VERSION

STATEMENT BY

CAPTAIN JASON L. AMERINE
UNITED STATES ARMY

BEFORE THE

COMMITTEE ON GOVERNMENT REFORM

UNITED STATES HOUSE OF REPRESENTATIVES

SECOND SESSION, 107TH CONGRESS

ON ENVIRONMENTAL AND ENCROACHMENT ISSUES

MAY 16, 2002

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GOVERNMENT REFORM

Mr. Chairman and members of the Committee:

Thank you for the opportunity to relate my military experiences and describe how the quality of training has shaped my ability to maintain a trained and ready unit capable of completing our mission wherever and whenever our nation requires. In my experience, realistic training is the key to sustaining mission readiness.

Over the past nine years, I have served in various infantry and special forces units in Panama, Honduras, Venezuela, Korea, Kuwait, Kazakhstan, and Germany. Most recently, I commanded a special forces operational detachment in Central Asia, deployed in support of Operation ENDURING FREEDOM from October 20th to December 5, 2001.

In November 2001, my unit, Operational Detachment Alpha (ODA) 574, boarded MH-60 Blackhawk helicopters and infiltrated Afghanistan in a four-hour, low-level insertion deep into enemy territory. Our mission in Afghanistan was to assist anti-Taliban efforts at replacing the Taliban regime with a legitimate government to ensure that Afghanistan would never again be a safe haven for terrorism. Once on the ground, we engaged the enemy during several pitched battles.

Our detachment advised and assisted the anti-Taliban fighters through military training and by providing humanitarian aid and weapons. We directed air strikes against Taliban targets in Southern Afghanistan by using laser designation equipment and pilot "talk-on" for nearly a month. Our ability to practice lasing targets at our home station was limited due to training safety

restraints. The ODA traveled across Oruzgan Province in pick-up trucks with anti-Taliban forces conducting the classic unconventional war. At our home station units may conduct non-live fire convoy movements in excess of 100 KM using the existing road structures but that is not the case at other installations on which we conduct operations.

From an operational perspective, our team's ability to train for this war was far from ideal. Range encroachment issues affected nearly every aspect of this mission's profile.

Our ODA, part of 5th Special Forces Group (Airborne), is headquartered at Fort Campbell, home to several other premier Army units, including the 101st Airborne Division and the 160th Special Operations Aviation Regiment. All three units require extensive rotary wing support (helicopters) to train and perform their wartime missions.

Prior to my team's mission in Afghanistan, urbanization and impacts from noise hampered our unit's insertion training. Low-level rotary wing flight training of significant duration is severely limited at some of our military installations due to the close proximity of civilian housing all around the base. These low-level flights are extremely difficult to plan and execute, as training routes require the helicopters to pass over civilian housing near or adjacent to military reservation boundaries. As a result, it is very difficult to train with our aviation counterparts as realistically as we should. To mitigate these issues, training insertions must be of short duration or during the day, thereby negating many of the critical aspects of realistic training.

Ranges and impact areas in some of our military installations were designed for military equipment technologies that date back to the 1950s. The increasing urbanization around our military installations will make it even more difficult to train effectively with our most lethal weapons on the space available.

On some installations, we cannot routinely train for Close Air Support, a critical component of our success in Afghanistan. Such training opportunities are limited because impact areas do not support parameters needed for realistic, effective training. That is, the usable area for such training is very small. Additionally, noise concerns that restrict our rotary wing training also constrain fighter aircraft conducting low-level approach attack runs, day or night.

Further, laser designation equipment, our most critical tool in executing Close Air Support, cannot be used on some training areas. Lasers must be treated with the same constraints as direct fire weapons -- we can only use them on training areas that extend to the maximum range of the lasers themselves. This generally means that we are limited to using them in large training areas. Therefore, we cannot use smaller maneuver areas and illuminate targets with our lasers for attack runs by unarmed aircraft due to the dangers of the lasers themselves. This greatly impedes our ability to train with, and test, our equipment in a realistic environment.

Long-range movements are a core task of 5th Special Group. In the last decade, 5th Group exercised this skill extensively in Southwest Asia. My detachment applied this skill in the deserts of Afghanistan. We are severely limited in our ability to realistically practice these skills due to limited training

areas on some installations. Due to these limitations and because we want to train as we fight -- under the most realistic conditions possible -- we often seek to conduct such training off-post. To execute such training, however, requires extensive and time-consuming coordination with outside agencies, the local government, and private landowners.

As a result, our unit sometimes conducts long-range movement training by using training areas at Fort Bliss and Fort Hood in Texas and Camp Pendleton and Fort Irwin's National Training Center in California, military installations offering large tracts of training land. This involves spending scarce resources -- training dollars, travel time for the soldiers, and time away from our home station. Additionally, we must compete with other units to schedule such training exercises. Once there, we must train around a host of other encroachment issues, such as moratoriums on digging fighting positions or restrictions on land use due to the presence of endangered species such as the Desert Tortoise.

Despite an ever-growing threat of nuclear, biological, and chemical weapons on the battlefield, we are severely limited in our ability to train in a contaminated environment. One of the greatest tools for practicing our military protective posture is through the use of tear gas. There is little room to doubt either the effectiveness or ineffectiveness of protective gear when the chemical smoke is burning a soldier's eyes and skin. In basic training, soldiers are exposed to both an enclosed chamber filled with gas and an outdoor ambush where they experience a mock chemical attack. Few soldiers encounter such realistic training again in their careers because suitable outdoor training ranges,

areas away from garrison facilities and local roads, are not available. As a result, we cannot execute this form of training at a time when it is more critical then ever.

From my experience, we cannot expect soldiers to learn during war, what we ought to teach them during training. Some of the best training we received for this war came from within the war zone where we could completely exercise our combat systems without facing the many training restrictions and work arounds that have become a normal part of life for the military due to encroachment. Like all men and women in the Armed Forces, I took an oath to support and defend the Constitution of the United States. We need the best trained, equipped, and prepared forces to accomplish that mission. We should continue to fulfill our responsibilities as good neighbors, but in order to save lives, we must also provide realistic training opportunities.

Mr. Chairman and members of the Committee:

Thank you for affording me the opportunity to testify before you today concerning an issue of great importance to me, the soldiers in my command, and the future leaders of the Army.

Mr. BARR. As I indicated earlier, all of your complete statements will be included as part of the record. We appreciate very much your condensing them for purposes of opening statements on the record here today.

At this time we'll proceed with questions from committee members. We'll be going in 5-minute increments. And I recognize myself for 5 minutes.

Colonel Waldhauser, one of the gentlemen who is a true American hero, a Medal of Honor winner, General Ray Davis, who lives in Georgia, and I know him very well, and I am honored to consider him a friend—and I think you are familiar with him, as all Marines are. And he won his Medal of Honor for his service to this Nation and in the cause of freedom in Korea at the Chosin Reservoir. And I know in your prepared statement, you talk a little bit about that.

Without necessarily going into the entire detail, tell the panel, the committee if you would, please, why something so seemingly insignificant as developing—almost an instinct to dig a foxhole when you go into an area, why that is so important?

Colonel WALDHAUSER. Thank you, sir.

Mr. BARR. And with that, why, with the way the encroachment issue—and we've heard in earlier hearings that, for example, when the Marines or the troops go ashore in a training exercise, they have roped-off areas that are pretend foxholes, because they can't actually dig a foxhole because they might disturb something.

Colonel WALDHAUSER. There is a well-worn phrase that has been with me my entire time in the Marine Corps, that says you don't have to dig a foxhole, because the first time you have to do one, it doesn't take a lot of practice and you'll know how to do it. But that really is an overstatement and it really does not delve into the whole issue of what it means to entrench or field fortify your position.

When we flew in 350 nautical miles from the ship, we were pretty much at risk, although we had most of that mitigated through other means. But the ability to dig in, construct offensive positions, integrate fields of fire, construct obstacles, is something we were never able to do at Camp Pendleton. It's just too hard, and can't do it all in one place; and as previously indicated, this is what we would call our practice, perhaps, under fire.

Now, it doesn't take a lot for a Marine to dig. He has to work to do it, and he understands how to do that. But in order, as I indicated, to coordinate, synchronize, and orchestrate the defensive position or defense of an airfield in the middle of southern Afghanistan, is something you don't want to do for the first time when you actually have to do it. In essence, that's what we did.

Mr. BARR. Thank you.

General Tangney, as the most senior officer on this panel, I will direct this question to you, but other members of the panel feel free to offer any insights you might have or particularized knowledge.

We are all familiar with the various Federal laws that relate to the encroachment issue, the Endangered Species Act, perhaps most notably among them the Marine Mammal Protection Act, and so forth. Yet there is a particular provision, section 7(j), I believe, of the Endangered Species Act, that contains a very broad national

security exemption. And as a matter of fact, that's what it is called, "exemption for national security reasons." And it provides that if the Secretary of Defense finds that such an exemption is necessary for reasons of national security, that the particular committee to which that exemption request would be directed must—it isn't discretionary; they must grant the exemption. In other words, if the Secretary of Defense goes to this endangered species committee and says we need an exemption from these laws, these restrictions, for national security, they have to grant it.

Have there been any instances in which such an exemption has been sought or requested?

General TANGNEY. Mr. Chairman, to the best of my knowledge, I have no specific insights into this particular issue. I was unaware of the particular exemption which you reference. I would assume that if that is on the books as it is, it has certainly been considered, and I know we have subsequent speakers who are better qualified than I to address that particular issue.

Mr. BARR. Is there any member on this first panel that believes that such an exemption would not be fully justified in the current wartime situation?

Let the record reflect that none of the witnesses so believed that there would not be full justification for such an exemption being sought.

Captain Voetsch, when you flew in the missions in the Afghanistan theater, did the accuracy or the success rate of your missions, your bombs, improve over time?

Captain VOETSCH. That is correct, sir.

Mr. BARR. Did it improve significantly over time?

Captain VOETSCH. The first 2 weeks, sir—after the first 2 weeks when we got our systems groomed and got used to flying in that area, things did improve to the point that we were about 73 percent accurate.

Mr. BARR. And was such training available prior to your entry into the theatre?

Captain VOETSCH. Yes, sir. We received all the proper training prior to Operation Enduring Freedom. There were some restrictions placed that did hamper some of the end-to-end—one of the important things for our training is not just dropping that weapon, it is the whole process of bringing the weapon up and having the magazine on the ship, having a young 20-year-old load it on an aircraft, and then the systems and aircraft have to work. And dropping live ordnance is an issue that I don't think we trained enough doing that prior to Operation Enduring Freedom. And I caveat that because most of our live weapons training dropping was out in Fallon, NV and on the East Coast, which drives us away from family and ITEMPO and other issues like that, sir.

Mr. BARR. Chair recognizes the gentlelady from California for 5 minutes.

Ms. WATSON. I want to commend all the military personnel for their courage, their training, and being able to execute and have our side accomplish its goals. I just have a couple of issues that anyone on the panel might address. And the first is, I heard you say very clearly that most of your training was done very hurriedly on the ground in Afghanistan.

Is there an assessment of ranges that you could train on that are similar to that territory? Would they be better suited than the locations that you already have, say, in California? I do represent Los Angeles, CA. And what are your training needs in terms of ranges? Do we have an assessment, an inventory? Do we have like-kind environmental conditions throughout our own country that would be similar? I understand that places in Afghanistan look like the surface of the Moon. So can we find ranges—have you sent in a request at all for what you're going to need to continue the war in Afghanistan, or wherever in the surrounding countries? And my main question is the ranges and how can we duplicate the conditions that you face when you go out to combat in those theaters?

General TANGNEY. Well, ma'am that is a multipart question, but I will certainly endeavor to at least answer part of that from a USSOCOM perspective. Last year, we initiated a study team to do a comprehensive worldwide look at the range issue, based on the issues of availability for our formations, looking at what the Services have, the procurement of the services, the joint ranges that exist for a variety of reasons, one of which was to ensure that we had a full, common, relevant picture of the ranges that were available and that we had some insights in the ranges that we might have to actually spend our own dollars to create sought unique ranges for specific mission type purposes. We should have the results of that study out, hopefully, sometime by the end of the summer. That, of course, is the Tiger Team referred to by the chairman at the beginning of this testimony.

Our concern is, just as you pointed out in your comments, to identify range complexes where we can get a more comprehensive full-mission profile train-up for our joint formations prior to deployment, minimizing individual operations tempo and minimizing costs at the same time, while at the same time attempting to achieve the tradeoffs that you mentioned between training for combat readiness and legitimate environmental considerations.

Colonel WALDHAUSER. Ma'am as far as the Marine Expeditionary Unit is concerned, we are heavily integrated and depend quite extensively on our Navy counterparts. Consequently, any type of training or ranges that would be ideal from the MEU perspective would have to start from the sea, with the Navy. We need to be able to use sea space and use our beaches in order to be able to accomplish our training in a realistic manner.

Additionally, we have to be able to maneuver over the ground. We have to be able to drive off road, we have to be able to go across the country. This is one of the operations we had in Afghanistan where really for the first time we maneuvered over 90 miles from Rhino, up in the vicinity of Kandahar, to be in a position to take on forces that were escaping out of that city. And it was one of the first times that our light armored vehicle unit had the opportunity to maneuver with all the weight that combat brings with it, the food, the ammunition, the fuel and whatnot, over different types of terrain. And consequently, that skill of the driver needs to be honed back in CONUS and not in the country of Afghanistan.

Finally, we also are dependent on our aviation support and we need to have ranges to drop bombs for our aircraft that are not repetitive. In other words, at Camp Pendleton, for example, the air-

space is so tight that the aircraft are constantly in a turn in order to make a drop on targets. The targets are always the same. The ingress and egress routes out of the targets are always the same so, quite frankly, there isn't a lot of thinking that has to go into the planning. There isn't a lot of thinking that has to go into the execution on the part of the operators.

So from the MEU perspective, because of the way we are and how we are integrating with the Navy, we have to start from the sea. We have to have access to beaches. We have to have off-road, cross-country movement. And, additionally, we need airspace that will allow us to train like we fight.

Ms. WATSON. Let me just respond and see if I heard you correctly.

Mr. BARR. Without objection, the gentlelady is granted 1 additional minute.

Ms. WATSON. Thank you. I think I heard you say, General, that there is a comprehensive, well-thought-through report, or proposals I should say, for what is needed. Is the Navy also going to be part—or do you do it in your separate military units? Is there a comprehensive report that will come in as to the needs to continue on with the current war, or will it be a separate report coming in from the different branches? And is that the one we can expect to see—did you say July?

General TANGNEY. This is an internal report which we have done within U.S. Special Operations Command and full collaboration with all the Services and the Office of the Secretary of Defense. We hope to finalize that some time by the end of the summer, and we certainly could make that available to the committee upon request.

Ms. WATSON. And just to followup, I think that's what the GAO was getting toward, that they wanted to see your proposals, the costs and the breadth of what your needs are, an assessment.

General TANGNEY. Ma'am, I haven't seen the GAO report. But from what I understand, I think it's a little bit more comprehensive than U.S. Special Operations Command and looks at the entire——

Ms. WATSON. I think that's what this committee was concerned about, too, was the report from the GAO; and I hope it will be addressed when we see your proposals.

Thank you very much. Thank you, Mr. Chair.

Mr. BARR. I thank the gentlelady. The Chair recognizes the distinguished gentleman from New York, Congressman Gilman.

Mr. GILMAN. Thank you, Mr. Chairman, and I want to commend you for conducting this hearing on what has become a growing problem for our military: the issue of encroachment.

It is obvious to everyone on our committee that our military forces, especially since 9/11, need to have access to the best training possible. I realize that deploying military forces have limited experience in live-fire training. It's not only foolhardy, it's laying the groundwork for future problems. The primary goal of our government is to make certain that we protect the lives of all of our citizens and everything else is secondary.

Today we find ourselves engaged in an open-ended conflict with an enemy that has pledged to the destruction of our way of life and our political system. I just attended a hearing this morning where we were trying to find what would happen if the Congress suddenly

was devastated by an attack. The issues of military training and encroachment are no longer academic exercises, and we recognize they all have serious consequences, and it is hoped that some practical compromises can be worked out with regard to a number of these encroachment issues.

General Tangney the GAO study that we are hearing about indicates the Secretary of Defense needs to require the services to develop and maintain inventories of all of the training ranges' capacities and capabilities and fully quantify their training requirements.

Is there any work being done in that direction, General?

General TANGNEY. Sir, I could only speak to what we were doing internally, as I mentioned earlier, and I am sure there is probably something going on, but I would defer to subsequent witnesses from the Office of the Secretary of Defense who will testify later on, who will probably have more knowledge than I do.

Mr. GILMAN. As far as you know, you are not aware of any study right now of what training facilities are available, training ranges?

General TANGNEY. I am aware of what we have going internally to our command. I am not aware personally of other ongoing activities within the Department, and therefore, I would defer to a more knowledgeable person in that area.

Mr. GILMAN. The GAO notes that the Department of Defense needs to create a data base that identifies all ranges available to the Department and what they can offer, regardless of service ownership, so that the commanders can schedule the best available resources to provide required training.

Are you aware of any activity of that nature, of providing that kind of a data base?

General TANGNEY. Sir, as I mentioned in earlier testimony, that is what we are attempting to do with our own internal study for our own training purposes. And again from the Department perspective, I would defer to subsequent witnesses who might have more in-depth information because, quite frankly, I am not up to speed on that particular topic.

Mr. GILMAN. Do you have a list of all of the training facilities?

General TANGNEY. We are developing a list, yes, sir. We have a Tiger Team which we stood up last summer to address the issue of ranges, range availability, range commonality within all of the services and across the Department to facilitate the training of our joint formations. That study is ongoing and we hope to be through with that by the end of the summer and produce a report which we can use for our own purposes and which we can certainly make available to the committee upon request.

Mr. GILMAN. And GAO is also referring to the need for the Department of Defense to finalize a comprehensive plan for administration actions that includes goals, timeliness, projected costs. And a clear assignment of responsibilities for managing and coordinating the Department's efforts to address encroachment issues.

Are you aware of any study of that nature underway?

General TANGNEY. Sir, once again, I would have to go back to my earlier comment. That is not something that I am personally familiar with, because I don't deal with that on a daily basis.

Mr. GILMAN. Thank you. Just one or two other questions. What training encroachment issues are of most concern to SOCOM?

General TANGNEY. Certainly we have a number of concerns, and I will highlight two installations, one Air Force and one Navy, just to show how joint I am. We have severe problems on San Clemente Island, CA, which is a habitual training ground for our Navy SEALS, our West Coast SEALS in Coronado, CA. San Clemente has become severely restricted over the years, primarily because of the existence of 13 separate protected species which exist on that island, which has significantly reduced the amount of training space and forced our Navy SEAL formations on the West Coast to use training areas at far greater distances, which results in greater expenditures in terms of training dollars and also results in a greater amount of time which is spent away from home, which gets to individual OPTEMPO.

Second example I would use is in the State of Florida, specifically Eglin Air Force Base, FL, which is the home of our Air Force Special Operations Command, where ranges have become greatly curtailed over the years due to increased competition and where a significant impact on training and readiness for us has been the Marine Mammal Act, which precludes the firing of weapons into the Gulf of Mexico, which we could do prior to the passage of that act. So that is two installations that we use on a regular basis where training has been degraded because of environmental encroachment.

Mr. GILMAN. Are you having any problem in conducting night training?

General TANGNEY. Sir, I think night training is a problem across the entire Department of Defense. It was certainly mentioned on my left, very eloquently, by the Commander of the 15th MEU. It's a problem for our formations as well. A lot of that has to do with increased urbanization.

For us to get effective training for our joint formations, we really require the ability to fly extended distances, low level, at night, with our fixed wing and rotary wing penetrators both from the Army and the Air Force, to be able to refuel, to do a full mission profile workup, so we get the full training value not only for the ground operator or maritime operator, whether it be a Navy SEAL, Army Ranger, or Special Forces soldier, but also for the flight crew which is delivering that formation.

Mr. GILMAN. Are you limited by any encroachment issue in performing that kind of a mission at night?

General TANGNEY. Sir, it's primarily not so much environmental, but it can be environmental because you are restricted in terms of your flight corridors and your ability to fly over areas where you have some endangered species. Primarily you are limited by increased urbanization encroachment.

Mr. GILMAN. Thank you, Mr. Chairman.

Mr. BARR. The Chair recognizes the gentleman from Connecticut for 5 minutes.

Mr. SHAYS. I welcome all of you to this hearing and I thank you for your service to our country. We have had opportunities as Members of Congress, particularly in our committee's jurisdiction, national security and government reform, to go to so many different

bases, to see our men train, to be onboard planes when they have been refueled, to stand on the deck of the Theodore Roosevelt as plane after plane comes in. And one of the things I was struck when I saw a plane refueling was the absolute tension on board, the real live tension as we were doing what they do quite often. And I was struck at the fact that you have to be at an extraordinary high level of performance and you're allowed very little error.

I was struck by the fact that when you land at night, with all due respect to all the pilots, they were grateful as hell to be onboard that ship, it made me realize that this isn't routine. Every time you land at night, it's a small, little space. And I was thinking if you had to practice landing on a ship at night by just having to be on land, it still wouldn't be the same thing. And I just use that as an illustration of all the other things that I imagine.

Tell me, each of you, why live ammunition makes it a different operation than not using a dummy weapon. I would like to go down—whoever wants to jump in. We will start with you, Captain Voetsch. Tell me what the difference of live versus nonlive, and describe to me the people having to load the plane up and what the people feel onboard who make sure you take off safely and land safely.

Captain VOETSCH. I mentioned briefly earlier, the entire process is what—of actually bringing a weapon out of a magazine onboard a ship, which is way below the decks almost to the waterline. It is extremely hard to move—the numbers of weapons we were dropping over in Afghanistan per day for these guys, the average age of a sailor onboard the Theodore Roosevelt is 19 years old, and they have to bring it up about five or six stories high. They have elevators and things like that to bring them up to the flight deck. And we do what we call cyclic ops, and that means every hour and 30 minutes we launch and recover aircraft. And during that period, because we only have so many airplanes on the flight deck, about 42 at any given time, they will land. As soon as they land, we park them, they chain them down and bring the ordnance out while other aircraft are still turning with their jet engine exhaust and everything else. They refuel the aircraft, load new weapons on there, and another crew will man that jet up, and an hour 30 later they will launch it again.

Mr. SHAYS. I saw hundreds of men and women onboard that deck. They had different colored jerseys and different tasks. There were no fences along the side. Someone could literally back off the back and fall right off. It's clearly a different environment.

Captain VOETSCH. It's like a three-ring circus. The colored jerseys as a matter of point, that's how everyone knows what responsibility that person has on the deck, and also serves as a safety device in case they fall over. It inflates. Red jerseys, for instance, are ordnance; and those are the guys that load the weapons.

There's a lot more to it than just the live weapons. It's the systems that become so complex, the systems like the flares. And what a flare is, it's the device that actually puts a laser spot on the ground that the bomb sees when you drop it. And those systems are very sensitive. And when you take an aircraft and shoot them off the catapult from zero to 150 miles an hour in 2 seconds, and

then when you trap the aircraft, it puts a lot of stress on the airframe in these systems. We constantly have to wring the systems out and groom them, so to speak, to make sure they work.

In fact at the beginning of Operation Enduring Freedom, that first week, our systems, even though we used them, we didn't get enough opportunity to drop—my personal opinion—some of the laser-guided munitions to practice with. And the results, we got a lot better as the war went on.

Mr. SHAYS. I realize 5 minutes is almost silly here, not to be able to get to others as well, but did you get to train in Vieques?

Captain VOETSCH. We did get to train in Vieques during our at sea periods which I call JTFX.

Mr. SHAYS. Did you get to do a coordinated type—because I am told Vieques, in the three times I have been there, I'm told that you need to challenge your land, sea, and air. Were you in that kind of coordinated practice?

Captain VOETSCH. Yes, sir, the whole battle group exercised, and there's a lot of moving parts to it to coordinate all that.

Mr. SHAYS. And the possibility is that if you don't practice it right, you could have your explosive land on your own troops.

Captain VOETSCH. Yes, sir. That's a true statement.

Mr. SHAYS. Could I have 1 additional minute just to ask——

Mr. BARR. Without objection, the gentleman is recognized for 1 additional minute.

Mr. SHAYS. Why is it important to experience live ammunition while planes are doing their tasks and so on and ships are potentially launching artillery? Can someone on land tell me the value of that?

Captain AMERINE. Just to clarify your question, you're asking about just the combined arms team?

Mr. SHAYS. Absolutely. And why does it help you to have practice with live ammunition where planes are dropping bombs, artillery, from the ship. Why is that all important?

Captain AMERINE. Sir, I will explain it this way. When we are directing air strikes while dealing with ground forces, I mean it's a three-ring circus for us, too. I'll be dealing with a couple different radios, different frequencies. I will be talking to headquarters and ground units, directing their movements. We'll be talking to aircraft, directing them to targets. We will be deconflicting aircraft from the ground crews that are moving out. You can't simulate that without actually having aircraft overhead and troops on the ground.

Mr. SHAYS. Is there more of a tension when it's live?

Captain AMERINE. Oh, definitely, sir, very perceptively.

Mr. SHAYS. I am asking the obvious, but I need to put it on the record.

Captain AMERINE. Yes, sir. When you have live ammunition in your weapon and you have aircraft overhead, there's just no other real feeling like it. We become accustomed to slightly lighter magazines with blank ammunition or we become accustomed to one or two aircraft overhead dropping dumb bombs. But you put everything together, and it's all live, you have things blowing up all around you, I mean, that is where you really learn your lessons.

Mr. SHAYS. Thank you, Mr. Chairman, for the extension.

Mr. BARR. The gentleman from Florida, Mr. Putnam, is recognized for 5 minutes.

Mr. PUTNAM. Thank you, Mr. Chairman. This has been referred to somewhat, but I would like to elaborate on it further. What East Coast ranges are currently available for joint force combined arms realistic training? General.

General TANGNEY. Sir, I will take a stab at that. With significant limitations, I would say that Eglin Air Force Base certainly has some ability, although the problem there is congestion with regard to airspace and lack of availability, really, for ground formations to maneuver. So that while you can do some combined live fire, there are significant restrictions.

Beyond that, with the nonavailability of Vieques which, of course, was a combined live fire range which is traditionally used by the carrier battle groups and the fleet in their workups, I am not aware of any facilities on the East Coast where you could do a comprehensive live fire that involved all of the formations in a joint task force. I mean, you can do that to a certain extent at Camp Lejeune, NC, you can do that a little bit at Fort Bragg, NC. But you really don't have the full access in terrain to pull it all together with the airspace to make it happen.

Mr. PUTNAM. Captain, did your air wing have to go west before you could deploy from the East Coast to train?

Captain VOETSCH. They sure did. One of the problems that we see is the competition for ranges. What few we do have, everyone needs to go to use them. With the carriers, the carrier schedules, it adds a lot of competition. We almost do all our training outside from the Oceania area which is where we're from. We spent a lot of time out in Farallon or down in Key West using the airspace to fight the airplanes. We do a lot more than just drop bombs. In Afghanistan, for instance, we didn't have an air threat, but the next country might. But, yes, we do deploy a lot outside our hometowns.

Mr. PUTNAM. So is it fair to say that because of eastern U.S. encroachments, you have been forced to move more and more of your training to the West to an already crowded scheduling situation?

Captain VOETSCH. In most cases that's a correct statement.

Mr. PUTNAM. General Holland, the commander-in-chief of SOCOM, has requested a commandwide review of ranges. Did you participate in the setting up of that study? Could you elaborate on the need for the range as a Tiger Team?

General TANGNEY. I have not participated as a direct participant. We have a number of very, very talented officers, colonel and below, who participate in that on a daily basis, some of whom are represented here today. That's the study that I was referring to earlier that we hope to get published by the end of the summer. And, of course, the genesis of that or the rationale for commissioning that study was to ensure that in an era of declining availability of critical range assets throughout all the services and DOD that we had a better picture of what was available in the joint community, and also we had better insights on areas where we needed to spend our own limited dollars on a major force program 11 to make selective investments for SOF-unique ranges. I hope that answers your question, sir.

Mr. PUTNAM. It does. Thank you.

Colonel Waldhauser, the issues that you face on the West Coast are similar to those on the East Coast in terms of population encroachment and urban growth and noise restrictions and competition for commercial airspace. If you had to rank the threats to readiness, the threats to training, the encroachments that are out there, what would be at the top? Would it be the tightened airspace, would it be the marine mammal protections that impact your ability to practice amphibious assaults? Could you attempt to rank the greatest threats that you face on the West Coast where you are, and then I'll allow the others to do the same, particularly the captain.

Colonel WALDHAUSER. In addition to obviously the use of our sea space and beaches, I would rank 2. The first would be night operations and the second would be live fire. It's been discussed here quite extensively this morning about the use of the night. And an interesting side note is during our time in the northern Arabian Sea we had detainees from the Taliban onboard of the USS Pellalou. During their interviews, when asked why the Taliban collapsed rather rapidly once the momentum went against them in late November, early December, one of the main reasons was that not only the Marine Corps but all forces fought at night. That's one of the main reasons, according to a Taliban detainee, that they decided to pack it in. So I think consequently we have a very big combat multiplier net operations, and anything that would restrict that, to include noise abatement, what-have-you, we have got to find ways to work around that. So my first priority would be at night.

The second would be live fire. We had talked earlier today what the requirements are for live fire and why it is so important to be on the mark when you're delivering live ordnance. The only thing I would add is that in many cases the ability to drop bombs, for example, in Afghanistan for sure would require positive identification of the target.

Now when you're on the ground, what that translates into is the enemy is in closer proximity to you in order for you to get that positive ID. So when the enemy is approaching and it's closer and it's time for you to drop live ordnance, there is no margin for error. You have to have the confidence to be able to press the button, pull the trigger, call for whatever you need in order to make it happen in close proximity.

So, consequently, the ability to conduct live fire training at night in the walking stage of your training to graduate to nighttime operations at close ranges is something that is very, very critical. And in order to exploit some of the capabilities of our systems, laser designators, flares have been mentioned, you have to be able to do it at night.

So the ability to fight at night, drop bombs on different ranges, different target sets, those to me are the two most important things that I would rate at the top of my list.

Mr. PUTNAM. Is what you just described what might colloquially be described as the "pucker factor"?

Colonel WALDHAUSER. It's been called that and much worse, I must say.

Mr. BARR. The gentleman from—does the gentleman from California, Mr. Horn, need to go first? Would that be OK, Mr. Schrock? The gentleman from California is recognized for 5 minutes.

Mr. HORN. I thank you, Mr. Chairman. This is indeed a very important issue and I'd like to put in the hearing at this point what I had to say on the defense authorization bill on May 9th. And it's H. 2333 in the Congressional Record. I'm not going to go into all the detail we did there, but I'm going to just use one example.

[The information referred to follows:]

pretty important to all of us from an environmental standpoint and also from a security standpoint, and that is our reserve fleet of ships, many of which are in very bad condition, which presently are at anchor in the James River, and our great colleague, Herb Bateman, worked on this issue for many years, the idea of trying to take care of these ships in an environmentally responsible way. It requires a lot of money. It usually requires about $2.5 million per ship if you are going to scrap the ships in an American yard. You can give them to a foreign entity, but you are not really guaranteed that that entity is not just going to take the ships out and dump them, complete with PCBs and oil and other materials in the ocean, thereby creating another environmental problem.

So we have come up, in working with a working group that is headed by the gentlewoman from Virginia (Mrs. JO ANN DAVIS), very much a part of her creation, and the gentleman from Virginia (Mr. FORBES) who has a nearby district and also the gentleman from Virginia (Mr. SCHROCK) who has a near district, we have come up with an idea of how to make some lemonade out of these lemons, and that is to use these ships in the States where reefs are required and would, in fact, be a benefit to those shorelines.

Now, today reefs are used by a number of States to not only protect shorelines from erosion, but also to provide great opportunities for fishing enthusiasts and also for scuba divers and lots of other folks who are interested in recreation. So we have in our bill, originally in the mark in our maritime panel mark, and now in the full bill, a provision that will send some money to the States as grants from the MARAD administrator so that they can pay for towing, cleaning up and ultimately sinking these ships as reefs in these States that would like to have this new asset along their shorelines.

So I want to thank the gentlewoman from Virginia (Mrs. JO ANN DAVIS) for her great work on this and also her colleagues that she has brought into this process, including the gentleman from Virginia (Mr. FORBES) and the gentleman from Virginia (Mr. SCHROCK), who have a real interest, because they have the surrounding districts.

We have already hooked up with some of the sport fishing associations, and we are going to move forward with this working group and take direction from the Members of Congress led by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) who have a real interest in this issue because it is in their districts. We are going to move forward with this working group and I think we can find a home for these ships in such a way that we not only take them off our hands and eliminate this prospect of the ships sinking in the James River and the pollution that would attend that. We can not only take those ships out of inventory, but we can also provide an asset for the States that want to have this new shoreline presence of reefs that we can provide by sinking these ships.

So this could be a winner for everybody, and I look forward to working with the gentlewoman from Virginia (Mrs. JO ANN DAVIS) on this issue.

Mr. HORN. Mr. Chairman, there has been considerable concern that this legislation gives the Department of Defense some limited exemptions from current environmental laws. Although this is a complicated issue and there are legitimate concerns on both sides, I think it is important to keep in mind some simple facts. Here are a few:

Fact Number One: The Migratory Bird Treaty Act did not interfere with military training in past wars for a simple reason. The courts never applied the act in this way until March of this year—2002—when the U.S. District Court for the District of Columbia interpreted the Migratory Bird Treaty Act to apply to military readiness activities. This is an important and real change in application of the Migratory Bird Act and we must address it. Navy Carrier Battle Groups and deploying Marine Corps and Air Force squadrons have been blocked by court order from using the only U.S. bombing range available to them in the Western Pacific. Let's be clear, our forces deploying to Afghanistan cannot now use the only range suitable for training with smart, laser-guided weapons, as a result of unprecedented judicial interference with military readiness activities.

Fact Number Two: There is no Presidential exemption available under the Migratory Bird Treaty Act. Under the current District Court interpretation, any military training can be enjoined and, except through legal appeals, there is no way to continue that vital military training.

Fact Number Three: There is an exemption under the Endangered Species Act (ESA) if the Secretary of Defense finds it is necessary for reasons of national security. That exemption, however, is better used to address emergencies or unusual, short-term situations. The need to train for combat, to plan and execute military readiness activities, is a seven day a week, 52 weeks a year requirement. The young men and women serving in our armed forces need to achieve basic readiness levels and then develop and sustain high levels of proficiency. Using statutory exemptions in that context is bad public policy. Balancing two public goods—national defense and environmental conservation—on a daily and long-term basis is a function properly vested in the Congress.

Mr. Chairman, our armed forces are not seeking a broad, total exemption from all environmental laws and regulations. They are seeking a balanced, sensible and responsible application of those laws. We must address this problem in a way that holds the Pentagon accountable for environmental concerns while also allowing the service to conduct essential combat training. This legislation sets the necessary balance and I urge my colleagues to support it.

Mr. ORTIZ. Mr. Chairman, I rise to briefly describe my amendment to today's bill . . . it is a simple amendment. It merely re-enforces for the services that the journey to approval of any policy or purchase on their part must travel through the House Armed Services Committee.

The genesis of this amendment lies with the Navy's intention to purchase five T–5 tankers (surface ships) now under contract with Ocean Freedom Shipping. These tankers are being used to ship diesel fuel for the Defense Energy Supply Center.

Under the contract, the Navy has the option to buy the tankers. The contract also requires the Navy to have the purchase authorized and appropriated.

This amendment reinforces for the services the procedure for which such policy must past muster. This is for the HASC to authorize, not for the Navy to seek appropriations for alone.

Mr. STUMP. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. SKELTON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendments en bloc offered by the gentleman from Arizona (Mr. STUMP).

The amendments en bloc were agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in part A of House report 107–460.

PART A, AMENDMENT NO. 1 OFFERED BY MR. WELDON OF PENNSYLVANIA

Mr. WELDON of Pennsylvania. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A, amendment No. 1 offered by Mr. WELDON of Pennsylvania:

At the end of title X (page 218, after line 15), insert the following new section:

SEC. 10___. ENHANCED COOPERATION BETWEEN UNITED STATES AND RUSSIAN FEDERATION TO PROMOTE MUTUAL SECURITY.

(a) STATEMENT OF POLICY.—It is the policy of the United States to pursue greater cooperation, transparency, and confidence with the Russian Federation regarding nuclear weapons policy, force structure, safeguards, testing, and proliferation prevention, as well as nuclear weapons infrastructure, production, and dismantlement, so as to promote mutual security, stability, and trust.

(b) SENSE OF CONGRESS REGARDING ENHANCED COOPERATION WITH RUSSIA.—It is the sense of Congress that the President of the United States should continue to engage the President of the Russian Federation to achieve the following objectives, consistent with United States national security, in the interest of promoting mutual trust, security, and stability:

(1) An agreement that would seek to prevent the illicit use, diversion, theft, or proliferation of tactical nuclear weapons, and their key components and materials, by—

(A) withdrawing deployed nonstrategic nuclear weapons;

(B) accounting for, consolidating, and securing the Russian Federation's nonstrategic nuclear weapons; and

(C) dismantling or destroying United States and Russian nonstrategic nuclear weapons in excess of each nation's legitimate defense needs.

(2) A reciprocal program of joint visits by nuclear weapons scientists and experts of the United States and the Russian Federation to the United States nuclear test site in Nevada, and the Russian nuclear test site at Novya Zemlya.

(3) A reciprocal program of joint visits and conferences at each nation's nuclear weapons laboratories and nuclear weapons development and production facilities to discuss how to improve the safety and security of

Mr. HORN. There's been considerable concern, as we know, with this legislation and authorization as well as appropriations. It gives the Department of Defense some limited exemptions from current environmental laws, and I've talked to a number of the generals involved that have to deal with that issue at Camp Pendleton on the way between Long Beach where my district is and San Diego. I was particularly pleased with the attitude of the officer corps there that they were doing the best they could to merge environmental interests along with training interests.

I had a particular issue in terms of training and that is helicopters. I've been very disappointed in what is going on in part of Afghanistan when we've lost a number of people. And I asked the question like at—Camp Pendleton can help a lot because they have a topography there where you'd have to move back and forth with different wind matters and so forth. So I just want to deal with one issue now and that's fact No. 1.

The Migratory Bird Treaty Act does not interfere with military training in past wars for a simple reason: The courts never applied the act in this way until March 2002, when the U.S. District Court for the District of Columbia interpreted the Migratory Bird Treaty Act to apply to military readiness activities. This is an important and real change in application of the Migratory Board Act and we must address it.

Navy carrier battle groups, as we've listened, in deploying Marine Corps and Air Force squadrons have been blocked by court order from using the only U.S. bombing range available to them in the Western Pacific. And we need to be clear that our forces deploying to Afghanistan cannot now use the only range suitable for training with smart laser-guided weapons as a result of unprecedented judicial interference with military readiness activities.

Fact No. 2. There's no Presidential exemption available under the Migratory Bird Treaty Act. Under the current district court interpretation, any military training can be enjoined and, except through legal appeals, there is no way to continue that vital military training.

I go on with fact No. 3, Mr. Chairman, and I'll let it stand for itself. The legislation that we should have and that we certainly think we did have in the defense authorization bill, that the legislation could set the necessary balance, and I urge my colleagues here and there to support that.

Thank you very much, Mr. Chairman.

Mr. BARR. Thank the gentleman from California. The gentleman from Virginia, Mr. Schrock, is recognized for 5 minutes.

Mr. SCHROCK. Thank you very much, Mr. Chairman. First of all, let me thank you all for coming. I really admire what you do, what you continue to do, and the service you give to our country. Thank you for coming here to tolerate us for a morning.

Before I begin, I want to make one thing clear. I hope you'll notice that the two members in this committee that were the most critical of what you did, did not see fit to stick around. I think if they had they would have a better understanding of what you all do and would maybe change their mind on that. But I want people to notice that.

Let me comment on one thing the colonel said: We own the night. You're absolutely right. I flew in the AC–130 gunships, which was a hoot, boy. They really own the night. That's something the Russians could not do when they were in this war and that's the reason they weren't successful and that's the reason we are and will continue to be successful.

There's one question I'm going to ask of Commander Metz and Captain Amerine, but I want to make a comment about something that the captain said. He said the best training we got was in Afghanistan, which is a sad commentary. We're to blame for that. It's a shame you had to go there to get the best training. You should have had it before you went over there. Fortunately you've had good results, but that should not have been the case.

Captain, in your written statement, you said, "From an operational perspective our team's ability to train for this war was far from ideal. Range encroachment issues affected nearly every aspect of the missions—of our mission's profile."

Could you go into detail, give me a description of where the most critical limits on your training, and if the commander could do the same thing because you're in similar functions, I'd appreciate that.

Captain AMERINE. Yes, sir. I'll kind of go by the numbers on this. We infiltrated by helicopter. There was a long low level flight in Afghanistan. Prior to infiltration, prior to the war, we had never done a practice mission to the parameters that we executed in the war. Where we train at Fort Campbell, for example, we could do low level operations within Fort Campbell itself, but the entire perimeter of the base is about 100 kilometers. So if we want to do anything long range, we have to go off post where we need to go up to elevations of about 500 feet, which is not low level flying really by helicopter standards in terms of what we did in Afghanistan.

Once we got on the ground, we engaged in long range vehicle movements. We're driving all over the desert out there attacking the Taliban. We, prior to going in, we couldn't do any of that from our post because it was just very difficult to do the coordinations at the last minute. It would have been very difficult even with more time to do the sort of coordinations necessary to do any long range movement in a realistic environment. We would have been forced essentially to do laps around the post which soldiers on my team know really well since they've been in 5th Group for decades, in some cases.

Laser designation equipment, again we face restrictions in terms of where we could use it. A big problem is we have to train on the same ranges all the time for the same pieces of equipment. So you can get there and turn it on and you go OK, I'm going to be under that tree, the one I was at last time and we'll be working under there. You're not getting the realism out of this training.

In terms of close air support, the best training that we get for close air support in my experience has been in Kuwait at the Udairi training area. And again, as we were gearing up to go to war, we just didn't have the time to go to better facilities and we just couldn't do it. We had to practice just talking on the radio back and forth and we did what we could with the time available.

Finally, although fortunately we didn't have to execute this aspect of it, the NBC threats, chemical weapons, we're very restricted

on where we can actually use tear gas, which to me is about the best thing you could use because you know your mask is sealed or not if your eyes are burning. And we have great restrictions on where we could use that, too. So again that wasn't something really afforded us.

So all of these things contributed to diminish our ability to train for this war, sir.

Mr. SCHROCK. Kerry.

Commander METZ. Sir, as you know but perhaps some of the other distinguished members of the committee might not know, we routinely deploy SEAL platoons year round all the time 6 months at a pop. So therefore we have to strike a delicate balance before we send these guys out to ensure that they have the best training possible and minimize as much as possible the impact on their family. It doesn't make any sense to have these guys be deployed away for a year to do training to get ready to go do a 6-month deployment overseas.

So what has happened over the time as we've identified ranges near where the—either on the East Coast near Dam Neck and Little Creek in Virginia or on the West Coast near Coronado, CA or for the SEAL delivery vehicle teams out in Hawaii, ranges close to minimize as much as possible the impact.

With the restrictions and reductions in our ability to train at some of our nearby ranges, what has happened in certain cases is we've had to chop up the training, if you will. For example, they'll do their range live fire at one range. They'll have to do, as the captain mentioned, movement at another one. They'll have to do long range air infiltration, the halo or static line parachuting at another location. What happens is that the guys very rarely get the opportunity to put it all together because of the restrictions, as we mentioned earlier, at San Clemente Island or out at the Chocolate Mountain aerial gunnery range near Niland, CA.

Therefore, at times either you send these guys away for a while where they can do it all together, that may be overseas, as Jason mentioned, or the first time they have to do it, meaning when they go into combat, is the first time they can put all the pieces together and do the entire full mission profile. What we want to look to the future for is somewhere where we will have assurance that we can continue to train in a full mission profile nearby so that our SEALs and special boat operators, when they go out the door they are fully combat-ready and, as Colonel Waldhauser mentioned, we don't want anything they do in combat to be the first time they've ever done it. Thank you, sir.

Mr. SCHROCK. Thank you. Mr. Chairman, my time has expired. Let me finish by saying as much as I appreciate these hearings and value them for the knowledge we gain from them, I hope when this is over this committee and this Congress will do something and do it swiftly to ease some of the regulations that have been forced on these folks. Because we're just entering the beginning phases of this war, I believe, it's going to be a long haul. The best training they can get, I think it's incumbent upon us to give them the best training they can get, and these regulations are obviously hampering that, and we need to put a stop to some of that right away. Thank you very much.

Mr. BARR. I thank the gentleman. The Chair notes the presence of the distinguished gentlelady from the District of Columbia, Ms. Eleanor Holmes Norton. Welcome to this very important hearing.

We'll have a few more questions and then we'll move on to the second panel, but there have been so many issues that have been raised I'd like to have a second round for those members that might have additional questions. Recognize myself for 5 minutes.

General Tangney, in your written testimony and I think perhaps in some of your oral testimony you refer to close air support training with live ordnance. And you mention in particular an incident at the Udairi range in Kuwait. What did the official investigation reveal with regard to any role the lack of proper and comprehensive training might have played in that incident?

General TANGNEY. Well, sir, as I recall the results of the accident investigation which I was briefed on quite some time ago, the situation in that particular case involved soldiers from the 3rd Special Forces Group, based out of Fort Bragg, NC, some of their Kuwaiti allies, who were injured, through the erroneous drop of a 500-pound bomb, actually three 500-pounders, in a vicinity of their observation post on the Udairi range.

In that incident, as I said, we had several soldiers from Kuwait army seriously injured. We had a couple of soldiers in the 3rd Special Forces Group critically injured and we had a major from New Zealand who was killed.

The accident investigation in that particular case pointed out that the proximate cause of the accident was pilot error. And, in fact, on that particular iteration, it was the first time that team had trained with that pilot who is flying off of a carrier which had recently deployed into the Persian Gulf to assume operations in support of U.S. Central Command.

In that particular case, the carrier battle group was not afforded, as I recall, an opportunity to do a full mission workup prior to deployment at Vieques as normally would have been the case. So, in essence, they were completing the final leg of their training at Udairi range, and our personnel, of course, were exercising their Mission Essential Task List [METL] task for close air support which, as Captain Amerine pointed out, unfortunately cannot be conducted many places in CONUS, and one of the premier training areas is, in fact, Udairi range. So we have a situation where our people who were training up engaged a target with a pilot who in fact was training up and we had a tragic accident because, as I said, of pilot error.

Mr. BARR. I know that none of us can say with any degree of certainty—actually I guess there aren't degrees of certainty—whether something is certain or not, none of us can say with certainty that had a certain type of training been available, an accident would not have happened or lives may not have been lost. But is it fair to say that the type of training that is being curtailed with regard to in particular the close air support and coordinating missions is the type that is designed specifically to avoid the problem that occurred and the casualties that occurred at the Udari range?

General TANGNEY. Yes, sir, that's correct.

Mr. BARR. Thank you. Captain Amerine, if you would, please, tell this panel just very briefly, because I know you don't want to go

into this in great detail, but I think it's important for the panel to go into this, how you earned the Bronze Star for valor and the Purple Heart.

Captain AMERINE. Sir, my detachment was assigned to operate with Hamed Karzai and his Pashtu and anti-Taliban forces in Afghanistan as he attempted to operate within Oruzgon province and ultimately take control of Khandahar. On my detachment, two members of my team were awarded Silver Stars, in their cases posthumously, and eight members of my team were awarded Bronze Stars for valorous action engaged in the battles we took part in that campaign.

Mr. BARR. Were you involved in the incident at Khandahar in which there were casualties occasioned by friendly fire?

Captain AMERINE. Yes, that was my team. Every member of my detachment including myself was medically evacuated after the bombing.

Mr. BARR. You state in your written testimony, I think—and I apologize if you went into this in your oral testimony, but I know in your written testimony you state from an operational perspective your team's ability to train for this war was far from ideal. Range encroachment issues affected nearly every aspect of your mission's profile.

Were you thinking of or would that comment be directly applicable to the incident that you just indicated occurred?

Captain AMERINE. Sir, I want to be careful how I answer this because there's an ongoing investigation which, as I understand it, is not yet complete. The thing that I'll say, though, is in my experience with accidents of this nature normally there are skills that are identified which could have been better trained on, things that we could have done more of in order to mitigate the chances of these accidents.

So I anticipate that there will be lessons that will come out where they'll say these are some things that we need to focus on in the future to keep this from happening, things that we need to train on. But that's about as far as I really could comment on it, sir.

Mr. BARR. Thank you. I ask unanimous consent for 1 additional minute. Without objection.

Would any of the 5 of you gentlemen disagree with the following statement: That the type of exercises that are available for our troops in training that are being limited by the legal restrictions that we're talking about here and the judicial restrictions that the gentleman from California indicated, that when those are cut back, when those are curtailed, when those are not available in the duration and quantity that we have had in the past, that real things happen with real consequences, sometimes very tragic? Is that an accurate statement? Thank you. All gentlemen are indicating agreement with that. Thank you very much, gentlemen.

Any further questions?

Mr. GILMAN. Just one question, Mr. Chairman.

Mr. BARR. The gentleman from New York is recognized for 2 minutes.

Mr. GILMAN. With regard to broadband restrictions, is the Defense Department trying to do anything to launch some military satellite so that we can increase the band use?

General TANGNEY. Sir, I guess I'm stuck with that as the senior oldest man present at the table.

Mr. GILMAN. Thank you, General.

General TANGNEY. It certainly goes beyond my level of expertise. I know enough about satellites to be minimally conversant and dangerous on that topic. I would defer to anyone else who might have more expertise.

Sir, I don't think we're able to answer that question.

Mr. GILMAN. Is there a need for greater band usage by the——

General TANGNEY. Band width is a problem within the Defense Department and across the Services. And the lack of band width, the increasing scarcity of band width, coupled with the development of systems like Global Hawk, which was mentioned earlier, and Predator, which use up a great deal of band width, coupled with the network centric or net centric technologies which are out there now which commanders can avail themselves of, make band width an increasingly scarce commodity within the department, an increasingly sought-after commodity.

Mr. GILMAN. Anyone else want to comment on band width problems?

Commander METZ. Yes, sir. To amplify some of the general's comments, let me give you a real world example. In naval special warfare we have a mission support center located in Coronado, CA. And what this mission support center allows us to do is deploy far fewer people forward into a hostile territory and still conduct the same level of mission, the same types of missions with the same or greater effectiveness.

In order to use this reach-back capability to the mission support center, we require a great deal of band width. There are a number of systems, most of them classified, that enable us to reach back and get intelligence data from the entire intelligence community, to get operational maps, charts, weather data. And without the increase in band width that needs to become available, one of our concerns is in the future we may not be able to do that and leverage the technology and the capabilities of the mission support center and other new emerging technologies in order to minimize the amount of people that we have to expose to the very riskiest part of warfare. So that's always—it's a concern now and it's going to be a greater concern in the future, sir.

Mr. GILMAN. Just to the entire panel, has the band width problem restricted any of your current operations in any manner? Anyone want to comment?

General TANGNEY. I'll comment in general terms, sir. As I indicated, there's only so much band width available. To give you a concrete example, in the ongoing war in Afghanistan, particularly with our formations and Special Forces, Air Force Special Tactics, Navy SEALs, the primary means of communication was by satellite communications. There are only so many frequencies available. So while frequencies were certainly made available, I think the Captain Amerine and probably Commander Metz would certainly verify the fact that band width was a major concern for operators on

the ground in terms of having access. And it's certainly not enough to go around for everybody in the quantities that they would like to have it.

Mr. GILMAN. Thank you very much. Thank you, Mr. Chairman.

Mr. BARR. Thank you. Are there other members who have additional questions? The gentleman from Florida, Mr. Putnam, is recognized for 5 minutes.

Mr. PUTNAM. I want to pick up where I left off on the last round. Captain Voetsch, Dr. Mayberry, the Deputy Under Secretary of Defense for Readiness who will join us on our second panel has stated, "To maintain the dominance of our armed forces on the battlefield, they must train as they fight. That means practicing and conducting exercises that closely replicate the realities of the battlefield. If we fail to do that, we put lives at risk."

Do you agree with that statement, and could you, in following up to my earlier round, prioritize the critical degradations or encroachments that you as a naval aviator have faced?

Captain VOETSCH. Yes, sir. Some of them have been covered. What concerns naval aviation in general and particularly due to lessons learned from Afghanistan, altitude. And we weren't allowed to go below 20,000 feet mainly because that kept us out of surface to air threat. It wasn't until several months into the Operation Enduring Freedom that we were allowed to go below that altitude. But the point to be made is the ranges, especially on the East Coast, it's tough to be able to operate above 20,000 feet to replicate the profiles we use when we are either dropping GPS-guided weapons or laser-guided weapons. So that's a concern as far as the ranges.

Also we need to practice putting out expendables. It's not just all air-to-ground ordnance, flares, chaff. There's restrictions on when and where we can do that. And obviously, as was pointed out earlier, it's a challenge to land the aircraft on board the carrier, especially at night. And we constantly, any time we land anywhere, will do several landings to practice to simulate what we go through at sea. So there's another issue there also.

One thing I will point out, we practice—it's called collateral damage. We work extremely hard to pinpoint the target when we drop on it. In fact, it's so critical over in Afghanistan, that's something that has now developed into a term called time-sensitive strike. And that's where you do an entire process again of finding a target and effectively hitting it right away. And that's another issue that we're training toward that requires ranges, and not just what we think of land ranges like Eglin or Vieques, but battle—you need water space to do a coordinated strike, at least from the Navy side, but even in the joint arena when you have carrier battle group or several battle groups operating in the ocean.

Mr. PUTNAM. Colonel Waldhauser, could you also elaborate on the issue of collateral damage and how limited or bad or improper training contributes or does not contribute to collateral damage in friendly fire accidents and other related factors like that?

Colonel WALDHAUSER. Well, I must say that I did find out this morning that on December 5th when Captain Amerine was in fact wounded, Marines from the MEU flew up into Khandahar and

evacuated Afghani nationals and some of our U.S. servicemen as well. It was very interesting to find that out.

Collateral damage is one of the things that goes back to quality training. In order to be confident to hit your target, especially at night, you have to be able to train properly to do that. In order to have the forward air controllers on the ground, to have the expertise to call in the target, to have the expertise to work with the sophisticated equipment that's required in order to drop a precision-guided munition, again goes back to training.

And the ranges, for example, are somewhat limited to do that. We talked about San Clemente Island today. San Clemente Island on the southern tip, in a very small area you're allowed to drop bombs, laser-guided munitions. It's very, very restricted. Laser-guided munitions are also very restricted in terms of where and when you can drop them even at the other ranges throughout southern California. So collateral damage will always be with us, it seems to me. You have to identify the target, you want to limit the collateral damage, that's why we have precision munitions. And in order to be able to do that properly, you simply have to train to do that.

Mr. PUTNAM. Thank you. Captain Amerine, you've heard your colleagues' testimony on the subject and you have elaborated very eloquently on the situation that you called being less than ideal. What are your concerns for the future as these encroachments continue to grow, as urban encroachments, particularly in areas around Fort Bragg or Fort Campbell, continue to grow? What are your concerns for the future and the future readiness of Green Berets unless congressional action mitigates this?

Captain AMERINE. Sir, the one area that I would focus on, being a captain with the amount of experience I have—there are others obviously a bit more qualified to speak on the broader implications of this—but from what I've seen, urbanization has generally led to second and third order effects.

For example, the towns will extend near the ranges so the wildlife will move on to the base's military ranges. And then from there you end up with a whole bunch of other problems that develop. So from my point of view, I think urbanization itself is something that we need to focus on to some degree to mitigate the future impacts on our bases and on our readiness.

Mr. PUTNAM. Thank you, Mr. Chairman.

Mr. BARR. Thank the gentleman from Florida. The gentleman from Connecticut will close out this round of questioning and he's recognized for 5 minutes.

Mr. SHAYS. Thank you, Mr. Chairman, for recognizing me. The cold war is over and I think we all agree the world is a more dangerous place. And based on the hearings our committee has had, our subcommittee and the full committee, I don't think it's a question of if, I think it's a question of when, where, and of what magnitude we'll face weapons of mass destruction in this country, attempts. And given that, I understand why we are doing all the things with wiretapping and arrests and so on. But what I'm curious to think about is that it seems to me the whole strategy of warfare certainly changes when we're talking about terrorist activities. And one of the strategies in response to the threat is going to be

preemptive rather than responding. I mean, that's one of the outcomes.

I'm also going to say publicly that when I first went out as the chairman of the National Security Subcommittee with some of our members and the military gave us the opportunity to experience firsthand how you train, to be on a helicopter at night, to see the watch that was at the front and on the side and the back, to feel the extraordinary heat of this helicopter in a summer day, to wear night goggles and realize I couldn't look to my left or right and then to realize that I had to respond to an attack, you all make it look so easy that I think that's probably one of the challenges you're faced with. We see a film, we see this, and it looks so easy we don't feel the tension and see the incredible adrenaline that has to be, you know, involved in this amazing effort that you all make.

I guess what I would like to ask each of you, and maybe this is a question that doesn't have an answer—I'd like to know if any of you were in battle when you thought it would have been nice to have had a little more training on a particular aspect of what you were doing? And that doesn't mean you went unprepared. So this is not an indictment against the military, but where there are some things where you said, boy, I just wish I had more hours or few more days or few more weeks before today to do this particular thing. And I open it up to any of you.

Captain AMERINE. Sir, I guess I'll open with this one. As a team leader on the ground with 10 men, I'll be honest, every aspect of my training, I wished I could have had more time to prepare for anywhere from the vehicle movements to the infiltration by helicopter, use of laser designation equipment. These were all things which weren't a surprise to us. I mean, as I said in my testimony, I consider this a classic unconventional war. These were all things that, you know, in our dreams these were all things that we anticipated doing some day if we were allowed to perform a mission such as this. But still when I was on the ground, every aspect we could have done more of and it would have benefited us, I believe.

Mr. SHAYS. That's quite an answer. Thank you. Anyone else?

Colonel WALDHAUSER. I would just add that while at Camp Rhino in the southern Afghanistan desert, helicopter operations at night in the most extreme or severe conditions I have ever seen were very, very dangerous. We have a process of operational risk management that we brief all our missions. And we try to mitigate them for various means. Green, of course, means good to go, yellow would be medium, and red would be severe problems. At Rhino we had severe problems when we started and we couldn't—through all the efforts to mitigate them, they were still red or severe when we took off.

So, consequently, there was not a very large margin for error in helicopter operations in that environment. There were times when I wished we had more nighttime helicopter operation training in order to mitigate that, even though we did everything we could to do that. We had crashes at Rhino, but fortunately no one was killed. Later on there were a few helicopters that did crash and marines died. Fortunately we did not have that experience, but, as I said, we did have crashes. So there were times again when I wish we had some more night vision goggle, low level training for pilots,

although they were extremely proficient, did a superb job under the most extreme conditions that I've ever witnessed.

Mr. SHAYS. It seems to me what you're saying, that someone has to decide not whether to send troops into battle but to send troops into training; that you want them to have a level of training that potentially could risk their lives even in training, but if you don't do that, they're not going to be in a position to carry out their mission in battle.

And so is that basically a statement to us that once in a while if we see men and women who have lost their lives in training that may unfortunately be the necessary outcome of trying to prepare for war?

Colonel WALDHAUSER. Well, unfortunately loss of life in training is not routine, but it does happen. We do everything we can to mitigate that. There is not a life lost in training that is worth that particular effort. But again the conditions in Afghanistan were such and missions were such that they had to be flown. Doing everything you can to mitigate the risk that is humanly possible is what's required. But the level of skill required when have you such a small margin for error has to be there. And that goes back to training. When a Marine Expeditionary Unit leaves southern California, in my particular case, you essentially are trained. You have to be prepared at a moment's notice to do many, many missions and tasks. We're certified to conduct 23 missions and tasks when we leave the West Coast. So essentially the bulk of your training is over.

Now we have the opportunity to train at various locations in the Western Pacific and in the Gulf to maintain that level of proficiency. But one of the challenges that we have operating from the sea is when we go on station and are essentially cutting circles in the ocean to maintain that proficiency for our pilots is very difficult.

As an aside, what we tried to do before we went into Afghanistan is we conducted low level night operations in an adjacent country in order to get that proficiency back up to speed, primarily as a result of the amount of time that we were at sea for the extended period.

Mr. SHAYS. My red light is on. The chairman said I could close here. Is there any question that you need to put on the record that we should have asked that you're prepared to answer that we should have put on the record? If not, General, I'll look forward to that drink.

General TANGNEY. I knew I shouldn't have handed that many coins out.

Mr. SHAYS. It's got your name on it.

General TANGNEY. Sir, that will earn you another one.

Mr. BARR. I thank the gentleman from Connecticut. Words really cannot express the esteem that this entire panel on both sides of the aisle has for you gentlemen here today and the men and women that perform so admirably on behalf of our Nation for the cause of freedom around the world under the most trying circumstances imaginable. We all know that we barely scratched the surface of the operational needs and the training problems and so-

lutions that you see based not on theory and conjecture but the real world out there.

If there are any additional materials that any of you all would like to submit or deem appropriate to submit for the record in addition to what you've already submitted, please do. So our record will remain open for 7 days to include additional materials in the record.

And there may be additional questions that Members might submit to you all afterwards. We would appreciate your expeditious response to those.

As you leave here today, do so with the thanks of a very grateful Congress, a very grateful Nation, and we hope that the Lord will continue to watch over you and those who serve under you. Thank you, gentlemen.

We will take a 10-minute break before we welcome and swear in our second panel.

[Recess.]

Mr. BARR. I'd like to reconvene this hearing of the Committee on Government Reform entitled Critical Challenges Confronting National Security: Continuing Encroachment Threatens Force Readiness, and to welcome our second panel.

What I'll do is just introduce our very, very distinguished second panel here very briefly, and without—we will also introduce into the record all of your bios which are very distinguished and that will provide more than adequate background information in support of your appearing here as expert witnesses, for which we appreciate.

Our second panel, following our first panel of military witnesses, includes three very distinguished leaders of the civilian side of defense. The Honorable Raymond DuBois, Deputy Under Secretary of Defense for Installations and Environment; the Honorable Paul Mayberry, Deputy Under Secretary of Defense for Readiness; and Mr. Barry Holman, Director, Defense Capabilities and Management of the U.S. General Accounting Office [GAO]. I'd like to welcome the panel today. And I would ask the three panelists, if they would, to stand and raise their right hands to be sworn in.

[Witnesses sworn.]

Mr. BARR. Thank you. Let the record reflect that all three witnesses answered in the affirmative. As I know you gentlemen all know, both from your experience as well as the experience of the prior panel how we proceed, we will ask each one of you to provide an opening statement limited to approximately 5 minutes. Your full written statement and any additional material that you brought with you here today will be inserted into the record, without objection. The record will remain open for 7 days so that if there's any additional material that you believe would be relevant for this committee's consideration and appropriate for submission in the record, that will be gladly received by the committee.

There may be additional questions that any committee member or Member wish to pose to you after the hearing today and we will submit those to you and would very much appreciate your quick responses thereto.

Again, thank you all for appearing with us today. We appreciate your patience also in the length of the prior panel, but I know you

can understand just how important it was to get full questions and answers background on the record from that panel. We appreciate your patience.

At this time I'd like to recognize the Honorable Raymond DuBois, who is our first witness, for an opening statement. If you all would please remember to make sure you pull the microphones very close. They're high tech, but you still have to get them pretty close. Thank you.

STATEMENTS OF RAYMOND F. DuBOIS, JR., DEPUTY UNDER SECRETARY OF DEFENSE FOR INSTALLATIONS AND ENVIRONMENT; PAUL MAYBERRY, DEPUTY UNDER SECRETARY OF DEFENSE, READINESS; AND BARRY W. HOLMAN, DIRECTOR, DEFENSE CAPABILITIES AND MANAGEMENT, GENERAL ACCOUNTING OFFICE

Mr. DUBOIS. Thank you, Mr. Chairman. The prior panel was indeed impressive and deserved every minute that you gave it. We appreciate this opportunity, Dr. Mayberry and myself. As you indicated, we have a joint statement that will be entered into the record. I want to, however, address in my oral remarks some of the themes that came up this morning, some of the questions, some of the concerns from both sides of the aisle.

Last month after careful interagency deliberations, led by the Council of Environmental Quality, including the Departments of Interior and Commerce, the Environmental Protection—I don't think any of them are working.

Mr. SHAYS. Why don't we start over.

Mr. DUBOIS. As I indicated, the prior panel deserves every moment that you gave it, and I appreciate the fact that they got their opportunity to relay, shall we say, their ground truths, some would call them anecdotes. I think if you string enough anecdotes such as the ones that they testified to, you end up with empirical evidence.

Last month, as you all know, after careful interagency deliberations led by the Council of Environmental Quality to include the staff and senior leadership of the Environmental Protection Agency, the Departments of Interior and Commerce and OMB, President Bush and Secretary Rumsfeld submitted to Congress the legislative component of our readiness and range preservation initiative as part of the annual defense authorization bill.

Now these provisions are designed first and foremost to save lives, save the lives of America's young men and women, by preparing them and their equipment for combat on the first day of battle.

These provisions are narrow in scope, addressing only military readiness activities, that is to say, the training, testing, and operations that relate purely to combat. And we believe they need to be retained. The provisions are necessary to safeguard existing practices against litigation seeking to overturn them. There is no better example than the proposed Migratory Bird Treaty Act provision, as was related to earlier. This provision would merely restore the legal and regulatory status quo as it has existed for over 80 years. But a Federal District Court, as Mr. Horn referred to, in April of this year enjoined all military live fire training at the Farallon de Medinilla range, the island range in the Western Pacific.

Now this island range is an uninhabited 206-acre hunk of volcanic rock that was leased in 1976 by the Navy for the sole purpose of live fire training with the sea-based population, sea-based bird population, which I would submit is smart enough to leave when the range is hot.

But we are now prevented from training there for lack, as the judge has indicated, of an incidental take permit from the Fish and Wildlife Service which, I might add, has never issued such a permit in the past.

General Myers, our chairman of the Joint Chiefs of Staff said, in a letter to Congress, "This ruling halts vital training for pilots and shipboard crews deploying in support of Operation Enduring Freedom and threatens military training and testing nationwide. These decisions are steadily eroding our ability to train as we fight."

I would also like to suggest that if the Migratory Bird Treaty Act had the flexibility that Representative Allen implied, and there is no Presidential waiver, I might add, in that statute, then why did the court enjoin the Navy?

Now, our critics have been vocal in their opposition to what this administration considers vital, fair, and balanced. As Mr. Cummings and Ms. Watson referred, balance is indeed one of our objectives. We have been pleased to find that the vast majority of those who actually take the time to read and understand our proposals, friends as well as critics, leave our discussions with at least a much better appreciation of our issues, if not support for them.

But the initial skepticism, if not opposition, is because much of what has been written and some of what has been reported has not been factual. For example, our proposals are limited to military readiness activities. Our initiatives have been portrayed, however, by some as attempting to, "exempt and grant special reprieve," to DOD from environmental statutes. To, "give the DOD a blanket exemption to ignore our laws," and violate the principle that no government agency should be above the law.

In reality, and in truth, our initiatives would apply only to military readiness activities, not to closed ranges or ranges that close in the future, and not to the routine and normal operation of installation support functions. Our initiative thus excludes the Defense Department activities that have traditionally been of greatest concern to State and Federal regulators and only includes uniquely military activities. That is to say, what the Department does that is unlike any other governmental or private activities.

We cannot simply train somewhere else. As you heard in the prior panel, there were many remote locations to site training ranges in the 1940's. This is no longer true. Our existing ranges are national assets with an infrastructure of testing and training areas targets, instrumentation, and other enormous sunk investments in place. They are typically closely associated with nearby installations and bases that use those facilities on a regular basis to train.

The costs involved in relocating major existing ranges would be enormous, not just to the government but to the community economies surrounding the existing facilities.

Similarly, models and simulations cannot replace live training and maneuver operations because they cannot replicate the stress,

the discomfort, the other physical conditions of combat. Troop performance under live fire conditions, a series of questions that you quite correctly posed to the prior uniformed panels, those live fire conditions are but one aspect of training that cannot be adequately accommodated through simulation. The stresses of handling and releasing live ordnance, as Mr. Shays pursued that line of questioning, that important line of questioning, the ability to coordinate supporting fire conditions or the experience to guide troop deployments and maneuver under live fire conditions, cannot be replicated on a computer. Our troops' first exposure to live fire cannot come as they land on a hostile beach or landing zone in combat.

I am reminded of a comment that Winston Churchill once made when he commented on his experiences in the Boer War. He said the most exhilarating thing in his life was to have been shot at and missed. Live ammunition, whether you're handling it or whether it's coming at you, focuses your attention, it forces discipline, it instills care, and, yes, it saves lives.

Now with respect to environmental compliance, it is absolutely necessary that the American people understand that the Department of Defense remains committed to that high level and high degree of compliance. There has been concern expressed that the proposed legislation foreshadowed a DOD retreat from its environmental responsibilities, for example, our cleanup responsibilities at the Massachusetts Military Reservation, which I visited, and elsewhere. The Department has no intentions of backing away from our environmental cleanup programs. We remain fully committed at our obligations under existing law for environmental remediation. In fact, President Bush has requested in the fiscal year 2003 budget request an increase of over $150 million from last year's request to a total of over $4.1 billion for Department of Defense's environmental programs.

The Department is not trying to roll back environmental oversight. We will continue to be committed environmental stewards of our natural resources.

We submit also that these goals do not have to be mutually exclusive. In fact, as was referred to earlier, some ranges are and will continue to be the last viable habitat for some threatened and endangered species.

Mr. Chairman, we believe that military readiness can go hand-in-hand with environmental stewardship. Now our challenge is to apply this principle to some of the unique problems associated with military munitions. The entire defense leadership of this country take very seriously their responsibility and obligation to sustain and manage effectively the lands which the Nation has set aside for this training and testing purpose and to sustain those lands in such a way as to have them available for generations of soldiers to come.

Now, as a personal aside, not unlike the young warriors who you heard from earlier, all of who have served in combat in prior wars are witness to the direct correlation between success on the battlefield and realistic combat training with live ammunition on unrestricted ranges in combined arms scenarios. If anything, the complexity of today's weapons systems, the reach of our C4/ISR capabilities and the intricacy of air, land, sea joint warfighting doctrine

only argues more compellingly for places to train with fidelity. As we who were once soldiers and young, our sons and daughters in uniform today are grateful to their fellow citizens in Congress who have set aside these places for this crucial purpose.

Last night I flew back from 3 days in Europe to appear at this important hearing. I addressed a NATO conference on this very encroachment issue. I also conferred extensively with our NATO allies, with the Partnership for Peace countries, with the European Director General for Environment and the chairman of the European Union Military Community Finnish 4-star general, Gustav Haglund. And based on those conversations, it occurred to me as I was flying back last night that few other countries, few other countries approach military training with quite the same intensity nor believe it quite as fervently as we do. For it is only through this combination of talented and skilled and resourceful and well-led and well-equipped soldiers, sailors, airmen and marines who have had the advantage, the advantage to train as they will fight, individually and in cohesive formations, that we win, and we win, and we continue to win on the battlefield. Anything less, I would think, should and would draw condemnation from the American people.

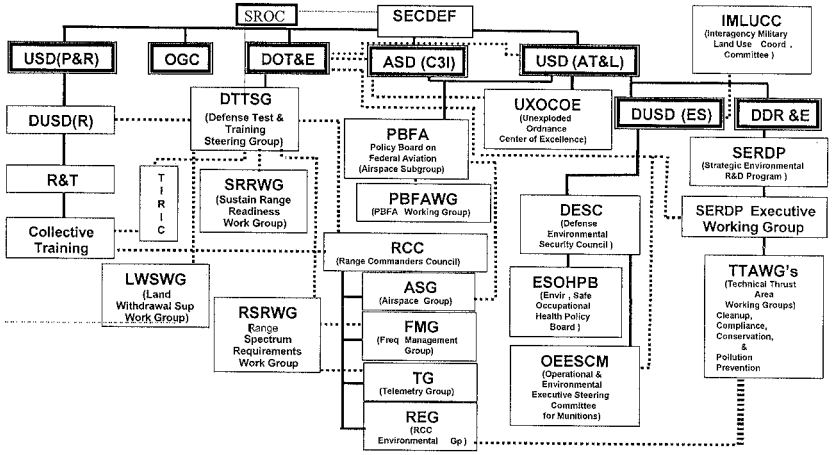
And, finally, Mr. Chairman, in the absence of the statutory clarifications and revisions which the administration has recommended, we have concluded and I believe the GAO's recent report has substantiated, notwithstanding Mr. Waxman's comments, that the military services will experience ever increasing loss of training and test range capabilities. The outcome, Secretary Rumsfeld and the Joint Chiefs of Staff, they believe that the Congress and the executive branch would find wholly inconsistent with our obligations to the military and ultimately to our citizens.

Thank you very much Mr. Chairman. I turn the mic over to my good friend, Dr. Paul Mayberry.

Mr. BARR. Thank you very much, Mr. DuBois. I would ask unanimous consent that the document that all of you see displayed on the TV screens entitled Department of Defense Range Organizations, which is the offices involved in encroachment issues and range sustainability, be introduced, be made a part of the record. Without objection, so ordered.

[The information referred to follows:]

U.S. Department of Defense
Offices involved in Encroachment Issues and Range Sustainability



Mr. BARR. So if any of you all want to refer to this Rube-Goldberg-appearing document, please feel free to.

Mr. Mayberry, you're recognized for 5 minutes, sir.

Mr. MAYBERRY. Thank you, Mr. Chairman. It certainly is a privilege to follow the previous panel, as they are the individuals that we collectively serve, as they serve us. And we must put them only in a position to be successful.

Our existing ranges, the land, the sea and the airspaces, are critical to ensuring the continued readiness of our forces. Central to successful training is our ability to practice for a wide variety of operations and to conduct complex mission rehearsals under realistic combat conditions.

The testing of our equipment and the training of our forces is a very complex undertaking, as was well described in the previous panel. But their proper execution raises considerable challenge. As we train and test our forces and our equipment, we must not only ensure the readiness of our forces, but preserve public safety, community welfare, and the natural heritage of our ranges. Foremost in the mind of all military manners is the ultimate readiness of our force. It is such readiness that saves lives in combat and ultimately wins battles.

There's a growing realization that our ability to train and test is being compromised by a variety of encroachment factors. Though the exact cause of encroachment may vary from range to range and from one part of the globe to another, the effects on testing and training both at home and abroad pose increasing challenges to our readiness. Although the services have found work-arounds to some training requirements, the viability and the fidelity of that training has suffered. Even when work-arounds do not increase and advance realism, a huge price is often paid in terms of direct dollar expenditures, resources to replan an event, to transport troops and equipment to other locations, or fly aircraft further.

We now confront a national problem and these specific individual accommodations cumulatively become the de facto standard for regulating all of our DOD ranges. And while sometimes necessary in specific instances, work-arounds impose great strains and are unacceptable as the status quo.

The Department of Defense takes its environmental stewardship responsibility seriously as part and parcel of our mission. We do not view realistic combat training and testing as incompatible with our environmental responsibilities.

The General Accounting Office, acting upon this committee's question, has recently completed an analysis of encroachment on training ranges within the United States. While we're currently in the process of reviewing and commenting on those findings, we are familiar with their methodology, have worked closely with their investigative team, and are in general agreement with their findings. Their conclusions substantiate that the Department of Defense and the military services have lost training range capabilities and can be expected to experience increased losses in the future, absent any efforts to mitigate encroachment. We believe that the GAO report is timely and we will use it as the basis for developing comprehensive responses to our overall encroachment challenges.

The services have ongoing programs to better inventory their training ranges and to document the encroachment effects. The Department has initiated efforts to incorporate encroachment into our readiness reporting processes to better quantify these encroachment effects and to improve the data management to better oversee the progress being made.

Let me just focus on a few of these efforts quickly. In terms of readiness reporting, we undertook a project last year at the direction of the Secretary of Defense to improve both the way that we assess and report our unit readiness. Our study suggests that the department should implement a new capabilities-based readiness system to provide timely and accurate information on the readiness of our forces and their supporting infrastructure. Such a system will provide information that reveals broad readiness trend information.

However, as of today, the readiness reporting systems of the services and the department are not sufficiently refined nor are they detailed enough to capture the cumulative effects of degradations to realistic training or to acknowledge the compounded cost of work-arounds and alternative training means.

The department is also actively investigating measures to identify and report readiness of our installations affected by encroachment that will in turn provide the necessary test and training resources to achieve unit readiness. Such reporting, tailored to installation readiness, provides encroachment information with sufficient fidelity to identify where and how these limitations are affecting an installation's ability to meet its training mission.

Reliable readiness reporting data must also include accurate information. The quantification of encroachment impacts readiness has really been a weakness to our reporting systems, but we are seeking to change that. The Marine Corps has taken the lead in developing methodologies for grading the ability of an installation to support documented training requirements for the forces stationed at its base. And as part of our readiness and range preservation initiative, the department is working with all services to better identify encroachment quantification measures that will satisfy common informational needs as well as suit each of the services' unique testing and training requirements.

Also, Section 1041 of the National Defense Authorization fiscal year 2002 directed the Secretary of Defense to submit to the President a recommendation concerning whether defense impact reviews should be established within the executive branch. The recommendation that is due to the President later this spring is currently being developed. The Department is quite concerned that military readiness is not always given the appropriate consideration during the regulatory and administrative processions that other agencies follow.

While our specific recommendations are not yet complete, it will embrace four key principles. First, the Department of Defense must receive advance notice of any proposed action that may have a potential to affect military training, testing or its operations.

Second, the Department must be given a reasonable opportunity to review and comment in writing on those proposed actions.

Third, the action agency must consider DOD's comments and respond in writing if the agency elects not to accommodate our concerns.

And, finally, in the event that the agency decides to pursue a course of action that does not accommodate our concerns, DOD must be given a reasonable period of time to appeal the decision within the executive office of the President.

Military commanders have done an exceptionally exemplary job of protecting and restoring natural resources, often surpassing regulatory guidelines in areas that we use to train and test our military. But it is also clear that urbanization, competition for spectrum, and airspace, as well as the present application of some environmental requirements threaten our ability to test and train as necessary to answer the call for combat when needed.

We owe our servicemen and women the best training and the most effective weapons the country can provide to ensure that they are ready to fight, win, and survive. The Department is committed to a comprehensive approach of addressing encroachment and ensuring sustainable ranges.

We look forward to working with this committee and the Congress as we seek to balance the competing but not mutually exclusive national objectives of national defense and environmental responsibilities to address this complex issue.

Thank you, and I look forward to addressing your specific questions.

Mr. BARR. Thank you, Mr. Mayberry.

[The prepared statement of Mr. DuBois and Mr. Mayberry follows:]

TESTIMONY OF DEPUTY UNDER SECRETARY OF DEFENSE (READINESS)
DR. PAUL W. MAYBERRY
AND
DEPUTY UNDER SECRETARY OF DEFENSE (INSTALLATIONS AND ENVIRONMENT)
MR. RAYMOND F. DUBOIS, JR.

PREPARED FOR THE HOUSE ARMED SERVICES COMMITTEE
SUBCOMMITTEE ON MILITARY READINESS
RANGE ENCROACHMENT
MARCH 16, 2002

INTRODUCTION

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE,

The Department is delighted to have the opportunity to address this Committee today on the growing challenges that encroachment poses to force readiness. As you know, the Department is undertaking a major effort to address encroachment, sustain our test and training ranges, and maintain force readiness. The DoD Readiness and Range Preservation Initiative is a comprehensive, DoD-wide strategy intended to mitigate or resolve the adverse impacts of encroachment on our test and training lands and to sustain our ranges and operating areas for the future. We look forward to discussing the goals and elements of this initiative with the members of this committee today.

Today's hearing takes particular interest in the readiness of our special operations forces. Special operations personnel training requires access to high quality training areas on land, at

sea, and in the air. Also critical to successful training is the ability to practice for a wide variety of live fire operations and to conduct complex mission rehearsals. Our existing ranges are critical to the continuing readiness of these forces. You will receive testimony from Service and Unified Command members who are actively involved in Special Forces training; they can provide you with a good understanding of the specific challenges they face.

DoD is seriously concerned with sustaining quality training for all our men and women in uniform, including that of our special operations forces. The challenges we face in maintaining quality test and training opportunities, and the readiness implications of these challenges, have been the subject of previous hearings, and you will hear more today. Today, we hope to provide this Committee with additional insight into the Department of Defense's plans to address these challenges. But first, let us address why this is such a fundamental issue for the Department.

MILITARY READINESS AND THE CHALLENGE OF ENCROACHMENT

As the members of the Committee are aware, the testing of our systems and training of our armed forces is a complex undertaking, and their proper execution raises considerable challenges. We must also preserve public safety, community welfare, and the natural heritage of our testing and training areas as we test and train. These are all fundamental national priorities, of extreme importance to the Defense Department, to Congress, and to the American public. The Department works hard to ensure we meet our obligations in all these areas. But foremost in the minds of every military commander is the ultimate readiness of our men and women in uniform; it is such readiness that saves lives in combat and ultimately wins battles.

Train as we Fight

The most fundamental military readiness principle is that **we must train as we intend to fight**. Training our forces and testing our weapon systems under realistic combat conditions is not a luxury. It is a commitment to the American people. The military mission is unique—we carry out our training and testing not for profit or personal gain but to ensure the readiness of our forces. The ability of the military to fight and win our nation's wars is tied directly to readiness resulting from realistic training. There is no substitute for realistic training as there is no substitute for victory.

The land, sea, air, and space that we use to test our weapon systems and train our personnel are irreplaceable national assets. The bottom line is that our soldiers, sailors, airmen, and marines—and the equipment they go into battle with—are only as good as the fidelity of the training and testing they receive. Both the room to maneuver and the ability to fire live ordnance are essential. Training with live ordnance not only provides necessary realism and confidence, but it also helps ensure that vital loading and delivery skills stay sharp. Recent lessons from Operation Allied Force in Kosovo showed that aircrews without live ordnance training performed less effectively, as measured by the number of missed targets early in the conflict. DoD ranges are the means by which we accomplish these most fundamental readiness principles.

There are three basic pillars to military readiness: high-quality people of the proper skill and experience mix; the right types of equipment in sufficient numbers and serviceability (including spare parts); and realistic training to meld these people and their equipment into an

effective combat unit. Degrade any one of these basic pillars, and military readiness is impacted. Range encroachment touches the equipment pillar (by reducing our ability to develop and test systems under operational conditions) and the training pillar (realistic training is the most important peacetime function for military units—if they are not already deployed, they are training for deployment or potential wartime use). It also affects our people directly, complicating their training and increasing their time away from home.

Our military forces must be able to move faster, shoot more accurately, and communicate better than our enemies—that is what wins wars, and these capabilities are only achieved through rigorous, continuous, and realistic training. The United States possesses a unique military advantage over all other countries—our nation has historically shown a willingness to dedicate the air, land, sea and frequency spectrum needed to keep our armed forces at peak readiness levels. The military must be able to fight and win wars on short notice—Afghanistan demonstrates this fact. Top-notch readiness requires top-notch testing and training.

The Growing Threat of Encroachment

There is a growing realization that our ability to train and test is being compromised by external factors. For lack of a better term, we have called this overall problem "encroachment." DoD defines encroachment as the cumulative result of any and all outside influences that inhibit necessary training and testing. Many things cause it. We will name only a few. It includes: environmental and natural resources compliance requirements that over the past 30 years have reduced range access and the flexibility required for testing and training; unplanned or

incompatible commercial or residential development around previously remote ranges; the loss of bandwidth for communications and interference with the frequency spectrum that remains; increased airspace congestion that limits military aircraft access to the ranges or lengthens flying times; and the growing understanding that long-standing munitions use on our ranges can produce environmental challenges. Such encroachment is a worldwide problem, not limited to just our domestic testing and training facilities. Though the exact causes of encroachment vary from range to range and from one part of the globe to another, the effects on testing and training, both at home and abroad, pose increasing challenges to readiness.

The Insidious Effects of Work-Arounds

Although the Services have found "work arounds" to most requirements affected by the cumulative effects of impingements on our ranges, the availability and fidelity of training has suffered. Our young men and women must be sent farther and farther from their home installation to obtain necessary training. Often this occurs during the preparation for a lengthy deployment away from home, imposing even greater hardships on military families, and straining the training environment.

Furthermore, training that does occur often includes activities that promote what the Services term "negative training". When Navy SEALs land on the beaches at Naval Base Coronado, CA, during nesting season, they have to disrupt their tactical formations to move in narrow lanes, marked by green tape, to avoid disturbing potential nests of the Western snowy

plover and California least tern. That is negative training. Such training actions imprint negative tactics, rather than the skills that will be needed to survive in combat situations.

Our handicap is the growing significance and cumulative impact of a multiplicity of work-arounds. Even when work-arounds do not decrease an event's realism, a huge price is often paid in terms of direct dollar expenditures -- resources to replan an event, transport troops and equipment, or fly aircraft farther. Money spent on work-arounds comes from a unit's Operations and Maintenance funds. Use of these funds to mitigate the impact of encroachment often forces a unit commander to choose between the work-around and other training events because of limited funding. Work-arounds at individual ranges often serve as the new benchmarks for interpreting regulations or as a starting point in future negotiations with regulators. In most cases, we try to accommodate specific environment constraints at the local level. We now confront a national problem when these specific individual accommodations cumulatively become the de facto standard for regulating all DoD ranges.

The bottom line is that work-arounds degrade the value of training due to loss of realism, drain actual funds from Operations and Maintenance accounts that otherwise pay for training, disrupt and complicate Personnel Tempo (PERSTEMPO), and shorten the usable life of equipment by adding to flying hours for aircraft and driving time for transport vehicles. While sometimes necessary in specific instances, workarounds impose great strains on testing and training and are unacceptable as a status quo.

Balancing Readiness Against Environmental Mandates

The Department of Defense takes its stewardship responsibilities seriously. It is part and parcel of our mission. Entrusted to us to support the Armed Forces, we manage over 25 million acres, of which 16 million acres, or about two-thirds, are withdrawn public lands. The men and women in uniform – as well as our civilian employees – take understandable pride in their environmental record – a record with documented examples of impressive management of critical habitats and endangered species.

In recent years, however, interpretations of environmental laws and regulations, along with such factors as population growth and urbanization, have significantly restricted the military's access to and use of military lands and test and training ranges. It has also limited our ability to maneuver our forces and have them engage in live-fire testing and training, keys to the future combat readiness of the Armed Forces. Unless addressed appropriately, the military services will expect to see a continuing erosion of the training environment. In some cases, litigation threatens to thwart the primary mission of key military facilities.

The military services face an increasing challenge from the cumulative effect of continuing urbanization and the increasing application of environmental requirements to military readiness activities. Each of the Service Chiefs has raised their particular encroachment concerns within the Senior Readiness Oversight Council, chaired by the Deputy Secretary of Defense. These issues have also been raised in the Congress in at least five hearings just over the course of the last year.

Our ability to balance readiness against the environmental regulations and the press of other encroachment factors is being severely strained. In some cases, we are losing or are threatened with the loss of access to testing and training spaces we have traditionally used. In Massachusetts, in order to protect Cape Cod's sole source aquifer, the Army National Guard troops can no longer conduct live-fire training on the Massachusetts Military Reservation, and instead travel hundreds of miles to alternate locations. Lost testing or training spaces make readiness increasingly difficult to achieve; escalating restrictions on those that remain or delays in deploying new systems make the job even harder.

For example, the Navy's SURTASS Low Frequency Active Sonar (LFA) system has been developed to detect quiet diesel submarines in shallow water areas around the world, a vital mission to protect our fleets and our operating forces ashore. But LFA testing was greatly stretched out and complicated and deployment delayed for over 6 years due to lawsuits, compliance with NEPA, and the lack to date of a Marine Mammal Protection Act take permit from the National Marine Fisheries Service that would allow the harassment of marine mammals incidental to operational deployment.

At the Air Force's Goldwater Range in southern Arizona, from a total of 536 training missions, 7 air-to-ground fighter missions were cancelled and 158 were moved to another range area in 2001 due to the presence of Sonoran Pronghorn Antelope within the target zones. Four contract biologists monitor the endangered pronghorns' activities on the range, at an annual cost of approximately $300,000.

We do not single out these individual examples for judgment. In specific cases, mitigations and work-arounds can be a necessary and often the most reasonable course of action. But many other similar examples of such costs can be cited for most of our Services' testing and training ranges. It is the sum of these accommodations that are threatening our ability to continue to test and train as we must.

Where we can continue to train, we in many cases do so in increasingly unrealistic ways. While our men and women can still perform many of the discrete training tasks they must perform SOMEWHERE, they must increasingly train in a disjointed context – different times, different places – and not in the context of a realistic, integrated combat scenario. Such unrealistic workarounds, when independently considered, might seem to make sense in balancing the military and environmental needs, cumulatively DoD believes they are clearly degrading the training experience, threatening readiness, and imperiling our personnel. As our bases and ranges are increasingly encircled by development, we assume a larger proportion of a given region's open space and environmental management burden, which further exacerbates the trends we have discussed.

Finally, the future is also of considerable concern to DoD. Unless we can counter the incremental effects of encroachment, we fear our ability to test and train will be much more conscribed 10 years from now. Legal challenges, environmental restrictions, and competing demands for spectrum and airspace are proliferating, and will only make encroachment worse.

Military commanders have done an exemplary job of protecting and restoring natural resources, often surpassing regulatory guidelines, in areas used to train the military. **DoD is not trying to rollback environmental oversight—we are committed environmental stewards of our natural resources, and will continue to be so.** But it is also clear that urbanization, competition for spectrum and airspace, and the present application of some environmental requirements threatens our ability to test and train as necessary to answer the call for combat when needed. We owe our service men and women the best training and the most effective weapons and sensors the country can provide to ensure that they are fully ready to fight, win, and survive.

DOD'S RESPONSE TO ENCROACHMENT: THE READINESS AND RANGE PRESERVATION INITIATIVE

This Committee has asked us here today to discuss the Department of Defense's plans for managing the challenges of encroachment. Let us turn to that subject.

The GAO Report on Training Range Encroachment

The General Accounting Office, acting upon this Committee's request, has recently completed an analysis of encroachment on training ranges in the United States. While we are currently in the process of reviewing and commenting on the GAO's report, we are familiar with their methodology, have worked closely with the investigative team, and are in general agreement with their findings. Their conclusions substantiate that "DoD and the military

services have lost training range capabilities and can be expected to experience increased losses in the future absent efforts to mitigate encroachment." We would like to thank the GAO for their work, which is very timely and will be of assistance to DoD as we continue to develop our comprehensive response to encroachment challenges.

The recommendations of the GAO are consistent with the goals of the Department. We are in the process of implementing a comprehensive DoD response, DoD's Readiness and Ranges Preservation Initiative, along with other training-related efforts within DoD that will help to address encroachment's challenges. The Services have ongoing programs to better inventory their training ranges and to document encroachment effects there. The Department has initiated efforts to incorporate encroachment into our readiness reporting systems, to better quantify encroachment effects, and to improve our data management to better oversee progress. The following discussion provides status on some of these efforts.

Readiness Reporting

One of the most essential elements of our readiness reporting system is the active involvement of the senior DoD leaders in resolving readiness issues. The Department's Senior Readiness Oversight Council, which is chaired by the Deputy Secretary of Defense, meets routinely to review and discuss the most pressing readiness issues. Recently, the council met to focus on actions to address growing threats of encroachment on our air, land, and sea training centers and ranges. These issues are clearly intertwined and must be considered together.

DoD's success in future military operations will depend on having a modernized joint training infrastructure that supports realistic, combined arms, force-on-force training for our military. Unlike Operation Desert Storm, where we had many months to prepare, deploy and stage forces for an overwhelming attack against Iraqi forces in Kuwait - tomorrow's conflicts are likely to be short-notice, "come-as-you-are" events. A lesson clearly emerging from Operation Enduring Freedom is that we must fight joint. This is the current reality and the future of warfare – to achieve such effective joint capability in terms of war, we must train jointly in peacetime. To this end, we have recently completed a strategic plan for transforming our training that will serve to guide the Department in ensuring our forces remain the best trained and most capable in the world.

In terms of the system we use to report unit readiness, we undertook a project last year, at the direction of the Secretary, to improve the way we both assess and report unit readiness. The Secretary asked us to specifically focus upon the readiness of our Armed Forces to execute fully their assigned missions. Our study results suggest that the Department should implement a new "capabilities-based" readiness system to provide timely and accurate information on the readiness of our forces and supporting infrastructure. This information would be readily available for our use in deliberate planning, responding to emerging crises, and to aid decision-making during hostilities. The system will also provide information that reveals broad readiness trend information in the resource areas of personnel, unit training, equipment, supply, and ordnance, and will capture the military judgment of the unit commander in his assessment of his unit's readiness.

However, more accurate and improved reporting of unit readiness alone will not fully address the problems caused by encroachment. Unit readiness measures provide snap-shots in time of a particular unit's status, and typically document immediate problems that may be resolved by appropriate short-term actions (for example, by accelerating distribution of key spare parts). In contrast, the impacts of encroachment on our test and training lands are incremental, multi-layered, and often compounding, making accurate assessment and reporting of resulting deficiencies a complicated task. Solutions to encroachment problems (for example, expanding land buffers around existing installations, or developing new ranges) can take years.

The Department is actively investigating measures to identify and report the readiness of our installations affected by encroachment, that in turn provide the necessary test and training resources to achieve unit readiness. The Readiness and Range Preservation Initiative Integrated Product Team is assessing the adaptability of the existing Installation Readiness Reporting system to better report and track the effects of encroachment on readiness. Such reporting, tailored to **installation** readiness, would provide encroachment information of the necessary fidelity to identify where and how limitations are affecting an installation or range's ability to meet its test or training missions.

Quantifying the Effects of Encroachment

Reliable readiness reporting must incorporate accurate data. The quantification of encroachment impacts on readiness has been a weakness, but we are seeking to change that. DoD's current readiness reporting system captures the overall training readiness of a unit. In

general, these reports reflect whether the unit has conducted and satisfactorily completed a course of training events. Unit commanders may have worked around encroachment issues to ensure the training activities were conducted. There is no doubt that these have introduced more artificiality into the training event. In reporting the unit training status, the commander must make a judgment on whether this training event achieved the desired outcome. If not, the event would not be credited toward meeting the training goals and would be reflected in a lower training status. As of today, the readiness reporting systems of the Services and the Department are not sufficiently refined or are not detailed enough to be able to capture the cumulative effects of degradations to realistic training or to acknowledge the compounded costs of the work-arounds and alternative training means.

The Marine Corps has taken the lead in developing a methodology for grading the ability of an installation to support the documented training requirements for the forces stationed at its bases. At the individual training task level, the Marine Corps has analyzed the ability of Camp Pendleton to support the training of a Battalion Landing Team in a realistic exercise scenario, starting with an amphibious landing and moving inland to engage a hostile force. To date, analysis has been completed for three combat arms components: a Light Armored Reconnaissance (LAR) Platoon, an Artillery Battery, and the Mortar Man. The training exercise is precisely the type of exercise conducted by the MEU immediately prior to deployment. The goal is to fully train the Marines on all required tasks according to the Marine Corps standards.

Initial results show that, due to encroachment, Camp Pendleton as a training facility is seriously deficient in terms of its ability to support Marine combat training. Non-firing field

training tasks for combat arms specialties could be completed to only 69 percent of the Marine Corps standard. This equates to a readiness definition of combat capable against a low threat. Training activities most impacted are off-road maneuver of vehicles; digging of fighting and defensive positions for Marines, artillery, and mortars; and airspace restrictions and noise. While a variety of physical conditions can limit training (such as State Park lease holdings, topographic restrictions, and access limitations due to Interstate 5), the encroachment factors inhibiting training to the greatest degree were identified in this study as endangered species and their habitat, presence of cultural or archaeological resources, and wetlands.

As part of our Readiness and Range Preservation Initiative, the Department is working with all the services to identify better encroachment quantification measures that will satisfy common information requirements and also suit each Service's unique testing and training needs. Camp Pendleton's initiative provides an excellent model that DoD will be evaluating for more general applicability.

Section 1041

Section 1041 of the National Defense Authorization Act for Fiscal Year 2002 directs the Secretary of Defense to submit to the President a recommendation concerning whether a "defense impact review" process should be established within the Executive Branch. That recommendation, due to the President later this spring, is currently being developed.

ASSEMBLING A COMPREHENSIVE STRATEGY

Maintaining the readiness of our forces is one of the highest priorities of the Department. That is why it is also critical that we strive to maintain a reasonable balance between training requirements and the concerns of our neighbors near our ranges, and the importance of sound environmental stewardship. The Readiness and Range Preservation Initiative is the beginning of the Department's comprehensive effort to ensure that readiness is maintained in the face of encroachment. This effort consists of five major focus areas: 1) Leadership and Organization, 2) Policy and Plans, 3) Programs and Funding, 4) Outreach, and 5) Legislation and Regulation. We believe that collectively these strategy elements represent the necessary components to a comprehensive strategy.

Organizational and Leadership Initiatives

To address the issues of encroachment and range sustainment, the Deputy Secretary of Defense, Paul Wolfowitz, recently created an inter-service, cross-function, interdisciplinary team to not only address encroachment within the Department of Defense, but to also work with other key agencies and stakeholders on this issue. The Department's senior leadership is actively engaged on this issue. The result has been the formation of an **Integrated Product Team** (IPT) "to act as the DoD coordinating body for all issues of encroachment on our ranges, operation areas, and other locations where we train or test and evaluate new weapons or sensors." Both an Overarching IPT, or OIPT, and a Working IPT, or WIPT, are in place. The OIPT falls under the leadership of the Under Secretary of Defense for Personnel and Readiness. The group is chaired

by the Deputy Under Secretary of Defense for Readiness, Dr. Paul Mayberry, in close cooperation with the Deputy Under Secretary of Defense for Installations and Environment, Mr. Ray DuBois, and the Director, Operational Test and Evaluation, Mr. Tom Christie. Other OIPT members include key Service Range Installation and Environment leaders.

The IPT's overarching charter is to identify and address the military services' encroachment priorities. It is already doing so in a number of ways, through legislative and regulatory efforts, the development of new DoD range sustainment policies and planning guidance, action plan implementation, and DoD-wide outreach initiatives, to name a few. Each of these thrusts are discussed in more detail below.

The IPT is working under the broad guidance of the Department's **Senior Readiness Oversight Council,** which is chaired by the Deputy Secretary with the Secretaries of the Military Departments and the Services' Vice Chiefs as primary members. The IPT is actively working and meeting on a regular basis on key elements of the problem, and we have significant initiatives planned and underway.

Policy & Plans

We believe that **improved policy** and enhanced funding, designed to address present realities and future problems is key. Accordingly, several policies are being developed that will serve as the foundation for improved DoD programs and business practices. A new **DoD Directive on Sustainable Ranges**, currently in coordination, outlines a comprehensive policy

framework on encroachment. This new directive will complement and significantly broaden the requirements contained in directives issued in late 1999 that established environmental and explosives safety policies for operational ranges. This will be a capstone-level directive that will establish range sustainment as a planning and management requirement for all DoD operational ranges, and will also direct increased emphasis on outreach and coordination efforts with communities and stakeholders outside our ranges. This directive has been formally coordinated within the Department and we anticipate that the Secretary will sign it in the near future.

Following close behind this capstone-level Sustainable Ranges Directive, we are currently preparing separate policy documents to establish a Unified DoD Noise Program, to detail the outreach and coordination requirements highlighted in the Sustainable Ranges Directive, and to establish a consistent DoD range clearance policy for our operational ranges

In addition to policy development, detailed planning for pressing encroachment issues has been conducted and is now in the process of being implemented. Over the past two years, the Department of Defense developed a number of issue-specific **action plans**, intended to document the problems caused by encroachment and to recommend courses of action to mitigate or resolve these issues. These plans addressed the following nine topics: endangered species and critical habitat issues; UXO and constituents on operational ranges; frequency spectrum encroachment; maritime sustainability; airspace restrictions and the FAA's National Airspace Redesign; air quality; airborne noise; urban growth; and, outreach. Since that time, OSD and the Services have begun to implement many of these plan's recommendations as part of a comprehensive approach to address the broad range of encroachment issues we face. Of the

over 140 recommendations generated in these plans, over 90% are being addressed. The following summarizes a few of these actions:

Unexploded Ordnance and Munitions Constituents. DoD and the Services are programming significant funds for research and development to help munitions constituent detection and remedial technologies. The Army has developed and programmed funds for an R&D project that seeks to incorporate long-term environmental compliance and sustainability requirements into range designs and operations. Projects include an environmental risk-to-sustainability method, a munitions carrying capacity model, and development of standard range designs to support pollutions prevention/compliance.

Frequency Spectrum Encroachment. Through its Central Test and Evaluation Investment Program Element, DOT&E is researching technologies that will help the ranges become more spectrally efficient. CTEIP is investing more than $50M over the next five years in spectral efficient technologies; including advanced modulation, hybrid GPS sensors, miniaturized telemetry components, loss-less compression techniques, and high-speed, solid-state recorders. A regional, integrated frequency deconfliction system has been developed that will provide a web-based scheduling system for improved utilization of test frequencies to include telemetry and flight termination. This tool provides frequency management offices a significantly improved level of frequency deconfliction capability.

Airborne Noise. The Services are developing recommendations for a coordinated noise program to include specific service lead areas, roles and responsibilities, and associated funding

plans. A draft DOD Directive to establish policy and funding guidance for a DoD noise program is ready for first review. A contract has been awarded for development of a noise model for the next generation aircraft. The Army, Navy, Air Force, and Air National Guard conduct periodic seminars and workshops on noise, its impact on civilian community, local planning and zoning matters, the operable DOD Directives and DOD Instructions and their respective Service Handbooks.

Urban Growth Encroachment. The Marines have developed an encroachment analysis protocol for Camp Pendleton that will be tested at other bases and be made available to other users. The Navy is revitalizing its encroachment program and establishing a Navy-wide encroachment database. The DoD Office of Economic Adjustment (OEA) is working with State of California on a statewide "Strategic Encroachment Study." This is a pilot effort for potential application to other states. The OEA has produced training video and published guidance manuals for use by local base commanders to use in understanding the role of encroachment and its impact on the installation. The OEA is also producing a Guidance Manual and Toolkit for educating community leaders on what can be done to prevent encroachment short of land acquisition.

Programs and Funding

The results of the recent Quadrennial Defense Review (QDR) and the current war on terrorism have confronted the Department with tremendous fiscal challenges. The President's FY 03 budget has been designed to fund the transformation priorities identified in the QDR

process. However, future Service 5-year programs will include additional range management activities that will devote important resources to the protection and sustainment of test and training ranges. To protect critical testing and training capabilities, the Secretaries of the Military Departments will be asked to prepare sustainability management plans for major ranges, as well as to develop real property alternatives to "buffer" training areas. They will also be charged to revitalize "compatible use zone" programs; update Integrated Natural Resource Management Plans to reduce the number of critical habitat designations, and to assess potential hazards from off-range migration of munitions constituents and begin remediation by FY2008. On the issue of frequency spectrum, the Department will begin to develop spectrum-efficient technologies for range instrumentation; and modernize range instrumentation using open, object-oriented architectures that support the transformation of DoD training. These types of activities require programming and budgeting support throughout the Department are as broad and diverse as the encroachment challenges.

Outreach

DoD is acutely aware that a positive relationship with the governments and citizens of our states and communities depends to a significant extent on our being a good neighbor and a faithful custodian of public lands. We believe we are doing a superb job of meeting our stewardship responsibilities, although we still suffer from a legacy of past behaviors at some locations. But we are committed to involving all stakeholders, as we move forward to meet the range encroachment challenge. I believe these efforts will constitute an effective outreach

program at the local level. As stated earlier, DoD is developing outreach policy guidance that will ensure that that OSD and the services are working to this end.

We understand that outreach and stakeholder involvement must be more than a public relations effort. It is also developing the partnerships and coordinated efforts that will improve DoD's already strong record of environmental stewardship. Under the leadership of the Deputy Secretary of Defense and through the IPT, we have begun the necessary planning and initial outreach activities that will lead to the start of a national-level stakeholder involvement effort to discuss our range sustainability challenges. Contacts with non-governmental organizations and state and local organizations are underway now to initiate the groundwork for continued dialogue. We are hopeful that such a process will not only lead to a greater understanding of our problems but that it will also develop 'win-win' solutions for everyone.

Legislative and Regulatory Proposals

Historically, specific readiness problems have been addressed at individual ranges, most often on an *ad hoc* basis. We have won some of these battles, and lost others. But in the aggregate we are literally losing ground. We no longer have the luxury of expending scarce resources to address the problem in an *ad hoc* manner. It is apparent that we need to deal with the many challenges that are curtailing range operations in a more comprehensive way. This is the charge of the IPT. It is also why, this Administration, after careful inter-agency deliberation, submitted to Congress last month the legislative component of "The Readiness and Range Preservation Initiative" as part of the annual defense authorization bill. The thrust of this legislation is:

- Narrowly tailored to protect military readiness activities, not the whole scope of Defense Department activities,
- Prevents further extension of regulation rather than rolling back existing regulation, and
- Enhances the synergy between military readiness and environmental protection by including provisions encouraging creation of environmental buffer zones around military facilities.

Over the past month, much has been written about our proposed legislation, and much of it has not been factual. Let us take this opportunity to emphasize what our legislation does and does **not** do.

Our Proposals are Limited to Military Readiness Activities. Our initiatives have been portrayed by some as attempting to "exempt" and "grant [ ] special reprieve" to the Department of Defense from environmental statutes, "giv[e] the Department of Defense a blanket exemption to ignore our laws," and violate the principle that "no government agency should be above the law." In reality, our initiative would apply only to military readiness activities, **not** to closed ranges or ranges that close in the future, and **not** to "the routine operation of installation operating support functions, such as administrative offices, military exchanges, commissaries, water treatment facilities, storage, schools, housing, motor pools, ongoing cleanup activities,... nor the operation of industrial activities, or the construction or demolition of such facilities." Our initiative thus **excludes** the Defense Department activities that have traditionally been of

greatest concern to state and federal regulators, and **includes** only uniquely military activities—what DoD does that is unlike any other governmental or private activity.

We believe we must recognize the military's unique duty to prepare for and win armed conflicts - unlike any private organization, State, or local government. The requested changes are therefore narrowly focused on "military readiness activities" – those actions necessary to discharge that duty. They will not affect DoD's compliance with environmental laws in the management of its infrastructure or industrial operations that are similar to those of private companies. For example, DoD will continue to comply with all applicable environmental laws in the way that it runs its sewage treatment plants, paint booths, manages industrial hazardous wastes, etc.

We Do Not Seek "Exemptions" from Environmental Law. Our initiative does not seek to "exempt" even our readiness activities from the environmental laws. Rather, it confirms Clinton Administration policy on Integrated Natural Resource Management Plans and critical habitat; codifies the Clinton Administration's policy on "harassment" under the Marine Mammal Protection Act; codifies the Clinton Administration's position on our obligations under the Migratory Bird Treaty Act; and gives states and DoD temporary flexibility to come into compliance with the Clean Air Act. Ironically, the alternative—invocation of existing statutory emergency authority—actually would fully exempt DoD from the waived statutory restriction for however long the exemption lasted. Although existing exemptions are a valuable hedge against unexpected future emergencies, they cannot provide the legal basis for the Nation's everyday military readiness activities.

Most of the environmental statutes with emergency exemptions clearly envisage that they will be used in the rarest of circumstances, as a last resort, and only for brief periods. The decision is vested in the President, under the highest possible standard: "the paramount interest of the United States," a standard understood to involve immediate threats to national survival. The exemptions are also limited to renewable periods of a year (or in some cases as much as three years for certain Presidential regulations). Exemptions were clearly **not** intended to be used as the means of enabling the broad range of our everyday military readiness activities to go forward over an indefinite period. Maintaining military readiness through use of emergency exemptions would involve issuing and renewing scores or even hundreds of Presidential certifications annually for activities which, although collectively indispensable, would rarely meet the required paramount-interest standard on their own. The alternative would be to allow continued unchecked degradation of readiness until an external event like Pearl Harbor or September 11 caused the President to invoke the exemption. The Defense Department believes that it is unacceptable as a matter of public policy for indispensable readiness activities to be unlawful under our environmental laws absent repeated invocation of emergency authority—particularly when narrow clarifications of the underlying regulatory statutes would enable us both to conduct essential activities and protect the environment.

We Cannot Simply "Train Somewhere Else." Some have said that they do not debate the need for military training, but why not somewhere else? The fact is that bases originally established in isolated locales now face urban sprawl near the runways and impact areas, and have become havens for biodiversity while the surrounding areas became increasingly

developed. While there were many remote locations to site training ranges in the 1940's, this is no longer true. Our existing ranges are national assets, with an infrastructure of testing and training areas, targets, instrumentation, and other sunk investments in place. They are typically closely associated with nearby installations and bases that use the facilities on a regular basis to train. The costs involved in relocating major existing ranges would be enormous, to the government and to the community economies surrounding the existing facilities. Readiness costs could also be significant, in terms of increased travel and personnel tempo requirements, among others.

The need for our proposed reforms is nowhere better illustrated than at Camp Pendleton near San Diego. The U.S. Fish and Wildlife Service originally proposed designating more than 57% of Camp Pendleton's 125,000 acres as critical habitat for the endangered California gnatcatcher. If this designation had occurred as proposed, coupled with the existing restrictions at Camp Pendleton, it would have rendered this base virtually unusable for realistic combat training.

DoD has worked hard on alternative approaches to testing and training to reduce non-essential use of its ranges. The use of virtual simulation systems to achieve training objectives has been increasing for years. Constructive simulations have also been used to replicate units, weapon systems, and terrain to support battle staff training. These simulations replace large-scale exercises. Models and simulations have increasingly reduced the costs and risks associated with range use while resulting in safer and more environmentally benign testing and training operations. Despite increased reliance on these technological advances, models and simulations

cannot replace live training and maneuver operations, because they cannot replicate the stress, discomfort, and other physical conditions of combat. Troop performance under live-fire conditions is one aspect of training that cannot be adequately accommodated through simulation. The stresses of handling and releasing live ordnance, the ability to coordinate supporting-fire conditions, or the experience to guide troop deployments and maneuver under live-fire conditions cannot be replicated in a computer. **Our troop's first exposure to live fire cannot come as they land on a hostile beach in combat.**

We Remain Committed to Environmental Compliance. There has been concern expressed that the proposed legislation foreshadowed a DoD retreat from its environmental responsibilities, for example, our cleanup responsibilities at the Massachusetts Military Reservation and elsewhere. DoD has no intentions of backing away from our environmental cleanup programs. We remain fully committed and our obligations under existing law for environmental remediation will not change. The claim that the Pentagon has argued "that the billions it spends on environmental compliance could be better spent elsewhere" is groundless. The Readiness and Range Protection Initiative applies only to those military activities that are directly related to realistic combat training. We do not need and do not seek any changes to our environmental cleanup or compliance requirements for our normal industrial or base operations activities. Our proposal targets only those laws that would *prohibit* realistic combat training. In some cases, we seek to clarify the application of laws that the Congress never intended should prohibit military training, like the Migratory Bird Treaty Act.

The Administration does not propose to exempt the Department of Defense from the application of the Nation's environmental laws. We seek, however, a few changes to the manner that some requirements apply SPECIFICALLY to "military readiness activities" - training our Soldiers, Sailors, Airmen, and Marines in the skills that they need. The changes are carefully focused on those actions necessary to discharge the military's unique duty to prepare for and win armed conflicts in the defense of the liberties of the Nation. With the appropriate legal and administrative framework, the goals of environmental protection and realistic military training can be reconciled. The Readiness and Range Protection Initiative does nothing more, and nothing less, than establish that framework for the 21st Century. It deserves the support of all thoughtful Americans.

Long-term sustainment of DoD's readiness capabilities is an environmental investment because readiness is the best deterrent to war, and war is one of mankind's most environmentally harmful activities. Further, our test and training ranges provide valuable natural habitats that benefit many species as well as providing realistic landscapes that are vital to our training and test mission. Environmental protection laws and DoD's national security responsibilities must work together in such a way that we can meet **both** of these important obligations, and that is what the Range Sustainability IPT is trying to do.

CLOSING

Sustaining military ranges and operating areas is of vital importance to the United States. So is the long-term sustainment of environmental quality. DoD is not trying to rollback environmental oversight—we are committed environmental stewards of our natural resources,

and will continue to be so. These goals do not have to be mutually exclusive—in fact, some ranges can be seen as the last viable habitat for some surviving species. Mr. Chairman, we believe that military readiness can go hand in hand with environmental stewardship. Our challenge is to apply this principle to some of the unique problems associated with military munitions and ranges. We must continue to develop and sustain partnerships in order to do this. But most of all, we must always remember that our most important priority is to maintain the best trained, best equipped, most ready, and most effective military force in the world.

The Department of Defense is committed to a comprehensive approach to addressing encroachment and ensuring sustainable ranges. We must be clear in stating that there isn't any one quick fix. Our approach, our comprehensive strategy, must include multiple components and will be implemented over years, not months. The Department looks forward to working with this Committee and the Congress of the United States to assure our military readiness and satisfy our common goals.

Thank you.

Mr. BARR. Mr. Holman, before you begin your statement, I want to take the opportunity to thank you and the U.S. General Accounting Office for all the work you and your team have done with our members and staff in preparation to their study.

I would also like to recognize for the record Mr. Glenn Furbish, Mr. Mark Little, Mr. James Reid, Mr. John Lee, Mr. Jason McMahon, Mr. John Van Schaik and Mr. Stefano Petrucci for their contributions. Thank you very much, and we look forward to continuing to work with you.

And at this time I'd like to recognize Mr. Holman for your opening statement.

Mr. HOLMAN. Thank you, Mr. Chairman, for those kind remarks.

Mr. Chairman, Mr. Shays, I'm very pleased to be here to participate in this very important hearing on looking at the impact of encroachment on training readiness. As you acknowledged, my testimony is based on work that we have recently carried out at your committee's request, at Mr. Shays's request, to study the effects of encroachment on military training ranges, and we are looking specifically at the United States.

I should also note, however, that we have recently completed a separate report looking at encroachment in training impacts overseas, and the findings of the two reports are very similar in many respects.

In the response to the questions you have asked me to look at, I will address briefly what we have found regarding the impact of encroachment on training ranges, the effects of encroachment on readiness and cost, and DOD's progress in developing a comprehensive plan to address encroachment.

Concerning the impact of encroachment on training ranges, officials at the installations we visited gave us comments that sounded very much like what we heard on the very first panel this morning in terms of the impact of encroachment: lost capabilities for training and work-arounds that need to be undertaken to complete the required training.

Available data indicate that encroachment problems are indeed exacerbated by population growth and urbanization. DOD is particularly affected because of urban growth; around 80 percent of its installations exceed the national average. Again, each of the installations we visited indicated they had lost capabilities in terms of times ranges were available, the types of training that can be conducted. They noted, as Commander Metz did this morning, that encroachment results in work-arounds or adjustments to training. Again, the potential problem with work-arounds is that they can lack realism, can lead to the use of practice and tactics that are contrary to what will be employed in combat.

But population growth and urbanization being a key factor affecting encroachment, service officials—and I would say we do it too—believe that the effects of encroachment will continue to increase over time.

Concerning the impact of encroachment on training readiness and cost, we found that despite the concerns voiced repeatedly by Defense officials about the effects of encroachment on training, operational readiness reports that we looked at largely do not indicate the extent to which encroachment is adversely affecting readi-

ness. In fact, most of the reports show that units have a high state of readiness and these reports are largely silent on the issue of encroachment.

Now, we have reported repeatedly over the years of limitations and problems in DOD's operational readiness reports, so it is really not that new an issue to us. We have seen it in the past with other issues, but it's true here today. And while improvements in readiness reporting can and should be made to show any shortfalls in training, we believe that DOD's ability to fully assess training limitations and their impact over time on training capabilities and readiness will also be limited without more complete baseline data on all training range capabilities and limitations and the services' training range requirements and full consideration of how live training capabilities may be complemented by other forms of training.

While these other forms of training cannot replace live training, they cannot eliminate encroachment, they may help to mitigate the effects of some training range limitations. Stated another way, these objections are not meant to take the place of other actions to deal with encroachment, but they are key to better depicting the effects of encroachment now and particularly in the future.

While service officials have noted increasing costs because of work-arounds related to encroachment, the services' data systems do not capture these costs. Now, I would not want anyone to infer from this that there are not costs; there certainly are costs. There are increased costs associated with working around, and as we visited many installations, we heard good examples of those. The difficulty, though, is that data systems are not established to capture those data in a comprehensive fashion, to give you full accounting for those costs. But those costs are real and they're there.

At the same time, we also noted that DOD's overall environmental conservation funding has fluctuated with only a modest gain over the past few years.

Now, concerning the development of a comprehensive plan for addressing encroachment, DOD certainly has recognized the need for such a plan in the year 2000 to task subject matter experts to begin working on that issue to develop a comprehensive plan. Now, at the time we completed our review, the draft action plans had not been finalized. DOD officials told us that they consider the plans to be working documents, stressed that many of the concepts remain under review, some may be dropped, altered, modified, others added.

Although DOD has not finalized a comprehensive plan of action for addressing encroachment, it has made progress in several areas. Dr. Mayberry outlined a number of steps this afternoon that are being taken, and I think those are key steps that are needed.

Of course, as everyone is aware, DOD is also seeking legislative action to deal with encroachment issues. Consideration of these legislative proposals affecting existing environmental legislation will require the Congress to consider potential tradeoffs on multiple policy objectives and issues.

In conclusion, let me note that, as already alluded to, GAO has recommended that DOD develop and maintain inventories of their training ranges, capacities, capabilities; finalize a comprehensive

plan of action that would include goals, timelines, projected costs and clear assignment of responsibilities; and perhaps equally important, periodically report on progress and continuing problems dealing with encroachment. Our recently issued report on overseas training also recommended that DOD develop reports that actually—accurately capture the causes of training shortfalls, because they may be many, and objectively report units' ability to meet their training requirements.

Mr. Chairman, this concludes my prepared statement. I will be glad to answer any questions that you or Mr. Shays may have at this time.

[The prepared statement of Mr. Holman follows:]

United States General Accounting Office

GAO

Testimony

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MILITARY TRAINING

DOD Needs a Comprehensive Plan to Manage Encroachment on Training Ranges

Statement of Barry W. Holman, Director,
Defense Capabilities and Management

GAO-02-727T

Mr. Chairman and Members of the Committee:

I am pleased to have the opportunity to discuss the results of our recent work involving the constraints that encroachment places on military training. As you know, senior Department of Defense (DOD) and military services officials have testified that they face growing difficulties in carrying out realistic training at installations and training ranges[1] because of so-called "encroachment"[2] issues, which limit their ability to train military forces at the required levels of proficiency. The eight encroachment issues identified by DOD are endangered species' critical habitat, unexploded ordnance and munitions components,[3] competition for radio frequency spectrum, protected marine resources, competition for airspace, air pollution, noise pollution, and urban growth around military installations.

My testimony is based on the work that we recently carried out at your request on the effects of encroachment in the continental United States on military training and readiness.[4] I should also note that we recently completed a review of constraints on the training of U.S. forces overseas.[5] The findings of the two reviews have some similarities. In response to the questions you asked us to address, I will discuss (1) the growing impact of encroachment on training range capabilities, (2) the effects of

[1] The term "training ranges" in this statement refers to air, live-fire, ground maneuver, and sea ranges.

[2] DOD defines "encroachment" as the cumulative result of any and all outside influences that inhibit normal military training and testing.

[3] Unexploded ordnance is munitions that (1) have been primed, fused, armed, or otherwise prepared for action; (2) have been fired, dropped, launched, projected, or placed in such a manner as to constitute a hazard to operations, installations, personnel, or material; and (3) remain unexploded either by malfunction, design or any other cause. Munitions components—which DOD calls "constituents"—include such things as propellants, explosives, pyrotechnics, chemical agents, metal parts, and other inert components that can pollute the soil or groundwater.

[4] See U.S. General Accounting Office, *Military Training: DOD Lacks a Comprehensive Plan to Manage Encroachment on Training Ranges*, GAO-02-614 (Washington, D.C., expected to be issued in June 2002).

[5] See U.S. General Accounting Office, *Military Training: Limitations Exist Overseas but Are Not Reflected in Readiness Reporting*, GAO-02-525 (Washington, D.C.: Apr. 30, 2002). The Chairman, Subcommittee on Readiness and Management Support, Committee on Armed Services, U.S. Senate, requested this review.

encroachment on training readiness and costs, and (3) DOD's progress in developing a comprehensive plan for addressing encroachment.

Summary

Officials at all the installations and major commands we visited here in the continental United States reported that encroachment had affected some of their training range capabilities, requiring work-arounds—or adjustments to training events. Each of the installations we visited reported having lost some capabilities in terms of the time that ranges were available or the types of training that could be conducted. We identified similar effects in most countries overseas in which U.S. forces are based. The potential problem with work-arounds is that they lack realism and can lead to the practice of tactics that are contrary to those used in combat. Service officials believe that population growth is responsible for much of their past and present encroachment problems in the United States and is likely to cause more training range losses in the future.

Despite concerns voiced by DOD officials about the effects of encroachment on training, DOD's readiness reports do not indicate the extent to which encroachment is adversely affecting training. In fact, most reports show that units have a high state of readiness, and they are largely silent on the issue of encroachment. While improvements in readiness reporting can and should be made to better show any shortfalls in training, DOD's ability to fully assess training limitations and their overall impact on training capabilities and readiness will be limited without (1) more complete baseline data on training range capabilities and limitations and the services' training range requirements and (2) a full consideration of how live training capabilities may be complemented by other forms of training such as those available through training devices and simulations. These actions are not meant to take the place of other steps that may be needed to deal with encroachment, but they are key to better depicting the net effects of encroachment now and in the future. At the same time, it is important to note that while it is widely recognized that encroachment results in work-arounds that can increase training costs, those costs are not easily determined or aggregated to measure their full effect. The funding associated with DOD's environmental conservation program, which includes activities such as preservation programs and endangered species management, shows only modest gains over the past 6 years, increasing from 1996 to 1998 but then dropping from 1999 to 2001 among all service components except for the Army.

DOD officials recognize the need for a comprehensive plan to address encroachment but have not yet finalized such a plan. DOD has made some progress in addressing individual encroachment issues, but more will be required to put in place a comprehensive plan to deal with encroachment. Although the department has prepared draft action plans that deal with each encroachment issue separately, the plans are not finalized, and information is not yet available on the specific actions planned, the time frames for completing them, the clear assignment of responsibilities, and the funding needed—elements that will be key to better ensuring the completeness and viability of a comprehensive plan. Although DOD has not yet finalized a comprehensive plan, progress has been made in a number of areas by a variety of departmental organizations. For example, a steering committee has been addressing explosive safety and environmental concerns and has recently completed work on a munitions action plan that addresses safety and environmental concerns related to munitions.

DOD also recently submitted a package of legislative proposals to Congress to deal with various encroachment issues. DOD describes this package as seeking to "clarify" the relationship between military training and a number of provisions in various environmental statutes. The consideration of these legislative proposals will require Congress to consider the potential trade-offs among multiple environmental policy objectives and their impact on military training.

In our draft report on stateside encroachment issues, we made several recommendations aimed at helping DOD develop a comprehensive plan for dealing with encroachment and improve the information and data available for identifying and reporting on the effects of encroachment.[6] In our recently issued report on overseas training limitations, we made recommendations to improve the quality of readiness reporting to better reflect training constraints and to provide for a more comprehensive approach to addressing training limitations.[7]

Background

Military ranges and training areas are used primarily to test weapons systems and train military forces. Required facilities include air ranges for air-to-air, air-to-ground, drop zone, and electronic combat training; live-fire

[6] See GAO-02-614.

[7] See GAO-02-525.

ranges for artillery, armor (e.g., tanks), small arms, and munitions training; ground maneuver ranges to conduct realistic force-on-force and live-fire training at various unit levels; and sea ranges to conduct ship maneuvers for training.

According to DOD officials, a slow but steady increase in encroachment problems has limited the use of training facilities and the gradual accumulation of these problems increasingly threatens training readiness. DOD has identified eight encroachment issues:

- *Designation of critical habitat under the Endangered Species Act of 1973.* Under the act, agencies are required to ensure that their actions do not destroy or adversely modify habitat that has been designated for endangered or threatened species. Currently, over 300 such species are found on military installations.

- *Application of environmental statutes to military munitions.* DOD believes that the Environmental Protection Agency could apply environmental statutes to the use of military munitions, shutting down or disrupting military training. According to DOD officials, uncertainties about the future application and enforcement of these statutes limit the officials' ability to plan, program, and budget for compliance requirements.

- *Competition for frequency spectrum.* The telecommunications industry is pressuring for the reallocation of some of the radio frequency spectrum from federal to commercial control. DOD claims that over the past decade, it has lost about 27 percent of the frequency spectrum allocated for aircraft telemetry. And we previously reported that additional reallocation of spectrum could affect space systems, tactical communications, and combat training.[8]

- *Marine regulatory laws that require consultation with regulators when a proposed action may affect a protected resource.* Defense officials say that the process empowers regulators to impose potentially stringent measures to protect the marine environment from the effects of proposed training.

[8] See U.S. General Accounting Office, *Defense Spectrum Management: More Analysis Needed to Support Spectrum Use Decisions for the 1755-1850MHz Band*, GAO-01-795 (Washington, D.C.: Aug. 20, 2001).

- *Competition for airspace.* Increased airspace congestion limits pilots' ability to train to fly as they would in combat.

- *Clean Air Act requirements for air quality.* DOD officials believe that the act requires controls over emissions generated on DOD installations. New or significant changes in range operations also require emissions analyses, and if emissions exceed specified thresholds, they must be offset with reductions elsewhere.

- *Laws and regulations mandating noise abatement.* DOD officials state that weapons systems are exempt from the Noise Control Act of 1972, but DOD must still assess the impact of noise under the National Environmental Policy Act. As community developments have expanded closer to military installations, concerns over noise from military operations have increased. DOD officials report that pressure from groups at the local, regional, and state levels can serve to restrict or reduce military training.

- *Urban growth.* DOD says that unplanned or "incompatible" commercial or residential development near training ranges compromises the effectiveness of training activities. Local residents have filed lawsuits charging that military operations lowered the value or limited the use of their property.

To the extent that encroachment adversely affects training readiness, opportunities exist for the problems to be reported in departmental and military service readiness reports. The Global Status of Resources and Training System is the primary means that units use to report readiness against designed operational goals.[9] The system's database indicates, at selected points in time, the extent to which units possess the required resources and training to undertake their wartime missions. In addition, DOD is required under 10 U.S.C. 117 to prepare a quarterly readiness report to Congress. The report is based on briefings to the Senior Readiness Oversight Council, a forum assisted by the Defense Test and Training Steering Group. In June 2000, the council directed the steering

[9] Units use the Global Status of Resources and Training System to report their readiness status monthly or whenever a change occurs in four resource areas, including training. If a unit is not at the highest readiness level, it must identify the reasons from a list that includes inadequate training areas. Commanders may also include narrative statements with more detailed explanations.

group to investigate encroachment and develop and recommend a comprehensive plan of action.

The secretaries of the military services are responsible for training personnel and for maintaining their respective training ranges and facilities. Within the Office of the Secretary of Defense, the Under Secretary of Defense for Personnel and Readiness develops policies, plans, and programs to ensure the readiness of the force and provides oversight on training; the Deputy Under Secretary of Defense for Installations and Environment develops policies, plans, and programs for DOD's environmental, safety, and occupational health programs, including compliance with environmental laws, conservation of natural and cultural resources, pollution prevention, and explosive safety; and the Director, Operational Test and Evaluation, provides advice on tests and evaluations.

Encroachment Has Reduced Some Capabilities, and Its Effects Are Likely to Grow

Over time, the impact of encroachment on training ranges has gradually increased. Because most encroachment problems are caused by population growth and urban development, these problems are expected to increase in the future.

Although the effects vary by service and by individual installation, encroachment has generally limited the extent to which training ranges are available or the types of training that can be conducted. This limits units' ability to train as they would expect to fight and causes work-arounds that may limit the amount or quality of training. Installations overseas reported facing similar training constraints.

Below are brief descriptions of some of the problems as reported by the installations and organizations we visited in the continental United States.

- *Marine Corps Base Camp Pendleton, California.* Camp Pendleton officials report encroachment problems related to endangered species and their habitat, urbanization, air space, and noise. Recently, about 10 percent of the installation has been designated as critical habitat for endangered species. Airspace restrictions limit the number of days that weapons systems can be employed, and noise restrictions limit night helicopter operations.

- *Fort Lewis and the Yakima Training Center, Washington.* Fort Lewis officials report encroachment problems related to noise, air quality, endangered species and their habitat, urbanization, frequency spectrum, and munitions and munitions components. In response to

local complaints, Fort Lewis voluntarily ceased some demolitions training. Air quality regulations restrict the operation of smoke generators at Fort Lewis. Habitat considerations restrict maneuvers and off-road vehicle training in parts of both installations. There is periodic communications interference.

- *Nellis Air Force Base and Nevada Test and Training Range, Nevada.* Nellis Air Force Base has encroachment problems stemming from urbanization and noise. Nellis officials said that urban growth near the base and safety concerns have restricted the flight patterns of armed aircraft, causing mission delays and cancellations. They also report that the two installations receive a total of some 250 complaints about noise each year.

- *Eglin Air Force Base, Florida.* Eglin Air Force Base officials report encroachment problems involving endangered species habitat, noise, urban growth, and radio frequency spectrum. Eglin contains habitat for two endangered species. Aircraft must alter flight paths to avoid commercial towers and noise-sensitive areas. The base's major target control system receives frequency interference from nearby commercial operators.

- *U.S. Atlantic Fleet.* Atlantic Fleet officials report encroachment problems stemming from endangered marine mammals and noise. Live-fire exercises at sea are restricted, and night live-fire training is not allowed. Naval Air Station Oceana, Virginia, is the target of frequent noise complaints.

- *Special Operations Command.* This command owns no training ranges of its own and largely depends on others for the use of their training ranges. The Navy component of the Special Operations Command reports being most directly affected by encroachment from endangered species and urban development. A variety of endangered species live on the training areas used by the Navy Special Warfare Command in California, particularly on Coronado and San Clemente islands. Because of environmental restrictions, Navy Special Warfare units can no longer practice immediate action drills on Coronado beaches; they cannot use training areas in Coronado for combat swimmer training; and they cannot conduct live-fire and maneuver exercises on much of San Clemente Island during some seasons. The Special Operations Command has previously been able to mitigate deficiencies in local training areas by traveling to alternate training sites. However, recent limitations on the amount of time that units can spend away from their

home station have required new solutions. The command is requesting funding for new environmental documentation in its budget to protect assets in California and is integrating its encroachment mitigation efforts with DOD and the services.

DOD and military service officials said that many encroachment issues are related to urbanization around military installations. They noted that most, if not all, encroachment issues result from population growth and urbanization and that growth around DOD installations is increasing at a rate higher than the national average. According to DOD officials, new residents near installations often view military activities as an infringement on their rights, and some groups have organized in efforts to reduce operations such as aircraft and munitions training. At the same time, according to one Defense Department official, the increased speed and range of weapons systems are expected to increase training range requirements. Our recent report on training limitations overseas noted that, while some restrictions are longstanding, the increase in restrictions facing U.S. forces in many cases is the result of growing commercial and residential development affecting established training areas and ranges.[10]

Effects of Encroachment on Training Readiness Are Not Reflected in Reported Data

Despite the loss of some training range capabilities, service readiness data do not indicate that encroachment has significantly affected training readiness. Even though in testimonies and during many other occasions DOD officials have cited encroachment as preventing the services from training as they would like, DOD's primary readiness reporting system does not reflect the extent to which encroachment is a problem. In fact, it rarely cites training range limitations at all. Similarly, DOD's quarterly reports to Congress, which should identify specific readiness problems, hardly ever mention encroachment as a problem. I should also note that our recent assessment of training limitations overseas (which are often greater than those found stateside) found that units abroad rarely report lower training readiness in spite of concerns cited by DOD officials that training constraints overseas can require work-arounds or in some instances prevent training from being accomplished.

Although readiness reporting can and should be improved to address training degradation due to encroachment and other factors, it will be difficult for DOD to fully assess the impact of encroachment on its training

[10] See GAO-02-525.

capabilities and readiness without (1) obtaining more complete information on both training range requirements and the assets available to support those requirements and (2) considering to what extent other complementary forms of training may help mitigate some of the adverse impacts of encroachment. The information is needed to establish a baseline for measuring losses or shortfalls.

A full assessment of the effects of encroachment on training capabilities and readiness will be limited without better information on the services' training range requirements and limitations and on the range resources available to support those requirements. Each service has, to varying degrees, assessed its training range requirements. For example, the Marine Corps has completed one of the more detailed assessments among the services concerning the degree to which encroachment has affected the training capability of Camp Pendleton. The assessment determined to what extent Camp Pendleton could support the training requirements of two unit types (a light armored reconnaissance platoon and an artillery battery) and two specialties (a mortar man and a combat engineer) by identifying the tasks that could be conducted according to standards in a "continuous" operating scenario (e.g., an amphibious assault and movement to an objective) or in a fragmented manner (tasks completed anywhere on the camp). The analysis found that from 60 to 69 percent of the training tasks in the continuous scenario and from 75 to 92 percent of the tasks in the fragmented scenario could be conducted according to standards. Some of the tasks that could not be conducted according to standards were the construction of mortar- and artillery-firing positions outside of designated areas, cutting of foliage to camouflage positions, and terrain marches. Marine Corps officials are completing a further analysis of four other types of units or specialties at Camp Pendleton and said they might expand the effort to other installations.

However, none of the services' studies have comprehensively reviewed available range resources to determine whether assets are adequate to meet needs, and they have not incorporated an assessment of the extent that other types of complementary training could help offset shortfalls. We believe that relying solely on the basis of live training, these assessments may overstate an installation's problems and do not provide a complete basis for assessing training range needs. A more complete assessment of training resources should include assessing the potential for using virtual

or constructive simulation technology to augment live training.[11] While these types of complementary training cannot replace live training and cannot eliminate encroachment, they may help mitigate some training range limitations. Stated another way, these actions are not meant to take the place of other steps to deal with encroachment, but they are key to more fully depicting the net effects of encroachment on training capabilities now and in the future.

Furthermore, to the extent that the services do have inventories of their training ranges, they do not routinely share them with each other (or with other organizations such as the Special Operations Command). While DOD officials acknowledge the potential usefulness of such data, there is no directory of DOD-wide training areas, and commanders sometimes learn about capabilities available outside their own jurisdiction by chance. All this makes it extremely difficult for the services to leverage adequate assets that may be available in nearby locations, increasing the risk of inefficiencies, lost time and opportunities, delays, added costs, and reduced training opportunities.

Although the services have been known to share training ranges, these arrangements are generally made through individual initiatives, not through a formal or organized process that easily and quickly identifies all available infrastructure. Navy Special Operations forces only recently learned, for example, that some ranges at the Army's Aberdeen Proving Grounds, Maryland, are accessible from the water—a capability that is a key requirement for Navy team training. Given DOD's increasing emphasis on joint capabilities and operations, having an inventory of DOD-wide training assets and capabilities would seem to be a logical step toward a more complete assessment of training range capabilities and shortfalls that may need to be addressed.

While some service officials have cited increasing costs because of work-arounds related to encroachment, the services' data systems do not capture these costs in any comprehensive manner. At the same time, DOD's overall environmental conservation program funding,[12] which also

[11] *Virtual training* uses simulation to replicate weapons systems and settings. *Constructive training* uses simulation to replicate units, weapons systems, and terrain.

[12] DOD's Environmental Conservation Program funds numerous activities, including endangered species management and preservation programs, invasive species control, and inventories of natural and cultural resources.

covers endangered species management, has fluctuated with only a modest gain over the past 6 years, increasing in fiscal years 1996-98, but then dropping among all components, except for the Army. Total DOD conservation program obligations fluctuated, increasing from $105 million in fiscal year 1996 to $136 million in fiscal years 1998-99, and then decreasing to $124 million in fiscal year 2001.[13] DOD documents attribute the fluctuation in conservation program obligations to increased costs from preparing Integrated Natural Resource Management Plans.

Comprehensive Plan for Addressing Encroachment Is Not Finalized

Senior DOD officials recognized the need for a comprehensive plan to address encroachment back in November 2000, but they have not yet finalized such a plan.

The task was first given to a working group of subject matter experts, who drafted plans of action for addressing the eight encroachment issues. The draft plans include an overview and analysis of the issue, and current actions being taken, as well as recommended short-, mid-, and long-term strategies and actions to address the issue. Examples of the types of future strategies and actions identified in the draft plans include the following:

- Enhancing outreach efforts to build and maintain effective working relationships with key stakeholders by making them aware of DOD's need for ranges and airspace, its need to maintain readiness, and its need to build public support for sustaining training ranges.
- Developing assessment criteria to determine the cumulative effect of all encroachment restrictions on training capabilities and readiness. The draft plan noted that while many examples of endangered species/critical habitat and land use restrictions are known, a programmatic assessment of the effect that these restrictions pose on training readiness has never been done.
- Ensuring that any future base realignment and closure decisions thoroughly scrutinize and consider the potential encroachment impact and restrictions on the operations of and training for recommended base realignment actions.

[13] For fiscal year 2003, DOD has requested $4 billion for its environmental programs, which consist of environmental restoration, compliance, cleanup at base closure sites, pollution prevention, environmental technology, and conservation.

- Improving coordinated and collaborative efforts between base officials and city planners and other local officials in managing urban growth.

At the time we completed our review, the draft action plans had not been finalized. DOD officials told us that they consider the plans to be working documents and stressed that many concepts remain under review and may be dropped, altered, or deferred, while other proposals may be added. No details were available on the overall actions planned, clear assignments of responsibilities, measurable goals and time frames for accomplishing planned actions, or funding requirements—information that would be needed in a comprehensive plan.

Although DOD has not yet finalized a comprehensive plan of actions for addressing encroachment issues, it has made progress in several areas. It has taken or is in the process of taking a number of administrative actions that include the following:

- DOD has finalized, and the services are tasked with implementing, a Munitions Action Plan—an overall strategy for addressing the life-cycle management of munitions to provide a road map that will help DOD meet the challenges of sustaining its ranges.

- DOD formed a Policy Board on Federal Aviation Principles to review the scope and progress of DOD activities and to develop the guidance and process for managing special use air space.

- DOD formed a Clean Air Act Services' Steering Committee to review emerging regulations and to work with the Environmental Protection Agency and the Office of Management and Budget to protect DOD's ability to operate.

- DOD implemented an Air Installation Compatible Use Zone Program to assist communities in considering aircraft noise and safety issues in their land-use planning.

- DOD is drafting a directive that establishes the department's policy on the Sustainment of Ranges and Operating Areas to serve as the foundation for addressing range sustainability issues. The directive, currently in coordination within DOD, would outline a policy framework for the services to address encroachment on their ranges and direct increased emphasis on outreach and coordination efforts with local communities and stakeholders. In addition, the department

is preparing separate policy directives to establish a unified noise abatement program and to specify the outreach and coordination requirements highlighted in the sustainable ranges directive.

DOD is also seeking legislative actions to help deal with encroachment issues. In December 2001, the Deputy Secretary of Defense established a senior-level Integrated Product Team to act as the coordinating body for encroachment efforts and to develop a comprehensive legislative and regulatory set of proposals by January 2002. The team agreed on a set of possible legislative proposals for some encroachment issues. After internal coordination deliberations, the proposals were submitted in late April 2002 to Congress for consideration. According to DOD, the legislative proposals seek to "clarify" the relationship between military training and a number of provisions in various conservation statutes, including the Endangered Species Act, the Migratory Bird Treaty Act, the Marine Mammal Protection Act, and the Clean Air Act. DOD's proposals would, among other things, do the following:

- Preclude designation under the Endangered Species Act of critical habitat on military lands for which Integrated Natural Resources Management Plans have been completed pursuant to the Sikes Act. At the same time, the Endangered Species Act requirement for consultation between DOD and other agencies on natural resource management issues would remain.

- Permit DOD to "take"[14] migratory birds under the Migratory Bird Treaty Act without action by the Secretary of the Interior, where the removal would be in connection with readiness activities, and require DOD to minimize the removal of migratory birds to the extent practicable without diminishment of military training or other capabilities, as determined by DOD.

- Modify the definition of "harassment" under the Marine Mammal Protection Act as it applies to military readiness activities.[15]

[14] The term "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or to attempt to engage in any such conduct.

[15] The Marine Mammal Protection Act's definition of "harassment" has been a source of confusion. According to DOD, the statute defines "harassment" in terms of "annoyance" or the "potential to disturb," standards that DOD asserts are difficult to interpret. The statute, 10 U.S.C. 1362, defines the term as any act of pursuit, torment, or annoyance that has the potential to injure or disturb a marine mammal by causing disruption to behavioral patterns such as migration, breathing, nursing, breeding, feeding, and sheltering.

- Modify the conformity provisions of the Clean Air Act. The proposal would maintain the department's obligation to conform military readiness activities to applicable state implementation plans but would give DOD 3 years to demonstrate conformity. In the meantime, DOD could continue military readiness activities.

These proposals reflect the needs identified by DOD's draft action plans and appear to be one step by the department toward developing a comprehensive approach to managing encroachment issues that affect military training ranges. The consideration of these legislative proposals affecting existing environmental legislation will require Congress to consider potential trade-offs among multiple environmental policy objectives and their impact on military training.

We have recommended that DOD develop and maintain inventories of its training ranges, capacities, and capabilities; finalize a comprehensive plar of administrative actions that includes goals, timelines, projected costs, and the clear assignment of responsibilities for addressing encroachment issues; and periodically report on progress in addressing encroachment issues. Our recently issued report on overseas training also recommended that DOD develop reports that accurately capture the causes of training shortfalls and objectively report units' ability to meet their training requirements.

This concludes my statement. I would be pleased to answer any questions that you or other members of the Committee may have at his time.

Contact and Acknowledgement

For further contacts regarding this statement, please contact Barry Holman on (202) 512-8412. Individuals making key contributions to this statement include Glenn Furbish, John Lee, Mark Little, Stefano Petrucci, James Reid, and John Van Schaik.

Mr. BARR. Thank you very much. I'd like to begin with myself for 5 minutes of questioning, and depending on when other Members show up—Mr. Shays, OK, we'll do 10 minutes. Thank you.

With regard to the issue of national security exemption—which, as you all know, is provided and contemplated would be used. Otherwise, it wouldn't have been put in the legislation of Endangered Species Act. Section 7(j) provides for a very, very broad, very clear national security exemption saying simply that notwithstanding any other provision of this chapter, the committee shall grant an exemption for any agency action where the Secretary of Defense finds such exemption is necessary for reasons of national security. Of course, that refers to the committee comprised of various Cabinet and sub-Cabinet-level officials, including an additional Presidential appointee who will determine whether or not to grant an exemption from the requirements of section A(2) of section 1536, which otherwise would require that any action to be carried out by the agency must not be carried out in such a way as to jeopardize endangered species or threatened species, etc.

I haven't been able to find any instance, despite the many years that this exemption has been on the books, that, one, it's either been utilized or even been a request having gone up to the Secretary of Defense for its utilization.

Are you all aware of any requests or submissions for the national security exemption under the Endangered Species Act?

Mr. DUBOIS. Mr. Chairman, my understanding is, as you indicated, there have been no requests or issuances of exemptions under the Endangered Species Act. Let me, though, address your question in two ways.

One, I wanted to also point out that the Marine Mammal Protection Act and the Migratory Bird Treaty Act have no exemptions in the statute, but I think it's important to recognize that emergency exemptions are typically limited in scope and duration and are declared only in instances of critical threats to human safety. They have been used very rarely—and I'm speaking beyond just the Endangered Species Act. They have been used very rarely by the Department and usually as an option of last resort.

Reliance, it seems to us, on emergency declarations really fails to address the fundamental readiness requirement that we're trying to deal with. Environmental regulations should be addressed, it seems to me, by establishing the appropriate legal and administrative framework, allowing the Department to fulfill its commitment to environmental protection and the readiness of the Armed Forces.

Our concern in terms of the readiness and range preservation initiative that we have suggested is not with emergency examinations. It's really, as both this panel and the prior panel suggested, it's really with the cumulative effect on training and testing activities that must be undertaken on hundreds of military installations every day to ensure readiness.

Now, to be sure, there are specific instances wherein such exemptions would be or could be valuable, but they will not go far in solving the broad encroachment problems that we are faced with, the day-to-day issues, the notion that if you are going to wait

to exercise the national security exemption when faced with sending troops into battle, it's too late. They are——

Mr. BARR. Not necessarily, it wouldn't be. For example, I've been looking as you've been speaking, and the exemption doesn't say anything about an emergency. It says exemption for national security reasons.

I just don't understand, particularly with the current administration that clearly has, demonstrably has a much more appropriate feel for national security and national defense needs than the prior administration, and given the fact that all of the witnesses, the military witnesses, that we have had in this whole series of hearings all indicate that the current restrictions are harming the ability of our Navy personnel, Army personnel, Marines and Air Force personnel to prepare themselves adequately in advance of being put into a hostile environment, as opposed to using that hostile environment for on-the-job training.

Given the fact that is well known—and let's assume it wasn't well known before September 11; certainly it is now—the importance of that live fire training, comprehensive training, different scenarios and so forth, all of which are closed off in large part under current restrictions because of the Endangered Species Act, in addition to the other acts; we all know that—what I fail to understand is, yes, the better approach would be to change the laws or to pass, as we are trying to do in the Defense authorization bill, a very limited provision.

But you all know as well as we do what happens when you have an amendment or a proposal up here in the Congress that relates in any way, shape or form to the Endangered Species Act, the environmental wackos come out, the media comes out, and they all say, oh, those Republicans are going to gut the Endangered Species Act and so forth; and the Members get very weak-kneed, and we lose the votes. We know that happens.

One, we have not seen any firm move by the administration to support us in trying to effectuate these changes, but in the meantime, given the emergency situation really that is facing us in fighting the war against terrorism, why not even ask? Why not at least ask for this exemption? And if, in fact, somebody is going to make a claim, well, this isn't a true emergency, heck, let them make the claim. Put the environmentalists on the defensive for once, not us.

I don't understand. Why wouldn't we take advantage of this clear provision of the law that I think—clearly, I think, contemplated the sort of situation that we have?

Mr. DUBOIS. I think, Mr. Chairman, as I tried to indicate, that our understanding of the national security exemption is that it is focused on a certain time and place.

Mr. BARR. No, it's not, and there's obviously no case law that established that, because nobody has ever even tried it.

What I read before was the full language of it. It says, "Notwithstanding any other provision of this chapter, the committee shall grant an exemption for any agency action if the Secretary of Defense finds that such exemption is necessary for reasons of national security." It doesn't mention emergency at all; it doesn't mention any time duration.

All I'm saying is, let's be bold. If somebody wants to claim, oh, that's not a true emergency, or it's only for a short period of time, let them make that argument and try to prove it. I don't think they are going to be able to because the language of this provision is pretty clear; but even if they win, at least we've tried something.

Mr. MAYBERRY. I believe, as you've mentioned, the Department does perceive it has been bold in terms of even coming forth with its overall readiness and range preservation initiative. That certainly is the first focused attempt to try to address on a broader scope the types of systematic, systemic problems that are at many locations, particularly with respect to the Endangered Species Act.

But I think that we, as the Department, have also been criticized that we have not been allowing for full and open debate in this process and that any request for such a Presidential waiver would certainly circumvent that process as well.

Mr. BARR. Good. I say good.

Mr. MAYBERRY. And I think that may be——

Mr. BARR. National security is at stake here. We're fighting a war.

Can you imagine if we had to fight World War II under these circumstances, saying, oh, my goodness, we can't do something because it hasn't been put out for full comment from all of the stakeholders? People would have laughed at us.

If one of these stakeholders doesn't like what we're proposing, if they want to come forward and say, this exemption, national security should in fact take a second seat—and this will tee up the issue quite clearly—to some clover or some tortoise—you know, the sex acts of some tortoise or something at nighttime, so that it interferes with nighttime sea training operations, I say, let them make that argument, see if they can make it with a straight face.

Why not put them on the defensive? Why do those of us who believe in national security and who believe it is more important than some of this stuff—why do we have to feel we're on the defensive? Why proceed so cautiously that nothing gets done?

Mr. DUBOIS. Mr. Chairman, if I could just add here, I can assure you that the administration will not hesitate to evoke section 7(j) where appropriate, but I think, as you pointed out, that we ought not emphasize that such an exemption—that exemption ought to supplement our critical habitat reform that we've suggested——

Mr. BARR. I agree. I'm not saying, do this instead of it; but I'm saying, at least let's try this if, in fact, we believe that there is an immediate need to beef up our training and get back to where we used to be, where our forces didn't have to tiptoe around a marked-off area when making an assault on a beach, or you couldn't use an armed vehicle in an area because you might go over some yellow cockeyed grass or whatnot.

If that is the case, which we've heard testimony it is, let's use this as a tool, as part of our arsenal to try to get some changes, because none of this other stuff is going to happen real quickly, unfortunately.

Hopefully, the best shot that we have is through the efforts of Chairman Hansen and many others in the Defense authorization bill; and I do appreciate the fact that you all support that. I mean, it is important to finally have an administration that will do that;

but I continue to be mystified and somewhat distressed that we don't use—that, one, we've never used this exemption, and we're not even using it right now when our Nation is at war. I think it would be an important tool to use, not in lieu of, but in addition to these others; and I would hope you all take that message back, because there are certainly a lot of us here that will support you in that interpretation.

Mr. HOLMAN. Mr. Chairman, if I might add——

Mr. BARR. Yes, sir.

Mr. HOLMAN. I'm not aware of any exemptions under the Endangered Species Act, but I believe there have been two other exemptions in the past pertaining to other legislation.

I think there was one in the early 1980's, perhaps an Executive order issued by the President, allowing some waivers of the Clean Water Act, Clean Air Act, pertaining to resettlement or housing of Haitian immigrants. I believe it was in Puerto Rico.

And I think there was another one in about 1995, an exemption dealing with RCRA, the Resource Conservation and Recovery Act. That dealt with classified Air Force activity out West.

But those are the only two I'm aware of.

Mr. BARR. Were they sustained? Were they challenged at all, do you know?

Mr. HOLMAN. I do not know.

Mr. DUBOIS. The last item that Mr. Holman was referring to is a year—an exemption that's granted annually. It's with respect to a classified situation.

Mr. BARR. OK. Thank you all.

Mr. Shays, would you take over the chair, please?

Mr. SHAYS. Certainly.

Mr. BARR. I apologize, gentlemen. I have another hearing that I have to chair just down the hall. So I will ask Mr. Shays to take over the chair here, but I would say now what I would say at the conclusion of this panel.

Thank you all very much for your work in this area. It's extremely important to our Nation's defense and our fighting ability; and we appreciate your continuing work, and look forward to continuing to work with you to solve these problems we've identified. Thank you.

Mr. DUBOIS. Thank you very much.

Mr. SHAYS [presiding]. Sorry to keep you gentlemen waiting. I first want to put on the record, and I just want to tell the minority as well, I'm going to allow professional staff on the majority and minority to ask questions. So if there are any questions you want to ask, I just want you to know you have that right and opportunity.

I would like to put on the record a letter we sent on April 24 to Jim Hansen. It was from Chairman Burton, and I'm going to read it.

As you know, the Committee on Government Reform is still investigating military training range sustainability.

In March of last year, I authorized a GAO study of military training range encroachment in the continental United States and Department of Defense management of encroachment. This study will be completed tomorrow, and delivered to the Department of Defense for comment.

The results of the study will indicate that although the military services have proven that environmental regulations have resulted in the degradation of training and the loss of training ranges, the Department of Defense and the Office of the Secretary of Defense are lacking in long-term encroachment management structures and policies, training range inventory data or readiness reporting that reflects training encroachments. There is also no reporting requirement to Congress and its committees of jurisdiction on the loss of ranges and threatened training. I feel that these administrative requirements are of critical importance to protecting military training now in the future.

I gladly share the findings and recommendations of this study with you because of your long-term commitment to protecting military training. The language in the Hansen-Weldon amendment has my support and the support of many interested members on the Government Reform Committee. Please let me know what I can do to ensure its inclusion in this year's Defense Reauthorization bill.

[The information referred to follows:]

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Congress of the United States

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INDEPENDENT

April 24, 2002

The Honorable James V. Hansen
United States House of Representatives
242 Cannon House Office Building
Washington, DC 20515

Dear Jim:

As you know, the Committee on Government Reform is still investigating military training range sustainability.

In March of last year, I authorized a GAO study of military training range encroachment in the continental United States and Department of Defense management of encroachment. This study will be completed tomorrow, and delivered to the Department of Defense for comment.

The results of this study will indicate that although the military services have proven that environmental regulations have resulted in the degradation of training and the loss of training ranges, the Department of Defense and the Office of the Secretary of Defense are lacking in long-term encroachment management structure and policies, training range inventory data or readiness reporting that reflects training encroachments. There is also no reporting requirement to Congress and its Committees of jurisdiction on loss of ranges and threatened training. I feel that these administrative requirements are of critical importance to protecting military training now and in the future.

I gladly share the findings and recommendations of this study with you because of your long-term commitment to protecting military training. The language in the Hansen-Weldon Amendment has my support and the support of many interested Members on the

Government Reform Committee. Please let me know what I can do to ensure its inclusion in this year's Defense Reauthorization bill.

Sincerely,

Dan Burton
Chairman

AMENDMENT TO H.R.

OFFERED BY MR. HANSEN OF UTAH

(for himself and Mr. Weldon of Pennsylvania)

At the end of title III, add the following new section:

1 **SEC. ___. TRAINING RANGE SUSTAINMENT PLAN, GLOBAL**
2 **STATUS OF RESOURCES AND TRAINING SYS-**
3 **TEM, AND TRAINING RANGE INVENTORY.**
4 (a) PLAN REQUIRED.—(1) The Secretary of Defense
5 shall develop a comprehensive plan for addressing prob-
6 lems created by limitations on the use of military lands,
7 marine areas, and airspace reserved, withdrawn, or des-
8 ignated for training and testing activities by, for, or on
9 behalf of the Armed Forces.
10 (2) The plan shall include—
11 (A) goals and milestones for tracking planned
12 actions and measuring progress;
13 (B) projected funding requirements for imple-
14 menting planned actions;
15 (C) a designated office in the Office of the Sec-
16 retary of Defense and each of the military depart-
17 ments that will have lead responsibility for over-
18 seeing implementation of the plan.
19 (3) The Secretary of Defense shall submit the
20 plan to Congress at the same time as the President

1 submits the budget for fiscal year 2004 and shall
2 submit an annual report to Congress describing the
3 progress made in implementing the plan and any ad-
4 ditional encroachment problems.
5 (b) READINESS REPORTING IMPROVEMENT.—Not
6 later than June 30, 2003, the Secretary of Defense shall
7 submit to Congress a report on plans of the Department
8 of Defense to improve the Global Status of Resources and
9 Training System. The purposes of the improvements will
10 be to better reflect the extent that units of the Armed
11 Forces are achieving training requirements, and quantify
12 the relative impact of encroachment and other individual
13 factors negatively affecting unit accomplishment of train-
14 ing plans and readiness goals.
15 (c) TRAINING RANGE INVENTORY.—The Secretary of
16 Defense shall develop and maintain a training range data
17 bank for each of the Armed Forces. The data bank shall—
18 (1) identify all available training ranges;
19 (2) identify all training capacities and capabili-
20 ties available at each training range;
21 (3) identify all current encroachment issues or
22 limitations on training which are, or are likely to,
23 negatively impact training and readiness; and
24 (4) provide a point of contact for each training
25 range.

1 (d) ARMED FORCES DEFINED.—In this section, the
2 term "Armed Forces" means the Army, Navy, Air Force,
3 and Marine Corps.

107TH CONGRESS
2D SESSION

H. R. 4546

AN ACT

To authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

in achieving the purposes specified in subsection (b).".

SEC. 365. TRAINING RANGE SUSTAINMENT PLAN, GLOBAL STATUS OF RESOURCES AND TRAINING SYSTEM, AND TRAINING RANGE INVENTORY.

(a) PLAN REQUIRED.—(1) The Secretary of Defense shall develop a comprehensive plan for using existing authorities available to the Secretary of Defense and the Secretaries of the military departments to address problems created by limitations on the use of military lands, marine areas, and airspace reserved, withdrawn, or designated for training and testing activities by, for, or on behalf of the Armed Forces.

(2) The plan shall include the following:

(A) Goals and milestones for tracking planned actions and measuring progress.

(B) Projected funding requirements for implementing planned actions.

(C) Designation of an office in the Office of the Secretary of Defense and each of the military departments that will have lead responsibility for overseeing implementation of the plan.

(3) The Secretary of Defense shall submit the plan to Congress at the same time as the President submits the budget for fiscal year 2004 and shall submit an annual

1 report to Congress describing the progress made in imple-
2 menting the plan and any additional encroachment prob-
3 lems.

4 (b) READINESS REPORTING IMPROVEMENT.—Not
5 later than June 30, 2003, the Secretary of Defense, using
6 existing measures within the authority of the Secretary,
7 shall submit to Congress a report on the plans of the De-
8 partment of Defense to improve the Global Status of Re-
9 sources and Training System—

10 (1) to better reflect the increasing challenges
11 units of the Armed Forces must overcome to achieve
12 training requirements; and

13 (2) to quantify the extent to which encroach-
14 ment and other individual factors are making mili-
15 tary lands, marine areas, and airspace less available
16 to support unit accomplishment of training plans
17 and readiness goals.

18 (c) TRAINING RANGE INVENTORY.—The Secretary of
19 Defense shall develop and maintain a training range data
20 bank for each of the Armed Forces—

21 (1) to identify all available operational training
22 ranges;

23 (2) to identify all training capacities and capa-
24 bilities available at each training range;

1 (3) to identify all current encroachment threats
2 or other potential limitations on training that are, or
3 are likely to, adversely affect training and readiness;
4 and
5 (4) to provide a point of contact for each train-
6 ing range.
7 (d) GAO EVALUATION.—(1) With respect to each re-
8 port submitted under this section, the Comptroller General
9 shall submit to Congress, within 60 days after receiving
10 the report, an evaluation of the report.
11 (e) ARMED FORCES DEFINED.—In this section, the
12 term "Armed Forces" means the Army, Navy, Air Force,
13 and Marine Corps.

14 **SEC. 366. AMENDMENTS TO CERTAIN EDUCATION AND NU-**
15 **TRITION LAWS RELATING TO ACQUISITION**
16 **AND IMPROVEMENT OF MILITARY HOUSING.**

17 (a) ELIGIBILITY FOR HEAVILY IMPACTED LOCAL
18 EDUCATIONAL AGENCIES AFFECTED BY PRIVATIZATION
19 OF MILITARY HOUSING.—Section 8003(b)(2) of the Ele-
20 mentary and Secondary Education Act of 1965 (20 U.S.C.
21 7703(b)(2)) is amended by adding at the end the fol-
22 lowing:
23 "(II) ELIGIBILITY FOR HEAVILY IMPACTED
24 LOCAL EDUCATIONAL AGENCIES AFFECTED BY
25 PRIVATIZATION OF MILITARY HOUSING.—

Mr. SHAYS. And basically the inclusion was offered by Mr. Hansen in the Subcommittee on Readiness on April 25, and it passed the full committee on May 1 and the House on May 9; and what it requires is the Secretary of Defense to develop a comprehensive plan for addressing problems created by limitations on the use of military lands, marine areas and the air space reserve withdrawal or designation for training and testing activities by, for or upon behalf of the Armed Forces.

"The plan shall include"—and it talks about the number of points it shall include; and it says, "Not later than June 30, 2003, the Secretary of Defense shall submit to Congress a report on plans for the Department of Defense to improve the global status of resources and training systems," and it does more.

So that will be submitted for the record.

And also Mr. Hansen briefly stopped by the committee, and we just want to thank him for what he did. As chairman of the Resource Committee and a member of the Armed Services Committee, he has worked very closely with this committee on training range sustainment issues.

Based on prelimary findings by the General Accounting Office study under discussion here today, he introduced language in the Defense authorization bill to make sure this legislation passed, and so we're just very grateful to him.

And it's an example, I think, of what this committee does. More often than I think people realize, we take advantage of the reports that are submitted, and we try to work with the other committees of cognizance.

I'd like to know, Mr. DuBois, why there couldn't have been an attempt on the part of the administration to develop a plan without legislation needed.

Mr. DUBOIS. The plan, Mr. Chairman, is——

Mr. SHAYS. Just a plan of taking all these various, this incredible resource we have available of training facilities and to understand how they all fit in, what is needed and what is not needed and so on.

Let me ask you, how long have you been in this capacity that you're in right now?

Mr. DUBOIS. Slightly over 1 year.

Mr. SHAYS. Mr. Mayberry.

Mr. MAYBERRY. August of last year.

Mr. SHAYS. Maybe both of you could share with us why we aren't seeing a plan exist today, even under a previous administration.

Mr. MAYBERRY. Well, I believe that each of the Services have had ongoing efforts in terms of trying to identify their training requirements, but there was really not an effort to integrate and bring all of these issues to the forefront.

I think, as your graphic here illustrates, this truly is a multifunctional problem. It involves the operators, the soldiers, the sailors, airmen and Marines, as we saw as part of the first panel. It involves the readiness advocates, myself included. It involves the environmentalists, represented by Mr. DuBois; and it also gets at someone who is not represented here, and that is our training—excuse me, our testing and evaluation director.

There are so many players here involved, and I don't think it was really—the press of really bringing this to the forefront within previous administrations.

This is not the result of the September 11th event. The Senior Readiness Oversight Council had been addressed, for which I served as the Executive Secretary of that body also in the previous administration. We have—myself, as well as my boss, Dr. Chu, Under Secretary of Defense for Personnel and Readiness—have really tried to push these issues forward because we realize the true readiness impacts on our forces and their ability to operate.

Mr. DUBOIS. Let me, if I might, add a comment to that.

When I took this job and began to talk to Paul after he came on board, it was clear—and the Services actually demonstrated to us—the need for this kind of reporting. Mr. Holman has talked about the DOD reports of the past being, "largely silent," on encroachment issues as they pertain to readiness.

Readiness reporting focuses on a unit's readiness, not on a training range's readiness or the basis of what encroachment may or may not have impacted the range's readiness. As you can imagine, a unit commander—unit commanders will do whatever is necessary to receive at least an adequate readiness rating, but we—in line with the chairman's letter, I think we agreed that the range itself needed to be graded with respect to its ability to deliver to a unit cohesive and live fire training readiness.

To that extent, the Marines developed a readiness reporting procedure—plan, if you will—for Camp Pendleton, and we are now addressing and assessing that methodology to see how it's applicable to all of our ranges.

So I hope that perhaps next year when we testify on this issue before you that there will be, in anticipation of that 2003 summer report, a greater level of detail and fidelity as to these issues.

Mr. SHAYS. What brought this issue to my forefront, frankly, was Vieques and my absolute amazement that the politics seemed to supersede—and I'm going to say, in both administrations—the readiness of our troops to one to visit that island and to realize that one-third of that island was so pristine because of what the Navy did. It was kept in absolutely perfect condition, with no degradation except for places to store munitions; and so it will now be turned back to the people of Puerto Rico in better condition than probably anyplace else in the Territory of Puerto Rico.

Then the center part, where the village is, and then the other part, the 9 miles where there was live, at the tip of that 9 miles, training for land, sea and air coordinated. And to think that the previous administration and this administration would somehow say that we don't need it blows my mind. And when you meet with any military personnel privately, no one privately would tell me that we don't need it.

Now, the only thing I can think of is, one, politics came into play; and two, we didn't know how it fit into the rest of the program. But the one thing that's pretty clear is—and I would like to ask all three of you, how many places on the East Coast do we have to train in a simulated way, in a coordinated way, land, air and sea?

And, Mr. Holman, maybe I will start out with you. Tell me where.

Mr. HOLMAN. Chairman Shays, we haven't made a comprehensive assessment of that. The ones I'm certainly aware of mentioned this morning, perhaps Eglin. But Puerto Rico is probably the preeminent place to do that; the loss of that is significant.

In Eglin, you can do some, but perhaps not all, the training. But there are quite—the number of places are very few on the East Coast.

Mr. SHAYS. This involves utilizing submarines as well?

Mr. HOLMAN. Yes, sir.

Mr. SHAYS. So you've got to do it all.

Mr. Mayberry.

Mr. MAYBERRY. Yes, sir, the quality of Vieques training cannot be questioned. I, as a readiness advocate in the Department, certainly press for live fire training and integrated operations. The task is to the Secretary of the Navy at this point in his Title X responsibilities to address alternative sites at this point. I know that the Center for Naval Analysis is conducting a variety of——

Mr. SHAYS. But to interrupt you, if you don't mind, the craziness of that is, we have no plan. We don't know how it fits in with all the other things we're doing. We're looking at it, frankly, somewhat in isolation; though I don't think it takes a rocket scientist, frankly, to understand that there aren't many places where you can do all three at once.

And to suggest somehow we can do them in separate sections, some by sea, some by land, but it wouldn't be coordinated—Mr. Mayberry.

Mr. MAYBERRY. The previous panel used some very good words of "chopped-up training." There are locations that probably could be used to do the respective pieces—parts here, but the notion of being chopped up is—and how integrated, combined and joint operations will be tested, evaluated and trained is truly a critical piece.

Mr. SHAYS. Thank you.

Mr. DuBois.

Mr. DUBOIS. I think that notwithstanding Vieques—and I too have visited Vieques—to replicate the capabilities of that particular range will be extremely difficult. But prior to this administration, the Joint Chiefs did commission action plans a couple of years ago to—and directed Services, each military service, to look at their training requirements and their training range availability. Those plans were submitted last spring when we—after we came into office.

Deputy Secretary Paul Wolfowitz, on the basis of those plans, directed preparation of a legislative and administrative set of measures to develop those measures to address the known problems. The planning continues, as I indicated. Perhaps a year from now we will be able to give you more definitive answers.

But the bulk of our efforts, the bulk of our efforts are not legislative. But for issues such as the Endangered Species Act in terms of critical habitat and the Migratory Bird Treaty Act, we do not think any alternative legislation exists.

But back to your question in terms of planning and preparation, when we came into office, it had been set into motion in the sum-

mer of 2000; reports were—preliminary reports were made in the spring of 2001 and, as I said, Dr. Wolfowitz then directed more in-depth and detailed studies.

Mr. SHAYS. Let me just ask Mr. Allen a question. I've probably gone on for about—I've gone on for 13 minutes and I'm happy to give the gentleman time. Would you like a little more time before starting, or——

Mr. ALLEN. I'm ready whenever.

Mr. SHAYS. I'm going to take 2 more minutes and then give you 15.

I want to say for the record that I did not agree with the characterizations of our acting chairman as it related to the environmental issues. I'm somewhere between where the chairman is, probably, and Mr. Allen is; and I did mention to him when he was leaving that I just wanted to say to you, and for the record, I believe that we won't have a world to live in if we continue our neglectful ways with our environment.

And we could make a joke about bees, but if we had no bees, we would have no growth in 4 years. So I believe the military has a moral duty to—where it can, to protect the environment. But if it is an environmental issue and training that can't be done elsewhere and can't simply be done, then I believe that training trumps the environment in those instances; and that's kind of where I would disagree with my colleague.

And I would say to Mr. Allen, it is important to have you back because you did raise important questions; and I didn't comment on the points you made while you were away, but I think it will make for a better hearing to have you voice your concerns and to give the gentlemen an opportunity to respond to them and give me an opportunity to react as well.

So I welcome you, and you have 15 minutes.

Mr. ALLEN. Thank you very much, Mr. Chairman. I gather people noted that I had to leave and some took objection to that after my opening statement. There is nothing I wanted to do more than stay here, but we have so many conflicting obligations. I had questions for that first panel that I never got to ask, and it's a little bit frustrating.

Let me say a couple things. First of all, I am completely committed to making sure that our troops are ready for the conflicts that they are likely to participate in. Readiness is not a minor issue to me. It's a fundamentally important issue. I don't want to lose a single member of our Armed Forces because they weren't properly trained.

On the other hand, the President said when he campaigned for office that he felt that Federal agencies should comply with our environmental laws, and that's a position that I still have. There was a radio report, and I believe it was the commander of Fort Bragg, talking very positively about how they'd been able to conduct their training, in spite of certain environmental constraints by working with the local community and environmental organizations, and I believe that this is the proper model.

I would only say with respect to the military and I'm not trying to cast blame on anyone, but when you come to Congress and you want to change laws that are of fundamental importance to the en-

tire society, and you try to do it at the last minute with no substantive hearings on the proposals that are being raised—I mean, you can look back and somewhere find a hearing on an environmental issue.

But if you're not having a hearing on the legislative proposals that are being raised, and there are 4 days before the markup of the Readiness Committee, you are going to get a negative response from some of us because while we might be willing to accept changes in the laws after full consideration and debate and the participation of those who object, we are not likely to say, oh, fine, go ahead on 4 days notice.

And one other sort of general comment: If I had been here to ask questions of the first panel, there was a GAO report in October 2001 which said that the Defense Department has nearly 28,000 potentially contaminated sites. The Defense Department can't have broad exemptions, we can discuss narrow exemptions, but it can't have broad exemptions from our environmental laws because it is the Federal agency with the greatest responsibility for pollution in this country—the Federal agency that has the most problems, I guess I would say.

And another way of saying it is that DOD has easily the world's largest environmental clean-up problem.

That's not to say, that's DOD's fault. There's a lot we've learned about how pollutants move underground than we knew when bases in my district and elsewhere were first created; but the GAO report concluded that the cost recovery data in the Department's annual environmental clean-up report is not useful to the Congress or the Department for management or oversight because it is inaccurate, inconsistent and incomplete. That's a statement that DOD needs to do a better job of looking at and figuring out its own costs for environmental cleanups.

That's not the issue of the moment, but it is just a point I raise because when you talk about exempting DOD, we're not talking about exempting some agency that has only a minor impact on the environment of this country.

Mr. Holman, I want to turn to you. I apologize for not being here during your direct presentation, but I want to ask you about several coments and several findings in your report. Those findings seem to me to cast doubt upon the Department's claims that they urgently need special exemptions from our environmental laws; and I want to ask you briefly about these.

You concluded in your report that the Department has not even completed an inventory of its own training facilities. In your report, you said commanders sometimes find out about other training facilities by chance. Is that correct?

Mr. HOLMAN. Yes, that is correct. As we were talking with the Navy component of the Special Operations Command, we did find that while they use—they own no facilities of their own, but they use each of the Services' facilities as they know of them; and they told us that they had recently become aware of the ability to do training at—Aberdeen Proving Ground had water access, something they very much needed.

And they pointed out to us the fact they did not have available to themselves an inventory of training facilities; and I think that's

something that's probably important to have. Particularly as we look more toward an increasingly joint training environment, it becomes good to have that.

Dr. Mayberry said the Department and the services are in the process of trying to put together some inventories of their facilities. I think they have some, but they need to be more complete. There probably needs to be consistency of data that's gathered on each one of them in terms of their size, capability, limitations particularly with encroachment and so forth.

Mr. ALLEN. In the October 2001, report that I mentioned earlier, "Improved Guidance Needed for Reporting on Recovered Cleanup Costs," the GAO recommended in that report that the Pentagon do an inventory of its ranges. That request was over 8 months ago. You're making it again now.

Do you have any sense of whether progress has been made by the Department in doing that kind of inventory of ranges?

Mr. HOLMAN. I'm not quite sure where they are at this point, Mr. Allen.

I should point out also that report referred to closed ranges, as well as—probably more so closed ranges than it did open ranges, but it's a combination. And when you look at the two together, there are a sizable number of sites—and perhaps Mr. DuBois can indicate where they are in terms of the inventory now.

Mr. ALLEN. What I'd like to do is finish my questions with you and then come back to the rest of the panel.

You also found that the Department does not know what its training requirements are. You stated that no military service has, "comprehensively reviewed available range resources to determine whether assets are adequate to meet needs." Is that a fair statement?

Mr. HOLMAN. What we were trying to say with that statement is, it's a combination of things. One, you need to identify what your training requirements are, what ranges do you have that can satisfy those capabilities, what are the limitations; and then once you've done that, what options do you have for any other forms of training that might be complementary.

We have heard comments about simulation training this morning, and we certainly are not here to say that simulation is the answer to encroachment and certainly simulation cannot take the place of live training. However, significant advances have been made in simulation, simulator technology, in recent years as an increasingly ever-important, complementary form of training. You put all those facets together, and then you start to have a more complete picture of just what are the limitations that you face today.

And, again, that's not going to do away with the encroachment issue. That's not going to do away with needing to take other steps to mitigate and safeguard training ranges for the future, but it tends to give you a more complete picture of what your deficiencies are and what are the things you really need to work on.

Mr. ALLEN. And I certainly would agree with you that simulation is not a complete answer to training either. Clearly, our troops need to have the most realistic training possible in a number of different circumstances.

The report also concluded that the Pentagon has no data showing that encroachment has increased costs. Now, we can assume that there are some increased costs, and I would be perfectly willing to make those assumptions; but you indicated that no installation you visited could provide data on costs incurred as a result of encroachment. Is that fair or not?

Mr. HOLMAN. What we said is that there's no system in place that will give you a comprehensive picture of the costs, added costs, that occur because of work-arounds associated with encroachment.

Now, we can go to individual installations and we can get estimates here and there of $50,000, $100,000, whatever, that may be needed to move a unit from Camp Pendleton to Yuma to Twenty-Nine Palms, whatever, to train. You can talk to Navy officials, and you can get estimates of what it requires to hire biologists, operate planes to fly over the ocean for a couple of hours before and during exercises to watch for marine mammals; you know, there's costs associated with that.

But what we're saying is, just the nature of the way the accounting systems are, it's not easily done to develop a comprehensive picture of those additional costs; but they are there and they are real.

Mr. ALLEN. I think it would be worthwhile making a distinction myself.

There is no question that protecting the environment around DOD's bases is going to cost money. That is obviously going to cost money. It's obviously going to cost a lot of money. The question in my mind is whether these particular environmental laws that we are being asked to change, by themselves, involve such significant additional costs that costs should even be considered.

I mean, clearly the quality of the training, that is a high priority; we've got to consider that. But since we inevitably are going to spend some money to protect the environment anyway, the question is whether the costs of what is been called here "encroachment" is really a factor that we should be considering.

You found, I believe, that the Pentagon's overall costs for environmental obligations have decreased over the past 3 years. Is that true, so far as you can tell?

Mr. HOLMAN. They went up slightly over a period of about 6 years. The past 3 years, they have come down just a little bit, so with a net increase over the past 6 or 7 years, but not a significant increase. And I think a lot of that has to do with the Department's budget constraints and maintaining a fairly level standard of funding.

I think where we did see some significant increases or some increases, more had to do with the Army, and they associated those costs with developing the integrated resource plans they were developing.

Mr. ALLEN. To my mind, your most important finding was that these services demonstrated no significant reduction in readiness as a result of encroachment.

Can you tell me what readiness reporting systems you examined when making this conclusion?

Mr. HOLMAN. Mr. Allen, we looked at the operational readiness reports for fiscal year 2000. I might also add, in the recent report

that we did, looking at training overseas, we looked at operational readiness reports over a 2-year period, and those are the particular reports that are prepared by units on a monthly basis, or as readiness changes; and not surprising, those reports show the majority of units reporting a high-level standard of readiness both here in the States as well as overseas.

Overseas training constraints are even greater, and you would expect, perhaps, the readiness rates to be lower.

I have to say from a historical perspective, because I've looked at that type of data for many years and I've seen that same situation over the years, that's why GAO has consistently, repeatedly over the years recommended that DOD develop and improve readiness reporting systems.

Now, having said that, I need to say at the same time you will see some conflicting data. Mr. DuBois referred earlier to facilities readiness reports. In the past 3 years, the Department's been submitting facilities readiness reports to the Congress; and the most recent one—a lot of information has come out about it recently, and they're unclassified—I think it was 69 percent of DOD's facilities, and that includes operations and training facilities, were rated C–3 and C–4, which would suggest by the readiness system that the organizations reporting would have significant problems in accomplishing their mission.

I compare that data against the operational readiness reports that say the majority of units are rated C–1 or C–2, high state of readiness; and you see data there that conflicts.

Mr. ALLEN. If I could add there, I set off a response on the other side of the aisle with my comments about governing by anecdote this morning, but this is what I mean.

I would say the fundamental point is that if we are saying that readiness is being affected, there has got to be some way of showing that readiness is actually being affected. I would grant the Department that in specific instances it is complicated to work around environmental laws, just as it's complicated to work around civilian homes. The comment was made in the first panel that sometimes, as civilian homes are built closer and closer to bases, that creates problems.

Homes create problems for civilian airports as well as military bases; the overflight rules create problems. The question really is whether the Department of Defense is going to be able to figure out how to accommodate all these other different interests in society, or whether it's going to be exempted from accomodating these other interests.

I have just a little bit more.

To summarize, Mr. Holman, you said that DOD doesn't have an inventory of its ranges, they have not comprehensively assessed their range needs, they can't tell us which encroachment issues are the most challenging, they haven't documented any increase in costs, and most importantly, they don't show any effect on readiness from the data that you're referring to.

In your opinion, do the Pentagon's legislative proposals which focus on exemptions to these environmental laws seem premature to you?

Mr. HOLMAN. Mr. Allen, I'm really not in a position to make that call. I think what you're looking at there—I mean, certainly we say DOD needs a comprehensive plan. The study groups have looked at it, have suggested they needed some clarification of legislation dealing with dangerous species, Marine Mammal Act and others. So I think they were looking at a combination of administrative actions, as well as legislation.

And we certainly say they need a comprehensive plan, but when it comes to the legislative proposals, we're talking about some significant tradeoffs, policy objectives. I think those are decisions best left to the Congress. We just really haven't made a call on that.

Mr. ALLEN. I just hope that the Congress will be able to consider them after a full-blown hearing with people on both sides of the aisle, because it's my experience we make better decisions when they do that.

Mr. HOLMAN. Mr. Allen, if I might make one additional comment in terms of your summary remarks about our report.

One thing I want to make clear, I would not want anyone to conclude from looking at that report that GAO is saying no data, no problem. We're not saying that.

I think it's very clear from listening to the first panel this morning—again, it sounded like going to many of the bases that we went to, the comments we heard in terms of impacts on training. You can't help but know from that there are limitations on training.

Our difficulty, given the longstanding problem with DOD's readiness reporting system, is that we cannot tell you the magnitude of that problem. I know from looking at this issue for many years—I think we first reported on encroachment issues on training back in 1991. We know the problem, particularly with urban growth and development; it's one that's increasing over time. So while we may not be able to tell you the precise impact on readiness and training today, we do know it's an issue that is important, that does require dealing with, because it probably will continue to get worse over time.

Mr. SHAYS. Let me claim back time and give the gentleman another 10 minutes. I'm going to go 10 and then give you 10 more afterwards, because frankly I think it's important that he ask every one of these questions.

The only problem is your disclaimer at the end, in some cases, to me negates a heck of a lot of what you said for the first 15 minutes of your report. And you are basically saying there isn't the data to show it, but it doesn't mean there isn't a problem; and then you almost have to be an idiot if you go to these places and not see there's a problem.

So I'd love to know your definition of "data" if they can't use a facility for 6 months, then they can't use it; and that's data to me, for 6 months.

So are you saying you want to know what that means? They can't use the facility for 6 months, so it means they aren't training there for 6 months. So then are we to make the assumption, since they aren't able to explain to you where else to go or they don't know where else they can go, that therefore there isn't data?

Explain to me what "data" means.

Mr. HOLMAN. We know that from the testimony this morning. We know that from the bases we visited over time there are limitations. Unit commanders are constantly engaging in work-arounds to accomplish their training.

If you are referring to requirements, we are talking about overall requirements and what are the limitations. We're looking at a major issue called "encroachment," and we are trying to get our hands around it and say, what is the magnitude of this problem and how does it affect readiness today? Again, our difficulty when we look at readiness data is, commanders aren't reporting negative impacts; and when they do that readiness report, one of the elements they're supposed to rate is training readiness.

Mr. SHAYS. Mr. Holman, you're doing your job, but the problem is, I just want to understand ultimately what your report means. I mean, I have almost contempt for the fact that we can't audit the Department of Defense. We have over a trillion transactions that can't be audited, and there's no question—as Mr. Allen says, you go to certain bases, and we haven't closed certain bases because they're so contaminated. If we close them down, we'd have to spend a fortune to clean them up right now; so we haven't done it.

And so Mr. Allen, in my judgment, is right on target in wanting a process and wanting to hold people accountable. The problem is, at the same time, we are at war. We do know that our troops are not getting the opportunities they need, and yet we also know that they have said that everybody's ready. So you are saying, OK, I don't see the data that shows to me the connection between you can't do this, but we say we're ready.

And it seems to me, Mr. DuBois and Mr. Mayberry, you're, 1, by something that's not too comfortable because you don't want to send our troops out into the battlefield and say they're not ready; and so we have a level that we have decided is "ready."

But a question to anyone is, could they be better trained? And then the other question is, if they had more training, would they be better trained? And the answer is clearly, yes; and we don't need a lot of data to show us that.

But my problem with DOD is that I don't want them to overreach to get around environmental rules, and then I just get kind of nervous that we end up in the old ways. We can't audit you, so we forget about it.

So there's a part of me that has tremendous sympathy. Having seen these places first hand, I am just appalled that we would not be more protective of these facilities in making sure that we're able to use them more often.

I would like to have you both, Mr. DuBois and Mr. Mayberry, respond to any question that was asked among the very fine questions that were asked by Mr. Allen; and I know he would like that. I happen to know Mr. Allen to be a very fair man. He wants the truth to come out, wherever it is; and frankly, we need him to ask these questions.

Mr. MAYBERRY. I think Mr. Holman is right on the mark, that you can put a lot of onus of this on the Department's readiness assessment systems, that it is not of the quality in terms of the specific accuracy of information that we're wanting to see here. It's truly more of a snapshot in time of a particular unit's status, typi-

cally documenting their immediate problems; but it does also get at the issue of the can-do attitude that we saw here this morning.

I don't think there's any question that unit commanders are on the spot to have their forces trained and ready—that is their primary responsibility—and that there have been a variety of work-arounds for which there is no centralized process to capture that type of information—to understand the magnitude of the cost of work-arounds, the magnitude of the degradation in terms of training within the readiness reporting process.

My analogy is, it's sort of like a physician trying to diagnose a patient with a high fever. Anyone can sort of put their hand on the head and feel the hot temperature, but we don't have a thermometer right now that we can make accurate assessments of the degree to which that individual is above normal.

What we do have to work with is the issue of quantification, and that truly has been one of the weaknesses of our readiness reporting process. Certainly not refined or detailed enough to capture the cumulative effects that we've heard talked about here over time to the realistic training, nor to acknowledge the compounded cost, but that is where the Secretary has asked us to go not only in terms of the service's readiness systems, but also how do we go about assessing our joint capabilities as well.

Mr. DUBOIS. Mr. Chairman and Mr. Allen, I think it's important to recognize that you use the term "broad exceptions." I don't think the Department in any way shape or form is asking——

Mr. SHAYS. Mr. DuBois, I'm going to interrupt and I apologize. I just need to make sure before we lose the thought of Mr. Mayberry, we need to know is there any timetable in your attempt to get this to happen?

Mr. MAYBERRY. Let me say that the Marine Corps has really sort of taken the lead here in terms of developing a methodology.

Mr. SHAYS. Don't say that. They'll get more arrogant than they already are.

Mr. MAYBERRY. God bless the Marine Corps.

Mr. SHAYS. I mean that gently.

Mr. MAYBERRY. They truly are trying to assess the ability of an installation to support its training mission by looking at the units that are located there, their training requirements in terms of individuals, in terms of small units, in terms of small teams and how the encroachment factors really get at the inability of that unit to provide that type of training.

For example, again, the Marine Corps——

Mr. SHAYS. I don't mean to be rude, I'm just wondering about the timetable. You're telling me kind of what they're doing. I want to know are you going to give them money to do this? Are you getting more money to have them do this? Do they have more money and what kind of time line are we working on?

Mr. MAYBERRY. What we're looking at here is incorporation of this type of installation information into our installation readiness reports. That is part of a directive, a readiness directive that the Secretary of Defense is to sign out here within the next few months—that is something that is not a requirement now—and to make it explicit in terms of encroachment factors. There are overall operations and training sea ratings, readiness rates as part of that.

But again, it goes down to the comments. What we want to do within the next several months, provide the overall type for the encroachment information as well as a quantification of the workarounds.

Mr. SHAYS. You really don't have a time line yet. There's nothing that says we're going to have this done by a particular time.

Mr. MAYBERRY. Sir, it will be part of the next year's readiness report. That will be due in December.

Mr. SHAYS. OK. December of this year.

Mr. MAYBERRY. That's correct. We publish that on an annual basis and give it to Congress.

Mr. SHAYS. Sorry, I missed the first part. I understand now. Do you have anything else to say. I'm sorry to interrupt you.

Mr. DUBOIS. I want to address three issues that I think Congressman Allen correctly raised: One, was the broad exception issue, and part of that is the notion of the President's commitments, or are we inconsistent or our initiatives inconsistent with the President's commitments about Federal facilities compliance; two, I want to talk about the nexus between what we are facing and detail empirical data; and three, I want to talk about the costs issue.

So first broad exceptions. I don't believe nor have I seen anywhere anyone saying that we are asking for very broad exceptions. Our initiative is very narrowly focused, focused on only, repeat, only those activities which are unique to the military.

Now, this is connected and I appreciate you bringing this up, because we believe that our initiative and our legislative proposals are fully consistent with the President's commitments about Federal facilities compliance. We are not talking about activities, the kind of which we perform every day that are comparable to the private sector. DOD wastewater treatment plants, DOD dry cleaners, paint booths, power generation lands, construction, all of these remain, all of these activities remain subject to existing environmental requirements.

Our initiative largely affects environmental regulations that do not apply to the private sector or what we believe disproportionately impact defense and defense unique activities. For instance, critical habitat designation has no legal consequence on private lands but has crippling, sometimes crippling legal consequences for military bases. The private sector's "incidental take reduction plans" give commercial fisheries the flexibility to kill or injure over 4,800 marine mammals a year, but they are unavailable to the Department of Defense whose critical defense activities are being halted or postponed despite fewer than 10 marine mammal deaths or injuries a year.

Environmental groups are not legally, not legally permitted to enforce the Migratory Bird Treaty Act against private parties, but are now, with the recent court decision, are now able to enforce against government agencies including, in particular, the Department of Defense.

And last, I think another good example is the Clean Air Act's conformity requirement applies only to Federal agencies; it does not apply to the private sector.

So again, sir, I'd like to just point out that we are carefully crafted, and to be sure there might be some improvements in the legislative language, and we certainly want to work with the Members of Congress to achieve that, if that's the consensus and that's the consideration here. But we made it very clear in the beginning of our study of this issue, in our deliberations with our sister Federal agencies and in our testimony before the House Armed Services Committee Readiness Subcommittee, on these very issues, that our approach was narrowly focused.

The issue about detailed empirical data, I think the two provisions that are now moving through Congress and have been adopted by the full House in our Defense Authorization Act for fiscal year 2003 that address impending readiness effects that are direct—we believe they are direct and provable without recourse to detail data, after all, the shut down at Farallon de Medinilla range that I referred to in my opening remarks, under the Migratory Bird Treaty Act judgment injunction and the shutdown of Pendleton and Marimar, two marine bases by the critical habitat designation under the Endangered Species Act, these precedents, of course, have implications nationwide.

Now, as you may know, while the provisions that we sought are not included in the House Defense Authorization Act as passed by the full House, the issues pertaining to Fort Richardson in Alaska, that particular litigation, which I have here the summons for the Secretary of Defense, this litigation—and by the way, not by the States, but by private citizens—claims that the firing of a gun is a circular release, and therefore, a creation of a hazardous waste as a matter of law. Now, if that's true at Fort Richardson and we lose that case, why isn't it true for every other base in the country?

So, I kind of wanted to connect those two thoughts, narrowness and then the implications of the court cases that we face. Yes, I don't have a litany or statistics in every single range that we have on the United States and on our territories on the one hand. On the other hand, it's clear that there are present dangers to accessibility.

The last issue is costs. I just want to end with the thought that I hope no one thinks that what the Secretary of Defense is suggesting here is to save money. We are not proposing these legislative clarifications to save money. However, I think that you are correct that it is legitimate to ask, what kinds of costs have been incurred? And we are going to attempt to quantify that. But that is not the motivation behind these requests.

Mr. SHAYS. Let me just say I will give Mr. Allen 10 minutes here. In fact, I went 13, 14 by the time, so he can have more than 10. You did I think both of you—first, I appreciate your candor, Mr. Mayberry, about the readiness issue because we have to be honest with each other. You know the bottom line is readiness, is a subjective judgment, ultimately. We try to quantify it, but it's subjective. And clearly, the men and women would like to be more ready. And you know what? If I'm going to send them to war I want them to be more ready, because our job is to make sure it truly isn't a fair fight. That's what Mr. Allen wants.

Your response, Mr. DuBois, was an excellent case for the military that Mr. Allen would like you to make before not just the Defense

Committee, but other committees. And my feeling is that Members of Congress are pretty reasonable folks if they can hear the story. You have a story to tell. You shouldn't just be confined to your friends on the Armed Services Committee. And frankly, we might not see the kind of concern as great as it is. But given past history, the pollution on our military bases, given that we don't have a true audit of our military, there are times that some people and, rightfully so, say what's going on here, and others say we're at war, let's get on with it.

Mr. Holman, I think it would be a misuse of your report if people say because the data isn't there, therefore all these valid arguments don't exist. Because frankly, the readiness is a subjective matter. And we don't want to send anyone who we don't think is ready, and should they be more ready and should we require readiness—one of the requirements may be that if you're involved in this kind of operation you can't be ready unless you have actually done all three at the same time: land, sea and air. If we don't have that requirement, then we can say somebody is ready just by the fact that we didn't require it. And so there's a lot in play here. And I've been fascinated to see the dynamics of all three as it comes to play.

Mr. Allen, you had very fine questions, which helped me understand this issue better.

I will just conclude by saying that I do think that the effort before the committee in the Defense Authorization was reasonable, though I originally didn't. And I would disagree with my environmentalists who I tend to be aligned with most 99 percent of the time. But I wish you had made the case to them in a way that they could hear it. And I don't blame them for being concerned and opposing it because the case wasn't made to them.

Mr. Allen you've got 15 minutes.

Mr. ALLEN. Thank you, Mr. Chairman. I'll try not to take it all. This is very, very helpful, and like the chairman, I want our troops to be ready. I want the military to be able to do its job. It's vitally important to me. But I want to reframe this issue and take another stab at it.

Mr. Holman was making the case that we don't have the data we need, and both of you secretaries were saying we have to get better quantification in the readiness report so we really understand more effectively the impact of these so-called environmental encroachments on our training and readiness. There's a part of me that wants to say when the military says we need more data, there's a part of me that says good, we need that and there's a part of me that says oops, watch out. Because we might get data of a kind which is problematic, because when you get lots of data, sometimes you don't get to a conclusion.

And I want to try to reframe this a little bit and ask really all of you if this works. It seems to me that the question is not whether or not there is absolutely comprehensive data—let me say this. I believe you need to do a comprehensive study of readiness and the effects of encroachment. On the other hand, I would suggest that at least part of that not be just the compilation of data. I believe the fundamental issue here is not whether or not there is encroachment, not whether or not there is some infringement on the

ability to train our troops the way we want to, but whether or not that infringement, that encroachment is hard to work around.

To me, in many ways, this seems as if, for example, let me take Chairman Shays' suggestion. You've got two bases, and I missed the discussion because I wasn't here during that part, but you've got a base that you can't use for 6 months of the year. That is something that affects training. But if there's another base nearby where you could go and do the same training, then it would not have a significant impact on readiness. By the same token, whether we're talking about the Endangered Species Act or any of the other environmental legislation we're talking about, the fundamental policy question I think is the obstacle to readiness, is the obstacle to training so severe that we can't work around it.

So I would urge the Department to not simply compile data but also look at and give us some case studies on both sides of the issue. Perhaps from Fort Bragg, where they've been able to work with both the community and outside groups, according to that radio report, to both protect the environment and train our troops.

Perhaps other areas where it's a serious problem because the training can't be done anywhere else and it's a real obstacle to move forward. That kind of take on the problem would be helpful to me.

And what I'd like to ask you, all three of you, is if you have a reaction to that or thoughts about that or how you think you could go about getting that kind of analysis into a comprehensive report.

Mr. MAYBERRY. I think that you make an outstanding point. Because there are a full continuum of work-arounds. These can be very minor from something as insignificant as moving down that beach some number of yards to, you know, get away from the critical habitat area for that particular nesting time of year. That's fine. It doesn't necessarily impact the quality of the training. And then there's another side of the continuum, which gets at the notion of complete cancellation of an exercise. For example Luke Air Force Base, which trains F–16 pilots, when endangered antelope are on their ranges, that completely shuts down the range. What they have tried to do is to identify alternative target sets that could be diverted to.

Now, again, much of what they're training is target acquisition and identification. There may be some loss there. In terms of major battle group exercises, when whales or marine mammals are observed, that too can put a stop to the entire exercise. Now, that is in the extreme category.

Mr. ALLEN. If I could just interrupt you on that particular point, the Marine Mammal Protection Act is of particular concern to me because I'm not satisfied the science is good enough, that we know the impact and that we've done enough science to figure out what the impact is on marine mammals. I know some have been tested. That's a whole other hearing really, and I probably shouldn't have made that comment. So let's go back to what you are saying.

Mr. MAYBERRY. The issue you characterize very well is one of, again, some notion of balance to be able to understand what the training degradations are for these work-arounds. Much of that comes down to the commander's intent, the commander's assessment of was this training of sufficient quality to allow me to check

the block for having my unit certified as capable in this particular area.

As I said, the Marine Corps has done some good work of trying to, I think, explicitly link their training requirements, their documented training requirements for an MEU to deploy special operations capable certified, they have to be able to perform specific tasks to specific standards under specific conditions. And it's that type of quantification process that is lacking now that we need to institute on a department-wide basis, and not get into the problem that you mentioned of being completely swamped in terms of data and information. But I think that we've got a continuum—as a matter of fact, I was down at the Joint Readiness Training Center at Fort Polk. They actually tried to incorporate some of the protected areas as part of their actual scenarios. Jeez, we can't go in this particular area for reasons that it may be a church or religious facility. Actually use it as part of a real world scenario.

So there is a full spectrum here in terms of what these workarounds range from in terms of their impact on the training.

Mr. ALLEN. Good. I would ask Secretary DuBois a question. You're not going to be here or you won't be at the desk during the next panel. I understand that Dan Miller, the next panel from the National Association of Attorneys General is going to speak, I don't know if this is exactly from his statement, but it's pretty close, on the question of whether these are broad exemptions or narrow exemptions that you raised earlier. My understanding is that he will say that residual and unexploded ordnance and explosives contamination is precisely the problem at closed and transferred ranges.

And the DOD amendment would preempt States and EPA's interest in regulating the cleanup of unexploded ordnance and related materials at hundreds of transferred ranges. You've got explosive hazards, potential toxic or carcinogenic effects, and possible groundwater contamination as a list of problems that might arise.

I want to give you the chance, while you're here, before he comes up to respond to that, in light of your comment about the fact you've tried to make these exemptions—tried to tailor them narrowly.

Mr. DUBOIS. Yes, sir. We have had a number of meetings with the sponsorship of the National Governors Association with State regulators, State representatives from the States Attorneys General Office, State Governor's office.

And Mr. Miller and I have had a colloquy on this particular issue. It is the opinion of our counsel that the way we have written it does not, repeat, not apply as Mr. Miller believes it does. In point of fact, just the opposite. Closed, transferring and transferred ranges are fully exposed, if you will, to environmental regulations laws statutes, etc. Now, I did, as I think I mentioned, if there are language changes which Dan Miller and others would suggest to make it absolutely crystal clear, then we're certainly amenable to entertaining these changes.

And as I hope the States, and I use that in the broadest sense, understand, we welcome the opportunity to work with them to ensure that we have every opportunity to train to the rigorous standards necessary, but we believe we can achieve this objective in ways that are compatible. We believe that the proposals are mod-

est, narrowly tailored to address discreet concern. Mr. Miller has interpreted it otherwise, contrary to our interpretation.

What—and I will conclude with this comment—we are attempting it seems to me, we are attempting through our proposals to codify existing regulatory policy and practice of EPA and the States where it might have been certain—certain vagaries may have been attached to these situations we're trying to codify what exists today. So I'm interested in a continuing dialog with Mr. Miller and all the Governors and States' attorneys general in this regard.

Mr. ALLEN. I want to thank all three of you for your testimony today. This has been a very helpful discussion for me and I yield back my time that I still have.

Mr. SHAYS. Thank you. I thank the gentleman for coming back. Is there any question that you all may have stayed up late into the night preparing to answer that you want to put on the record? Is there any question that you want to ask yourself that you think needs to be put on the record?

Mr. DUBOIS. I wanted to make one comment about the notion that if training range A for 6 months is unavailable to us, but training range B or C might be, and this does go back to the issue of cost, how many ranges do we keep operational, and how do you just tie that to the taxpayer when this point of fact with adoption of some narrow provisions we may be able to avail ourselves of a single range 365 days of the year?

There also is a calculus of encroachment, it seems to me, which 27 years ago when I worked at the Pentagon under Secretary Rumsfeld, and in the 25 years that we were in the private sector, the term "encroachment" 27 years ago was not in a military lexicon. Perhaps it should have been. Now this issue I think has a calculus. Over the last 10 to 15 years we've seen, as my graduate mathematics instructor would say, the rate of increase has increased. And therefore not to address it now would be incorrect.

Mr. SHAYS. I'm going to put on the record, and if Mr. Allen wants to change it or anybody else wants to qualify anything I've said, I'm happy to have them do it, but I'm going to say that my sense is that we clearly know encroachment is a problem in a local host of different ways. We know that we're not able to use some of our training facilities the way we would like to use them. We I think realize that our readiness standards need to be reevaluated so that we're not saying someone's ready when they should perhaps be more ready.

I'm going to say to you that the GAO has clearly stated that they want more data, and based on the data that's available, they can't come to conclusions to justify certain needs and desires of the Department of Defense. But that does not mean that they don't exist. And then I'm going to end up by saying that we clearly need a plan for all our facilities. That was the motivation, that's of the good things that I think make sense about the report and we've already really started to act on that. The Department of Defense needs a plan for all of their training facilities.

And then I'm just going to inject my bias once again that when I say Vieques being pulled out of our training facilities, I said we got one hell of a mess at DOD that we would be doing that.

And so is there any qualification you want to make on that?

Mr. ALLEN. Just in addition, Mr. Chairman. I would only add that our environmental laws are supported by so many, such a large percentage of the American public that the issue of exemptions or waivers or whatever you would call the process by which the DOD doesn't comply as fully or is allowed not to comply as fully as other entities needs to be carefully examined. The fundamental issue is can you work around some of the problems caused by environmental restrictions in a way that makes sense, in order to protect the integrity of the environmental laws we have.

Mr. SHAYS. And I'm going to just add that in some cases we may be asking the Department of Defense to do certain things that we aren't asking the private sector. And that I would encourage the Department of Defense to make their case before other committees besides those who would tend to be most friendly to them because I think you can make a case. But I think Mr. Allen feels that you could make a case maybe to a varying degree than I can but you shouldn't be afraid to make that case and treat all the Members of Congress that they deserve to hear your case and then make the decision.

Do you mind me getting the last word?

Mr. ALLEN. You've got the last word Mr. Chairman. That's it.

Mr. SHAYS. Gentlemen, appreciate you being here a great deal. Thank you for all of your work. Thank you for your love of your country. Now, we have a recess so we may be able to finish this hearing before we have a vote and that would be lovely. That would be lovely.

We have, our next witness is Mr. Dan Miller. He's the first assistant attorney general of the Colorado department of defense. And I would welcome Mr. Miller to stay standing.

And take your time gentlemen. I don't mean to be rushing you. We're not in a rush.

Mr. Miller I want to say while you are standing—where is Mr. Miller? Thank you. Thank you for your patience. That's the first thing I want to say to you. Hopefully we paid your way out. Don't sit down. I do want to thank you. You probably wanted to jump in umpteen number of times but we're going to allow you to say what you need to say and request some questions. Raise your right hand, please.

[Witness sworn.]

Mr. SHAYS. Thank you. Thank you Mr. Miller for being here. I think you have some important things to say and though you are third, you are definitely as much a part of the record as everyone else, and we welcome you being here. And we give a little dispensation to the third speaker if he wants to talk a little longer. So if you want to make even your statement—give us your statement, but even address some of the other things you heard before we ask them, you know that may be good it may even save us some time. But I want you to do whatever you want out of courtesy to you. So you have the floor.

Mr. MILLER. Thank you, Mr. Chairman.

Mr. SHAYS. I'm going to tell you what we're doing, we're going to put the clock on. Every 5 minutes it will go red but you turn it green again. If you get close to 10 minutes I'll let you know.

STATEMENT OF DAN MILLER, FIRST ASSISTANT ATTORNEY GENERAL, COLORADO DEPARTMENT OF LAW

Mr. MILLER. OK. Thank you, Mr. Chairman, Mr. Allen, members of the committee. I'm here today to testify on behalf of Colorado Attorney General Ken Salazar and Washington Attorney General Christine Gregoire. However, as my written materials indicate, I think it's fair to say that the general tenor of my remarks reflect the views of most of the States.

I'm only going to address those parts of the Department of Defense's legislative proposals that would amend the Clean Air Act, RCRA and CERCLA. RCRA is the Federal law that regulates hazardous waste management and cleanup. CERCLA, also known as Superfund regulates the cleanup of toxic waste sites. So I'm not going to talk about the Endangered Species Act, Migratory Bird Treaty Act, or Marine Mammal Protection Act.

The reason I'm focusing on these three laws is that the States are the primary implementors of the Clean Air Act and RCRA and they're major partners with EPA under CERCLA. First I'd like to say that the States absolutely support the goal of maintaining the readiness of our Nation's military. The men and women of the Armed Forces must have all appropriate realistic training. At the same time we strongly support the need to protect human health and the environment and we recognize that military activities can adversely impact human health in the environment. In our view, further military readiness and ensuring environmental protection are compatible goals not mutually exclusive. The question is how do we balance military readiness concerns with environmental concerns.

We believe that RCRA, CERCLA and the Clean Air Act already provide sufficient flexibility to accommodate potential conflicts between these goals. Furthermore, as far as we are aware, the Department of Defense is not identified a single instance in which RCRA, CERCLA or the Clean Air Act has actually adversely impacted readiness. We also think that the Department of Defense's amendments go far beyond its stated concerns with maintaining military readiness and would likely provide a very broad exemption from RCRA and CERCLA for explosives ammunitions.

RCRA, CERCLA and the Clean Air Act all allow the President to exempt the Department of Defense from their requirements on a case-by-case basis simply by finding that the exemption is necessary for national security, or is in the paramount interest of the United States, depending on which statute we're talking about.

The Federal Government has never invoked these exemptions for military readiness purposes. The exemption provides flexibility coupled with accountability. Accountability is important because the Department of Defense has a history of seeking to avoid compliance with environmental requirements. Even where Congress has commanded that the Department of Defense comply with environmental laws, DOD has a worse compliance record than private industry with one exception.

Accountability is also important because of the environmental impact of military activities. Of the 1,221 sites currently listed on the Superfund national priorities list 129 are Department of Defense facilities. Considering the lack of any documented, or even al-

leged impacts from RCRA, CERCLA or the Clean Air Act on military readiness, the Department of Defense's legislative proposals to amend these laws are quite broad. Let's take the amendment to RCRA as an example. Proposed section 2019 that would be added to Title X would define munitions, explosives, unexploded ordnance and constituents thereof for solid wastes. That's the touchstone for regulation under RCRA. Nothing is hazardous waste unless it is first solid waste.

The definition of solid waste is also very important because RCRA's waiver of sovereign immunity only applies to State requirements respecting the control and abatement of solid waste or hazardous waste disposal and management. Waivers of immunity are construed very narrowly as well established Supreme Court doctrine. A close reading of the Department of Defense's proposed amendments shows that they will preempt State authority over munitions explosives and the like not only at operational ranges, but also at closed and transferred ranges, at Department of Defense sites other than ranges, and even in private defense contractor sites.

To paraphrase section 2019, the only time munitions and explosives are a solid waste is if they are or have been deposited incident to their normal and expected use on an operational range and one of three things happens. Either they're removed from the range, they are recovered and then buried or landfilled on the range, or they migrate off range and are not addressed under CERCLA.

In addition, the proposal provides that munitions and explosives may be a solid waste if they are deposited incident to their normal and expected use off an operational range and are not promptly addressed. So this definition excludes munitions that were deposited on an operational range and remain there after the range is transferred out of Federal ownership. Such residual munitions which include unexploded ordnance, explosives, explosive constituents, and other sorts of contamination that's precisely the problem at these closed and transferred ranges. DOD's amendment would preempt States and EPA from regulating the cleanup of unexploded ordnance and related terms at hundreds of transferred ranges. In addition to the obvious explosive hazards by the unexplosive ordnance, many of these materials have toxic or potential carcinogenic effects and may cause groundwater contamination.

Proposed section 2019(a)(2) also exempts explosive ammunitions that are used in training or in research development testing and evaluation of military munitions, weapons, or weapons systems. My question is what explosives and munitions are not? This provision appears to create a wholesale exemption for explosives and munitions under RCRA and CERCLA. It would apply to any facility with such wastes, including private contractor sites.

In closing, we do not believe that the Department of Defense's far reaching amendments to RCRA CERCLA or the Clean Air Act are warranted. We would be glad to work with the Department to develop ways to address its readiness concerns with these laws within the context of the existing environmental laws. And we would urge that any proposed legislation on this issue go through a nor-

mal legislative process with public hearings before the committees with jurisdiction over the environmental laws.

That's the end of my prepared statement. I'd be glad to answer any questions you have.

[The prepared statement of Mr. Miller follows:]

TESTIMONY OF DANIEL S. MILLER
FIRST ASSISTANT ATTORNEY GENERAL
COLORADO DEPARTMENT OF LAW

HOUSE COMMITTEE ON GOVERNMENT REFORM
MAY 16, 2002

Mr. Chairman, thank you for the opportunity to present the state perspective on this issue today. I am appearing today on behalf of Attorney General Ken Salazar. However, as my written materials indicate, it is fair to say that my remarks reflect the views of most states. I will address only those parts of the Department of Defense's legislative proposals that would amend the Clean Air Act, the Resource Conservation and Recovery Act (or RCRA) or the Comprehensive Environmental, Response, Compensation and Liability Act (known as CERCLA). The states are the primary implementers of the Clean Air Act and RCRA, and are major partners with EPA under CERCLA.

First, we absolutely support the goals of maintaining the readiness of our nation's military. The men and women of the armed forces must have all appropriate training. At the same time, we strongly support the need to protect human health and the environment, and we recognize that military activities can adversely impact human health and the environment. In our view, furthering military readiness and ensuring environmental protection are compatible goals, not mutually exclusive.

The question is how to balance military readiness concerns with environmental concerns. We believe that RCRA, CERCLA, and the Clean Air Act already provide sufficient flexibility to accommodate potential conflicts. Furthermore, as far as we are aware, DOD has not identified a single instance in which RCRA, CERCLA, or the Clean Air Act has actually adversely impacted readiness. Consequently, we do not believe that DOD's proposed amendments are necessary. We also think that DOD's amendments go far beyond its stated concerns with maintaining military readiness, and would likely provide a very broad exemption from RCRA and CERCLA for explosives and munitions.

RCRA, CERCLA, and the Clean Air Act allow the President to exempt DOD from their requirements on a case by case basis, simply by finding that the exemption is necessary for national security or is in the paramount interests of the United States, depending on the statute. The federal government has never invoked these exemptions for military readiness purposes. These exemptions provide flexibility, coupled with accountability. Accountability is important because DOD has a history of seeking to avoid compliance with environmental requirements. Even where Congress has commanded DOD to comply with environmental laws, DOD has a worse compliance record than private industry, with one exception. Accountability is also important because of the environmental impact of military activities. 129 of the 1221 sites currently listed on the Superfund National Priorities List are DOD facilities.

Considering the lack of any documented -- or even alleged -- impacts, DOD's legislative proposals to amend these laws are quite broad. Let's take the amendment to RCRA as an example.

Proposed section 2019 would define when munitions, explosives, unexploded ordnance and constituents thereof are solid wastes, and thus subject to regulation as a hazardous waste. The definition of "solid waste" is also important because RCRA's waiver of immunity applies to state "requirements respecting the control and abatement of solid waste or hazardous waste disposal and management." Waivers of immunity are construed very narrowly -- any ambiguity will be read in a manner that narrows the scope of state authority. A close reading of DOD's proposed amendments shows that they will preempt state authority over munitions, explosives and the like not only at operational ranges, but also at closed and transferred ranges, at DOD sites other than ranges, and even at private defense contractor sites.

To paraphrase section 2019, the only time munitions are solid wastes is if they are or have been deposited, incident to their normal and expected use, on an operational range, and are removed from the range; or are recovered and then buried; or migrate off range and are not addressed under CERCLA; or if they are deposited, incident to their normal and expected use, off an operational range, and are not promptly addressed.

This definition excludes munitions that were deposited on an operational range and remain there after the range is transferred out of federal ownership. Such residual unexploded ordnance and explosives contamination is precisely the problem at closed and transferred ranges. DOD's amendment would preempt states and EPA from regulating the cleanup of unexploded ordnance and related materials at hundreds of transferred ranges. In addition to the obvious explosive hazards, many these materials have toxic or potential carcinogenic effects, and may cause groundwater contamination.

Proposed section 2019(a)(2) also exempts explosives and munitions that are used in training or in research, development, testing, and evaluation of military munitions, weapons, or weapon systems. What explosives and munitions are not? This provision appears to create a wholesale exemption for explosives and munitions. It applies to *any* facility with such wastes, including private contractor sites.

In closing, we do not believe that DOD's far-reaching amendments to RCRA, CERCLA, or the Clean Air Act are warranted. We would be glad to work with the Department to develop ways to address its readiness concerns within the context of the existing environmental laws. And we would urge that any proposed legislation on this issue go through a normal legislative process with public hearings before the committees with jurisdiction over the environmental laws.

MAY-14-2002 12:34 FROM-DOL NATURAL RESOURCES 3038663558 T-302 P.002 F-231

KEN SALAZAR
Attorney General

CHRISTINE M. ARGUELLO
Chief Deputy Attorney General

ALAN J. GILBERT
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May 14, 2002

MEMORANDUM

TO: Dave Rapallo
Staff counsel
House Committee on Government Reform

FROM: Daniel S. Miller DSM
First Assistant Attorney General
Natural Resources and Environment Section

RE: written materials to accompany my testimony

I would like to submit the following written materials for the record in connection with my testimony before the House Committee on Government Reform on Thursday, May 16.

- May 7, 2002 letter from Attorneys General Bill Lockyer, Ken Salazar, Tom Reilly and Christine Gregoire to the Honorable Carl Levin, the Honorable James Jeffords, the Honorable John Warner, and the Honorable Robert Smith
- April 1, 2002 letter from Lynne Ross, National Association of Attorneys General, to the Honorable Joel Hefley
- April 1, 2002 letter from Colorado Attorney General Ken Salazar to the Honorable Joel Hefley
- May 31, 2001 letter from 29 state Attorneys General to Senate Committees on Armed Services and Environment and Public Works, and to House Committees on Armed Services and Energy and Commerce
- July 6, 2000 cover letter from Lynne Ross, National Association of Attorneys General, to Jacob Lew, transmitting May 31, 2000 letter from 24 Attorneys General to Jacob Lew
- April 30, 2002 letter from Mark Giesfeldt, Association of State and Territorial Solid Waste Management Officials, to the Honorable Bob Stump and the Honorable Ike Skelton
- May 1, 2002 letter from Michele Brown and Ron Hammerschmidt, Environmental Council of the States, to the Honorable Bob Stump
- May 2, 2002 letter from S. William Becker, State and Territorial Air Pollution Program Administrators/Association of Local Air Pollution Control Officials to the Honorable Bob Stump and the Honorable Ike Skelton

- Information on potential toxic effects of explosive chemicals and components (4 pp.) obtained form the U.S. Environmental Protection Agency

Thank you for the opportunity to submit this information.

AG ALPHA: HL SH IDAFO
AG File: P:\NR\NRMILLDS\FEDFAC\ENCROACHMENT\TESTIMONYDOCS.DOC

MAY-14-2002 12:34 FROM-DOL NATURAL RESOURCES 3038663558 T-902 P.004/032 F-291

STATE ATTORNEYS GENERAL
A Communication From the Chief Legal Officers
of California, Colorado, Massachusetts, and Washington

May 7, 2002

The Honorable Carl Levin
Chairman
Committee on Armed Services
United States Senate
228 Russell Senate Office Building
Washington, D.C. 20510-6050

The Honorable John W. Warner
Ranking Member
Committee on Armed Services
United States Senate
225 Russell Senate Office Building
Washington, D.C. 20510-4601

The Honorable James Jeffords
Chairman
Committee on Environment and Public Works
United States Senate
410 Dirksen Senate Office Building
Washington, D.C. 20510-6175

The Honorable Robert C. Smith
Ranking Member
Committee on Environment and Public Works
United States Senate
307 Dirksen Senate Office Building
Washington, D.C. 20510-2903

Dear Chairmen Levin and Jeffords and Senators Warner and Smith:

As the chief enforcers of environmental laws in states that would be acutely affected by the "Readiness and Range Preservation Initiative," we write to advise you of our concerns with this set of proposed amendments. We are specifically concerned with provisions that would effectively amend the Clean Air Act, the Resource Conservation and Recovery Act (RCRA) and the Comprehesive Environmental Response, Compensation and Liability Act (CERCLA, commonly known as Superfund) to preempt states from addressing certain environmental problems created by the Department of Defense (DOD).

We absolutely support the need to ensure the readiness of our Nation's armed forces. However, we also recognize that military activities can have substantial adverse impacts on human health and the environment. For many years, DOD was exempt from environmental regulation. As a result, 129 DOD installations are listed on the Superfund National Priorities List. In our view, this track record warrants a cautious approach to amending the nation's environmental laws to exempt DOD. Caution is also appropriate because RCRA, CERCLA, and the Clean Air Act already contain provisions to protect the national security interests of the United States by exempting the Department of Defense from their statutory and regulatory requirements on a case by case basis. Finally, caution is appropriate because, to our knowledge, DOD has not identified any situations where RCRA, CERCLA, or the Clean Air Act has caused an actual adverse impact on readiness.

A cautious approach would include extensive hearings, with participation by states and other interested parties, before the House and Senate committees with jurisdiction over the affected laws. Such hearings would allow development of an adequate record upon which the need for legislation, if any, could be judged. They would also allow for deliberate consideration of the proposed amendments, which we think are much more far-reaching than DOD asserts. For example, it appears to us that the amendment to RCRA would preempt states from regulating the cleanup of unexploded ordnance and other contaminants at former military bases that are now in private hands.

To date, no hearings have been held on the language of this legislative proposal, and the Department of Defense (DOD) did not consult states in drafting it. We urge the Senate to follow regular order and hold hearings before the Committee on Environment and Public Works.

Sincerely,

Bill Lockyer
Attorney General Bill Lockyer
Attorney General of California

Ken Salazar
Attorney General Ken Salazar
Attorney General of Colorado

Tom F. Reilly
Attorney General Tom Reilly
Attorney General of Massachusetts

Christine Gregoire
Attorney General Christine Gregoire
Attorney General of Washington

cc: Members of the Senate Armed Services Committee
Members of the Senate Environment and Public Works Committee

Peter Levine, General Counsel
Senate Armed Services Committee

Alison Taylor, Chief Counsel
Senate Environment and
Public Works Committee

MAY-14-2002 12:35 FROM-DOL NATURAL RESOURCES 3038003558 T-302 P.006/032 F-231

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PRESIDENT-ELECT
W.A. DREW EDMONDSON
Attorney General of Oklahoma

VICE PRESIDENT
BILL LOCKYER
Attorney General of California

IMMEDIATE PAST
PRESIDENT'S DESIGNEE
MIKE FISHER
Attorney General of Pennsylvania

April 1, 2002

The Honorable Joel Hefley
Chairman
United States House of Representatives
Committee on Armed Services' Subcommittee
on Military Readiness
2230 Rayburn House Office Building
Washington, D.C. 20515-0605

Dear Chairman Hefley:

I want to express my appreciation for your consideration in keeping the record open for your March 14, 2002 Subcommittee on Military Readiness hearing until Friday, April 5, 2002. Due to the short time frame for submitting these comments, we have not been able to compile comprehensive comments from all of the states. We are aware of the Committee's continuing interest in this subject, and will provide you additional relevant information as it becomes available.

We believe strongly, as the primary implementers of the nation's pollution control laws, that in any forum involving Department of Defense exemptions to environmental laws the state perspectives should clearly be on the record. In that regard, I have attached several items to be added to the record of that hearing in order to preserve the state's point of view. First, please find a statement from Colorado Attorney General Ken Salazar. In addition, please add to the record the following Attorneys General sign-on letters describing some of the relevant concerns of state Attorneys General:

1) June 6, 2001 letter signed by 30 State Attorneys General to the Senate Committee on Armed Services, House Committee on Armed Services, Senate Environment and Public Works Committee and the House Committee on Energy and Commerce Re: Encroachment - Federal Facilities, and

2) May 18, 2000 letter signed by 21 State Attorneys General to Jacob J. Lew, Director, Office of Management and Budget regarding "the range rule" for unexploded ordnance, and

3) July 12, 1995 letter signed by 37 State Attorneys General and 11 Governors to President Clinton regarding the clean up of federal facilities including their key principles and reform proposals attached thereto.

Thank you again for the courtesy of keeping the record open to submit this information. If you have any questions or concerns, please feel free to contact Blair Tinkle, our Legislative Director, at 202-326-6258.

Sincerely,

Lynne Ross

Lynne Ross
Executive Director

MAY-14-2002 12:36 FROM-DOL NATURAL RESOURCES 3038663558 T-302 P.008/032 F-231

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April 1, 2002

The Honorable Joel Hefley
Chairman
United States House of Representatives
Committee on Armed Services' Subcommittee
on Military Readiness
2230 Rayburn House Office Building
Washington, D.C. 20515-0605

Dear Chairman Hefley:

Thank you for the opportunity to submit written testimony regarding the impact of environmental regulation on military readiness. Enclosed are several pieces of correspondence that the National Association of Attorneys General has sent over the years. This correspondence is indicative of the states' concerns with federal agencies' -- and more specifically, the Department of Defense's -- compliance with state and federal environmental laws. In addition to this correspondence, we would like the Committee to consider the following observations.

First, we absolutely support maintaining our Nation's military preparedness. We recognize that maintaining military readiness requires that the armed forces receive regular realistic training, and that the military be able to test and evaluate weapons systems and other military equipment under realistic conditions. We also recognize that "external" factors such as urban and suburban sprawl, have impacted the Department of Defense's training, testing and evaluation activities. And we are aware of isolated cases where requirements imposed under the pollution control laws may have affected military operations. At the same time, we are concerned that DOD's training, testing and evaluation activities obviously do have environmental impacts. The question is how to conduct these activities in a manner that maintains readiness while ensuring protection of human health and the environment.

The states are the primary implementers of the nation's pollution control laws. We think that the existing framework of these laws is sufficiently flexible to provide for balancing of environmental and readiness concerns. There is a great deal of flexibility built in to the different regulatory programs, as the Department's own testimony has demonstrated. As we understand the Department's testimony, it is concerned about the cumulative impact of environmental, health and safety restrictions on military readiness,

and fears that these impacts will increase. However, the environmental laws already allow either the President or the Secretary of Defense to exempt the Department of Defense from their statutory and regulatory requirements on a case by case basis. All that is required is a finding that doing so is necessary for national security or is in the paramount interests of the United States, depending on the particular statute at issue. Such exemptions exist under the Clean Air Act, Clean Water Act, Resource Conservation and Recovery Act (RCRA), Comprehensive Environmental Response, Compensation and Liability Act, and Safe Drinking Water Act. We understand that to date, these exemption provisions have only been invoked twice, and neither instance involved military training activities.

Other provisions of the environmental laws provide further flexibility to balance environmental protection with other federal priorities. For example, in 1992, Congress provided EPA authority to issue administrative orders under RCRA to other federal agencies, but required that such agencies have the opportunity to confer with the EPA administrator before any such order became final. Congress passed a similar amendment to the Safe Drinking Water Act. And Congress has already spoken to the balance between environmental protection and management of waste military munitions. In 1992, Congress rejected a bill that would have authorized the Secretary of Defense to promulgate regulations governing the safe development, handling, use, transportation, and disposal of military munitions. Instead, it directed the Environmental Protection Agency to consult with the Secretary of Defense prior to issuing regulations that define when military munitions become wastes for purposes of RCRA.

Finally, in 1997, Congress created a procedure that allows the Secretary of Defense to temporarily suspend any pending administrative action by another federal agency that the Secretary determines "affects training or any other readiness activity in a manner that has or would have a significant adverse effect on the military readiness of any of the armed forces or a critical component thereof." During the suspension, the Secretary and the head of the other federal agency must consult attempt to mitigate or eliminate the adverse impact of the proposed action on readiness, consistent with the purpose of the proposed action.

We understand that the Department plans to propose legislative changes to the environmental laws. We believe that any such changes should be considered very carefully. The history of federal facility compliance with environmental laws demonstrates that statutory constructs that rely on voluntary efforts by federal agencies to achieve environmental objectives simply do not work. Even when Congress has clearly stated its intent that federal agencies be subject to state and federal environmental laws, the federal agencies have frequently resisted efforts to require them to comply. The history of the Clean Air Act provides a good example. Before 1970, the Clean Air Act encouraged, but did not require, federal agencies to comply with its mandates. Congress determined that this voluntary system was not working, and in 1970 amended the act to require federal agencies to comply. Specifically, Congress added section 118 to the Clean Air Act. The first sentence of the section provides, in relevant part:

> Each department, agency, and instrumentality of . . . the Federal Government . . . shall comply with Federal, State, interstate, and local requirements respecting control and abatement of air pollution to the same extent that any person is subject to such requirements.

42 U.S.C. § 1857f. The 1970 amendments also required the Environmental Protection Agency to establish ambient air quality standards. Each state had to submit plans describing how the state would meet these standards. Kentucky, like most states, submitted a plan that relied on permits as the sole mechanism to establish emissions limitations for air pollution sources, and to establish schedules for achieving compliance with the emissions limitations. Kentucky sought to require several federal facilities (including the Army's Fort Knox, Fort Campbell and others) to obtain permits. The federal agencies refused, arguing that section 118 of the Clean Air Act did not obligate them to comply with "procedural" requirements, such as the need to obtain state permits. Without the permit, there was no way for Kentucky to control air pollution from these federal facilities. The matter went to court, and ultimately the Supreme Court agreed with the federal agencies. Shortly thereafter, Congress amended the Clean Air Act to require federal agencies to comply with procedural requirements, including permit requirements.

Even when Congress has plainly required federal agencies to comply with state and federal environmental laws, the federal agencies have worse compliance records than private industry. The sole exception is under RCRA. In 1992, the Supreme Court held that federal agencies were not subject to penalties for violating state hazardous waste and water quality laws. That same year, Congress amended RCRA to make federal agencies subject to penalties for violating hazardous waste laws. Since 1992, DOD and other federal agencies have steadily improved their RCRA compliance rates, to the point where they now have a higher compliance rate than private industry.

This salutary trend stands in stark contrast to federal agency performance under the Clean Water Act. Unlike RCRA, Congress has not amended the Clean Water Act to subject federal agencies to penalties for violating Clean Water Act requirements. The percentage of DOD facilities in significant non-compliance with the Clean Water Act has steadily risen over time. Similarly, DOD has long had a higher rate of significant non-compliance with Clean Water Act requirements than private industry, or even civilian federal agencies.

Thus, we are concerned that providing the Department of Defense statutory exemptions from environmental laws will have adverse impacts on human health and the environment. But such exemptions will have other undesirable impacts as well: substantially increased costs to "remedy" environmental contamination, and greater constraints on use of training ranges. As we stated in our May 31, 2001 letter regarding encroachment, prevention is by far the most effective and least costly means of ensuring environmental protection. It also is a necessary component of sustainable range management. The Department, and the nation, cannot afford to repeat the experience at the Massachusetts Military Reservation (MMR) at other ranges around the country. There, decades of military training activities have contaminated over *60 billion* gallons of groundwater in the sole source aquifer for Cape Cod. This

contamination led EPA to suspend most live-fire military training at the MMR artillery range pursuant to its Safe Drinking Water Act authority. Subsequently, the state of Massachusetts and the Army reached an agreement, now embodied in state law, that balances military training needs and environmental protection. The plain lesson here is that ignoring environmental consequences of military training benefits neither the environment, public health, nor military training.

In conclusion, resolving the increasing pressures on military training activities in a manner that protects human health and the environment, while ensuring military readiness, demands creative thinking. The issues involved are many and complex. They would benefit from an open discussion among a full range of affected parties. The states, as the primary implementers of the nation's environmental laws, must play a key role in arriving at any solutions. We thank the Committee for this opportunity to express our views.

Ken Salazar

Ken Salazar
Attorney General of Colorado
NAAG, Chair
Environment Committee

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Attorney General of Oklahoma

VICE PRESIDENT
MIKE FISHER
Attorney General of Pennsylvania

IMMEDIATE PAST PRESIDENT
CHRISTINE O. GREGOIRE
Attorney General of Washington

May 31, 2001

MEMORANDUM

sent via fax and U.S. Mail

TO: Senate Committee on Armed Services
House Committee on Armed Services
Senate Environment and Public Works Committee
House Committee on Energy and Commerce

RE: Encroachment - Federal Facilities

Dear Senators and Representatives:

We, the undersigned Attorneys General, write to re-affirm our support for the long-standing principle, embodied in a myriad of federal statutes, that federal agencies are not above the law. At the same time, we recognize the importance of our armed services receiving sufficient realistic training to protect the national security. In this regard, we refer to the March 20, 2001 testimony by the military services before the Senate Subcommittee on Readiness and Management Support regarding environmental regulation and military readiness. This testimony appears to reflect the services' belief that environmental regulations diminish their ability to maintain readiness, an effect they call "encroachment." We find the services' position with regard to this issue internally inconsistent and confusing. On the one hand, the services' testimony disavows any intention to exempt themselves from environmental requirements. On the other, both the Army and the Navy state an intention to work with Congress to "reduce uncertainty and increase flexibility" in the environmental laws to "balance the needs of national security and the environment."

To the extent the services' testimony may indicate a desire to relax the application of environmental standards to military activities, it represents a significant departure from national policy in effect since 1970. As the chief environmental law enforcement officers of our respective states, we are deeply troubled by any suggestion that environmental standards should be relaxed for federal agencies. Congress has consistently embraced the principle that federal agencies are not above the law. The idea that the federal government should abide by the same rules it imposes on others is grounded not only in fundamental fairness, but also, where the environment is concerned, in experience. Federal facilities have long been recognized as among the nation's largest polluters, in large part due to the activities of the military services.

Recent estimates by the Department of Defense put the cost of remediating contamination caused by military activities at 39 billion dollars. *Remediate* does not mean that these sites will be returned to their former conditions; most of the cleanups at DOD sites rely on land and water use restrictions, and will require long-term oversight to ensure they remain protective. Clearly, prevention is the most effective and least costly form of environmental protection. Thanks to passage of the Federal Facility Compliance Act (FFCA) in 1992, which waived the government's sovereign immunity from penalties for violating state hazardous waste laws, much progress has been made in recent years toward bringing military facilities into compliance with hazardous waste requirements. Exempting military agencies from environmental requirements could put this progress at risk and increase the chances of creating additional contaminated sites.

We feel strongly that any proposal to exempt or limit federal agencies' obligations under the environmental laws should only be considered after extensive consultation with the states, whose ability to safeguard public health and safety could be impaired by a relaxation of federal environmental requirements or policy. We also believe that if legislation on this topic is ultimately introduced, it should be the subject of extensive hearings by the committees of jurisdiction, and that the states and other interested parties should be provided a full opportunity to present their views. A full airing of these issues at such hearings would allow development of an adequate record upon which the need for legislation, if any, could be judged.

As the officials charged with protection of the public health and safety in our states, we appreciate this opportunity to open a dialogue with you about these matters. Please feel free to contact us directly or to call our association Director, Lynne Ross, who can be reached at (202) 326-6054.

Sincerely,

Ken Salazar
Attorney General Ken Salazar
Attorney General of Colorado

Bruce Botelho
Attorney General Bruce M. Botelho
Attorney General of Alaska

Mark Pryor
Attorney General Mark Pryor
Attorney General of Arkansas

Richard Blumenthal
Attorney General Richard Blumenthal
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Robert A. Butterworth
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Earl Anzai
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Attorney General of Massachusetts

Attorney General Jennifer Granholm
Attorney General of Michigan

Attorney General Mike Hatch
Attorney General of Minnesota

Attorney General Mike Moore
Attorney General of Mississippi

Attorney General Jeremiah W. Nixon
Attorney General of Missouri

Attorney General Mike McGrath
Attorney General of Montana

Attorney General Frankie Sue Del Papa
Attorney General of Nevada

Attorney General John Farmer
Attorney General of New Jersey

Attorney General Patricia Madrid
Attorney General of New Mexico

Attorney General Eliot Spitzer
Attorney General of New York

Attorney General Herbert Soll
Attorney General of N. Mariana Islands

Attorney General W.A. Drew Edmondson
Attorney General of Oklahoma

Attorney General Hardy Myers
Attorney General of Oregon

Attorney General Sheldon Whitehouse
Attorney General of Rhode Island

Attorney General John Cornyn
Attorney General of Texas

Attorney General Mark Shurtleff
Attorney General of Utah

Attorney General Iver A. Stridiron
Attorney General of the Virgin Islands

Attorney General Christine O. Gregoire
Attorney General of Washington

Attorney General Gay Woodhouse
Attorney General of Wyoming

cc: Unites States Senate Leadership
United States House of Representatives Leadership

MAY-14-2002 12:37 FROM-DOL NATURAL RESOURCES 3038663558 T-302 P.016/032 F-231

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OFFICE OF THE
ATTORNEY GENERAL
NATURAL RESOURCES &
ENVIRONMENT SECTION

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Executive Director
General Counsel

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PRESIDENT
CHRISTINE O. GREGOIRE
Attorney General of Washington

PRESIDENT-ELECT
ANDREW KETTERER
Attorney General of Maine

VICE PRESIDENT
CARLA J. STOVALL
Attorney General of Kansas

IMMEDIATE PAST PRESIDENT
MIKE MOORE
Attorney General of Mississippi

July 6, 2000

Jacob J. Lew, Director
Office of Management and Budget
Old Executive Office Building, Room 252
17th Street and Pennsylvania Avenue, NW
Washington, D.C. 20503

Dear Director Lew:

I am writing in reference to a letter signed by a large number of state Attorneys General, which the National Association of Attorneys General sent you on May 31 of this year (attached). Since that time, we have learned that Attorney General Jim Ryan of Illinois would like to join his colleagues in asking you to disapprove the proposed Range Rule developed by the Department of Defense, bringing the total of state Attorneys General who share concerns on this issue to twenty-four.

Sincerely,

Lynne Ross

Lynne Ross
Deputy Director and Legislative Director

cc: Attorney General Jim Ryan

MAY-14-2002 12:37 FROM-DOL NATURAL RESOURCES 3038663558 T-302 P.017/032 F-231

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Attorney General of Kansas

IMMEDIATE PAST PRESIDENT
MIKE MOORE
Attorney General of Mississippi

May 31, 2000

Jacob J. Lew, Director
Office of Management and Budget
Old Executive Office Building, Room 252
17th Street and Pennsylvania Avenue, NW
Washington, D.C. 20503

Dear Director Lew:

We, the undersigned Attorneys General, understand the Department of Defense recently submitted to OMB proposed language for a final rule ("the range rule") governing response actions at closed, transferred, and transferring military ranges that may contain unexploded ordnance ("UXO"). We have serious concerns with the proposed final rule. In short, we believe that the proposal contravenes Congressional intent that the States and the Environmental Protection Agency should share regulatory authority over cleanup of UXO, and that DOD does not have the statutory authority to promulgate the range rule. Further, we understand that the rule does not contain adequate standards to protect human health and the environment. This lack of standards, combined with DOD's track record in responding to UXO contamination, persuades us that the proposed rule will not adequately protect human health and the environment. Please note that this letter has been revised to reflect signatures of additional Attorneys General.

There is no accurate inventory of former military ranges that may contain UXO, but they likely number in the thousands. Many of these ranges are located on military bases that are being transferred to private ownership as part of the base closure process. Others, already in private ownership, face increasing development pressures. Consequently, potential public exposure to the UXO hazards present on these ranges is rapidly increasing. The increasing threat to the public from UXO heightens both our concerns with DOD's proposed rule, and the need for state oversight.

In 1992, Congress passed the Federal Facility Compliance Act. Section 107 of the Act (codified at 42 U.S.C. § 6924(y)) directed the Administrator of the Environmental Protection Agency, after consultation with the States and with the Secretary of Defense, to promulgate regulations defining when military munitions become hazardous waste under the Resource Conservation and Recovery Act ("RCRA"), and prescribing safe storage and transportation requirements for such waste. In adopting section 107 of the Act, the Conference Committee rejected a provision in the Senate version of the bill that would have authorized the Secretary of Defense to promulgate regulations governing the safe development, handling, use, transportation, and disposal of military munitions. This legislative history clearly demonstrates that Congress intended that states and EPA, rather than DOD, should regulate management of waste munitions.

In 1997, pursuant to section 107 of the Act, EPA promulgated a rule defining various circumstances under which military munitions were considered hazardous waste. In that rule, EPA postponed making a final decision to regulate military munitions left on closed or transferred ranges, in part because DOD was proposing to draft a range rule, and EPA wanted to evaluate DOD's rule to determine whether it adequately protected human health and the environment. In light of the legislative history described above, the decision to defer EPA regulation of munitions on ranges in favor of DOD regulation flies in the face of Congressional intent. It also undermines the Congressional goal of independent state oversight of UXO cleanups, and could set the stage for significant federal-state conflicts.

Furthermore, as many states noted in commenting on the draft range rule, DOD does not have statutory authority to promulgate such a rule. Executive Order 12580 expressly gives EPA, not DOD, "lead agency" authority to oversee cleanups at sites no longer under DOD's jurisdiction, authority or control, and also gives EPA exclusive authority to promulgate rules affecting such sites. Nor does the Defense Environmental Restoration Program ("DERP") authorize DOD to promulgate such regulations. DERP merely makes DOD responsible to carry out the cleanup of UXO.

In addition to these legal flaws, the range rule simply does not adequately protect human health and the environment. Our understanding is that the rule itself sets no substantive criteria or standards for investigating or remediating UXO sites; instead, it is largely procedural. EPA has expressed concerns that the rule relies heavily on the concept of "technical impracticability" to excuse a decision not to remediate UXO. In practice, DOD continues to rely on statistical characterization and risk assessment models that do not protect human health and the environment. Although we understand that these models are not expressly incorporated into the proposed range rule, they are in fact the heart of DOD's UXO cleanup program. Experience with these models at the Lowry Bombing Range in Colorado, Ft. Ord in California, and other sites across the country amply demonstrates their shortcomings. DOD's characterization methodology routinely concludes that contaminated sites are clean, and the risk methodology plays a numbers game to manipulate clearly unacceptable levels of UXO contamination so that they fall within EPA's risk range.

Promulgating the range rule will lead to protracted litigation and lengthy delays in responding to a serious and widespread environmental problem looming on the horizon. Because the proposed range rule lacks legal authority, conflicts with Congressional intent, and fails to protect human health and the environment, we urge you to disapprove this fundamentally flawed rule. Instead, we urge you to direct EPA to consult with the states and with DOD in promulgating regulations under RCRA to govern cleanup of UXO at closed, transferred, and transferring ranges, as we believe Congress intended when it passed the Federal Facility Compliance Act in 1992. Thank you for considering our views.

Director Jack Lew
May 31, 2000
Page Three

Sincerely,

Attorney General Ken Salazar
Attorney General of Colorado

Attorney General Alan G. Lance
Attorney General of Idaho

Attorney General Bruce M. Botelho
Attorney General of Alaska

Attorney General Janet Napolitano
Attorney General of Arizona

Attorney General Bill Lockyer
Attorney General of California

Attorney General Richard Blumenthal
Attorney General of Connecticut

Attorney General John F. Tarantino
Attorney General of Guam

Attorney General Earl Anzai
Attorney General of Hawaii

Attorney General Tom Reilly
Attorney General of Massachusetts

Attorney General Jennifer Granholm
Attorney General of Michigan

Attorney General Jeremiah W. Nixon
Attorney General of Missouri

Attorney General Joseph P. Mazurek
Attorney General of Montana

Director Jack Lew
May 31, 2000
Page Four

Attorney General Frankie Sue Del Papa
Attorney General of Nevada

Attorney General Eliot Spitzer
Attorney General of New York

Attorney General W. A. Drew Edmondson
Attorney General of Oklahoma

Attorney General Angel J. Rotger-Sabat
Attorney General of Puerto Rico

Attorney General Jan Graham
Attorney General of Utah

Attorney General Christine O. Gregoire
Attorney General of Washington

Attorney General John J. Farmer, Jr.
Attorney General of New Jersey

Attorney General Heidi Heitkamp
Attorney General of North Dakota

Attorney General Hardy Myers
Attorney General of Oregon

Attorney General Mark Barnett
Attorney General of South Dakota

Attorney General Iver A. Stridiron
Attorney General of the Virgin Islands

MAY-14-2002 12:37 FROM-DOL NATURAL RESOURCES 3038663558 T-302 P.021/032 F-231

Association of State and Territorial
ASTSWMO
id Waste Management Officials

444 North Capitol Street, N.W., Suite 315
Washington, D.C. 20001
tel: (202) 624-5828 fax: (202) 624-7875
www.astswmo.org

April 30, 2002

The Honorable Bob Stump
Chair
The Committee on Armed Services
2120 Rayburn House Office Building
Washington, DC 20515-6035

The Honorable Ike Skelton
Ranking Minority Member
The Committee on Armed Services
2120 Rayburn House Office Building
Washington, DC 20515-6035

Dear Messrs:

We are sure that you have received many communications concerning the proposed Department of Defense (DoD) legislative proposal that the Department has developed to obtain relief from problems of range encroachment affecting military readiness. The Association of State and Territorial Solid Waste Management Officials (ASTSWMO) is a non-profit, non-partisan organization representing the interests of State waste and remedial managers. We want to ensure that we convey to you our views as regulators directly affected by DoD's suggested changes to the Resource Conservation and Recovery Act (RCRA), and to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

First, let us dispose of any misinterpretation of our strong support for military readiness, especially in this time of international crisis. Despite our criticism of the specific changes being proposed to RCRA and CERCLA, we want to find workable, necessary steps to assist DoD in finding ways to work through any barriers they believe they have encountered to effective training of our military forces. We believe that State regulators have consistently worked with DoD and the military services to resolve range-related issues dealing with those statutes, and that together we have found workable solutions in the case of operating, active ranges.

However, our examination of the April 19th package DoD has titled the "Readiness and Range Preservation Initiative" leads us to question the need and wisdom for the proposed changes to RCRA's definition of solid waste and to CERCLA's definition of a release.

- As to the question of the compelling need for such changes, we are unaware of cases where State regulators have created a readiness shortfall by seeking compliance with RCRA. Among the supporting rationale DoD has released with the proposed legislative package, we only found a single reference to possible problems which could come from a citizen suit challenging RCRA compliance at Fort Richardson, Alaska. On its face, this is not a real, but a potential problem of arguable probability. The absence of any report of

empirical situations involving actual RCRA barriers seems to confirm our belief that RCRA regulation has not impeded military training on operational ranges in material ways.

- As a practical matter, the application of inhibiting State authority under RCRA to operating ranges would become necessary when a State believed intervention was necessary to protect the public from "imminent and substantial endangerment" as defined in Section 7003 of the statute. Surely, no responsible DoD official would tolerate such a situation. Our experience is that DoD and the Military Services give scrupulous attention to enforcing safety during inherently dangerous live-fire training. Consequently, we see no disparity between State authority and current practice that would require change.

- A more common State interest is the application of RCRA and State hazardous waste statutes to cleanup requirements for closed and closing ranges that will be reused for non-range activities, or even transfer to civilian use. It is our view that these cleanup requirements have nothing to do with current training activities and do not potentially endanger the effectiveness of training. However, the proposed DoD changes to the statutory definitions of solid waste and to releases would arguably not only affect the application of the statute to operating ranges, but by narrowing the definition used throughout the rest of the statutes, confuse the application of the definitions in other parts of the statutes. These definitions are critical to issues such as jurisdictional roles, and responsibility for cleanup. We concede the possibility that such concerns might prove unfounded as the proposed DoD language is examined and debated, but we believe it is essential that a full and public debate be allowed before serious consideration is given to such fundamental changes to these protective statutes. Our experience is that RCRA definitional issues are very complex, and require close examination by many expert stakeholders and regulators before an informed decision is possible.

- We also are disturbed by the absence of any DoD discussion of why these proposed legislative changes to RCRA and CERCLA are necessary, vis-a-vis the existing authorities which provide extraordinary Presidential authority to suspend application of these statutes for national interests, [i.e., RCRA Section 6001 or CERCLA Section 120(j)(1)]. Congress has already provided these remedies, and if they are insufficient, it seems a justification needs to be put forth.

Consequently, we strongly recommend that should some members of Congress believe that there is need to incorporate these DoD legislative proposals affecting the nation's primary waste statutes, Congress should first provide full opportunity for public debate by directing hearings in the committees of jurisdiction for those statutes. We are aware of a number of hearings on the general problem of range encroachment, but no hearings have been held on this specific legislative language. Hearings would allow the vital opportunity to examine the testimony of witnesses from all parties concerned, including statutory experts and State regulators, and allow Congress to make an informed judgment on these contentious proposals. We think the

Congressional traditions of fairness and transparency of lawmaking demand such an opportunity before these fundamental statutory changes are made.

In summary, we do not believe DoD has made a convincing case concerning the need for the proposed changes to RCRA and CERCLA, and if such changes are to be seriously considered, we believe Congress first owes the nation full, open legislative hearings allowing all parties to debate the merits and trade-offs inherent in such fundamental change. We trust that you will weigh our recommendations as you reach your decisions on these matters, and we appreciate your consideration of our views.

Sincerely,

Mark F. Giesfeldt

Mark F. Giesfeldt
ASTSWMO President

cc: Rep. W.J. "Billy" Tauzin-LA
Rep. John D. Dingell-NY
Rep. Don Young-AK
Rep. James L. Oberstar-MN
Rep. Paul E. Gillmor-OH
Rep. Frank Pallone, Jr.-NJ
Rep. John J. Duncan-TN
Rep. Peter A. DeFazio-OR

ECOS

THE
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COUNCIL OF
THE STATES

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Ronald F. Hammerschmidt
Director, Division of Environment
Kansas Department of Health
and Environment
PRESIDENT

Dennis Hemmer
Director, Wyoming Department
of Environmental Quality
VICE PRESIDENT

Karen A. Studders
Commissioner, Minnesota
Pollution Control Agency
SECRETARY-TREASURER

George E. Meyer
Special Assistant,
Wisconsin Department
of Natural Resources
PAST PRESIDENT

R. Steven Brown
Acting Executive Director

May 1, 2002

The Honorable Bob Stump
Chairman, House Armed Services Committee
U.S. House Committee on Armed Services
2210 Rayburn House Office Building
Washington, D.C. 20515-0605

Dear Chairman Stump:

Today your committee is scheduled to work on H.R. 4546 Department of Defense (DOD) authorizing language pertaining to factors that may impact DOD's military readiness. This letter is to express the concerns of the States regarding possible changes to environmental laws.

The Environmental Council of the States (ECOS) is a non-profit, non-partisan organization comprised of state environmental Commissioners, Directors, and Secretaries throughout the country. This group represents the leadership of state and territorial environmental programs and is responsible for making certain our nation's air, water, and environment are clean, safe, and protected.

At a recent ECOS meeting, Department of Defense Principal Undersecretary of Environment and Installations, Mr. Philip Grone, and other DOD personnel, presented proposed legislative language entitled "Readiness and Range Preservation Initiative" which had been presented in the Subcommittee on Military Readiness. Our member states had a lively discussion on this legislation.

ECOS members strongly support military readiness, adequate training, and preparation for military personnel. Our members recognize that military readiness requires the Department of Defense (DOD) to train armed forces under realistic conditions, including field testing and evaluating weapons systems and other military equipment. We further recognize that "external" factors such as urban and suburban sprawl and increasing wildlife habitat pressures have affected DOD's training and equipment testing and evaluation activities. In addition, there have been isolated cases where environmental regulation requirements may have affected military operations. However, we also note that there are military activities with recognized environmental impacts. The issue raised by this proposed legislation is how to appropriately balance DOD's necessary training and readiness activities with ensuring protection of human health and the environment and avoiding a legacy of environmental problems. It is a proper and timely subject for discussion and development of public policy.

States have the challenging job of front-line implementation of our nation's environmental pollution laws. States have a long history of working cooperatively with DOD to resolve competing needs. Further, existing laws provide flexibility to accommodate DOD's current "short-term" concerns about regulatory impacts to military training and readiness activities. In particular, ECOS membership is concerned with the earlier version containing proposed changes to the Resource Conservation and Recovery Act; the Comprehensive Environmental Response, Compensation, and Liability Act; and the Clean Air Act. Although the Readiness Sub-committee has removed sections pertaining to these laws and the version before your committee contains legislation addressing other laws, these three are at the core of ECOS member agencies' missions. All three laws already have provisions for the President or Secretary of Defense to exempt DOD from its statutory and regulatory requirements upon a finding that it is necessary for national security or in the interests of the United States. These three laws also contain other provisions providing for flexibility.

In the short time that states have had to evaluate the legislation, serious questions have been raised about the changes to the Resource Conservation and Recovery Act and the Comprehensive Environmental Response, Compensation, and Liability Act, both of which relate to active and closed DOD facilities. At our meeting, DOD representatives were unable to offer examples of problems with state regulators that would support the need for the proposed changes. In fact, the concern appeared to be more directed toward private citizens' suits brought under federal law. ECOS is particularly concerned about unintended consequences that may occur by changing the definition of solid waste and the associated impacts to the authorities states use to provide consistent application of federally delegated environmental programs and state laws.

Changes proposed by the Readiness and Range Preservation Initiative to the Clean Air Act are also problematic. Congress directed the federal government to comply with federal, state, and local requirements for control and abatement of air pollution to the same extent that any person is subject to such requirements. States have relied upon that requirement in crafting the mandated air quality plans for complying with national air standards. The proposed changes will force states into a difficult position of meeting national air standards with all other participants – industry, local infrastructure, state and federal agencies – while temporarily exempting DOD.

ECOS believes that changes to environmental laws should be carefully considered, including holding hearings in the committees with jurisdiction over these regulations. While DOD has stated that this legislation is narrow in scope and is intended to address issues that apply only to operational combat ranges necessary for military readiness, ECOS members' initial analysis is this legislation is overly broad and may go beyond its stated intent. If the initial proposed changes to RCRA, CERCLA and CAA were to move forward in legislation it may actually undermine the very real progress DOD has made in complying with environmental regulations and stewardship with little improved support of military readiness. We are also concerned with this federal action encouraging local bases to seek further exemptions to state laws through state legislation, the first example of which has just been introduced in Alaska.

ECOS appreciates that the pressures of urban and suburban sprawl and increasing demands for wildlife habitat are impacting DOD's readiness ability. ECOS is supportive of establishing buffer zones and other conservation easement mechanisms to solve this problem. Indeed, ECOS is encouraged to see this type of language in the Readiness and Range Preservation Initiative and supports the Subcommittee's effort to create tools for states and DOD to tackle this difficult issue.

In closing, while we are very supportive of our military's efforts and recognize the need to train and maintain military readiness, we do not believe DOD has made a convincing case for the proposed changes to RCRA, CERCLA, and CAA. ECOS is willing to immediately begin work with DOD to solve the concerns and issues they have raised regarding these environmental laws, but we remain concerned with the authorizing language before you.

Today, States conduct over 75% of all the environmental inspections, collect nearly 95% of environmental monitoring data, and are responsible for all state lands and resources. Therefore, ECOS asks that Congress discuss any proposed changes to environmental laws with full participation by interested parties to examine the merits, impacts, and accommodations that should accompany such fundamental changes. ECOS encourages Congress to have this discussion in the committees with jurisdiction over the relevant environmental laws as well as the Armed Services Committee. ECOS stands ready to work with these committees and DOD to ensure development of sustainable range management strategies and jointly work out the necessary long-term solutions to ensure that our military has adequate training ranges.

Sincerely,

/s/
Michele Brown
ECOS-DOD Forum Co-chair
Commissioner, Alaska Department
Of Environmental Conservation

/s/
Ron Hammerschmidt
ECOS President
Director, Kansas Department of
Health and Environment

cc: Congressman Tauzin, Chairman, House committee on Energy and Commerce
Congressman Dingell, Ranking Member, House Committee on Energy and Resources
Congressman Hansen, Chairman, House Committee on Resources
Congressman Rahall, Ranking Member, House Committee on Resources
Mr. Philip Grone, DOD Principal Undersecretary of Environment and Installations
Mr. John Paul Woodley, DOD Asst. Deputy Under Secretary of Defense (Environment)
ECOS members

MAY-14-2002 12:39 FROM-DOL NATURAL RESOURCES 3038663556 T-302 P.027/032 F-231
MAY-02-2002 06:47

STAPPA / ALAPCO

STATE AND TERRITORIAL AIR POLLUTION PROGRAM ADMINISTRATORS

ASSOCIATION OF LOCAL AIR POLLUTION CONTROL OFFICIALS

S. WILLIAM BECKER
EXECUTIVE DIRECTOR

May 2, 2002

The Honorable Bob Stump
Chairman
Armed Services Committee
U.S. House of Representatives
2120 Rayburn House Office Building
Washington, DC 20515

The Honorable Ike Skelton
Ranking Member
Armed Services Committee
U.S. House of Representatives
2120 Rayburn House Office Building
Washington, DC 20515

Dear Congressman Stump and Congressman Skelton:

On behalf of the State and Territorial Air Pollution Program Administrators (STAPPA) and the Association of Local Air Pollution Control Officials (ALAPCO) – the two national associations representing state and local air pollution control officials – I write to you today to express concerns regarding potential changes to Clean Air Act (CAA) provisions as they relate to activities of the U.S. Department of Defense (DOD), and to urge against such potential changes during upcoming floor debate over DOD's authorization legislation for FY 2003.

It is our associations' understanding that, as part of your Committee's deliberations over H.R. 4546 – the National Defense Authorization Act for Fiscal Year 2003 – amendments to various environmental and public health statutes were considered. These amendments, which were based on recommendations by DOD, would provide broad statutory exemptions for purposes of military readiness. We are pleased that your Committee rejected many of these changes, including those to Section 176 of the CAA, relating to the conformity of federal actions (including those of DOD) to federal or state implementation plans for attaining health-based National Ambient Air Quality Standards. STAPPA and ALAPCO believe that such exemptions are unnecessary, in that the CAA already provides DOD ample flexibility to carry out its duties during times of war and

444 North Capitol St. N.W. Washington, D.C. 20001 Tel. (202) 624-7864 Fax (202) 624-7863

emergency, and we urge you and your colleagues to continue to reject these exemptions as you take up DOD's authorization legislation on the House floor next week.

Under Section 118 of the CAA, the President may exempt DOD from any requirements of the Act upon finding that it is of "paramount interest of the United States to do so." Further, the federal regulations implementing the CAA's "general conformity" provisions from which DOD specifically seeks exemption, also allow DOD to suspend compliance in the case of emergencies (which, by definition, include terrorist activities and military mobilizations) and further, permit DOD to conduct routine movement of material, personnel and mobile assets, such as ships and aircraft, provided no new support facilities are constructed.

In light of the broad statutory and regulatory flexibilities already provided, we do not believe that additional CAA exemptions are necessary in order for DOD to conduct military readiness activities. Further, we believe the CAA exemptions sought by DOD would, essentially, serve only to allow routine, non-emergency activities that require the construction of additional support facilities to skirt important environmental requirements. The significant adverse air quality impacts that could result from such exemptions could unnecessarily place the health of our nation's citizens at risk.

STAPPA and ALAPCO urge you and your colleagues to reject actions to exempt DOD from CAA requirements. If, however, such actions are to be further pursued, we respectfully request that Congress allow for full participation by all interested parties, including state and local air pollution control officials, and that other congressional committees with jurisdiction over CAA issues also be included.

If you have any questions, or if STAPPA and ALAPCO can provide any further information, please do not hesitate to contact me at (202) 624-7864.

Sincerely,

S. William Becker

cc: The Honorable W.J. "Billy" Tauzin
The Honorable John D. Dingell
The Honorable Joel Hefley
The Honorable Solomon Ortiz

Table 3-3. Potential Toxic Effects of Exposure to Explosive Chemicals and Components

Contaminant 2	Chemical Composition	Potential Toxicity/Effects
TNT 3	2,4,6-Trinitrotoluene $C_7H_5N_3O_6$	Possible human carcinogen, targets liver, skin irritations, cataracts.
RDX 4	Hexahydro-1,3,5-trinitro-1, 3,5-triazine $C_3H_6N_6O_6$	Possible human carcinogen, prostate problems, nervous system problems, nausea, vomiting. Laboratory exposure to animals indicates potential organ damage
HMX 5	Octahydro-1,3,5,7-tetranitro -1,3,5,7-tetrazocine $C_4H_8N_8O_8$	Animal studies suggest potential liver and central nervous system damage.
PETN 6	Pentaerythritol tetranitrate $C_5H_8N_4O_{12}$	Irritation to eyes and skin; inhalation causes headaches, weakness, and drop in blood pressure.
Tetryl 7	2,4,6-Trinitrophenyl-Nmethylnitramine $C_7H_5N_5O_8$	Coughing, fatigue, headaches, eye irritation, lack of appetite, nosebleeds, nausea, and vomiting. The carcinogenicity of tetryl in humans and animals has not been studied
Picric acid 8	2,4,6-Trinitrophenol $C_6H_3N_3O_7$	Headache, vertigo, blood cell damage, gastroenteritis, acute hepatitis, nausea, vomiting, diarrhea, abdominal pain, skin eruptions, and serious dysfunction of the central nervous system.
Explosive D 9	Ammonium picrate $C_6H_6N_4O_7$	Moderately irritating to the skin, eyes, and mucous membranes; can produce nausea, vomiting, diarrhea skin staining, dermatitis, coma, and seizures.
Tetrazene 10	$C_2H_8N_{10}$	Associated with occupational asthma; irritant and convulsants, hepatotoxin, eye irritation and damage, cardiac depression and low blood pressure, bronchial mucous membrane destruction and pulmonary edema; death.
DEGDN 11	Diethylene glycol dinitrate $(C_2H_4NO_3)_2O$	Targets the kidneys; nausea, dizziness, and pain in the kidney area. Causes acute renal failure
2,4-Dinitrotoluene 12	$C_7H_5N_2O_4$	Exposure can cause methemoglobinemia, anemia, leukopenia, liver necrosis, vertigo, fatigue, dizziness, weakness, nausea, vomiting, dyspnea, arthralgia, insomnia, tremor, paralysis, unconsciousness, chest pain, shortness of breath, palpitation, anorexia, and loss of weight.
2,6-Dinitrotoluene 13	$C_7H_5N_2O_4$	Exposure can cause methemoglobinemia, anemia, leukopenia, and liver necrosis.
Diphenylamine 14	N,N-Diphenylamine $C_{12}H_{11}N$	Irritation to mucous membranes and eyes; pure substance toxicity low, but impure material may contain

4-biphenylamine, a potent carcinogen.

Contaminant	Chemical Composition	Potential Toxicity/Effects
Nitrosodiphenylamine 2	$C_{12}H_{10}N_2O$	Probable human carcinogen based on an increased incidence of bladder tumors in male and female rats and reticulum cell sarcomas in mice, and structural relationship to carcinogenic nitrosamines.
Phthalates 3	Various	An increase in toxic polyneuritis has been reported in workers exposed primarily to dibutyl phthalates; otherwise very low acute oral toxicity with possible eye, skin, or mucous membrane irritation from exposure to phthalic anhydride during phthalate synthesis.
Ammonium nitrate 4	NH_4NO_3	Prompt fall in blood pressure; roaring sound in the ears with headache and associated vertigo; nausea and vomiting; collapse and coma.
Nitroglycerine 5 (Glycerol trinitrate) 6	$C_3H_5N_3O_9$	Eye irritation, potential cardiovascular system effects including blood pressure drop and circulatory collapse
Lead azide 7	N_6Pb	Headache, irritability, reduced memory, sleep disturbance, potential kidney and brain damage, anemia.
Lead styphnate 8	$PbC_6HN_3O_8 \cdot H_2O$	Widespread organ and systemic effects including central nervous system, immune system, and kidneys. Muscle and joint pains, weakness, risk of high blood pressure, poor appetite, colic, upset stomach, and nausea.
Mercury fulminate 9	$Hg(OCN)_2$	Inadequate evidence in humans for carcinogenicity; causes conjunctival irritation and itching; mercury poisoning including chills, swelling of hands, feet, cheeks, and nose followed by loss of hair and ulceration; severe abdominal cramps, bloody diarrhea, corrosive ulceration, bleeding, and necrosis of the gastrointestinal tract; shock and circulatory collapse, and renal failure.
White phosphorus 10	P_4	Reproductive effects. Liver, heart, or kidney damage; death; skin burns, irritation of throat and lungs, vomiting, stomach cramps, drowsiness.
Perchlorates 11	ClO_4	Exposure causes itching, tearing, and pain; ingestion may cause gastroenteritis with abdominal pain, nausea vomiting, and diarrhea; systemic effects may follow and may include ringing of ears, dizziness, elevated blood pressure, blurred vision, and tremors. Chronic effects may include metabolic disorders of the thyroid.
Hydrazine 12	N_2H_4	Possible human carcinogen; liver, pulmonary, CNS, and respiratory damage; death.
Nitroguanidine 13	$CH_4N_4O_2$	No human or animal carcinogenicity data available.

Specific toxic effects are not documented.

Table 3–4. Primary Uses of Explosive Materials 1

Compound 2	Propellant	Primary or Initiator	Booster	Burster	Charge	Pyrotechnics	Incendiary
TNT							
RDX							
HMX							
PETN							
Tetryl							
Picric acid							
Explosive D							
Tetrazene							
DEGDN							
Nitrocellulose							
2,4-							
Dinitrotoluene							
2,6							
Dinitrotoluene							
Ammonium Nitrate\							
Nitroglycerine							
Lead azide							
Lead styphnate							
Mercury fulminate							
White phosphorus							
Perchlorates							
Hydrazine							
Nitroguanidine							

[54]Agency for Toxic Substances and Disease Registry, *Toxicological Profile for White Phosphorous*, U.S. Department of Health and Human Services, Public Health Service, Atlanta, GA, 1970.
[55]*Carcinogenicity Assessment for Lifetime Exposure of Hexahydro-1,3,5-trinitro-1,3,5-triazine (RDX), and Carcinogenicity Assessment for 2,4,6-trinitrotoluene (TNT) for Lifetime Exposure*, EPA Integrated Risk Information System, 1993.
[56]Agency for Toxic Substances and Disease Registry, *Toxicological Profile for 2,4,6-trinitrotoluene (update), and Toxicological Profile for RDX*, U.S. Department of Health and Human Services, Public Health Service, Atlanta, GA, 1995.

White Phosphorus 1

One of the most frequently used pyrotechnics is white phosphorus, which is used for "spotting" or marking an area. White phosphorus burns rapidly when exposed to oxygen. In soils with low oxygen, unreacted white phosphorus can lie dormant for years, but as soon as it is exposed to oxygen, it may react. If ingested, white phosphorus can cause reproductive, liver, heart, or kidney damage, or death. Skin contact can burn the skin or cause organ damage.[54]

Trinitrotoluene (TNT)

TNT is soluble and mobile in surface water and groundwater. It is rapidly broken down into

other chemical compounds by sunlight, and is broken down more slowly by microorganisms in water and sediments. TNT is not expected to bioaccumulate under normal environmental conditions. Human exposure to TNT may result from breathing air contaminated with TNT and TNT-contaminated soil particles stirred up by wind or construction activities. Workers in explosive manufacturing who are exposed to high concentrations of TNT in workplace air experience a variety of organ and immune system problems, as well as skin irritations and cataracts. Both EPA and ATSDR have identified TNT as a possible human carcinogen.

Toxicological Profiles of RDX and TNT

The EPA's IRIS uses a weight-of-evidence classification for carcinogenicity that characterizes the extent to which the available data support the hypothesis that an agent causes cancer in humans. IRIS classifies carcinogenicity alphabetically from A through E, with Group A being known human carcinogens and Group E being agents with evidence of noncarcinogenicity. IRIS classifies both TNT and RDX as Group C, possible human carcinogens, and provides a narrative explanation of the basis for these classifications.[55]

The ATSDR is tasked with preventing exposure and adverse human health effects and diminished quality of life associated with exposure to hazardous substances from waste sites, unplanned releases, and other sources of pollution present in the environment.

The ATSDR has developed toxicological profiles for RDX and TNT to document the health effects of exposure to these substances. The ATSDR has identified both TNT and RDX as possible human carcinogens.[56]

The ecological impacts of TNT include blood, liver, and immune system effects in wildlife. In addition, in laboratory tests, male test animals treated with high doses of TNT developed serious reproductive system effects.

Royal Demolition Explosive (RDX)

RDX, also known as Royal Demolition Explosive, is another frequently found synthetic explosive chemical. RDX dissolves in and evaporates from water very slowly. RDX does not bind well to soil particles and can migrate to groundwater, but the rate of migration depends on the soil composition. If released to water, RDX is degraded mainly by direct photochemical degradation that takes place over several weeks. RDX does not biologically degrade in the presence of oxygen, but anaerobic degradation is a possible fate process under certain conditions. RDX's potential for bioaccumulation is low. Human exposure to RDX results from breathing dust with RDX particles in it, drinking contaminated water, or coming into contact with contaminated soils. RDX inhalation or ingestion can create nervous system problems and possibly organ damage. As discussed previously, RDX has been identified as a possible human carcinogen.

The ecological effects of RDX suggested by laboratory studies include neurological damage including seizures and behavioral changes in wildlife that ingest or inhale RDX. Wildlife exposure to RDX may also cause damage to the liver and the reproductive system.

Mr. SHAYS. Mr. Miller, maybe what we could do, is there any other comment would you make, then I will recognize Mr. Allen. Is there any other comment, or should we go right to the questions.

Mr. MILLER. I think we can go to the questions.

Mr. SHAYS. Thank you. It was a very nice statement. I appreciate your statement.

Mr. Allen.

Mr. ALLEN. My first question is real simple. You've been here and I just wondered if you wanted to comment about anything that you heard from the witnesses during the second panel.

Mr. MILLER. I think the main observation I would have as I understood the testimony is that a lot of the concern with encroachment relates——

Mr. ALLEN. Ignore that buzzer.

Mr. SHAYS. I think we're recessed until 3:30. I think the Gold Medal Award is for Mr. or Mrs. Reagan in the Rotunda as we speak. But that seems like two votes. Tell me that isn't so. Go for it.

Mr. MILLER. I think the main comment——

Mr. SHAYS. Excuse me, no, we are in recess. We're fine. Sorry. I overreacted.

Mr. ALLEN. Mr. Miller.

Mr. MILLER. As I understood the testimony, a lot of the concern with encroachment relates to issues that arise because of increasing urbanization near military ranges. And the main comment I would have is that as I understood it, the proposals that DOD is advancing to address issues related to the Clean Air Act, RCRA and CERCLA have kind of gotten lumped in with a number of other issues where impacts on military readiness are much more apparent.

Again, as I stated earlier, I'm not aware of any examples that DOD has identified where any regulation under the Clean Air Act, RCRA or CERCLA has resulted in any impact on readiness whatsoever. Yet, as I described with respect to the amendments to RCRA, they're pretty far reaching, and the same is true of the amendment under the CERCLA.

So, it's as though these pollution control laws are kind of getting swept along with a series of other concerns that are unrelated. And I want to make clear that the committee understands that the vast bulk of the testimony today as I heard it related to the animal protection laws and to issues that aren't even—don't even really rise under environmental laws at all, but simply have to do with the neighboring incompatible land uses of military facilities on the one hand, and increasing urbanization and suburbanization on the other.

Mr. ALLEN. You do make an interesting point there. There were six different environmental statutes for which DOD was planning to ask exemptions. As it turned out, the House dealt with only two of them in the Defense authorization bill, Migratory Bird and the Endangered Species. I may be wrong, but it sounded today as though the Endangered Species Act and the habitat requirements that go along with it was a major factor being discussed, even the Marine Mammal Protection Act has less to do with training our troops and much more to do with the use of low frequency long-

range sonar that the Navy has been developing on marine mammals and less on readiness, at least in terms of training our troops.

I have just a couple things, Mr. Miller. Can you tell us, as much as you can, about your efforts to express before Congress the opinion of the States and whether or not you were denied opportunities to make your views known before this hearing today.

Mr. MILLER. Earlier this spring, the National Association of Attorneys General, National Governors Association and National Conference of State Legislatures wrote a letter to the House Armed Services, I believe it was the Subcommittee on Readiness, requesting an opportunity to appear on that subcommittee's hearing on readiness. And that request was denied, although we were allowed an opportunity to submit written materials for the record.

We have been somewhat frustrated in our ability to address these issues because of the extremely short timeframe for analyzing the legislation, which I believe was provided 4 days before the first committee mark-up. And so there have been no hearings, legislative hearings on the precise language that DOD has put forth.

Mr. ALLEN. My final question, the Department of Defense, as I heard Mr. DuBois, was saying essentially that if you have some suggestions for language, he would be willing to entertain them. With respect to the statutes you've discussed, is it that simple? Is this a matter, in your opinion, of cleaning up language in the legislative proposals, or is there something more fundamental that isn't so much a drafting issue?

Mr. MILLER. I do not think it is a drafting issue. I think the fundamental issue is that as far as I'm aware, the Department of Defense has not demonstrated any impact, any actual impact that those three laws have had on military readiness. The only example that they brought up with respect to RCRA and CERCLA that I'm aware of is the citizen suit that has been filed in the State of Alaska with respect to Fort Richardson.

Now it seems to me it's kind of a slender reed upon which to base a proposal to amend two environmental laws. I understand Mr. DuBois stated that he's concerned that if the court upholds the plaintiff's theory in that case, that every firing range in the country would be subject to RCRA and CERCLA. I guess I would make a couple comments about that. First of all, the suit is likely to be dismissed on procedural grounds, for Richardson is a national priority list site. It's very likely the Department of Defense will be able to get this lawsuit dismissed because it would be viewed as a challenge to a remedy and the remedy hasn't been complete at that site.

Second, with respect to the RCRA claims, as I understand them, the plaintiffs are alleging that the disposal of ordnance into the wetlands up there constitutes disposal of hazardous waste. If that were true, I think the consequence would be that the Department of Defense would have to get a permit for its military ranges. And I believe that actually would be a positive consequence that we could have appropriate preventative regulation under RCRA that would not be burdensome on the military, would not impair readiness activities, would certainly allow continued live fire training, but at the same time, would protect groundwater resources from

potential contamination as happened at the Massachusetts military reservation.

Mr. ALLEN. Just a final comment then I want to thank you. I practiced law for 19 years. And even then I wouldn't put a whole lot of stock in allegations in a plaintiff's complaint that had not gone to trial and been tested. But, Mr. Miller, I thank you very much for being here today. Thank you, Mr. Chairman.

Mr. SHAYS. I thank the gentleman. I thank him for returning. I would like to know, Mr. Miller, you started by saying that you speak for other States. Are you saying that in a formal way or informally?

Mr. MILLER. I would say in an informal way with respect to specific comments on the proposed legislation, because frankly there hasn't been a lot of time for the States to look at it. But as the written materials I submitted indicate, there are letters from the Association of State and Territorial Solid Waste Management officials, which is the Association of State regulators for hazardous waste. They expressed, I think in a general sense, the same concerns I did with the potential breadth of these amendments.

There's a letter from the Environmental Council of the States, which represents the State Environmental Commissioners expressing similar concerns. And then there are past letters signed by a number of attorneys general related to encroachment and a related rulemaking that the Department of Defense had proposed a couple of years ago to govern the cleanup of closed transferred and transferring ranges. But obviously nobody has had the opportunity to review my specific testimony.

Mr. SHAYS. Fair enough, but it puts it in context.

The administration's readiness and range preservation range initiative does not include the Clean Air or the Resource Conservation and Recovery Act and the comprehensive Environmental Response Compensation Liability Act. I mean, it's not going to—we did not include it in the Defense authorization bill, I'm sorry.

Mr. MILLER. That's correct.

Mr. SHAYS. But it was thought that it might be there. But it's not—it was not included. And you obviously have raised some very real concerns about these three legislations, three actions being included. Have you had conversations directly with DOD about this legislation?

Mr. MILLER. The only conversation I've had with DOD regarding these proposals and the only conversations I'm aware of between DOD and the various State organizations have occurred over the last couple of weeks. DOD arranged with the National Governors Association to provide two briefings on this legislative package and I was able to participate in those briefings by conference call. But as you're aware, DOD testified on this issue last year and between last year and the time DOD came forward with its legislative proposals, I'm not aware of any efforts on their part to engage us in a dialog on this issue to talk about their specific concern with readiness and impacts that RCRA or CERCLA have had on military readiness activities.

Mr. SHAYS. What I would want you to—encourage to do is through the committee or the subcommittee, whichever the committee may want to do, if they want to help do this or just delegate

it to us, we would be happy to try to facilitate and encourage dialog and conversation on this issue. Dialogue doesn't commit other side to take a position, but it would inform both sides better. And I happen to have the bias that there may need to be some changes made, but that they should be able to argue their case in a persuasive way, and that maybe there could be consensus.

Tell me why Colorado is showing up on our radar screen instead of some of other States. I realize Colorado has a number of bases and training facilities and so on, but is it a particularly acute issue in Colorado as it relates to, say, California or Utah or anywhere else? Is there anything that tells you that you have a particular focus that the other States don't, or a particular concentration of certain——

Mr. MILLER. Well, I can tell you about some concerns that we do have in our State. I know that several other States share these concerns. One of the materials I submitted was a statement or letter from the Attorneys General of Washington, California, Massachusetts and Colorado to the Senate on this issue. I think it's fair to say that Colorado may have been leading the charge on this issue.

Mr. SHAYS. Tell me your biggest concern. What is the biggest thing that you're afraid of or concerned about?

Mr. MILLER. We are particularly concerned with our ability to regulate the cleanup of the closed transferred and transferring ranges. We have the former Lowry Bombing and Gunnery Range, it's a former 60,000 acre range. It's on the eastern edge of the Denver metropolitan area. There's quite a buildup of unexploded ordnance out there.

Mr. SHAYS. That's been returned to the State. I don't mean returned, because it was never the State's, but it's been given to the State.

Mr. MILLER. Yes. Actually the State Board of Land Commissioners owns about 27,000 or 30,000 acres of the total 60,000. Most of the rest of it is in private hands. Some portion of it is owned by the city of Aurora and is owned for a reservoir. There's a high school being constructed on the western edge of it now that's due to open in the fall of 2003. That high school is located within a mile of an ordnance burial area where we recently discovered some practice serin bomblets, nerve gas bomblets. Now they weren't filled with real nerve gas, but there's no real way to know that in advance.

We've also discovered quite a bit of other ordnance in that particular area. We're very concerned with the adequacy of funding for that cleanup. We're concerned that the State be able to maintain adequate oversight of it. We had to file a lawsuit against the United States too before we could get them to come to the table and agree to what we thought was an adequate investigation and adequate cleanup of that site.

We're also concerned with the cleanup of a plume of contaminated groundwater at the Pueblo Chemical Depo that originates from ammunition washout activities under the proposed legislation. This plume of ground water which is contaminated with TNT and has traveled 2 miles offsite and has impacted drinking water in wells, I believe, would no longer be subject to the State's hazardous

waste authority because this legislation proposed legislation would define it not to be a solid waste.

Mr. SHAYS. Were you concerned that these three acts were going to be in the Defense authorization bill?

Mr. MILLER. Yes.

Mr. SHAYS. And it may have been your concern, certainly had an impact and their not being—who knows. But what it says to me is that you've had some impact here. It wasn't included. And I'd like to think that if the DOD believes it's important to deal with some aspects of these of these acts, that they work with various States. You've obviously shown an interest.

So my point to you is I'm happy to lend our committee's offices to try to encourage there to be some dialog, a good faith dialog on both parts. Because I think both Mr. Allen and I believe very strongly that we need to make sure that training happens, and it needs to happen within reasonable restraints.

Mr. MILLER. Absolutely. There's no question about our support for training.

Mr. SHAYS. Is there any question that you wish we had asked that we should have asked or any point that you want to put on the record? Let me just say if Mr. Barr was here, he might have—it might have been more of an interesting dialog. And I mean that respectfully. I have my bias in this issue, and I had said when he was leaving that my perspective is a little different, so it was just the luck of the Chair that you got me.

Mr. MILLER. I appreciate that.

Mr. SHAYS. Either that or you may have preferred to have him and have an interesting dialog. We'll put some things on the record. Maybe could you look at that record and make some comments on that as well.

I thank our recorder. You can put that on the record. You've done a wonderful job.

I thank our guests and I thank all of the witnesses. Thank you, Mr. Miller for being here. This hearing is closed.

[Whereupon, at 3:20 p.m., the committee was adjourned.]

[The prepared statements of Hon. Constance A. Morella, Hon. Doug Ose, Hon. Thomas M. Davis, Hon. Edolphus Towns, Vice Admiral Charles W. Moore, Major General Thomas S. Jones, Major General Robert L. Van Antwerp, and Major General Randall M. Schmidt, and additional information submitted for the hearing record follow:]

Jennie Morella

Morella Remarks on Encroachment Hearing

I thank the Committee for holding this hearing today. It is evident by the panel of witnesses that we have gathered here today how important the issue of encroachment is. They will be able to testify to the relevance of training at military training ranges and the role it plays for our armed forces when they are partaking in real combat.

It is obvious that national security must be the preeminent concern for our government. If environmental regulations or urban expansion are endangering the training of our military then this Committee and this Congress has a right to makes changes.

But I also feel strongly that we should look closely at rules or regulations that are supposedly endangering our military forces to ensure that we do not make unnecessarily wide sweeping changes when only minor reform is needed.

Last week, during debate on the Defense Authorization bill, some of the provisions of the GAO's

report on this issue were included in the defense bill. Many organizations, particularly environmental, had justifiable concerns with some of the exemptions that would be granted to the Defense Department.

Their concerns revolved around the fact that there was almost no time for committees of jurisdiction to consider, specifically, long term environmental implications. In addition, the exemptions that would be granted to the Defense Department may be unnecessary as many of the existing statutes already grant the President the authority to waive regulations in the interest of national security.

I think these concerns are valid and I want to learn more from our panelists about their viewpoints on these issues. I look forward to the testimony today and I yield back the balance of my time.

STATEMENT OF CONGRESSMAN DOUG OSE
COMMITTEE ON GOVERNMENT REFORM

for the record

"CRITICAL CHALLENGES CONFRONTING NATIONAL SECURITY – CONTINUING ENCROACHMENT THREATENS FORCE READINESS"

May 16, 2002

I'd like to thank the Chairman and Committee for holding this hearing today. I think that it is safe to say that the training and readiness of our armed forces is critical to our national security.

Boot camp is a term that has been co-opted by popular culture. We have fitness boot camps, diet boot camps, stock traders boot camps, and even fashion model boot camps.

But the real camps that train our soldiers are the key to a successful military, anything that threatens them, threatens the core of our national security.

Unfortunately, the environment that our military bases are forced to operate under places constraints on that training capability. Combat training faces the simultaneous interference of commercial development, environmental regulation, airspace restrictions, and conflicts over the use of radio frequency spectrum.

My home state of California is a prime example of this. Camp Pendleton is surrounded by three of the most urbanized counties in the nation and home to 16 federally endangered and threatened species. I am particularly concerned about the effect that our environmental laws are having on our military's ability to sustain readiness. The irony is that our training and testing bases are often havens for wildlife. One of the reasons that Camp Pendleton is home to so many endangered species is because of the urbanization that surrounds it. I have little doubt that if Camp Pendleton did not exist, the land would likely be a series of Southern California subdivisions and many of the endangered species would be extinct.

But I don't believe that we have to choose between the environment and military readiness. Fort Bragg in North Carolina is a case in point. Fort Bragg is home to the endangered red cockaded woodpecker. Fort Bragg also faces many of the issues faced by bases in California with the encroachment of urban development, complaints about noise and smoke. During one parachute drill, a soldier actually landed in someone's swimming pool. But the Army has capitalized on the woodpecker's plight to forge a novel solution to encroachment, and to the loss of the woodpecker's habitat.

The Army in conjunction with the Nature Conservancy has created an initiative to purchase the remaining undeveloped land around the base. This would create a buffer zone that could be used for training as well as habitat for the woodpecker.

I am concerned that what is happening at Fort Bragg is the exception, not the rule. And that our environmental laws have created a rigid framework that pits training against the environment. In the long term, restrictions that inhibit training to the point that a base has become useless will

likely lead to base closures. Such closures will be the environmental equivalent of killing the goose that laid the golden egg.

I look forward to the testimony of the witnesses as we search for flexible ways to ensure both national security and protection of the environment.

Statement of Representative Tom Davis
House Committee on Government Reform
"Critical Challenges Confronting National Security–
Continuing Encroachment Threatens Force Readiness'
May 16, 2002

- Mr. Chairman, I want to thank you and your staff for holding this hearing today. I believe today's issue is crucial as we determine the constraints that our military faces in training, and how these restrictions affect readiness.

- This hearing is particularly important because it is a follow-up to last year's hearing: **"Challenges to National Security–Constraints on Military Training."**

- This hearing will bring to light many of the issues relating to encroachment on training ranges—whether it is air, ground, or naval training. Each of these present a serious and growing challenge to force readiness—especially now, as we wage a war on terrorism.

- Thank you to all of the witnesses for taking time from their busy schedules to be here today.

- The United States has the best and most prepared military in the world today. Our military is the envy of every nation. Our forces continue to demonstrate their effectiveness whenever they are called to duty.

- Our United States Marines, soldiers, sailors, and airmen work together to protect our national interests around the world and our freedom here at home. The men and women in uniform are the key to our strength and a significant source of our pride.

- Congress has become increasing concerned about the state of our military readiness, not only in terms of modernization, but also training and preparation, particularly in this global and ever-changing environment, as we find ourselves both on the defense and offense in the war against terrorism.

- It is undeniable that technology has pushed the edge on what we can do, and increased the need for speed, stealth, and accuracy. This is especially true when it comes to educating, coordinating, and training Marines, soldiers, sailors, and airmen. Military training is unique, difficult, and extensive.

- It is now more important than ever that we allow the services to "train as they fight," because failure to do so would result in deadly consequences for our military personnel.

- I have heard from our men and women in uniform who have expressed serious concerns about the limitations and restrictions which have been imposed on training due to such challenges as noise complaints, competition for airspace, loss of spectrum frequency, and most commonly, rapid and expanding suburban growth around military bases.

- We must give the military the training ranges and flexibility it needs to properly prepare for its mission—if not, we are only short-changing our own national security and unnecessarily endangering their lives.

- I am concerned that, according to a recent GAO report, training readiness remains high for most units—and reports from active duty units in FY01 showed that very few units could report to be "combat-ready status" because of inadequate training areas. This is a dangerous trend for our U.S. military.

- In addition, the report finds that encroachment significantly increases training costs—while not actually improving training conditions our Marines and soldiers.

- The bigger question remains: how can we expect the U.S. military to be prepared and ready to fight in the 21st Century if we do not provide them with adequate training and preparation with real-life-combat experience?

- Encroachment touches every aspect of military training and directly affects force readiness. I look forward to hearing our witnesses testify and appreciate the opportunity to listen to their first-hand, real-world experience with these issues.

Statement of Congressman Ed Towns(NY-10)
Committee on Government Reform
"Critical Challenges Confronting National Security — Continuing Encroachment Threatens Force Readiness"

I thank the Chairman for holding this hearing. I believe that we have an issue before us today which is of the utmost importance: Is military readiness threatened by - what the Pentagon calls - "encroachment", defined by the Pentagon as the impairment of training capabilities by eight causes; including, environmental regulations, the Endangered Species Act, urban sprawl, the Clean Air Act, the competition for frequency spectrum, the competition for airspace, noise abatement, and ocean resource protection.

Today, we will hear from a number of distinguished military representatives who have real world experience in military combat as well as training at military facilities throughout the United States. While it is an honor to have the testimony of these witnesses one must recognize that the privilege of hearing these testimonials from active duty military personnel cannot replace an actual study which has been performed by the General Accounting Office (GAO) at the request of this committee to detail the extent of the "encroachment" problem. I understand that the GAO's draft report – which we will hear more about from Mr. Barry Holman, the GAO's Director of Defense Capabilities and Management - raises numerous questions regarding the extent of the encroachment issues as well as the military's commitment to addressing encroachment concerns within their own training facilities. In addition, the report makes a series of recommendations that if the military were to follow would alleviate most of these issues altogether. It seems clear from the preliminary descriptions of the GAO report that the real problem is that the military does not wish to spend the time or money to address encroachment issues in a systematic fashion and would rather resolve the issues altogether through a blanket exemption for environmental regulations.

Unfortunately, when the environment is negatively impacted the impact is not always limited to the area in question. In the example of the Massachusetts Military Reservation in Cape Cod, training was halted after an EPA Administrator determined that continued training activities threatened to contaminate the sole source aquifer that supplies nearly 150,000 permanent residents with their drinking water. While the military is cleaning up this site, would they be if they had an exemption ?

I urge the military to take the recommendations of the GAO seriously and only seek legislative exemptions once they have determined the extent of the encroachment problems. The GAO suggested that the Secretary of Defense take the following actions:

(1) require the services to develop and maintain inventories of their training ranges, capacities, and capabilities, and fully quantify their training requirements;

(2) create a DOD database that identifies all ranges available to the department and what they offer, regardless of service ownership, so commanders can schedule the best available resources to provide required training;

(3) finalize a comprehensive plan for administrative actions that includes goals, timelines, projected costs, and a clear assignment of responsibilities; and

(4) develop a reporting system that will allow for the elevation of critical training problems and progress for inclusion in Quarterly Readiness Reports

Mr. Chairman, I believe that we must take the steps necessary to ensure military readiness and protect national security. However, before we grant the military carte blanche exemptions of environmental regulations, the Endangered Species Act, and the other issues identified by the military as encroachment issues we must ensure that there is a correlation between military readiness and encroachment. In addition, we must verify that the laws currently on the books do not provide the military with the kind of flexibility that they are requesting. In essence, we must answer the question – are the prescribed solutions necessary to address the military's diagnosed problem. I thank the many distinguished witnesses for their testimony.

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TO: **MEMBERS OF THE COMMITTEE ON GOVERNMENT REFORM**

FROM: **CONGRESSMAN DAN BURTON, CHAIRMAN** DB

DATE: **MAY 6, 2002**

RE: **Committee Hearing entitled "Critical Challenges Confronting National Security – Continuing Encroachment Threatens Force Readiness," 10A.M., Thursday, May 16, 2002, in Room 2154 of the Rayburn House Office Building**

SUMMARY:

The ability of the military to execute air, ground and naval training across the country is eroding. Constraints on the use of training ranges are limiting the ability of the services to "train as they fight." Broadly termed "encroachment" by the military, the availability of land, navigable waters, airspace and radio frequencies for training at military bases across the country has been curtailed due to urban and suburban development, increased commercial air traffic, and compliance with a growing body of federal regulatory requirements.

Last year, this Committee held a hearing on May 9th, where senior military service officers discussed the extent of the urban and regulatory encroachment problems being encountered by each service and the cumulative effects of shrinking training ranges on the quantity and quality of military training.

On August 4, 2001, the Subcommittee on National Security, Veterans Affairs and International Relations, at the urging of Mr. Putnam, held a hearing in Avon Park, Florida, to focus on the importance of sustaining critical military training facilities. On April 23, this year, Mr. Shay's Subcommittee held another hearing on the importance of radio frequency spectrum in securing military readiness and national security.

The Committee's investigation continues with this hearing on May 16th. The purpose of this hearing is to ensure that the efforts of the Department of Defense and the military services to combat encroachment continue to receive appropriate management attention and are funded and staffed sufficiently to ensure the sustainment of military training in the country for the future. The Committee will hear testimony of special operations capable military personnel with recent combat experience in support of the war on terrorism in Operation Enduring Freedom. Testimony will also be received from senior Defense Department personnel to discuss their long-term management responsibilities to the services they represent.

WITNESSES

Panel One:

Panel One will bring to the encroachment debate the unique perspective and opinions of experienced special operations personnel. For the first time, the Deputy Commander in Chief of US Special Operations Command will discuss the preliminary results of an ongoing SOCOM range encroachment study. Additionally, operational commanders will discuss their careers, the impacts of deficient training opportunities on military combat skills and the critical importance of realistic training for continued success on the battlefields of tomorrow.

Lieutenant General William P. Tangney, USA, Deputy Commander in Chief, United States Special Operations Command, Tampa, Florida

Colonel Thomas D. Waldhauser, USMC, Commanding Officer, 15th Marine Expeditionary Unit, Special Operations Capable, Camp Pendleton, California. (The 15th MEU set up Camp Rhino, outside of Kandahar in November.)

Captain Stephen S. Voetsch, USN, Commander, Air Wing One, USS Theodore Roosevelt . (The USS Theodore Roosevelt left Norfolk on September 19, 2001, heading for a six month deployment in the Persian Gulf. Captain Voetsch was responsible for the air squadrons and their bombing missions.)

Commander Kerry M. Metz, USNR, Naval Special Warfare Group One, Coronado, California. (The Commander's SEAL team was responsible for coalition joint special operations in Afghanistan from November 2001 – March. 2002)

Captain Jason L. Amerine, USA, 5th Special Forces Group (Airborne), Fort Campbell, Kentucky. (Captain Amerine's unit suffered friendly-fire casualties in December. Captain Amerine received the Bronze Star for Valor and the Purple Heart for his services in Afganistan.)

Panel Two:

Panel Two will focus on the challenges of encroachment management at the Department of Defense. The US Government Accounting Office has recently completed Committee sponsored study of encroachment on military ranges in the United States and a review of Department of Defense encroachment management. Non-legislative solutions including the importance of taking inventory of training ranges, reporting direct effects on readiness and coordinated outreach will be highlighted.

The Honorable Raymond DuBois, Deputy Under Secretary of Defense for Installations and the Environment.

The Honorable Paul Mayberry, Deputy Under Secretary of Defense for Readiness.

Mr. Barry Holman, Director, Defense Capabilities and Management, US Government Accounting Office.

Vice Admiral Charles Moore USN, Deputy Chief of Naval Operations for Logistics and Readiness, Office of the Chief of Naval Operations.

Major General Thomas S. Jones USMC, Commanding General, Training and Education Command, Quantico, Virginia.

Major General Robert Van Antwerp USA, Assistant Chief of Staff of Installation Management, Office of the Chief of Staff, United States Army.

Major General Randall M. Schmidt USAF, Assistant Deputy Chief of Staff for Air and Space Operations, Office of the Chief of Staff of the United States Air Force.

Panel Three

Panel Three will allow a representative from the National Association of Attorneys to relate his position on the Department of Defense's Readiness and Range Preservation Initiative.

Mr. Dan Miller, First Assistant Attorney General, Colorado Department of Law

BACKGROUND

Encroachments on military training occur in various forms and combinations, specific to training mission and locale. In general, encroachment issues fall into the following categories: urban growth and development, regulatory compliance including critical habitat designation and maritime restrictions, airspace restrictions, airborne noise abatement and radio frequency spectrum limitations and deconfliction.

GAO Study

Our study was completed and delivered to the Committee on April 25, 2002. The Department of Defense has 30 days to comment on the report before it can be made public. At the hearing we can allude to its findings, but we can't release the document until it is in final form. The GAO expects the document to be released the first week in June. The title of the report is "Military Training: DOD Lacks a Comprehensive Plan to Manage Encroachment on Training Ranges." The study found that **the Department of Defense and the military services have lost training range capabilities and can be expected to experience increased losses in the future.** The study also found that although there are encroachments on military training documented by each military service, the Department does not yet have strong, comprehensive management policies in place to address the challenges in the future.

The GAO study makes the following recommendations:

The Secretary of Defense should require the services to develop and maintain inventories of their training ranges, capacities and capabilities, and fully quantify their training requirements.

The Department of Defense needs to create a database that identifies all ranges available to the Department and what they can offer regardless of service ownership so that commanders can schedule the best available resources to provide required training.

The Department of Defense needs to finalize a comprehensive plan for administration actions that includes goals, timelines, projected costs, and a clear assignment of responsibilities for managing and coordinating the department's efforts to address encroachment issues.

The current reporting system on readiness, called "GSORTS" does not adequately reflect the effects of training range encroachments on readiness. At our hearing last year, all of the military service officers reported that this reporting system is inadequate. There is also an institutional bias by operators to report they are always "ready." The Department of Defense needs to change this system or develop a new reporting system that directly reflects the degradation of encroachments on military readiness as described in detail by unit and installation commanders.

At the request of the Chairman, Mr. Hansen of Utah introduced these recommendations as an amendment during the House Armed Services Subcommittee on Readiness hearing on April 25. As part of the National Defense Authorization Act for FY 2003, this section passed in the House on May 1, 2002. (Title III: Operations and Maintenance, Section 365)

Legislation

This hearing takes place during a period of intense activity in Congress on the Administration's request for legislative relief to encroachment challenges. In mid-April, the Department of Defense submitted to Committees of jurisdiction the Readiness and Range Preservation Initiative. Portions of this legislative proposal were marked-up in the Subcommittee on Readiness on April 25 and the Armed Services Committee on May 1. H.R. 4546, the National Defense Authorization Act of FY2003 passed on the House floor on May 9, 2002. The fate of the House legislation will be decided in a Senate-House conference in June. The Senate Armed Services Committee mark-up did not include any of the provisions

Including the amendment introduced by Congressman Hansen, the following range sustainability provisions were passed.

Cooperative Buffer Zone Acquisition Authority: Allows military departments to enter into agreements with third parties – such as private land preservation organizations -- to prevent urban development that threatens testing and training. The proposal would assist DoD with preserving "buffer zones" between ranges/bases and urban areas. Buffer zones provide critical habitat for endangered and threatened species.

Conveyance of Surplus Property for Conservation Purposes: Allow DoD to convey surplus property to a state or local government, or to a nonprofit conservation organization. The proposal allows the transfer of land only if it is used for conservation purposes in perpetuity.

Endangered Species Act and the Sikes Act Amendment: Confirm an existing policy (under court challenge) that provides that DoD cooperation with the U.S. Fish and Wildlife Service on natural resource management may make the designation of critical habitat on DoD lands unnecessary. This legislation confirms existing policies of the last two Administrations. The legislation explicitly requires that the Defense Department continue to consult with the Fish and Wildlife Service and the National Marine Fisheries Service under Section 7 of the Endangered Species Act; the other provisions of the ESA, as well as other environmental statutes such as the National Environmental Policy Act, would continue to apply.

Migratory Bird Treaty Act: Reverse a March 2002 court decision interpreting the MBTA to prohibit training at the Farallon de Medinilla (FDM) range in the Western Pacific due to concerns about even low numbers of bird deaths. The legislation restores the legal and regulatory status quo as it existed for over 80 years, until the FDM decision last month. The FDM case was brought in the D.C. Circuit, which has jurisdiction over all DoD activities. As a result, the FDM case puts at risk military aviation, military telecommunications, and live-fire training nationwide.

The following sections of the Administration's Readiness and Range Preservation Initiative did not make it through the Armed Services Committee's mark-ups:

Marine Mammal Protection Act: Follow the National Research Council's recommendation that the current, ambiguous definition of "harassment" of marine mammals, which includes "annoyance" and "potential to disturb," be focused on more biologically significant effects. The legislation confirms existing practices of the last two Administrations, endorsed by the National Research Council. Although excluding transitory, biologically insignificant effects from regulation, the MMPA would remain in full effect for biologically significant effects—not only death or injury but also disruption of biologically significant activities. DoD currently funds much of the most significant research on marine mammals, and will continue this research in future.

Clean Air Act: Maintain DoD's commitment to Clean Air Act standards while providing flexibility to meet state air quality policies and training and readiness requirements. The Clean Air Act currently prevents DoD from beginning readiness activities involving even relatively minor increases in emissions until it can demonstrate immediate compliance with state clean air plans. Without greater flexibility, the conformity requirement could be a significant obstacle to basing military aircraft in any Southern California location, as well as a potentially serious factor for the siting of the Joint Strike Fighter and the Advanced Amphibious Assault Vehicle. The legislative proposal reaffirms DoD's obligation to meet state air requirements but allows DoD and state regulators more time to ensure full compliance.

Resource Conservation and Recovery Act (RCRA) and Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund: Confirm that the clean-up of military munitions is not required so long as munitions remain on operational ranges. DoD's obligation to clean up of off-range munitions and munitions causing imminent danger on-range would remain unchanged. The legislation does not modify DoD's cleanup responsibilities under CERCLA or RCRA at Formerly Used Defense Sites, closed, closing, or transferring ranges, or currently operational bases that close in the future.

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RELEASED BY THE HOUSE
COMMITTEE ON GOVERNMENT
REFORM

STATEMENT OF

VICE ADMIRAL CHARLES W. MOORE

DEPUTY CHIEF OF NAVAL OPERATIONS
FOR
READINESS AND LOGISTICS

BEFORE THE

HOUSE COMMITTEE ON GOVERNMENT REFORM

ON

CRITICAL CHALLENGES CONFRONTING NATIONAL SECURITY - CONTINUING
ENCROACHMENT THREATENS FORCE READINESS

16 MAY 2002

NOT FOR PUBLICATION UNTIL
RELEASED BY THE HOUSE
COMMITTEE ON GOVERNMENT
REFORM

Mr. Chairman, members of the Committee, thank you for the opportunity to discuss Navy's efforts in addressing encroachment issues impacting our training facilities and ranges. As your Navy, we must provide credible, combat-ready naval forces that sail anywhere, anytime, as powerful representatives of American sovereignty. In the weeks following 11 September, naval forces were the vanguard of our Nation's efforts against terrorism. Carrier strike packages in conjunction with US Air Force bombers and tankers flew hundreds of miles beyond the sea, destroying the enemy's ability to fight. Sustained from the sea, US Marines, Navy SEALS, Seabees, and Special Operations Forces worked with local allies to free Afghanistan from the Taliban Regime and al Qaeda terrorist network. Currently, Naval forces engaged in the Global War On Terrorism (GWOT) are deployed to multiple theaters of operation. We remain ready to directly and decisively influence events ashore from the sea.

As you may know, I was Commander Fifth Fleet for the first five months of Operation Enduring Freedom (OEF). As the former Fleet Commander associated with as demanding an operation as OEF, I clearly understand the strains placed upon our men and women during military operations and the skills necessary to be decisive in combat. I know first hand that our ability to succeed in armed conflict, regardless of its scope, rests principally on our ability to train in a realistic combat-like environment. Training ranges provide that environment.

I. EXECUTIVE SUMMARY

Our Navy has developed, through years of experience, a highly developed training process that stresses our forces under combat-like conditions. This process has given Naval forces a training superiority that complements our technological superiority. Assured access to quality, realistic training at our Range / Operating Area (OPAREA) Complexes affords us the ability to exercise all of the individual, unit level and multi-unit skills necessary to be decisive in combat. Training ranges give deploying forces the opportunity to gain combat-like experience before actually entering combat.

Our training ranges facilitate the realistic training processes that prepare our men and women for combat. We know empirically, based on our experience during the previous World Wars, that aviators who survive their first five decisive engagements in combat are likely to survive the war. We use training ranges to simulate these first five engagements in a combat-like environment, and survive. Realistic training in a controlled environment *prior* to combat pays great dividends. The cost of NOT providing such training for the young men and women we send into harm's way is a price we don't want to pay.

Training on our ranges is increasingly constrained by encroachment. Encroachment may lessen readiness by reducing the number of training days, reducing training realism, causing temporary or permanent loss of range access, decreasing scheduling flexibility, increasing scheduling complexity, and increasing time away from home during pre-deployment training. Encroachment issues have increased gradually over the past three decades to the point where we find ourselves today, stretched to our limits in our ability to implement our training process.

Navy is a good steward of the environment and we are proud of our efforts to protect natural resources on our ranges and in our operating areas. We believe that we *can* strike a balance between the need to train and the need to comply with environmental law. The Readiness and Range Preservation Initiative will help in this regard. It seeks to clarify the boundaries of the most critical range encroachment issues while maintaining our commitment to environmental stewardship.

Recognizing the need to centralize our effort to preserve training range viability, and in response to the increasing complexity and interrelatedness of range issues in general, Navy established the Navy Training Range/Operating Area Organization (NTROO). This organization will fully integrate range management and sustainability efforts with training range capabilities and the readiness process.

The Vice Chief of Naval Operations has specifically chartered NTROO to:

- Develop and implement a comprehensive Training/OPAREA Range Roadmap
- Link validated Training Range/OPAREA requirements to readiness
- Develop Training Range/OPAREA Sustainability Plans to ensure that threats and impediments to Navy's ability to train are addressed, and that integrated plans are implemented to meet mission requirements
- Establish a "one voice" outreach program that communicates with other DoD range organizations, Congress, other governmental organizations, non-government organizations, and the public.
- Submit validated Fleet Training Range/OPAREA requirements to the PPBS process
- Recommend training range policy

Navy recognizes the need to develop a proactive, comprehensive approach to range sustainability as the key mechanism for averting degradation to training quality and preventing the loss of access to training ranges and operating areas. We are building a Range Sustainability Plan to maintain the viability of our readiness process. Our focus in this endeavor is threefold:

- Build a Navy training and readiness organizational structure capable of centrally identifying, managing, and reducing the adverse impacts of encroachment on the training readiness process.
- Develop focused range sustainability plans to provide deploying forces with the highest quality range training capabilities in consonance with sound environmental stewardship.
- Improve integrated record keeping and reporting as the foundation of a proactive program to detect, track and address challenges to training and range sustainability at the earliest stage practical.

The Navy's range sustainability planning process couples centralized coordination with localized Range Complex planning, and will ensure that Navy is well positioned to balance our training requirements with environmental law.

II. INTRODUCTION

The combat capability of our forward-deployed forces is founded on the highly developed training process that Navy has developed through years of experience. Our training Range/Operating Area (OPAREA) Complexes are the primary training enablers we use to create realistic combat scenarios. History has taught us that quality, realistic training will ensure success in combat measured in terms of the minimizing the casualties we sustain and instances of collateral damage, and the speed of our mission completion. We owe the Nation and its citizens a duty to be constantly ready, but equally, we owe our Sailors and Marines the best training available before we send them in harm's way. Continued unencumbered access to our training Range/OPAREA Complexes is vital to fulfilling these readiness obligations.

We know both intuitively and empirically that there is a direct relationship between realistic training and successful performance in combat. The successes we've enjoyed to date in the Global War on Terrorism have been no accident. They were the result of quality and realistic training under combat-like conditions. However, the cumulative impacts of encroachment are compromising our readiness process and threatening our long-term access to these irreplaceable training range complexes.

To preserve and sustain our range complexes, Navy has developed a training range organization to serve as the sole Service-level body for addressing and facilitating training Range/OPAREA issues. The development of this organization, called the Navy Training Range OPAREA Organization (NTROO) was an important step in our continuing efforts to preserve our ability to train as we fight. NTROO is coordinating the development of a Range Sustainability Plan to support Navy's near and long-term training range and readiness requirements.

The Navy is proud of its environmental programs and our history of being good stewards of the environment. In FY 2002 alone we will spend over 1 billion dollars for environmental programs covering natural resources conservation, pollution prevention ashore and on our ships, planning, compliance, restoration and cutting-edge research. Our history of stewardship and compliance is long. For example, to comply with the Act to Prevent Pollution from Ships (APPS), the U.S. Navy invested approximately 600 million dollars from 1994-2001 to procure and install Plastic Waste Processors, pulpers, and Metal Glass Shredders on all frigate and larger sized ships. This suite of equipment gives every equipped U.S. Navy ship the ability to safely store all plastic waste onboard for shore disposal, as well as discharge all food waste, paper, cardboard, metal and glass over the side in a manner that has no environmental impact.

III. WHY NAVY MUST PRESERVE ITS TRAINING PROCESS

Navy has developed, through years of experience, a highly developed training process that stresses our forces under combat-like conditions. This process has given Naval forces a training superiority that complements our technological superiority. Our training process is a continuum from individual skill-set development to complex, integrated training operations. Assured access to quality, realistic training at our Range/OPAREA Complexes is essential to exercising all of the individual, unit level and multi-unit skills necessary to be decisive in combat. Training ranges

give deploying forces the opportunity to gain combat-like experience before actually entering combat.

A study of aviation combat attrition (our people being shot down) during the two World Wars revealed that our combat losses were most significant during the first five decisive engagements. Once aircrews successfully completed five engagements, their attrition rate dropped to less than five percent per mission...and remained there! During Viet Nam, at the start of hostilities, our kill ratio (the number of enemy aircraft shot down compared to the number of our aircraft shot down) was nearly 3:1 in our favor. This advantage was attributed not to superior combat aircraft but to the fact that a majority of our aviators had prior combat experience from the Korean War. Interestingly, as the Viet Nam War progressed, the number of inexperienced pilots we sent there grew and, as you might imagine, our kill ratio went down. In fact, it got to the point near 1968 that our kill ratio was below 1:1; we were actually losing more air-to-air engagements than we were winning. Armed with these statistics, Navy took steps to reverse the imbalance. We established the Navy Fighter Weapons School known to you as Top Gun. Within a year of providing intense, realistic training for Navy fighter pilots our fortunes in Viet Nam improved. In fact, by the end of the War our kill ratio had risen to nearly 13:1! Without realistic training, in a combat-like environment, we would have lost many more of our young aviators during this War.

Our training ranges facilitate the realistic training processes that prepare our men and women for combat. Realistic training in a controlled environment *prior* to combat pays great dividends. The cost of NOT providing such training for the young men and women we send into harm's way is a price we don't want to pay. The demonstrated value of gaining combat experience under controlled range conditions equally translates to the surface and submarine communities. The combat systems teams manning our ships and submarines benefit from stressful, realistic training environments in the same way that our aviators do. The surface community can point to our realistic damage control training as an example. We need only remember the Herculean efforts, which saved the USS Stark after being hit by an Iraqi anti-ship cruise missile, and the similar efforts that saved the USS Cole after the terrorist attack in Yemen as examples of realistic training saving American lives. The same type of offensive training is needed for these sailors in our OPAREAS so that they can develop situational awareness and thin the fog of war. The threats from anti-ship cruise missiles launched by hostile aircraft or submerged diesel submarines are real and within the capabilities of some of the nations we may face during the GWOT. Only superior training on our Ranges/OPAREA Complexes can provide assurance that this threat can be neutralized. Without viable training, we force our sailors and marines to learn in combat, skills that they should have learned beforehand. Doing so will cost us dearly.

IV. HOW NAVY IS ADDRESSING ENCROACHMENT

Training on our ranges is increasingly constrained by encroachment. Encroachment may lessen readiness by reducing the number of training days, reducing training realism, causing temporary or permanent loss of range access, decreasing scheduling flexibility, increasing scheduling complexity, and increasing time away from home during pre-deployment training.

Encroachment issues have increased gradually over the past three decades to the point where we find ourselves today, stretched to our limits in our ability to implement our training process. The Readiness and Range Preservation Initiative seeks to clarify the boundaries of the most critical range encroachment issues while maintaining our commitment to environmental stewardship. In parallel, we are building a Range Sustainability Plan to maintain the viability of our readiness process. Our focus is threefold:

- Build a Navy training and readiness organizational structure capable of centrally identifying, managing, and reducing the adverse impacts of encroachment on the training readiness process
- Develop focused range sustainability plans to provide deploying forces with the highest quality range training capabilities in consonance with sound environmental stewardship.
- Improve integrated record keeping and reporting as the foundation of a proactive program to detect, track and address challenges to training and range sustainability at the earliest stage practical.

Organizational Structure

Range issues are becoming increasingly complex. Managing or "working around" encroachment is one of many challenges dealt with by training ranges. Maintaining current and improving future range capabilities, establishing functional redundancies between ranges to ensure access to training elements for all deploying forces, and maintaining essential infrastructure are other issues that must be addressed as part of range sustainability. Recognizing the increasing complexity and interrelatedness of these issues, Navy established the NTROO to fully integrate range management and sustainability efforts with training range capabilities and the readiness process. The first objective for NTROO is to develop a coherent strategy to preserve core training ranges and operating areas that provide Fleet operators the primary training elements required to deploy as credible, combat-ready forces.

NTROO coordinates training range and operating area management and makes readiness and sustainability recommendations to the Deputy Chief of Naval Operations (Fleet Readiness and Logistics), OPNAV N4. N4 will review recommendations and take appropriate action, including forwarding validated requirements to the Planning, Programming, and Budgeting System (PPBS). The Vice Chief of Naval Operations has specifically chartered NTROO to:

- Develop and implement a comprehensive Training/OPAREA Range Roadmap
- Link validated Training Range/OPAREA requirements to readiness
- Develop Training Range/OPAREA Sustainability Plans to ensure that threats and impediments to Navy's ability to train are addressed, and that integrated plans are implemented to meet mission requirements
- Establish a "one voice" outreach program that communicates with other DoD range organizations, Congress, other governmental organizations, non-government organizations, and the public.
- Submit validated Fleet Training Range/OPAREA requirements to the PPBS process
- Recommend training range policy

The NTROO is comprised of OPNAV and Fleet representatives with responsibility for Training Ranges/OPAREAS. The organization has a flag level Executive Steering Group that provides readiness and sustainability guidance to the coordination and integration process. Director, Test and Evaluation and Technology Requirements (OPNAV N091) serves in a collaborative capacity on the NTROO. Via NTROO, N091 coordinates efforts of mutual interest with the training community, such as range sustainment, environment, encroachment and airspace.

The NTROO additionally coordinates with the Enhanced Readiness Teams established by the Commanders-in-Chief of the Atlantic and Pacific Fleets for each of the respective Navy regions. These teams bring together operations, facilities, legal, public affairs, real estate, and environmental staffs to address issues across the broad spectrum of affected areas. Enhanced Readiness Team efforts include active engagement with regulators and other non-DOD agencies to ensure readiness is maintained through long-term access and use of fleet facilities, training ranges, and operating areas.

Range Sustainability Planning

Navy has initiated development of a Range Sustainability Plan. This planning process builds on three tenets:

- Establish sound legal position, policies and procedures in consonance with good environmental stewardship
- Advance knowledge on encroachment effects to operations
- Develop programs for education and engagement

Navy recognizes the need to develop a proactive, comprehensive approach to range sustainability as the key mechanism for averting degradation to training quality and preventing the loss of access to mission essential training ranges and operating areas. Planning processes will define current and future training requirements and identify any potential for associated sustainment issues. Proper planning will allow Navy to initiate outreach or mitigation strategies before training is affected, thus sustaining operational readiness in a context of responsible resource management.

The overall goals of the Navy range and operating area sustainment plans are numerous. First and foremost, Navy desires a proactive, comprehensive approach to range sustainability. This proactive planning will avert potential loss of access to training ranges/OPAREAs, quantify current and future environmental impacts, develop appropriate mitigation measures, and support near and long-term training requirements. Plan execution will be executed based on range strategic priority / contribution to readiness, and will employ environmentally sound principles.

This developing plan includes five key components, specifically:

Range Complex Management Plans (RCMPs). The Fleet commissioned a Range-to Readiness study (R2R) to establish baseline range training capabilities and identify the specific contribution of each range to Fleet primary training elements. Although the Fleet has not formally validated

the findings of the study, much of the information contained therein will be used to shape the way in which RCMPs are organized. R2R organizes individual OPAREAS and ranges into regional complexes. Planning at a complex level ensures coordination of training mission requirements across multiple commands. These plans will identify current and anticipated encroachment issues and will incorporate measures to actively address those concerns.

Environmental Planning Documentation. The RCMPs will be developed in concert with the National Environmental Policy Act (NEPA)/Executive Order 12114 Environmental Effects of Major Federal Actions planning process to ensure that mission essential training is conducted with full consideration of potential impacts to human health and the environment. These documents may include Environmental Impact Studies, Environmental Assessments, Overseas Environmental Assessments, and associated permit documentation.

Marine Mammal Density Data (MMDD). Navy will conduct ocean-going surveys to establish population densities of marine mammals in Navy OPAREAs. MMDD will also include further study on assessing the impact of Navy training on protected and endangered species. This component is Navy's knowledge advancement effort and applies the scientific knowledge gained through the Navy marine mammal R&D program to minimize potential restrictions on training. Our current research program, which supports primary research funded at approximately $9 million annually and seeks to increase the level of knowledge of marine mammal population densities, distribution, and hearing physiology.

Range Sustainability Environmental Program Assessment (RSEPA). RSEPA will assess environmental impacts of munitions use on Navy land-based ranges and will implement routine environmental compliance evaluations for ranges. In addition, Navy is currently investing approximately $1million annually in a program to study the potential effects of unexploded ordnance on the marine environment.

Operational Range Clearance. Expand clearance and disposal of ordnance residue (UXO and expended) as needed to minimize potential for environmental contamination.

Implementing the above comprehensive planning process will improve Navy's ability to move away from single point failure for training. Prior efforts that managed environmental issues at the individual range level often resulted in unintentional training impacts.

Record keeping

Accurate record keeping and timely reporting are critical to continuing a dialogue with the agencies, states and public stakeholders to strengthen and support the unbreakable linkage between sustainable ranges, the training readiness process, and our vital national security interests.

V. PRIORITIZING THE EFFECTS OF ENCROACHMENT

Navy considers the potential impact to training as the key factor when prioritizing effects of any types of restrictions. The impacts are often site or range specific, and also often specific to the type of training that needs to be completed.

Since December 1999 we have been utilizing the Navy's Federally funded R&D Center, the Center for Naval Analyses (CNA), to help us examine the impact of various environmental requirements on the Navy's ability to train. CNA was tasked with three fundamental analytical tasks:

- Conduct objective assessments of the potential impacts of specific Navy operations on the environment,
- Help Navy determine the feasibility of quantifying encroachment impacts on Navy operations
- Assist Navy in anticipating future sustainability issues

With regard to quantifying impacts, CNA is providing input to an overall Navy approach being developed that has as its goal, the ability to demonstrate degradation in readiness from a wide variety of factors. An initial CNA effort looked at quantifying the impacts of training fleet units using the standard training readiness measures. Initial indications are that readiness impacts can be documented for certain unit level training types that were examined. Follow-on efforts had CNA observing and assessing impacts at higher-level training (e.g. battle group) in terms of fleet commander mission essential tasks. The CNA analysis will continue to provide input into the larger efforts as information is developed.

The impacts to training or potential impacts identified have been included as issues to be addressed under the Readiness and Range Preservation Initiative (RRPI) legislation. For Navy, while passage of all provisions will benefit readiness and all ranges, the requirements under the Marine Mammal Protection Act, Endangered Species Act and Migratory Bird Treaty Act have shown to have the most adverse impact on the Navy's ability to train. For example, on 30 April 2002, the Federal District Court in the District of Columbia enjoined the Navy for 30 days from all training at Farallon de Medinilla (FDM) that could harm or kill migratory birds. The judge also directed Navy to seek a permit from the U.S. Fish & Wildlife Service. This decision leaves the Navy no other range in the western Pacific to conduct live fire training exercises with the same level of quality and realism and, under U.S. control. Left unchanged, this decision will prevent our Forward Deployed Naval Forces from reaching the required combat readiness level in Strike Warfare. The passage of the language contained in the RRPI legislation would effectively reverse this decision, and re-open FDM to Navy combat training.

VI. REPORTING AND TRACKING THE EFFECTS OF ENCROACHMENT

The contribution to readiness provided by our training Range/OPAREA Complexes is only anecdotally understood. In order to quantify these readiness contributions, the Fleets commissioned a study that established the readiness contribution of each of our training ranges. This study, forwarded to the Fleets for validation, entitled "Ranges to Readiness", was the Navy's first effort to understand the strategic value of its ranges in the context of our very successful training process. Encroachment affects access to the complexes, the scope of

operations and the overall quality of the operations conducted there. In order to track these effects, the Navy is taking the following steps:

- Tasked CNA to help us to determine what information we should track and how it should be quantified
- NTROO is exploring the incorporation of an overarching IT strategy for a web-enabled system for our Range/OPAREA Complexes which will be used to store data, apply business rules, create reports, manage workflow and ultimately link to our readiness reporting system

We already have examples of training operations that have been impacted by encroachment. In some cases such as Farallon de Medinilla (FDM), we have been prevented from conducting training due to legal interpretations of environmental law. In other cases, we have had to reduce the quality of our training (e.g. no night operations, altitude restrictions, modified procedures, etc.) in order to comply with encroachment factors ranging from environmental laws to urbanization. We intend, through the efforts listed above, to begin a program that will record all such impacts to our readiness process and develop a system that will automatically make those instances available to all who need the information.

VII. SUMMARY

Continued access to training ranges and operating areas is vital to maintaining combat readiness. Ranges must be capable of providing realistic combat environments in order to support Navy's highly developed training process. In response to encroachment issues threatening our range sustainability, Navy has developed a training range organization to serve as the sole Service-level body for addressing and facilitating training Range/OPAREA issues. Under the guidance of NTROO, Navy has initiated development of a Range Sustainability Plan that will provide a proactive comprehensive approach to range sustainability, avert potential loss of access to training ranges/OPAREAs and develop mitigation measures in consonance with good environmental stewardship.

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HOUSE GOVERNMENT REFORM
OVERSIGHT COMMITTEE

STATEMENT

OF

MAJOR GENERAL THOMAS S. JONES

COMMANDING GENERAL

TRAINING AND EDUCATION COMMAND

QUANTICO, VIRGININA

BEFORE THE

UNITED STATES HOUSE OF REPRESENTATIVES

GOVERNMENT REFORM OVERSIGHT COMMITTEE

ON

CRITICAL CHALLENGES CONFRONTING NATIONAL SECURITY

16 MAY 2002

NOT FOR PUBLICATION
UNTIL RELEASED BY THE
HOUSE GOVERNMENT REFORM
OVERSIGHT COMMITTEE

Mr. Chairman, and distinguished members of the Committee, thank you for the opportunity to provide this testimony in support of our initiatives to sustain and develop our valuable training range assets. As the Commanding General of the Marine Corps Training and Education Command (TECOM), I have the responsibility to oversee the development, coordination, resourcing, and evaluation of training and educational concepts, policies, plans, and programs to ensure Marines are prepared to meet the challenges of present and future operational environments. TECOM was established within the Marine Corps Combat Development Command (MCCDC) on 1 October 2000. The command consists of Training Command (TRNGCOM) and Education Command (EDCOM) both headquartered at Quantico, Virginia; Marine Aviation Weapons and Tactics Squadron-1 (MAWTS-1) at Yuma, Arizona; Marine Air Ground Task Force Training Command (MAGTFTC) at Twentynine Palms, California; and the two recruit training facilities at Parris Island, South Carolina and San Diego, California.

Implicit in the responsibilities to develop and assess training is the requirement to come to grips with the various challenges to conducting effective, realistic, timely training. Time, money, personnel availability, the availability of appropriate training facilities, and operating tempo all have significant impacts on our ability to train individuals and

units to desired standards. Locally and institutionally, commanders work very hard to minimize any of these obstacles over which they have influence. The challenge that commanders at all levels have difficulty mitigating, and the reason for today's hearing, is, of course, encroachment. I know the members of this committee are not strangers to the issues of encroachment so I will not take your valuable time to enumerate the many specific examples where our environmental requirements and other forms of encroachment presented challenges in providing relevant, realistic training to our young men and women. Understanding that you have heard the stories of training work-arounds and seen the concern of commanders who are rightly concerned that unrealistic training could lead to ineffective real-world operations, I will focus my testimony on the actions we have taken, or plan to take, to mitigate the impacts of the restrictions we face.

RANGE AND TRAINING AREA MANAGEMENT DIVISION

We have recognized for some time now that our widely diverse and dispersed ranges and training areas lacked both a strong, centralized voice of advocacy and a comprehensive repository of data that measured their contributions and their limitations. The Marine Corps Combat Development Command (MCCDC) initiated a study in the spring of 2000 to review our range and training area management practices and recommend an

organizational solution. The net result was the activation, in October, 2001 of the Range and Training Area Management Division (R&TA) and the placement of that division within TECOM. In placing the division in TECOM, there was a recognition that, although our concerns about the loss and/or degradation of our training capabilities to various encroachment issues were the proximate cause for activating a management cell, the issues associated with ranges are fundamentally training issues. Heretofore, much of the centralized action on ranges was managed by our Installations and Logistics Department at Headquarters, Marine Corps and they very capably continue to support us with environmental and real estate expertise. Our need to assess, measure, mitigate, and articulate encroachment is vitally important but it is a subset of our need to better assess, measure, maximize, and articulate our training requirements and capabilities. To that end, the establishment of the R&TA Division within TECOM is designed to keep the focus of our efforts on how we can best train our Marines.

The Range and Training Area Management Division's mission is to provide Corps-wide oversight and coordination of all range and training area management functions. As the Marine Corps' executive agent, the Division has responsibilities related to coordinating Marine Corps RTA issues with other Services, DoD, federal, state, and local agencies, as well as with Marine Corps

installations. The charter of the division includes; representing the Marine Corps and serving as the proponent for all RTA issues, providing oversight and coordination of the management of all Marine Corps RTAs, developing policy and programs and overseeing the implementation of efficient RTA scheduling and utilization programs, providing oversight for the range-safety program, and developing a strategy to sustain RTA infrastructure and services. The charter further charges the division with the development and oversight of a Marine Corps-wide RTA strategy for enhancing and modernizing Marine Corps RTAs. The production of a master plan that will guide installation commanders in programming, prioritizing, and budgeting for RTA issues and improvements is a key function addressed in the charter as is the expectation that the Division will ultimately coordinate environmental, legal, and public affairs policy as they pertain to ranges and training areas.

This is a comprehensive and ambitious charter. To date, the division has successfully positioned itself as the principal staff agency for coordination on range matters in the Marine Corps, providing effective representation to DoD, DoN, and Headquarters working groups. The Division has also contributed to congressional testimony, Defense Planning Guidance issues, the Vieques situation and its alternatives, and individual base range modernization efforts. At a cost of $150K, the Division

has recently initiated a program to standardize the design, certification, and recertification of all Marine Corps ranges. As the division continues the transition from staff coordinating agency to executive agent, I expect them to develop a strategy that will improve our ability to operate, protect, and modernize our valuable range and training area assets.

MARINE CORPS STRATEGY

The Marine Corps strategy to manage, and ultimately minimize, the effects of encroachment is threefold: (1) develop a management tool to track, report and quantify the impacts of encroachment, (2) assess our current range capabilities versus our training requirements and develop a management plan to maximize the potential of these assets, and (3) develop a modernization and investment plan for our ranges. Intuitively, our encroachment mitigation efforts will be prioritized by a combination of what we must do (what impacts us most severely) and what we can do. Protecting the vital unit training for deploying units will always be our first priority and, to that end, I have particular concerns about protecting our training assets at MAWTS (Yuma) and Twentynine Palms. MAWTS provides unique training capabilities that directly impact the readiness of all Marine aviation units. Similarly, Twentynine Palms provides opportunities to train over 44,000 Marines per year in

realistic live-fire scenarios that cannot be accomplished elsewhere.

TRACKING, REPORTING and QUANTIFYING

First on our priority list is the development of an institutional-level management tool that provides the means to capture the value of training areas to the readiness of our forces. The envisioned program would provide a robust scheduling and reporting tool for operating units and would provide HQMC/TECOM with the ability to do cost-benefit analysis on range encroachment, modernization investment, and land acquisition. The program, still under review, is expected to cost $2.25M over three years. The program looks to build on, and connect, established software programs and overlay Marine Corps training standards to establish the metrics for relating range capabilities to requirements. The Range Management System that we envision will provide us the means to track and report the impacts of various forms of encroachment on our ability to utilize our ranges and training areas. Ultimately the system will permit us to quantify, in terms of time and money, the additional costs associated with maintaining readiness while meeting our environmental requirements.

Before we can prioritize the effects, or our plans to mitigate them, we have to better measure those effects. Until recently all of our evidence has been anecdotal. A study still

underway at Camp Pendleton has provided the "proof of principle" for this methodology, and we believe that a Service-wide application is achievable over the next three years. This study has now provided us some sampling data and, more importantly, a framework for building a range management system that will allow us to better measure both our ability to train and the constraints placed upon us. Further, at a cost of $270K, we have joined with our Installations and Logistics Department to sponsor a Center for Naval Analysis study that will provide a "way ahead" on developing the appropriate metrics and information fields for this system.

Since this committee is currently focused on the encroachment issue, I think it is important to note that one of the expected outcomes would be an ability to quantify the costs associated with accommodating encroachment restrictions. The recent GAO report decries the inability to directly relate encroachment restrictions with unit readiness, but it is not units but training facilities that are directly degraded by encroachment. Operating units have, and will continue, to find ways to achieve their readiness requirements. They do so, however, by incurring costs in money, time, and training realism. We have never captured those costs either for our own edification or for yours as you consider military appropriations. What is more difficult to capture, of course,

is the subjective evaluation of experienced commanders as they prepare their units for deployment. Fragmented or excessively artificial training caused by a lack of adequate range or training area accessibility does not readily lend itself to quantification, but we must find the appropriate means to reflect those assessments as part of our reporting requirements. I believe the development of this range management system will give us a much better grasp of the true costs of both training and encroachment.

ASSESSMENT & MANAGEMENT

Secondly, I have tasked the division with assessing the status of our ranges today. Historically, ranges and training areas have not competed well with other Base Support Programs and frequently struggle to provide even basic operations. Further, the funding is uneven from Base to Base and year to year and the management policies are fragmented and inconsistent. The R&TA Division (1) will perform a thorough survey of our major range and training area complexes to assess their current status, (2) will provide institutional-level guidance for range management and operations, and (3) will seek the appropriate role in the programming and budgeting process for range O&M accounts. We have recently joined with the Navy in beginning an assessment and developing a template for Range

Complex Management Plans that will commence at our Cherry Point, North Carolina air base. The cost of the study is under review.

MODERNIZATION

Finally, I have asked our division to develop a comprehensive plan for the modernization of ranges and training areas. The modernization/investment program will include: a plan for real estate assessment and acquisition, an assessment of new range requirements to meet emerging weapon system and doctrinal needs, an acquisition plan for improved instrumentation and range linkage to support live, virtual, and constructive training, and a minor acquisition program to support the gap between daily range operation and major system acquisition. The modernization effort will capitalize on initiatives and processes currently in place to address real estate and major acquisition issues. At a cost of approximately $1M per year, an acquisition program for minor equipment that keeps our ranges functional and makes modest improvements for safety and training will be a short-term goal of the modernization effort. Again, our recent partnering with the Navy at Cherry Point will be a major step forward in developing a master plan for range modernization.

Most of the range support programs will be reflected in the FY-04 budget currently being developed. We are, however,

continuing to look for ways to "jump start" the division's activities both this year and next year.

I trust this testimony has given you an appropriate overview of what we have done, and what we plan to do to enhance our training resources and provide both ourselves and you with better information about how Marines train and about the costs associated with balancing our training obligations with our environmental stewardship. With your support, we will not allow encroachment to preclude us from preparing our Marines for the hazards and challenges they will encounter. To that end, I would also like to take this opportunity to mention the Readiness and Range Preservation Initiative (RRPI). With this legislative initiative, the Department of Defense is recommending that Congress clarify the way that several provisions of environmental laws apply to military training and testing activities. The changes are designed to save the lives of America's young men and women by preparing them and their equipment for combat on the first day of battle and I commend them for your consideration.

In sum, I believe we have taken some important first steps in developing the tools to better measure, report, and ultimately manage both training and encroachment. With your continued interest and support, we will build a system that

provides timely information to our operating units, our base staffs, our headquarters managers, OSD, and the Congress. I want to again emphasize that the Marine Corps will deploy units and individuals that are trained to the highest standards that we can achieve and ready to assume real world missions

RECORD VERSION

WRITTEN STATEMENT BY

MAJOR GENERAL ROBERT L. VAN ANTWERP
ASSISTANT CHIEF OF STAFF FOR INSTALLATION MANAGEMENT
HEADQUARTERS, DEPARTMENT OF THE ARMY

FOR THE

COMMITTEE ON GOVERNMENT REFORM
UNITED STATES HOUSE OF REPRESENTATIVES

SECOND SESSION, 107TH CONGRESS

ON CRITICAL CHALLENGES CONFRONTING NATIONAL SECURITY –
CONTINUING ENCROACHMENT THREATENS FORCE READINESS

MAY 16, 2002

NOT FOR PUBLICATION
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BY THE COMMITTEE ON
GOVERNMENT REFORM

Mr. Chairman and members of the Committee:

I appreciate this opportunity to provide written testimony to answer your questions concerning what has become known as "encroachment" on our installations, ranges, and training land. This is a national problem being played out at the local level where rapid and persistent growth near our installations and the military's own successes in equipment advances and sophistication combine to place tremendous pressure on military training and testing. An environmental regulatory scheme that is increasingly being used to curtail military testing and training further exacerbates the situation and underscores the need to weigh important national priorities. We need to restore that balance. This is a matter of ensuring military readiness. Military readiness is inexorably tied to the Army's ability to train its troops and test its military weapons systems. To provide our country with the best defense, we must provide our soldiers with the best training possible.

Encroachment at our training ranges does not occur suddenly. Rather, it is usually the sum of years of seemingly innocuous incremental restrictions on the way the Army trains. Very few range areas are entirely unusable due to these constraints. Instead, a given area may be subject to many restrictions covering the nature, location, duration, and timing of training events or the weapons and equipment that can be used in training. The cumulative effects of these incremental constraints result in sub-optimal training conditions.

Army live training focuses on weapons firing and maneuver, and strives to realistically recreate combat conditions. Training melds soldiers and their equipment into a cohesive, coordinated combat-ready unit. To achieve and maintain proficiency, we require a wide variety of maneuver land and fixed-firing ranges for everything from individual small arms to large caliber crew-served weapons. Only through realistic training can we reduce casualties and wins wars. The performance of our units in Afghanistan and other recent conflicts reveals that effective live training and weapons testing are directly tied to military readiness and reduced casualties. However, recent

trends limiting this training cause us great concern. Externally-driven restrictions are increasingly constraining our ability to use our ranges and training lands. Environmental restrictions and operational limitations are more prevalent, resulting in unanticipated limitations on mission essential test and training activities. As the Army transforms to the Interim Force, the combat training footprint for the Interim Brigade Combat Team will be greater than that currently required for existing infantry brigades. This continues a trend that we have seen since World War II, driven largely by increased force mobility and weapon system range, and will exacerbate the current demand for available training land. The Army would like to work together within the Administration and with Congress to improve the processes by which we balance the realistic training needs required to maintain readiness and the preservation of the land and resources America entrusts to us.

I will now address your specific questions concerning the effects of encroachment, and the Army's initiatives to monitor encroachment at its installations and develop Army-wide solutions.

Army policies to protect Army installations and ranges from encroachment.

The Army Office of the Deputy Chief of Staff, G-3 is responsible for leading and coordinating Army staff efforts to protect Army ranges from encroachment and manage them so that they are available resources well into the future. The Army's Sustainable Range Program (SRP) protects the training infrastructure from encroachment. To support live training requirements, the Army manages an extensive range infrastructure consisting of active ranges on over 400 installations and sites covering 12.6 million acres in all the states and territories, as well as in Europe and the Republic of Korea. These training areas provide fixed-firing ranges for the full array of weapons systems; impact areas onto which firing ranges are oriented; maneuver areas where force-on-force training takes place; and other live-training facilities, such as Military Operations on Urban Terrain (MOUT) training facilities.

Encroachment constraints adversely impact the availability of ranges and training lands and in turn limits the opportunities for soldiers to engage in realistic training. To sustain training readiness in light of increasing encroachment, the Army has taken affirmative steps to improve its management of ranges and land. The SRP's objective is to maximize the capability, availability, and accessibility of ranges and training land to support doctrinal training and testing requirements. SRP is based on three tenets:

- Develop and Maintain Information Excellence About Army Ranges. Obtain and continually update information regarding all aspects of the Army's ranges - operational characteristics as training facilities, physical characteristics as real property, and environmental characteristics as part of the natural and cultural setting.
- Integrate Management. Integrate across the four disciplines that directly affect ranges: training support - range operations and modernization; facilities and installation management; explosives safety; and environmental management.
- Outreach Campaign. Inform political leadership, regulators, and the community and improve understanding of the Army's need for training and testing and the Army's more sophisticated range management approach.

The Army's ability to implement SRP depends on its ability to meld these three tenants, or management areas, into a cohesive whole that will ensure the availability of ranges to support Army live training indefinitely. At Headquarters Department of the Army (HQDA), SRP encompasses the following initiatives:

- The creation, in June 2000, of the Army Range Sustainment Integration Council (ARSIC), an Army Staff "council of colonels" representing all staff elements with an interest in ranges and supporting programs. The ARSIC is co-chaired by the Training Directorate, Army G-3, and the Director of Environmental Programs, in my office.
- The Active/Inactive (Operational) Range Inventory: Begun in August 2000, this effort is managed by the Army Environmental Center, under my direction, and supported by the Army G-3 (Training Directorate). This inventory will provide a

"ground truth" baseline of the Army's extensive operational training and testing range infrastructure and will serve as the foundation for the Army's SRP.

The Army's SRP Plan is being developed under the direction of Army G-3 (Training Directorate) and the ARSIC. This plan will evolve to a new Army Regulation that will describe the range management interfaces between training, facility, and environmental programs. Outreach: Since mid-January 2000, the Army Staff has conducted briefings and provided testimony on encroachment and SRP to the Senate Armed Services Committee, the House Armed Services Committee, and the House Committee on Government Reform. The Army has participated in Department of Defense (DoD) initiatives engaging in dialogue with the public and non-governmental organizations to discuss sustainable range issues. We continue to seek ways to coordinate with the public regarding DoD strategic planning documents on range sustainment.

Because the Army is currently developing the SRP, funding levels have not yet been established. Upon full implementation, many Army programs and funding sources will be integrated to resource the SRP. They include:

- Range and Training Land Program (G-3) (range modernization and operations).
- Integrated Training Area Management (G-3) (training land management and maintenance).
- Sustainment Restoration and Modernization (Assistant Chief of Staff for Installation Management (ACSIM)) (Resources real property and infrastructure maintenance).
- Environmental Programs (ACSIM)(Environmental programs, to include restoration, compliance, pollution prevention, conservation, and environmental quality technology).

ARMY PROPOSED FUNDING AND WORK EFFORT

Army Program	FY 03 Budget ($M)	Work Effort* (Man Years)
Range and Training Land Program	$217	2000
Integrated Training Area Management	$50	500
Sustainment Restoration and Modernization	$45**	***
Environmental: Conservation	$125	550
Environmental: Munitions and Ranges	$57	40****

* Approximation, based on estimates of full and part time totals; not all individuals dedicated to full-time work in these areas

** Approximation, as funding is not distributed as solely dedicated to ranges in SRM

*** Included as a normal function of work effort of Director of Public Works

**** Headquarters, Department of the Army personnel dedicated to program development

Army prioritization of the effects of encroachment.

The Army will use several tools and processes to prioritize the installations on which to focus the SRP efforts. As a first step, the Army is conducting an inventory of all Army operational ranges to identify all Army test and training range assets. This process entails collecting data about operational ranges in order to characterize their location, size, facilities contained on them, types of test and training operations that can be conducted on them, historic uses, topography, vegetation, presence of endangered species, and natural and cultural resources. The inventory is approximately 70% complete, and the data will be stored in the Army Range Inventory Database, which will allow the Army to sort, search, and query data to meet many range management needs. Once the Army establishes a comprehensive inventory of range assets, a number of parameters will be evaluated to prioritize installations for implementing the SRP.

Mission. Range infrastructure prioritization will be based largely on the missions of the units stationed at a given installation. Integrated Training Area Management (ITAM) provides an example of a mission prioritization method. Four ITAM categories establish the relative importance of land management requirements among ITAM installations. Associating an ITAM installation with a specific category is based on the mission, training load and training intensity, installation size, and environmental sensitivity to mission activity factors. Category I (CAT I) installations have the highest priority and therefore receive the highest level of ITAM funding, followed by CAT II–IV, respectively. The four installation categories are as follows:

- CATEGORY I. Installations with the most critical training and testing mission, and with greatest environmental sensitivity to missions
- CATEGORY II. Installations with important training and testing missions and significant environmental sensitivities to missions
- CATEGORY III. Installations with training and testing missions, and some environmental sensitivity to missions
- CATEGORY IV. Installations with training and testing missions, and minimal environmental sensitivity to missions

Environmental Regulatory Climate Model (ERCM) (A component of the Installation Training Capacity (ITC)). The Army also uses the ITC methodology to analyze the capacity of selected Army installations to support live training. The ITC methodology integrates mission and range asset data and Army environmental management program methods and data to establish the relative capability of an installation to support live training for units stationed or continuously training at that location. By applying weights and a scoring methodology to each quantitative and qualitative criterion, the ITC assessment results in a training capacity score for each installation analyzed. As a result, the Army is able to assess the installation training capacity for prioritization of resources to support implementation of SRP. The ERCM is a component of the ITC and is used to identify and evaluate environmental regulatory and demographic issues that impact Army training. Within the ITC context, the ERCM process allows the Army

to estimate an installation's capability to expand or reconfigure ranges for the purposes of supporting the training mission.

Urbanization. The Army will evaluate past and model future population growth and urban development around its installations. Based on these trends, the Army will focus sustainable range efforts to reduce secondary encroachment effects of urban development on ranges and training land, including live-fire time constraints due to noise impacts, constraints on the use of smoke and pyrotechnics, and flight restriction for aviation training. A key component of sustaining accessibility to ranges and training land is outreach to local government, communities, land use authorities, and regulatory agencies. The Army's goal is to work with these local entities to ensure compatible development of land near Army training installations.

Army reporting mechanisms.

In addition to the Unit Status Report, which assesses the readiness of Army units to execute their mission, the Army employs the Installation Status Report (ISR) system to assess the "readiness" of its installations. Annually, installations complete the ISR, a three-part survey. ISR Part I evaluates the adequacy of the facilities on the installation to meet mission needs. ISR Part II evaluates the success of the installation's environmental program. ISR Part III evaluates the sufficiency of standard services provided on the installation.

The Army will use ISR Part I (Facilities) to capture encroachment impacts, by establishing encroachment-oriented standards for each range type and training land category. Questions will be included with the objective standards to assess the degree to which externally-driven requirements and urban encroachment constrain the use of ranges and training lands. Proponents and operators of the facilities will serve as the sources of information for the ISR Part I. In the case of ranges and training lands, the proponents are within the installation's Directorate of Planning, Training, and Mobilization. These offices are intimately familiar with the installation's testing and

training missions. The questions added to the ISR Part I will focus on objective measures of restrictions to testing and training rather than subjective assessments of mission impacts. Examples of potential objective measures are:

Ranges:

- Number of range days made unavailable to live-fire training due to regulatory requirements (injunctions/restrictions, permit conditions, sampling, monitoring, removal or remediation, etc).
- Number of hours in a day that live fire is restricted due to noise impacts.

Training Lands:

- Percentage of training land area not accessible on a daily basis for:
  - Mechanized maneuver
  - Training with obscurants/pyrotechnics
- Number of training days lands are unavailable due to compliance with regulatory requirements (e.g., species/habitat management requirements).
- Numbers of lost use days of restricted military airspace, military operating areas, and local flight rules.

The annual ISR results will provide support for Army policy and resource decisions. These results can also serve as the means to communicate Army encroachment issues to the Office of the Secretary of Defense as they measure encroachment impacts and assess effectiveness of programs being implemented to sustain the Department of Defense's test and training ranges.

Mr. Chairman and members of the Committee, thank you for affording me the opportunity to provide testimony concerning encroachment impacts on readiness, an issue of great importance to the Army and our Nation's future.

DEPARTMENT OF THE AIR FORCE

PRESENTATION TO THE COMMITTEE ON GOVERNMENT REFORM
UNITED STATES HOUSE OF REPRESENTATIVES

SUBJECT: CRITICAL CHALLENGES CONFRONTING NATIONAL SECURITY -- CONTINUING ENCROACHMENT THREATENS FORCE READINESS

STATEMENT OF: MAJOR GENERAL RANDALL M. SCHMIDT
DEPUTY CHIEF OF STAFF FOR AIR AND SPACE OPERATIONS
OFFICE OF THE CHIEF OF STAFF

MAY 16, 2002

NOT FOR PUBLICATION UNTIL RELEASED
BY THE COMMITTEE ON GOVERNMENT REFORM
UNITED STATES HOUSE OF REPRESENTATIVES

Mr. Chairman and members of the Committee, thank you for the opportunity to speak to you about Air Force ranges and airspace and our plans for managing encroachment. Maintaining access to range airspace is critical to maintaining our readiness. Readiness stems from superior training, which in turn, is dependent on having the right amount and the right type of ranges and airspace. In total, these national assets allow us to provide superior training, as well as test new equipment and develop new tactics necessary for combat success.

Today's ranges and associated airspace are the successors to those designed to support the Army Air Corps in World War II. They vary in size and capabilities to support the Air Force test and training needs. Individual units typically hone their basic skills daily on a number of small, decentralized ranges commonly referred to as primary training ranges. These ranges are customized to fulfill the training requirements of individual aircraft types and various unit specific missions. At the other end of the continuum are our larger ranges such as the Eglin and Nevada Test and Training Ranges. These ranges are much larger in size when compared to the primary training ranges. They posses the physical size and assets necessary to conduct complex, large scale training exercises as well as develop and test modern weapon systems.

Sustaining a range and its airspace involves all aspects of planning, funding, equipping and operations. Sustainment also involves setting policy and guidelines that will ensure those individuals managing a range and its airspace are meeting all requirements and laws.

The single most important office for any range is the local range operation agency; this office provides the day-to-day planning and operates the range. For some of our smaller ranges

this can be a staff of a dozen people. For our large ranges this staff can be hundreds of people. They know their range intimately and develop range plans that address all aspects of range management and funding. These offices perform a vital outreach function in their communities. The importance of these offices cannot be overstated and we at headquarters need to ensure that we have provided the policies and resources they need to run their ranges and airspace.

The next most important support office for ranges comes from the Major Command headquarters. Each command with ranges and airspace has an office that addresses range issues. These offices provide a valuable function of validating and advocating for funding for their ranges. They are able to address range sustainment from a broader AF mission area perspective. These offices can consist of just a couple of individuals in our smaller Major Commands to a few dozen in our largest office at Air Combat Command.

Following some problems in1994, the Air Force recognized the importance of having a single headquarters level operations office with the primary purpose of advocating for range and airspace issues. Prior to that time, five separate Headquarters Air Force operations offices had a part of the range and airspace management process, and this did not even include the Air National Guard and Air Force Reserve range functions. The creation of the Ranges and Airspace Division, under the Deputy Chief of Staff for Air and Space Operations, was the solution we adopted. This new office became the single focal point for all Air Force operational airspace and range issues. They are the operational advocate for ranges and airspace. Of course, just creating a new office does not solve a problem. This office has worked for the past eight years to redefine the way Air Force operators establish, maintain and modify ranges and airspace. When

asked a few years ago to comment how many more ranges the Air Force would need, the former Chief of Staff remarked something to the effect of: " I don't know if we will need more or less but I know we will need different." Ranges will need to evolve to meet evolving demands of the Air Force as we prepare for future conflicts. This process needs to be not only very efficient to meet the rapid changes in military needs, but also needs to have at its core a spirit and practice of flexibility designed to meet the need and to effectively address sustainment issues by developing permanent relationships with stakeholders. New insight and innovation on how to better address range and airspace issues continue on a daily basis.

In the last eight years the Ranges and Airspace Division has developed range and airspace management policy, in concert with the Air Force Major Commands, which have resulted in a new way of thinking of ranges as an interdisciplinary issue.

The success of our redesigned range office can be seen in the new ranges that have been created. To meet the Air Force's changing needs we have built two new primary training ranges, Centennial Range in New Mexico and Juniper Butte in Idaho. We have also added an electronic warfare training area in Texas associated with the Realistic Bomber Training Initiative. Finally, we are completing the environmental assessments to create a new range in Montana. We also successfully renewed both the Nellis and Goldwater Range complexes for 20 and 25 years respectively.

New ranges are not our only benefits in using this new holistic approach. The Air Force returned to the Bureau of Land Management (BLM) about 100,000 acres in Arizona that was no

longer needed for the exclusive use of the Barry M. Goldwater Range. Approximately 90,000 acres of this land became a part of the much larger Sonoran Desert National Monument. Agreements with the BLM ensure that this land will help the Air Force prevent future encroachment on the adjacent range.

The ranges of new weapons require that we adapt our existing ranges to ensure weapons are correctly tested and aircrews trained the same way they are going to fight. Encroachment, unexploded ordnance and modernization of range equipment also present unique challenges. As the Air Force has addressed these emerging issues, it has become apparent that all of the different aspects of managing a range such as targeting, sensors, environmental management, physical plant, etc. must be managed as a complete system. Failure to address each aspect of a range in concert with all of the other parts results in negative impacts on our ability to sustain ranges.

To meet the need for coherent and comprehensive range and airspace planning, the Air Force has two instructions that lay out the basic policy dealing with range and airspace management. Both policy documents were modified in the last three years to address all aspects of range and airspace management. In the range instruction, there are not only policies to operate a range, but there are also sections on community outreach, the National Environmental Policy Act (NEPA), environmental compliance, safety, and comprehensive planning to name just a few. Our major commands and ranges are working diligently to implement these new instructions.

The Ranges and Airspace Division supports ranges by advocating for their funding and by addressing issues that affect all ranges. The Air Force's basic operational methodology of managing ranges is to focus on life cycle management consisting of design, use, and preparation for closure phases. In design, the Air Force strives to design a range and its target areas to meet operational needs while minimizing future impacts. Comprehensive plans are developed before the range becomes operational. Under the "use" phase each range or target area is used in accordance with the plan ensuring that appropriate controls are maintained to minimize any impacts. Records are kept documenting activities on the range that might have future consequences. Finally, as a range closes detailed data will be available on the historic usage.

That the Air Force is not yet experiencing systematic range sustainment issues is partially due to how we manage our ranges. We are working collaboratively with our sister services to get ahead of issues to ensure they do not lead to mission failure.

A single office cannot handle all aspects of range and airspace management, many other organizations provide valuable support on a daily basis. The Director for Test and Evaluation, the Deputy Chief of Staff for Installations and Logistics, the Deputy Assistant Secretary for Environmental Safety and Occupational Health, and the Deputy Assistant Secretary for Installations all have organizational elements that support ranges in terms of budgeting, manpower, environmental compliance, land issues etc.

While there are many other Air Force offices I could speak about, I would like to point out three Air Force positions that support the entire Department of Defense. These are the single

Air Force liaison position at the Department of the Interior and the two liaisons at the Federal Aviation Administration Headquarters. These liaisons are an invaluable resource in meeting the challenges we face in range sustainment and they serve all services in the daily task of enhancing understanding between the Department of Defense and these other agencies.

From the descriptions I have just given, you can see that managing ranges requires many organizations and departments. Funding, outreach and tracking training issues are important aspects of our range management that I would like to discuss.

Budgeting programs in the Air Force do not currently track funds in a way that captures all range costs. Funding and personnel to support ranges are provided by many of these organizations in their own areas of responsibility. For example, funds to comply with the Endangered Species Act as well as many other environmental areas primarily come from the Deputy Chief of Staff for Installations and Logistics, while funds for test programs come from the Director of Test and Evaluation. The Airspace and Range Division manages funds for active duty ranges. The Air Force budgeted $147 million in operations and maintenance funds for these ranges in fiscal year 02 and has budgeted $150 million in fiscal year 03. We are in the process of developing a guidebook that will help ranges in their comprehensive planning process and should help identify total costs. We are also actively working on addressing our environmental liability, as directed by the Deputy Assistant Secretary of Defense for Installations and the Environment, to identify the total environmental liabilities of our ranges.

One of the primary tools the Air Force uses to successfully manage our ranges is outreach. As I described earlier, much of our outreach occurs at the local level through our range operating agencies. Our other primary outreach tool is our Regional Airspace and Range Councils. A National Guard general officer and the Air Force Associate Director for Ranges and Airspace chair each regional council. Council membership consists of active, guard, and reserve Air Force members. Representatives attend these councils from other services, other federal or state agencies and citizen groups. Each region identifies their issues and prioritizes their needs regionally. Together, the regions help to set our national level outreach priorities.

One example of identifying a national priority through this process involves noise. Noise concerns have surfaced as the Air Force's number one encroachment issue. Working together, representatives of the National Park Service and the Air Force Ranges and Airspace Division determined that many problems could be solved by better communication between local managers. They are currently working on a pilot program to develop an information sourcebook to facilitate communication. This sourcebook will provide the Air Force and the National Park Service staffs at the local and regional offices insight into each other's organizations, requirements and operations. This will help them appreciate each other's missions and allow them to resolve issues at the lowest level.

Finally, the Air Force is discussing the tracking and reporting of readiness impacts due to encroachment. Currently, a single system identifies and tracks loss of training and readiness from all sources. This system is commonly known as the Status of Resources and Training System (SORTS). A commander can identify when his training or readiness has been affected

by having inadequate training areas. Additionally, the unit commander provides general text on the reason for any degraded training regardless of its source.

We are committed to improving our training and readiness reporting and will continue to work within our service and with the Department of Defense in this area. Our many offices that support range sustainment and most importantly our local operating agencies are working daily to provide and sustain the best facilities possible.

We are proud of our accomplishments and look forward to continually improving our range management processes. I would like to thank you for providing me the opportunity to speak with you and I can now answer any questions you may have.

QUESTIONS FOR THE RECORD
HOUSE GOVERNMENT REFORM COMMITTEE
HEARING ON MILITARY ENCROACHMENT
MAY 16, 2002
QUESTION #1

ENCROACHMENT

Chairman Burton: Why do you think General Holland requested a Command-wide review of ranges in April 2001? Did you participate in setting up this study?

Lieutenant General Tangney: General Holland requested a Command-wide review of ranges to determine several things. The Command needs to know what ranges are used by SOF, what type of access our forces have to the ranges, and the capabilities and limitations of the ranges available to us. The Command also wants to know what range alternatives are available to the SOF, what our range requirements are, and how we can cooperate with the Service strategic range plans. We also need to know what present and future risks might affect SOF's ability to use ranges.

My participation in the study has been from a management perspective. As a member of the leadership team we ensured the right people possessing the right credentials and expertise were on the Range Tiger Team.

QUESTIONS FOR THE RECORD
HOUSE GOVERNMENT REFORM COMMITTEE
HEARING ON MILITARY ENCROACHMENT
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QUESTION #2

ENCROACHMENT

Chairman Burton: Can you tell us the personnel composition of the tiger team and explain the scope of this study? Can you tell us the team's timeline and milestones? When will this study be completed?

Lieutenant General Tangney: The personnel chosen for the Range Tiger Team included individuals from each Center at Headquarters USSOCOM, from each of our Components; U.S. Army Special Operations Command, U.S. Air Force Special Operations Command, U.S. Naval Special Warfare Command, and each Theater Special Operations Command (TSOC). The Tiger Team Chief, who holds a doctorate level research degree, is further augmented with a lawyer, a professional engineer, Air Force operators, and a Marine aviator. This provided a fully joint and credentialed team.

The scope of the study was designed to utilize proven research methods for data collection and analysis, as well as standard business model format and processes for the formulation of plans for improvement. These processes formed the methodology of the Tiger Team:

1. Identify "Present State" through conducting a "Situational Analysis" of SOF current range usage and issues worldwide.

2. Identify "Desired Future State" or "Vision" by benchmarking training requirements on ranges against mission requirements of SOF forces.

3. Conduct a "Gap Analysis" to determine the delta (gap) between Present State and Desired Future State, as it relates to range requirements for SOF training.

QUESTIONS FOR THE RECORD
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QUESTION #2

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4. Conduct "Needs Assessment" to determine material and non-material solutions required to eliminate "Gap" and move training on ranges from "Present State," to "Desired Future State."

5. Establish "Strategic Goals and Objectives" for range training, and develop strategic range plan strategy to accomplish these goals and objectives.

6. Conduct a "Risk Analysis" of present and future range risks and threats.

The USSOCOM Range Tiger Team Study preliminary report is expected to be completed by the end of summer 2002.

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QUESTION #3

ENCROACHMENT

Chairman Burton: To what extent will this study create a comprehensive inventory of training ranges you typically use with data on capabilities and encroachment constraints?

Lieutenant General Tangney: The Range Tiger Team study will include a chapter on ranges used by SOF, and will include the data on capabilities and encroachment constraints, as identified by the Tiger Team and the Services who own the ranges.

QUESTIONS FOR THE RECORD
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HEARING ON MILITARY ENCROACHMENT
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QUESTION #4

ENCROACHMENT

Chairman Burton: Will you share the situational data from this study with all your components and all the military services?

Lieutenant General Tangney: We will definitely share the pertinent information concerning encroachment issues revealed in the Range Tiger Team study with the Components and the Services, and work diligently with both to manage these issues as best as possible.

QUESTIONS FOR THE RECORD
HOUSE GOVERNMENT REFORM COMMITTEE
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QUESTION #5

ENCROACHMENT

Chairman Burton: In his statement before the Senate Subcommittee on Emerging Threats and Capabilities on March 12, General Holland stated: "If we are to project Special Operation Forces, we must invest in infrastructure in the continental United States to reverse the erosion of SOF training range infrastructure and ensure that ranges are sustainable, capable and available." Can you tell us what training capabilities are most important to SOF and where in the United States you get your best training? Can you tell us what types of investments to which the General was referring?

Lieutenant General Tangney: There are a number of actions Congress may address to help meet the combat requirements of US Special Operations Command. Live-fire practice is vital to combat proficiency. Fewer restrictions on live-fire training will help provide our war fighters with peak combat readiness.

We also need sufficient maneuvering room for personnel and equipment in order to perform realistic combat maneuvers in realistic scenarios.

Limited range facilities far from home bases require more TDY and travel money, increasing the basic cost of combat training. More facilities, in close proximity to where our forces are stationed, will be required in the future to answer the call of combat readiness with futuristic weaponry and tactics.

QUESTIONS FOR THE RECORD
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HEARING ON MILITARY ENCROACHMENT
MAY 16, 2002
QUESTION #6

ENCROACHMENT

Chairman Burton: Of your varied mission responsibilities, can you tell us a little about how each applied in Operation Enduring Freedom?

Lieutenant General Tangney:

SOF has nine primary missions. These missions are: Counter-proliferation of Weapons of Mass Destruction, Combating Terrorism, Foreign Internal Defense, Special Reconnaissance, Direct Action, Psychological Operations, Civil Affairs, Unconventional Warfare, and Information Operations.

Since the beginning of Operation Enduring Freedom (OEF), SOF has conducted nearly all of their principal missions. In addition, several SOF collateral activities have been and are being accomplished. These activities include CSAR, coalition support and humanitarian assistance (HA).

Throughout OEF, SOF air and ground forces conducted CSAR Operations in support of the initial air strikes into Afghanistan. SOF penetrated enemy air defenses and conducted joint air operations deep within hostile territory to recover U.S. personnel.

SOF aviation has provided close air support (CAS) to SOF and coalition ground forces by having specially trained forces with a remarkable inventory of skills, on the scene, providing communications and coordination. During the early stages of the conflict, SOF aviation was the only method available for the insertion, ex-filtration, and re-supply of SOF in Afghanistan.

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QUESTION #6

SOF ground forces have conducted UW in support of the Northern Alliance. SOF organized, trained, advised and assisted Northern Alliance forces and provided terminal guidance for CAS offensive operations. Additionally, SOF have conducted DA Operations, numerous short-duration strikes, and other small-scale offensive actions in order to destroy, capture, recover or inflict damage on designated personnel and material.

SOF joint forces have conducted advance force operations. These operations included reconnaissance and surveillance, safe site location, force reception, and terminal guidance for CAS operations. SOF joint forces have also conducted tactical reconnaissance and target analysis in support of time-critical strike operations and sensitive site exploitation.

A Special Operations Task Force (SOTF) was deployed to provide coalition support. This task force integrated all of the coalition units into multinational military operations ensuring interoperability and battlefield coordination.

SOF naval forces also deployed as part of this SOTF and conducted surveillance and reconnaissance operations. During these missions, SOF infiltrated hostile territory to obtain and verify information concerning the capabilities, intentions and activities of the enemy, and to secure data regarding characteristics of particular areas. SOF naval forces have also conducted surveillance and reconnaissance of

Objective Rhino, in advance of the U.S. Marines' occupation of that key forward operating base.

SOF personnel performing CA missions have had a major impact on the mission in Afghanistan. These soldiers, uniquely comprised of nearly 90 percent Reserve Component forces, bring a wide variety of skills to the battle. CA soldiers in Afghanistan have assisted both SOF and conventional unit commanders by building relationships with the local populace and our Coalition partners. They have helped reconstruct schools, medical facilities, and other facilities. They have restored power, water, and sanitation to needy people. They have assisted local authorities in reestablishing basic administrative structures. They have also helped forge relationships and build trust between Afghan civilians, coalition forces, and other U.S. forces.

Because the CA soldiers are involved in the communities, they have helped our forces in many ways. Their daily interaction has built support among the people and they have become conduits of information for our commanders. Their actions showed the Afghans that we have their best interest at heart, thus making them willing to help us. In short, they have helped create an atmosphere in which U.S. forces could successfully assist the Afghans in creating a stable, peaceful tomorrow.

In conjunction with the efforts of CA soldiers, SOF air and ground forces have had a substantial impact on the Afghan people through HA. Getting food, blankets, and medical supplies into isolated

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QUESTION #6

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areas is a vital mission. By coordinating with a myriad of international and non-governmental organizations, host Nation authorities, and Coalition members, SOF provided substantial amounts of HA ultimately saving hundreds, potentially thousands, of lives.

In many areas of Afghanistan, SOF have been a conduit for desperately needed aid. In some cases, they have directly distributed this aid. In others, by their presence, SOF have prevented enemy interference, allowing relief supplies to reach the needy. While HA is not a primary SOF mission, helping to improve, and in some cases save the lives of Afghan citizens, SOF HA support has laid the groundwork for successful military operations.

QUESTIONS FOR THE RECORD
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QUESTION #7

ENCROACHMENT

Chairman Burton: What new lessons have been learned in the current war on terrorism that might effect future SOCOM training requirements?

Lieutenant General Tangney: An operator's real-world mission effectiveness is largely dependent upon the experience he gains through his pre-deployment training. He must train like he fights. The nature of our employment in battle requires a level of training that is inherently higher-risk. We are currently compiling lessons learned. Therefore, it is premature to draw any conclusions.

QUESTIONS FOR THE RECORD
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QUESTION #8

ENCROACHMENT

Chairman Burton: I understand that the use of laser targeting devices has been invaluable to special operation forces in Afghanistan. Do you have any concerns about the possible auction of radio frequency spectrum on training in the United States for these devices?

Lieutenant General Tangney: With the ever increasing dependence on precision guided weapons, many of which are guided by laser targeting devices, any potential loss of radio frequency spectrum can hurt our Armed Forces' training and readiness. Overall, we cannot afford to lose any capability due to a loss in available spectrum.

The pressure on the limited frequencies is evidenced by simply looking at the Federal Communications Commission auction site. A check of the FCC web site shows a total of fourteen since January 2000, three frequency auctions starting within the next month, and six more waiting to be scheduled. Demand for portions of the frequency spectrum will increase in the future with resulting negative impacts on military training, but more critically, it can negatively impact real world military operations.

QUESTIONS FOR THE RECORD
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MAY 16, 2002
QUESTION #9

ENCROACHMENT

Chairman Burton: Evolving weapon system capabilities, war fighting requirements and operation plans can significantly affect training range requirements. To what extent do your current requirements reflect those revolving needs? Do you foresee the need for more training capacity in the United States?

Lieutenant General Tangney: As technology continues to advance the range, precision, and lethality of our weapons systems, the capability, size, and scope of training ranges must also improve to meet these new requirements.

QUESTIONS FOR THE RECORD
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QUESTION #10

ENCROACHMENT

Chairman Burton: What training encroachment issues are of most concern to SOCOM? For example, can you tell us a little bit about the importance of night training? How do you suggest SOCOM report and assess encroachment impacts on SOF training?

Lieutenant General Tangney: Night training is an important aspect for SOF. Our ability to train at night provides a tactical advantage on the battlefield. Urban encroachment does impact night training at times, as populations surrounding bases and facilities are not always tolerant of noise during hours of darkness.

The U.S. Special Operations Command will incorporate the Range Tiger Team study findings into the effort to coordinate with the Services and the Department on encroachment issues and how they impact training and readiness.

QUESTIONS FOR THE RECORD
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QUESTION #11

ENCROACHMENT

Chairman Burton: How much SOF training is done in foreign countries? How has encroachment affected training in foreign countries? Why? Does SOCOM pay foreign countries to train in them? If so, how much? Would you increase training in the United States if you could?

Lieutenant General Tangney: Special Operations Forces (SOF) training in foreign countries and with foreign forces is necessary to preserve and sharpen unique SOF skills. SOF personnel stationed in or on temporary duty in foreign countries participate in unilateral training, joint and combined training events and exercises, and also participate in Joint Combined Exchange Training.

Encroachment has affected training in foreign countries, by limiting and restricting the training that can be accomplished. The affects of encroachment vary, depending upon how developed the country is.

SOF do not pay foreign countries for opportunities to train overseas. Increased training opportunities in the U.S. are important to SOF operations, but we still need to train in foreign countries to preserve and sharpen unique SOF skills. Realistic training, wherever it is accomplished, is critical to SOF. We must train like we fight.

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QUESTION #12

ENCROACHMENT

Chairman Burton: The Committee is very concerned about training and safety, especially in light of some of the tragic accidents this year. Can you tell us generally about the relationship between inadequate training opportunities and increased accidents?

Lieutenant General Tangney: Currently we have no proof that inadequate training opportunities has either increased or decreased accidents. By its nature, an accident is something that occurs because it is unplanned. An operator's real-world mission effectiveness is largely dependent upon the experience he gains through his pre-deployment training. He must train like he fights. The nature of our employment in battle requires a level of training that is inherently higher-risk. We conduct thorough investigations whenever a training-related incident occurs. While a lack of training has been considered a contributing factor in some instances in recent findings we cannot say there is any significant correlation between recent increases in our accident rate and inadequate training opportunities.

QUESTIONS FOR THE RECORD
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HEARING ON MILITARY ENCROACHMENT
MAY 16, 2002
QUESTION #13

ENCROACHMENT

Chairman Burton: Do the training restrictions you are forced to comply with ultimately risk our troop's safety or ability to perform missions? If so, how? In your written testimony, you refer to CAS training with live ordnance. You mention in particular a fratricide incident at the Udairi Range in Kuwait. What did the official investigation reveal in regard to lack of training?

Lieutenant General Tangney: While not immediately obvious, the quality of training (particularly night live fire training and Close Air Support training) is being degraded due to encroachment. When you layer the environmental restrictions on top of urbanization, and accessibility you have severely limited SOF's ability to train realistically. This will eventually manifest itself in combat losses.

Regarding the fratricide incident at the Udairi Range in Kuwait, we must defer to the U.S. Central Command. It was their investigation which examined the incident and it would be up to U.S. Central Command to release their findings.

QUESTIONS FOR THE RECORD
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MAY 16, 2002
QUESTION #14

ENCROACHMENT

Chairman Burton: Will you tell us any other preliminary findings of your study? Can you tell us any specific ideas you have about helping the individual services manage the effects of encroachments on ranges used by special operations forces?

Lieutenant General Tangney: When the U.S. Special Operations Command Range Tiger Team completes its report we'll be happy to share the range encroachment findings with your committee. As you know, range encroachment is but a small part of the Range Tiger Team study.

As far as helping the Services manage the effects of encroachment on the ranges, we are a willing partner. The Services own the ranges and we are users and tenants. As such we will assist the "landlords" in any way possible.

QUESTIONS FOR THE RECORD
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HEARING ON MILITARY ENCROACHMENT
MAY 16, 2002
QUESTION #15

ENCROACHMENT

Chairman Burton: Does SOCOM have a method for measuring encroachment impacts on training proficiency, including loss of hours to travel and other associated costs? Where and how do you perform work-arounds and what impact do they have on SOF training?

Lieutenant General Tangney: The Range Tiger Team has determined that we need to do a better job of developing and acquiring metrics to capture lost hours to travel and other associated costs. We have met with representatives of each of our Service components and will continue to find and develop better ways to capture the metrics. We hope to have more data in the future.

When referring to "work-arounds" we like to think of these actions as innovative techniques. Our special operations forces are the finest in the world because we don't let obstacles impede mission accomplishment. When necessary, military leaders have utilized work-arounds to accomplish the mission.

QUESTIONS FOR THE RECORD
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QUESTION #16

ENCROACHMENT

Chairman Burton: We understand the SOCOM team has visited Coronado and San Clemente Island. The Navy has reported that the SEALS have lost considerable live-fire and demolition training at Coronado and San Clemente Island in California due to critical habitat designations. What will SOCOM do to see that SEALS do not lose any more valuable training?

Lieutenant General Tangney: When the Range Tiger Team has completed its research and presented its final report to General Holland, we will have a more complete understanding of the nature of the range challenges we face. Based on the Team's findings and recommendations, and guidance from General Holland, we will coordinate with the Services and OSD. Once we have this information, it will be easier to develop a plan to prevent further loss of training land, and to continue to mitigate the impact of encroachment.

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MAY 16, 2002
QUESTION #17

ENCROACHMENT

Chairman Burton: We understand that the SOCOM team has visited Hurlburt Field in Florida. The Air Force Special Operations Command at Hurlburt Field faces challenges of an expanded mission, but shrinking airspace due to proposed commercial air routes, noise restrictions, over scheduling and the prospect of increased navy training due to the anticipated loss of training at Vieques, Puerto Rico. What will you do to see that the only AFSOC (Air Force Special Operations Command) range on the Atlantic Coast is protected from these encroachments?

Lieutenant General Tangney: The airspace and ranges at Eglin AFB are indeed facing the pressures you mention. However, the relationship between Eglin AFB and the surrounding communities is very strong. Strong public support plays an integral role in our ability to train. Due to the continued public relations efforts by Eglin and AFSOC personnel, we feel a team effort will resolve most of our challenges. We will continue to keep the public aware of the importance of our mission, and necessity of our training as it pertains to National Security. We will work diligently to coordinate with future users of these ranges which allow us to share the airspace and maintain the Joint training needed by our forces.

QUESTIONS FOR THE RECORD
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MAY 16, 2002
QUESTION #18

ENCROACHMENT

Chairman Burton: We understand that the SOCOM team has visited Naval Station Roosevelt Roads in Puerto Rico? What special operations training is currently done there? Where will this training be done if the station closes in May 2003?

Lieutenant General Tangney: The bulk of the SOF training at Naval Station Roosevelt Roads (NSRR) has been conducted for several decades at nearby Pineros Island. Pineros is uninhabited NSRR property. The training there includes land and underwater explosive demolition, boat-to-shore live-fire training, patrolling, small arms training, land navigation and bivouac. The loss of live-fire training at Pineros Island, which we have already experienced, has led to the need to travel to Aberdeen, Maryland and Piney Island, NC. This not only impacts our travel budget and personnel tempo, but the training there is not nearly as realistic as that at Pineros Island. If NSRR closes, the problem will become even more severe and we will have to rely on already congested East Coast and Gulf of Mexico ranges.

QUESTIONS FOR THE RECORD
HOUSE GOVERNMENT REFORM COMMITTEE
HEARING ON MILITARY ENCROACHMENT
MAY 16, 2002
QUESTION #19

ENCROACHMENT

Chairman Burton: Fort Lewis, the home of the 1st Special Forces Group, has had 72% of its ranges designated for critical habitat, severely limiting all training. Fort Lewis also sits above an EPA designated sole source aquifer. Regulatory restrictions have the potential to curtail training even more. How will SOCOM work with the Army and the other departments to make sure that the training of special operations forces are not degraded from the loss of these ranges?

Lieutenant General Tangney: The training restrictions at Fort Lewis frequently force our units to travel to other locations in order to conduct training. USSOCOM will continue to work closely with the Army and the other departments to ensure special operations training is not degraded because of these training restrictions. As part of this continuing effort, USSOCOM will also incorporate the Range Tiger Team study findings into this process.

QUESTIONS FOR THE RECORD
HOUSE GOVERNMENT REFORM COMMITTEE
HEARING ON MILITARY ENCROACHMENT
MAY 16, 2002
QUESTION #20

ENCROACHMENT

Chairman Burton: What is SOCOM's involvement with the range, test and training organizations at the Department of Defense? For instance, do you have SOF representation on the Defense Test and Training Steering Group? The Range Spectrum Requirements Work Group? Secretary Wolfowitz's new Integrated Product Team? If not, why not?

Lieutenant General Tangney: Before chartering the Range Tiger Team this command did not have anyone focused on these issues. Since the Services own the ranges it is not necessary for us to have a full time presence on the Steering Group at this time. I can assure you that the Tiger Team has made contact with and met personally with the primary range offices for each of the Services and as well as the Departmental Range Office.

QUESTIONS FOR THE RECORD
HOUSE GOVERNMENT REFORM COMMITTEE
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MAY 16, 2002
QUESTION #21

ENCROACHMENT

Chairman Burton: Has the Department of Defense given you any guidance with your range study? Have you received any instructions or directives to date from DoD on how to stop the impacts of training restrictions?

Lieutenant General Tangney: The Department of Defense has not provided any specific guidance, but has freely exchanged information with this Command. We are working closely with the Office of the Secretary of Defense and the Services to jointly develop the best plan for dealing with the impacts of training restrictions.

QUESTIONS FOR THE RECORD
HOUSE GOVERNMENT REFORM COMMITTEE
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QUESTION #22

ENCROACHMENT

Chairman Burton: Does SOCOM support the Administration's Readiness and Range Preservation Initiative? Can you tell us which sections are most important to SOCOM?

Lieutenant General Tangney: Yes sir. We must continue the partnership between good environmental stewardship and a strong National Defense. All sections of this initiative are important to the U.S. Special Operations Command because they are important to the Department of Defense.

QUESTIONS FOR THE RECORD
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HEARING ON MILITARY ENCROACHMENT
MAY 16, 2002
QUESTION #23

ENCROACHMENT

Chairman Burton: What can Congress do to insure that all Americans realize the importance of special training operations training to our national security?

Lieutenant General Tangney: The American public needs to know how little U.S. territory is set aside for military training. Less than two percent of the continental U.S. is used to train our military men and women. In addition, the Department of Defense has been an excellent steward of the lands set aside for military training. We follow the rules and regulations which are often much more stringent than those placed on civilian landowners and organizations. Thus, wildlife often find U.S. military bases to be their sanctuary from civilian encroachment.

HOUSE GOVERNMENT REFORM
HEARING ON: MILITARY TRAINING ENCROACHMENT
16 MAY 2002
QUESTION FOR THE RECORD
QUESTION # 1

Chairman Burton: Can you please tell us about what the 15th MEU accomplished in Afghanistan? Please provide details about Camp Rhino. What type of training most helped you when you were there? Where did you get that training?

Colonel Waldhauser: The 15th Marine Expeditionary Unit performed an amphibious assault over 350 nautical miles inland into southern Afghanistan to seize a remote airstrip. Once there, we established and defended a Forward Operating Base called Camp Rhino. From Rhino we conducted offensive operations to destroy Taliban and al Qaeda forces attempting to escape from Kandahar, subsequently securing Kandahar airfield.

While Camp Rhino had some permanent existing structures, it was still a rather austere environment. We had to provide our own water, food, and electricity. The single dirt runway was used extensively requiring heavy maintenance on a daily basis. An infantry battalion (the MEU's Ground Combat Element) supported by the MEU's aircraft defended Camp Rhino.

The Marine Corps has a standard pre-deployment training program for the MEU's to earn a Special Operations Capable [MEU(SOC)] qualification. The MEU(SOC) pre-deployment training takes about six months and starts at the individual skills level progressing up through the Marine Air-Ground Task Force (MAGTF) level. This program served us very well while in Afghanistan. Of particular benefit was night training, live fire training, and Rapid Response Planning.

Most of our pre-deployment training was conducted in southern California, and Yuma, Arizona. While based at Camp Pendleton, we trained at several additional bases in the area to include San Clemente Island and March Air Force Base. Additionally, some urban training was conducted off military bases.

HOUSE GOVERNMENT REFORM
HEARING ON: MILITARY TRAINING ENCROACHMENT
16 MAY 2002
QUESTION FOR THE RECORD
QUESTION # 2

Chairman Burton: At Camp Pendleton, how many of these training skills can no longer be accomplished due to urban and regulatory encroachment? What specific impacts have you seen on combat mission infantry capabilities as they relate to training at Pendleton?

Colonel Waldhauser: Preliminary results from an encroachment quantification study currently in progress indicate that the approximately 70 non-firing, combat arms tasks evaluated could be accomplished to 85% of the established standard in a prescribed place and manner, but these same tasks could only be accomplished to 69% of standard when assessed within the context of a fluid tactical combat scenario. The restrictions associated with urban and environmental encroachment reduce the 17 miles of Camp Pendleton beach potentially available for large scale amphibious landing training to less than 1 mile (approximately 1500 yards); reduce and segment the combat power available during amphibious operations training; impose an inability to maneuver or deploy tactically due to the presence of endangered species habitat; and remove or significantly reduce the sense of realism in the execution of training events. Those tasks not able to be completed to standard necessitate implementing "workarounds" that must be accomplished at another location or time, following consultations and negotiations with regulating agencies. Workarounds result in training activities that are segmented in time and place and reduce the realism, continuity, and overall value of the training events. Over time, Marines may begin to believe that the conditions experienced during reduced levels of training indeed reflect realistic combat scenarios. Tactical decision-making is driven more by the avoidance of resource-related restrictions (endangered species, wetlands, etc.) than by the tactical use of the terrain to achieve and maintain tactical advantage that is required in combat.

Multiple and often overlapping layers of encroachment pressure from natural resource related legislation and requirements to support nonmilitary land uses have made realistic combat training increasingly difficult at Marine Corps Base, Camp Pendleton. While most combat related tasks are impacted to some degree, tasks that are most restricted are those that require off-road and trail vehicle maneuver and the digging of fighting positions such as individual and unit defensive positions, gun and vehicle emplacements, vehicle recovery operations, and combat engineering operations. Noise restrictions also curtail night firing and associated training activities.

HOUSE GOVERNMENT REFORM
HEARING ON: MILITARY TRAINING ENCROACHMENT
16 MAY 2002
QUESTION FOR THE RECORD
QUESTION # 3

Chairman Burton: Can you tell us what effects limited or repetitive full operational training has on unit commanders when they reach the combat theater?

Colonel Waldhauser: The best way to ensure success in combat is to train as often as possible employing the tactics and equipment that will be used in combat. The worst situation is to perform something for the first time in combat. The 15th Marine Expeditionary Unit was never able to practice the integrated defense that was used at Camp Rhino.

HOUSE GOVERNMENT REFORM
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16 MAY 2002
QUESTION FOR THE RECORD
QUESTION # 4

Chairman Burton: Camp Pendleton is the cornerstone of Marine training on the Pacific Coast. Training that can no longer be done there is now done at Miramar, the Chocolate Mountains, 29 Palms, Yuma and Guam. Can you tell us what training challenges the 15th MEU has experienced at these ranges? How would the loss of any of these ranges affect Marine Corps readiness?

Colonel Waldhauser: We must be able to move tactically overland while flying our aircraft over different routes and altitudes. It is crucial that we be able to "dig in" and conduct combined arms live fire exercises, especially at night. Currently, we cannot accomplish all these types of training at Camp Pendleton.

Since the MEU is forward deployed aboard naval shipping, access to beach and coastal training areas is critical for our operational training. Although Camp Pendleton has 17 miles of beach, we are only allowed to use about half a mile during our training. This small beach training area has many environmental restrictions as well.

The junior Marines conducting training are forced to improvise and develop work-arounds in order to deal with the environmental training restrictions placed on them. These work-arounds detract from the effort that is spent on training and, in some cases, actually cause negative training by using non-doctrinal tactics and develop bad habits that will be used in combat.

The loss of space to train will continue to be felt as the ranges of our weapons increase and our tactics evolve. From my own experience at Camp Pendleton, amphibious exercises conducted in the mid 80's to test new equipment and evolving doctrine would not be possible today due to encroachment issues.

The other ranges the Marine Corps regularly uses (Miramar, Chocolate Mountains, 29 Palms, Yuma, & Guam) are key to ensuring Marine Corps combat readiness. Multiple training areas remain important in order to practice operating in unfamiliar environments.

One of the major training evolutions during the MEU training program is the Long Range Raid (LRR). During the 15th MEU predeployment training, our LRR was conducted from Camp Pendleton and Marine Corps Air Station (MCAS) Miramar in southern California to MCAS Yuma and Luke Air Force Base training complex in Arizona. This training paid huge dividends in Afghanistan, as we had to operate over long distances at night utilizing forward arming and refueling sites.

29 Palms is the principal training area for live fire and maneuver particularly with

supporting arms. 29 Palms also provides the opportunity for medium to large vehicle formations to move tactically over long distances.

The MEU is required to be ready to perform a variety of combat missions upon leaving southern California. The training to accomplish these missions requires a variety of different environments. Consequently, the loss or further restriction on the use of our ranges would impair our combat readiness.

HOUSE GOVERNMENT REFORM
HEARING ON: MILITARY TRAINING ENCROACHMENT
16 MAY 2002
QUESTION FOR THE RECORD
QUESTION # 5

Chairman Burton: The Committee has found out that very few unit commanders report the effects of training range encroachments through the Global Status of Operational Readiness and Training System (GSORTS). Can you explain why they might be reluctant to do so?

Colonel Waldhauser: The lack of reporting range encroachment through GSORTS is not a result of any "reluctance" on the part of commanders. It is a result of several factors. First, unit commanders are finding work-arounds to meet their readiness requirements. However, those work-arounds are becoming increasingly difficult to achieve and increasingly expensive in time and money. Secondly, some commanders are so used to the impediments of encroachment, that they are considered "a way of life" and not worthy of mention. Lastly, encroachment's impact on units is a secondary effect. The primary impact of encroachment is on the bases, installations, and training ranges where the units train. Therefore, those facilities are among the best sources to measure and report the effects of encroachment. The Marine Corps is conducting two studies that will help us to identify the appropriate means to quantify and report encroachment and its effects. The Marine Corps is also supportive of the initiatives DoD has taken to come to grips with encroachment issues impacting the readiness of the services.

HOUSE GOVERNMENT REFORM
HEARING ON: MILITARY TRAINING ENCROACHMENT
16 MAY 2002
QUESTION FOR THE RECORD
QUESTION # 6

Chairman Burton: Senior officers from all the military services reported to us at hearing last May that the Global Status of Operational Readiness and Training System (GSORTS) is not suitable to enable Congress to monitor training range challenges as they appear. General Hanlon stated that many of the smaller unit commanders who conduct the majority of GSORTS reports are so used to working around the problems that they fail to help gage the real effects on sustained readiness. Do you personally find this reporting system useful or adequate? What suggestions do you have for better reporting effects of encroachment on readiness?

Colonel Waldhauser: GSORTS is very useful in achieving its primary purpose, providing an assessment of the unit's readiness status based on the unit's ability to execute the mission(s) for which it was organized or designed. GSORTS provides broad bands of information on selected unit status indicators and includes a commander's subjective assessment on the unit's ability to execute its mission(s). Suggestions for better reporting the effects of encroachment on readiness are:

- Support the initiatives DoD is taking to come to grips with encroachment issues affecting the services.
- Continue to actively participate in DoD's environmental programs.
- Support the administration's work on a legislative proposal that will likely include provisions to clarify ambiguous statutory and regulatory requirements.

The Marine Corps recently established the Range and Training Area Management Office within the Marine Corps' Training and Education Command. One of the missions of this office will be to provide the cost, in terms of training capabilities, associated with the loss of access to specific ranges or training areas. It will allow us to recognize when an impediment to training becomes a decrement to readiness.

HOUSE GOVERNMENT REFORM
HEARING ON: MILITARY TRAINING ENCROACHMENT
16 MAY 2002
QUESTION FOR THE RECORD
QUESTION # 7

Chairman Burton: The Committee understands from meetings and from General Jones's testimony that the Marine Corps has developed a method of measuring encroachment impacts on training at Camp Pendleton. Are you aware of these new methods? Do you think they will adequately reflect the effect of encroachment on readiness?

Colonel Waldhauser: I am aware, as mentioned in response to question #2, that the Marine Corps is developing a methodology to assess the capability of Camp Pendleton and its ranges to support the readiness requirements of units training at and deploying from that base. I Marine Expeditionary Force, located in Southern California, continues the process of documenting the combined effects of air, land, and maritime space encroachment on training and readiness. However, the readiness ratings are somewhat subjective because they take into account composite training experience that can be accomplished relying on all available ranges and installations throughout the States and Japan. The specific effectiveness of training at those individual installations and ranges has not yet been assessed.

Unit readiness is inextricability linked to the capabilities and limitations of the installations and ranges on which Marines must train. Therefore, it is essential to know the combined capacity of all ranges and installations to support current and future weapons systems and to measure how they can fulfill individual and unit training requirements. I believe that this method provides an important first step in quantifying readiness and, over time, will assist in identifying trends and the extent to which encroachment factors degrade readiness. It is our intent to work with and improve this methodology to assess all of our major Marine Corps training installations and ranges.

HOUSE GOVERNMENT REFORM
HEARING ON: MILITARY TRAINING ENCROACHMENT
16 MAY 2002
QUESTION FOR THE RECORD
QUESTION # 8

Chairman Burton: Do you have a sense of how much more encroachment on training the Marine Corps can tolerate before its readiness is unacceptably impacted?

Colonel Waldhauser: It is important to state that the Marine Corps will always be "ready" to answer the Nation's call to arms. That said, when commanders report that they are performing combat-related tasks and maneuvers for the first time after arriving in the combat zone, as was the testimony of the Marine Corps leadership and other witnesses before this Committee, it is fair to conclude that readiness is already unacceptably impacted. During previous testimony, the Assistant Commandant, General Williams, was exactly right when he said, "We recognize that the most important quality of life program for a warrior is tough, realistic training."

All major USMC installations have identified multiple encroachment-related factors that restrict realistic combat training. Marine Corps senior officer testimony, past and present, is that additional restrictions on its remaining installations and ranges will further, unacceptably degrade the capability to meet readiness objectives, particularly those activities necessary to combat highly trained and capable opposing forces. This trend is contrary to our requirement for operational flexibility that recreates battlefield conditions where decision-making skills are honed and weapon systems employment is refined. These skills are vital to success and the reduction of U.S. casualties on the modern battlefield. An analogy that has been used is that of a distance runner required to continuously run uphill and to carry a weight as he runs. At every corner the runner is confronted by another hill and is given additional weight. In this analogy, the hills and weights described are encroachment restrictions. They are cumulative in nature and wear on the runner over time, degrading to his overall performance. At what point the runner begins to slow or to drop weights depends on the conditioning and will of the runner, but degradation of performance is certain. Similarly, the effects of encroachment are cumulative. While the Marine Corps prides itself on its will and fitness, the effects of unchecked encroachment will continue to accumulate and degrade the capability and readiness of our Marines and our units.

HOUSE GOVERNMENT REFORM
HEARING ON: MILITARY TRAINING ENCROACHMENT
16 MAY 2002
QUESTION FOR THE RECORD
QUESTION # 9

Chairman Burton: Do you think the America public knows the extent of your training range degradations and what the loss of these capabilities at Camp Pendleton means to the future generation of Marines and other men who choose to serve with the Corps?

Colonel Waldhauser: It is unlikely that the broad American public understands either the encroachment factors that degrade the capacity and capabilities of Camp Pendleton's ranges to support combat training or the extent to which those capabilities have been and are being degraded. The Marine Corps testimony and outreach efforts have raised awareness within the communities adjacent to its installations such as Camp Pendleton. However, it is improbable that the general public is aware that encroachment-related pressures on military installations, particularly on the West Coast, are degrading military training activities and combat readiness. Nor is the American public likely aware of the relationship between the loss of accessibility to, and restrictions on, military training ranges, both within and outside of the continental United States, and the combat readiness of our Marines.

REP Burton
CAPT Voetsch
House Government Reform,
16 May 02
Military Training
Encroachment
Q. 1

Question. Can you tell us the different kinds of air strike missions and essential tasks that were performed by the USS Theodore Roosevelt air wing in Afghanistan?

Answer. Air Wing One performed strike interdiction against fixed targets, close air support, forward air controller airborne, and strike coordination and reconnaissance. Essential tasks included coordinated medium-high altitude delivery of Global Positioning System guided munitions, laser guided bombs, and MK-80 series general purpose bombs.

Question. Can you tell us some of the combat concerns of your air commander squadrons?

Answer. Some of the combat concerns included delivering air-to-ground ordnance from above 20,000 feet Mean Sea Level (a tactic not typically trained to because of current range restrictions including weapon foot-print impact safety issues, altitude restrictions, and encroachment factors), operating with ground forward air controllers from special operation groups (we didn't train with), and flying extended missions that lasted up to 8 hours.

REP Burton
CAPT Voetsch
House Government Reform,
16 May 02
Military Training
Encroachment
Q. 2

Question. Over the course of a typical career, can you tell us some of the most critical losses of training capacity that Navy air wings have experienced?

Answer. Critical losses of training Navy air wings have experienced are: decrease in live ordnance training due to restrictions at Vieques and air tactics simulation due to commercial air traffic encroachment in and around ranges, and shut down of operations at the Navy's range on the island of Farallon de Medinilla due to a lawsuit alleging violations of the Migratory Bird Treaty Act. In addition to decreases in training capacities, consolidation of forces in Norfolk and Oceana brought about increased competition for range times. This consolidation of operational units in conjunction with an increase in required military training resulting from mission changes have placed a higher level of throughput stress on the existing training facilities.

Question. For instance, what are the differences in training opportunities available for F-14 pilots for Operations Desert Shield/Desert Storm compared to Operation Enduring Freedom?

Answer. Since Desert Storm, the F-14 mission has changed from air-to-air combat to that of a multi-functional mission primarily focusing on air-to-ground support. This change and the pending transfer of F/A-18s to NAS Oceana may increase the volume of strike aircraft utilizing the Mid-Atlantic training facilities.

REP Burton
CAPT Voetsch
House Government Reform,
16 May 02
Military Training
Encroachment
Q. 3

Question. What will be the challenges to air wing training when faced with accelerated deployments should we engage with Iraq?

Answer. The challenge of accelerated air wing deployments to training is one of critical resource alignment between people, planes, parts and targeting pods. The Inter Deployment Training Cycle (IDTC) is built on an 18-month cycle where personnel, planes, parts and targeting pods are received on a predictable timeline prior to important training evolutions. If any of these assets are not available during the segment of the IDTC then training will be negatively impacted, which will degrade immediate and future readiness. An accelerated deployment schedule will require acceleration of all support, production and training to support the strike warfare commander.

In addition, as previously mentioned, accelerated deployment means accelerated IDTC, which will place a greater load on the already high levels of throughput stress brought on by strike force consolidations.

REP Burton
CAPT Voetsch
House Government Reform,
16 May 02
Military Training
Encroachment
Q. 4

Question. As an example of East Coast airspace encroachment, can you tell us about the increasing pressure to use over water ranges located off NAS OCEANA and NAS NORFOLK for commercial air routes?

Answer. Severe Weather Avoidance Program (SWAP) is a program where DOD and the FAA has worked closely to develop routes through the warning area for commercial aircraft to utilize when weather makes the airways along the East Coast unusable. These routes are contained in the warning area along the east coast. The SWAP routes are requested by the FAA and approved/disapproved by FACSFAC VACAPES. Our process in responding to SWAP is to call and ask all warning area users if they can release any airspace for SWAP. If any of our warning area customers/users are unable to release any airspace for use during SWAP the answer is no. The FAA will then make alternate plans to reroute air traffic around the weather. Most of the time when weather is bad in the local area and the military is not flying, we release the airspace to the FAA for their use. This is the common sense approach and joint use policy of DOD. Therefore, from this perspective there is no airspace encroachment issue because FACSFAC VACAPES has the final say.

The numerous airspace redesigns in W-105 are conducted at the request of the FAA, to assist them in alleviating noise and traffic congestion in the busy air traffic region of the Northeast U.S. W-105 is not a major fleet operating area. The main customer of W-105 is the Air National Guard at Otis Air National Guard Base, Massachusetts. Prior to any change, FACSFAC VACAPES contacts all customers via naval message outlining the change proposal and asks for any mission degradation issues. Once we have received the inputs, we then work with the FAA and reach an agreement that benefits them in their mission while balancing fleet requirements. Always, fleet requirements are the first priority. We have a documented history where DOD has assisted the FAA in attempting to alleviate their noise and traffic issues. We have been a "good neighbor" in making airspace available to them when not required by DOD.

Simply stated, when the military is not using the offshore warning area airspace we make it available to the FAA for civil use. To drive home this point, for the last two years, FACSFAC

VACAPES has worked closely with all DOD assets and the FAA during the Thanksgiving and Christmas holiday season. We have been able to release airspace FL240 and above to the FAA for commercial traffic during the Thanksgiving and Christmas travel season. This is usually the busiest time of the year for the FAA and it involves a 3-4 day period. This is usually a slow period for the military as units are in the holiday stand down season and flight operations are minimal during the 3-4 day period. We do this to show our continued commitment in managing the airspace equitable and fairly for all aviation users. We have been able to accomplish this transfer of airspace without degrading any fleet or operational readiness issues.

The airline industry would like to schedule the warning area airspace as a customer. The encroachment issue will be realized when the airline industry/FAA tries to schedule the airspace as a customer. Although we have no documentation we believe this is the next step.

Because of the low traffic/operations numbers in the warning areas off the coast of New Jersey, New York, and Massachusetts, there is room for negotiating without giving up any operational requirement. The warning areas that we will always protect and have a hard-line attitude with are Warning Areas 386, 72 and 122. These areas are the main operating areas for the fleet and where approximately 90% of battle group training operations take place.

REP Burton
CAPT Voetsch
House Government Reform,
16 May 02
Military Training
Encroachment
Q. 5

Question. Can you tell specifically how the urban growth around OCEANA has degraded correct Navy fighter takeoffs and landings?

Answer. Urban encroachment around NAS Oceana and Outlying Field, Fentress has altered the way our air wings train for carrier landings. Normal approaches to a carrier landing is at 600 ft, which is practiced to at other facilities such as Miramar, Fallon and Key West, however, due to the urban growth around Oceana and Fentress, we must deviate from this "normal" approach and practice our landings from a 1000 ft and 800 ft approach, respectively. In addition, depending on the runway utilized, our pilots are required to run a ground track 1 mile wider than on actual carrier landings in order to avoid residential homes around Fentress. Take offs have also been affected by urban growth. Our pilots are required to climb to 4000 ft after take offs and remain at the altitude for a distance of 7 miles in order to fly at reduced power until they clear populated areas. During normal take offs from carriers, our fighters typically climb to their operational altitudes at full power as soon as possible. Deviation from operational approaches and take offs can degrade training, especially for our junior pilots.

REP Burton
CAPT Voetsch
House Government Reform,
16 May 02
Military Training
Encroachment
Q. 6

Question. Are there other ranges that your wing can get the same training on the East Coast?

Answer. Yes. Eglin Range Complex in the Gulf of Mexico provide the best East Coast air wing tactical training environments, in a distributed fashion. These two ranges meet most strike warfare training requirements with the exception of BT-11, located in Cherry Point Range, which has a restriction on the use of live ordnance. Our ranges are classified as either Tier 1 or Tier 2 ranges. Tier 1 ranges have the capability to meet all Strike Warfare Training requirements such as detailed scoring, reconstruction and debrief, complete target sets and integrated air defense system simulation. The Tier 2 ranges which meet some strike warfare training requirements but are still important to air wing readiness are the Dare County Ranges, Pinecastle Training Complex, the Townsend Training Range and the Avon Park Training Complex. These ranges provide additional target sets and bad weather options for the air wing when BT-11 may not be able to meet training requirements. Additionally, the Pinecastle Bombing range is the only range on the East Coast in addition to Eglin that allows the expenditure of live ordnance. Each Tier 2 range can provide additional readiness to the air wing given adequate land and airspace, targets, and proper resourcing of integrated air defense system simulations, and scoring systems.

Air wings can also receive acceptable unit level training while operating within the Cherry Point Operating Area supplemented by training at BT-9/11 and Navy/Air Force Dare County Bombing ranges. The training benefit results from use of the integrated air defense system simulation within the Mid Atlantic Electronic Warfare Range, which overlays ingress and egress for these ranges. Unfortunately, five months of historically overcast weather conditions in the Hampton Roads operating area restrict our use of this area.

Question. Do these other air ranges have similar encroachments?

Answer. Yes. All of the above ranges are experiencing encroachment. Encroachment from civil aviation issues raised above is especially significant at the Pinecastle range. Another example of encroachment is the restriction from use of Navy Dare on Saturdays due to an agreement to allow local

hunters use of the range. As in the Pinecastle range, the principal encroachment concern in these ranges is from civil aircraft operating within the Air Traffic Control system in close proximity to military aircraft. Air wing aircraft require unrestricted access to overland ranges with sufficient vertical and horizontal airspace to conduct strike training. The density of civil aircraft operating on AR8 and V189 air routes restrict military aircraft from unfettered access to these ranges. In addition, other restrictions exist to impede training, such as restrictions on use of live ordnance at BT-11.

REP Burton
CAPT Voetsch
House Government Reform,
16 May 02
Military Training
Encroachment
Q. 7

Question. What East Coast ranges do you believe offer the best training for your air wings at this time?

Answer. The BT-11/Mid Atlantic Electronic Warfare Range complex mentioned above and the Eglin Range Complex in the Gulf of Mexico provide the best East Coast air wing tactical training environments, in a distributed fashion. These two ranges meet most strike warfare training requirements with the exception of BT-11's restriction on the use of live ordnance. Our ranges are classified as either Tier 1 or Tier 2 ranges. Tier 1 ranges have the capability to meet all Strike Warfare Training requirements such as detailed scoring, reconstruction and debrief, complete target sets and integrated air defense system simulation. The Tier 2 ranges which meet some strike warfare training requirements but are still important to air wing readiness are the Dare County Ranges, Pinecastle Training Complex, the Townsend Training Range and the Avon Park training Complex. These ranges provide additional target sets and bad weather options for the air wing when BT-11 may not be able to meet training requirements. Additionally, the Pinecastle Bombing range is the only range on the East Coast in addition to Eglin that allows the expenditure of live ordnance. Each Tier 2 range can provide additional readiness to the air wing given adequate land and airspace, and proper resourcing of targets, integrated air defense system simulations, and scoring systems.

Question. Have you seen the effects of encroachment at any of these ranges?

Answer. All of the above ranges are experiencing encroachment. Encroachment from civil aviation issues raised above is especially significant at the Pinecastle range. Another example of encroachment is the restriction from use of Navy Dare on Saturdays due to an agreement to allow local hunters use of the range.

Question. Do you have to leave the East Coast to get all mission essential tasks completed before deployment?

Answer. Yes. Even with the training facilities available in the region, carrier air wings must still conduct training outside of East Coast ranges at the Fallon Training Range complex in Nevada due to the high fidelity integrated training complex which allows detailed scoring, reconstruction and de-brief to air wing aircrew. Additionally, Fallon's historically

favorable weather conditions allow air wing's to complete all required training events within air wing exercises.

REP Burton
CAPT Voetsch
House Government Reform,
16 May 02
Military Training
Encroachment
Q. 8

Question. Do you think that encroachment is a growing trend for air wings?

Answer. Yes. Encroachment affects not only training ranges but also the ability to operate in and around home air stations. Encroachment has made training more difficult and restrictive, impacting the quality and quantity of available training.

Question. Are your commanders worried about the safety issues that come up with reduced ranges and altered and shared air patterns?

Answer. When encroachment alters training procedures, it can have a direct impact on operational safety. An example would be what is happening at NAS Oceana. Urban encroachment around NAS Oceana and Outlying Field, Fentress has altered the way our air wings train for carrier landings. Normal approaches to a carrier landing is at 600 ft, which is practiced to at other facilities such as Miramar, Fallon and Key West, however, due to the urban growth around Oceana and Fentress, we must deviate from this "normal" approach and practice our landings from a 1000 ft and 800 ft approach, respectively. Deviation from operational approaches can degrade training, especially for our junior pilots. Take offs have also been affected by urban growth. Our pilots are required to limit their altitude after take offs for a distance of 7 miles in order to fly at reduced power until they clear populated areas. During normal take offs from carriers, our fighters typically climb to their operational altitudes at full power as soon as possible.

Question. Do you think this has a negative effect on morale?

Answer. In addition to impacting operational safety, encroachment can have an impact on morale and confidence in our training regime.

Question. On tactical or strategic confidence?

Answer. By not training the way we fight, tactical or strategic confidence is compromised.

Question. On pilot retention?

Answer. This has been indicated as a contributor to lower pilot retention levels during exit surveys of squadron aircrew.

REP Burton
CAPT Voetsch
House Government Reform,
16 May 02
Military Training
Encroachment
Q. 9

Question. Were you able to train to Navy proficiency standards before your deployment?

Answer. Yes. CVW-1 trained to Navy proficiency standards.

Question. Where did you get this training?

Answer. Strike training was accomplished at various training ranges throughout the US and Puerto Rico. Specifically, proficiency standards training was conducted at the Naval Strike Air Warfare Center facilities in Fallon Nevada, the VACAPES training areas, Vieques, Roosevelt Roads, Puerto Rico, Dare County ranges in North Carolina, and Eglin ranges in Florida.

REP Burton
CAPT Voetsch
House Government Reform,
16 May 02
Military Training
Encroachment
Q. 10

Question. How important is a Combined Training Exercise and a Joint Training Exercise training to a naval air wing?

Answer. Combined and Joint Training Exercises are important to air wing training because these exercise and train aircrew and staffs to conduct organizational warfare operations in a joint and/or combined command and control structure. These exercises are the only opportunity during the Inter-Deployment Training Cycle for the air wing staff and aircrew to operate in this organizational structure prior to deploying to a theater and conducting combat operations.

Question. Where can these exercises be completed on the East Coast right now?

Answer. These exercises can currently be conducted within the over-water and over-land ranges in Puerto Rico, Gulf of Mexico, and the East Coast. NAS Fallon ranges do not support fully integrated intermediate and advanced levels of training which require the total integration of the entire CVBG, including CVN and CVW in an at sea, littoral environment.

REP Burton
CAPT Voetsch
House Government Reform,
16 May 02
Military Training
Encroachment
Q. 11

The Committee has heard from many pilots from the Navy and Air Force about training shortfalls due to range restrictions, including full scale weapons delivery, the ability to train with chaff and flares and night training.

Question. Why is this kind of training important to the squadrons of the USS Theodore Roosevelt?

Answer. Full-scale weapons deliveries are important for two reasons. The first reason these deliveries are important is because they exercise the complete end-to-end ordnance delivery process from ordnance breakout, build-up and loading to weapon delivery. Recurring weapon delivery training ensures that each critical step in this process is trained to properly, and it ensures the air wing is able to execute safely and efficiently. If weapons do not perform as required the deficiencies within the process can be identified and corrected to ensure success prior to conducting deployed combat operations. The second reason is the aircrew training that is achieved by expending actual weapons with immediate feedback to the aircrew in achieving the correct weapon delivery solution. This training provides aircrew with the functional skills required to employ ordnance in a training environment that more closely resembles actual combat. These functional skills are "switchology" intensive and require reinforcement of frequent and repetitive cockpit tasks.

REP Burton
CAPT Voetsch
House Government Reform,
16 May 02
Military Training
Encroachment
Q. 12

Question. Have any of your squadron commanders reported to you through GSORTS or any other venue, the effects on training and proficiency due to encroachment? If so, what have they reported?

Answer. No. During the Inter-Deployment Training Cycle, the individual squadrons were able to work around any issues that would have affected SORTS. However, there is currently degradation in the training environment due to encroachment that is not quantifiable via current readiness reporting mechanisms. Examples of workarounds and encroachment that restrict training include:

- The need to move training to other venues vice the originally planned scenario due to lack of access to a particular range, e.g. Vieques protesters on the range and the Pinecastle Range in Florida being unavailable during a significant portion of the year due to fire potential.
- Mitigation restrictions that require the Navy to limit nighttime operations or place altitude restrictions to comply with environmental mitigation measures.
- Limitation on nighttime operations and carrier landing practices to reduce noise in urban areas.

REP Burton
CAPT Voetsch
House Government Reform,
16 May 02
Military Training
Encroachment
Q. 13

The Department of Defense Readiness and Range Preservation Initiative legislation did not address commercial and urban encroachment on military airspace and routes.

Question. Do you believe that they should address this issue in the future?

Answer. Yes. The war against terrorism and Operation Enduring Freedom in Afghanistan has given us a glimpse of the future of armed conflict. There are no front lines, no navies to battle or air forces to fight, and no cities to conquer. It is an unconventional war that requires new tactics, capabilities and ways of thinking. As such, we must be ready to face a variety of threats, many of which call for different skills than those required for the threats present in Afghanistan. To prepare for the threats of the 21st Century, military aircraft must fly faster, over greater distances and higher altitudes to use their weapon systems and remain clear of any potential danger by opposing air defense systems. Our aircraft fly hundreds of miles to targets, need the capability to accelerate to mach airspeeds and employ their weapons from altitudes that at times exceed 30,000 plus feet over the terrain. While new technologies and high-tech weapons are transforming the battlefield, there is no substitute for effective training, under realistic battle conditions. Land, sea and airspace has been set aside specifically for realistic training and must be available for this purpose. These training "assets" are faced with the increasing challenge of continuing urbanization. Urban growth is already affecting military operational readiness in a myriad of ways. For example, due to public concerns over noise at NAS Oceana and Fentress, naval aviators must significantly alter flight patterns for take off and landing to higher altitudes than actually done on an aircraft carrier, reducing the effectiveness of their training. The Air Force has faced lawsuits, public protests and political pressure from environmental advocacy groups, landowners and outdoor enthusiasts who wish to prevent use of low-level flight routes. The Navy is facing a similar protest from a special interest group who opposes the use of Pinecastle Range in Florida. In general, constrained land, water and airspace training areas along the east coast limit ordnance being dropped at many ranges and preclude the use of newer stand off weapons, thus significantly impacting training realism. Although we have been

able to find "work arounds" to most issues, availability and fidelity of training have suffered. DoD's current legislative proposal is narrowly focused and is intended to clarify or affirm existing environmental policy. Given increasing urban pressures on our training areas, DoD should continue to seek opportunities to clarify or enhance legislative or regulatory requirements when preservation of training capability is at stake.

REP Burton
CAPT Voetsch
House Government Reform,
16 May 02
Military Training
Encroachment
Q. 14

Question. What do you think Congress can do to stop any more loss of naval air training areas and ensure naval pilots get the training they need to be proficient?

Answer. Reiterating Mr. Holman's general recommendations discussed in your hearing conducted on 16 May, Congress should give military readiness appropriate consideration during the regulatory and administrative processes that other agencies follow. Specifically, DoD should: 1) receive advance notice of any proposed action that may have a potential to affect military training, testing or its operations, 2) be given a reasonable opportunity to review and comment in writing on those proposed actions, 3) receive responses in writing from an agencies when that agency elects not to accommodate DoD concerns, and 4) be granted a reasonable period of time to appeal the decision of that agency within the Executive Office of the President.

In addition, Congress should support the current DoD Readiness and Range Preservation legislative initiative that requests the following:

- Endangered Species Act: Confirm an existing policy (under court challenge) that provides that DoD cooperation with the U.S. Fish and Wildlife Service on natural resource management may make the designation of critical habitat on DoD lands unnecessary.
- Marine Mammal Protection Act: Follow the National Research Council's recommendation that the current, ambiguous definition of "harassment" of marine mammals, which includes "annoyance" and "potential to disturb," be focused on more biologically significant effects.
- Migratory Bird Treaty Act: Reverse a March 2002 court decision applying the MBTA to constrain vital training at the Farallon de Medinilla range in the Western Pacific, a ruling that threatens essential testing and training nationwide.
- Clean Air Act: Maintain DoD's commitment to Clean Air Act standards while providing flexibility to meet state air quality policies - allowing flexibility for training and readiness.
- Resource Conservation and Recovery Act (RCRA) and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund: Confirm that the clean-up of military munitions is not required so long as munitions remain on operational ranges. Policies governing

clean-up of off-range munitions and munitions causing imminent danger on-range would remain unchanged.

- Cooperative Buffer Zone Acquisition Authority: Allow military departments to enter into agreements with third parties, such as private conservation organizations -- to prevent urban development that threatens testing and training. The proposal would assist DoD in maintaining "buffer zones" between ranges/bases and urban areas, and preserve needed habitat or potentially imperiled species, lessening the need for legal restrictions.

- Conveyance of Surplus Property for Conservation Purposes: Allow DoD to convey surplus property to a state or local government, or to a nonprofit organization that exists for the primary purpose of protecting open spaces and natural resources. The proposal allows the transfer of land only if it is used for conservation purposes in perpetuity.

REP Burton
CAPT Voetsch
House Government Reform,
16 May 02
Military Training
Encroachment
Q. 15

Dr. Paul Mayberry, Deputy Under Secretary of Defense for Readiness who will testify on our second panel today has stated "to maintain the dominance of our armed services on the battlefield, they must train as they fight. That means practicing and conducting exercises that closely replicate the realities of the battlefield. If we fail to do that, we put lives at risk."

Question. Do you agree with this statement?

Answer. Yes. The ability to be able to train as we would fight is the best means to ensure success in battle. The more we deviate from this practice due to lack of airspace, ranges, training ordnance and encroachment potentially increases the risk to our aircrews in combat or hostile situations. Our aircrews are tasked to fly great distances and employ weapons on targets from tremendous standoff distances. Many of our ranges today cannot handle live ordnance and even fewer can be used for delivery of our most modern weapon systems such as the Joint Standoff Weapon.

Question. Can you tell us the most critical degradations to training that naval pilots face?

Answer. In short the most critical degradations our naval pilots face are the lack of suitable ranges/airspaces with real world targets and threats coupled with the lack of training ordnance that would actually be used in combat. Moreover, such inadequacies threaten the Navy's ability to conduct "end-to-end" training of live ordnance handling and delivery in the carrier environment. This training is paramount to ensure the safety of ordnancemen and aircrews during the performance of combat operations.

REP Burton
CDR Metz
House Government Reform,
16 May 2002
Military Training
Encroachment
Q. 1

Question. Please tell us about your experiences since you were recalled to active duty in October 2001. What were you responsible for as the Director for Operations for Coalition Joint Special Operations Task Force-South?

Answer. Following recall to active duty, I was assigned to the headquarters staff for Naval Special Warfare Group ONE (NSWG-1) in Coronado, CA. NSWG-1 deployed a Naval Special Warfare Task Group to Operation Enduring Freedom in October 2001, which became the foundation for Joint Special Operations Task Force (JSOTF)-South.

As Director for Operations, I reported directly to the JSOTF commander as the principal staff officer for planning, training and operations. My duties included:

- Directing the activities of the Current Operations Section and Future Operations Section, representing the commander.
- Authorizing and approving directives (Operation orders, Warning orders, and Fragmentary orders) to JSOTF components as authorized by the commander.
- Coordinating Special Operations Forces (SOF) integration with Joint Force Commander (JFC) Headquarters and JFC components.
- Ascertaining requirements of the JFC designated supported commanders.
- Coordinating JSOTF requirements with supporting commanders.
- Recommending to the commander the apportionment of SOF assets against the mission areas as prioritized by the JFC.
- Recommending to the commander the JSOTF's priority of effort, and assisting the commander in conducting an assessment of JSOTF operations. This includes an assessment of individual missions, mission areas, and overall SOF operations.

REP Burton
CDR Metz
House Government Reform,
16 May 2002
Military Training
Encroachment
Q. 2

Question. Can you tell us about what new combat lessons you learned? Is there any weapon, communications device or training that was especially useful?

Answer. Although I was responsible for all coalition operations, I feel most comfortable speaking to the training needs of Naval Special Warfare (NSW) forces. Operation Enduring Freedom demonstrated that our training program is very effective in preparing our forces for combat operations. This validation is important in that it reinforces the need for Naval Special Warfare to have continued access to realistic training scenarios and ranges.

While the NSW operator is what made our operations successful, his effectiveness was significantly enhanced by some of our newer technology. The new Multi-band Multi-mission Inter-team Radio (MBITR) for example, which gave each operator the ability to communicate over a variety of spectrums, was key to successful mission accomplishment. The SOPMOD kit for our M4 rifles also was a great assist to the NSW operator in executing his mission. The reach-back capability I had through the NSWG-1 Mission Support Center gave me access to the vast resources of our home station for operation and logistics support while minimizing our footprint forward allowing me to focus on mission planning and execution.

REP Burton
CDR Metz
House Government Reform,
16 May 2002
Military Training
Encroachment
Q. 3

Question. Can you tell about which training skills were most useful to you in Afghanistan?

Answer. Our most valuable weapon was Close Air Support. Without the close integration of bringing air power to bear through precise and coordinated employment with Special Operations Force operators on the ground, we would not have been as successful. While both air power and ground operations may have succeeded over time by themselves, the integration of the two allowed us to accomplish our mission more efficiently.

The live-fire Close Air Support training with Carrier Air Wing (CVW) aircraft conducted at NAS Fallon, Nevada was extremely beneficial to NSW forces and the overall JSOTF mission. Deploying SEAL platoons currently coordinate and integrate their training with deploying CVWs prior to deployment. While this is an ideal arrangement, range restrictions and individual tempo (ITEMPO) constraints have often prevented this coordinated training between deployers from taking place.

REP Burton
CDR Metz
House Government Reform,
16 May 2002
Military Training
Encroachment
Q. 4

Question. What ranges and training areas in the United States did you find provided the best training opportunities for your role in Operation Enduring Freedom?

Answer. Camp Billy Machen in the Chocolate Mountain Aerial Gunnery Range in Southern California, as well as NAS Fallon, Nevada ranges provided an outstanding training ground for SEAL platoons deploying to Southwest Asia/Arabian Gulf. These expansive ranges were very similar to OEF areas of operations to date.

Both ranges provided needed Close Air Support and combined arms training opportunities. They provided essential live-fire training with little or no restrictions or interruption by other-force training evolutions. Live-fire training areas are scarce and competition for their use is high.

REP Burton
CDR Metz
House Government Reform,
16 May 2002
Military Training
Encroachment
Q. 5

Question. Tell us about scheduling difficulties associated with working around training restrictions mentioned in your opening statement. Have these difficulties increased since Operation ENDURING FREEDOM? Where do you perform your workarounds?

Answer. Lack of local backyard ranges continues to be a major deficiency in ensuring adequate training for our deployers. While Operation Enduring Freedom is providing temporary relief from individual tempo (ITEMPO) restrictions, we fully expect these limitations to be reinstated at some point. We are working a variety of initiatives including MILCONs and land reuse proposals in both the Tidewater and San Diego areas to address these concerns. Fruition of these projects, however, will take years.

Scheduling difficulties resulting from environmental restrictions and other encroachments is a second key area of concern and primarily affect NSW training for our operators in the San Diego area. On the beaches just south of our Naval Special Warfare (NSW) Training Center and SEAL Teams in Coronado, NSW once had complete flexibility before environmental encroachment began. Training site variations were limitless. The large number of sites helped ensure trainees did not memorize site characteristics, losing the uncertainty necessary to keep exercises from becoming "canned" or artificial. Today, due to various encroachments, the number of sites is extremely few.

Assured access to capable ranges close to home stations is the requirement. Six month nesting seasons on both Coronado's Silver Strand and San Clemente Island (SCI) often restrict freedom of movement to the point training loses much of its realism. Access to beach training changes frequently due to new nests. This makes planning for training extremely difficult, particularly if supporting assets from other commands are limited in their window of availability. Frustrated training planners have moved to less ideal, albeit, more dependable training areas in other locations.

SCI has been used since the 1950s by SEALs and their predecessors in Underwater Demolition Teams (UDT) for swimming, diving, explosives training, shooting, patrolling and exercise

planning. SCI also provides the only over-the-beach live-fire training range available to west coast special operations units. The Shore Bombardment Area, or SHOBA, at San Clemente Island is certified for Close Air Support and laser guided munitions bombardment and is especially valuable because of its maritime environment. SCI's isolation from the mainland made it an ideal site to plan and conduct the most rigorous and complex exercises for NSW. Today, less than 30% of the former NSW training area and sites remain. Nesting season for the San Clemente Island Shrike extends nearly half the year (March 15-Sept 15). Now that scrub foliage has begun to envelop the island, fire season restrictions running May through November affect both the frequency and realism of NSW training.

As environmental restrictions increase, our freedom of movement to conduct realistic "train like you fight" scenarios decreases. As an example, a squad or platoon may send swimmer scouts in to a beach insertion site, on the way to a target on SCI. The lead scout may recommend an alternate insertion due to weather, terrain, sea conditions, etc. Environmental encroachment has, however, severely limited numbers of alternative insertion points on SCI. The inability to select alternate sites and routes takes away from decision making and real world tactics training available to young planners and operators. Without alternative routes, artificial conditions must become a part of the exercise.

Question. Have scheduling difficulties increased since OEF?

Answer. These restrictions have not increased as a direct result of OEF, nor have they declined.

Question. Where are workarounds performed?

Answer. Up until the early 1990's, platoons conducted dry fire and blank fire immediate action drills (IADs) in the area south of the Basic Underwater Demolition's obstacle course known as Green and Red Beaches. IADs help develop critical skills essential to SEAL platoon movement and coordination while patrolling and engaging in combat. This training is now conducted 3 hours away at Camp Billy Machen.

The nearest full capability ranges for both east and west coast activities are more than 1-2hours drive/fly time from home bases for SEALs. East coast primary alternate ranges include Fort A. P. Hill and Fort Pickett (located in Virginia) and Blackwater, a commercial range located in North Carolina. West coast locations include Naval Special Warfare ranges at San Clemente Island, (located about an hour by air off the southern California coast), LaPosta, CA (about an hour and a half east of

San Diego), Camp Billy Machen in the Chocolate Mountain Aerial Gunnery Range (CMAGR) in Southeastern California (about a three hour drive east of San Diego), and the Army range at Fort Lewis located in the state of Washington. Special Boat Unit Combatant Crewmen must travel a minimum of 2-4 hours to conduct live-fire training at Ft Knox, KY, Aberdeen Training Center, MD or San Clemente Island, CA.

REP Burton
CDR Metz
House Government Reform,
16 May 2002
Military Training
Encroachment
Q. 6

Question. Do you think the American public knows the extent of your training range degradations and what the loss of these capabilities means to the future generation of SEALs and other men who choose to serve with Naval Special Warfare?

Answer. Few in the public sector are aware of the requirements for training for Naval Special Warfare and, until recently, there has been little public information regarding training range degradations. I request Congress's help to inform the public of the impact encroachment is having on military training.

REP Burton
CDR Metz
House Government Reform,
16 May 2002
Military Training
Encroachment
Q. 7

Question. Is your family concerned about the dangers inherent in your training and deployment? If they hear your testimony today about the loss of training ranges in the United States for the SEALs and other military personnel, what do you think they will say?

Answer. They are concerned, but supportive. They are aware that my work involves risks, but we are prepared to take those risks as citizens. That is the price of freedom. To optimize our readiness we need assured access to train on the most capable ranges possible with minimal interference from encroachments. My family would say they expect Congress to provide that training.

I believe they would say Congress needs to ensure a much more equitable balance between concerns of environmentalists and the readiness and training needs of our armed forces.

QUESTION FOR THE RECORD
COMMITTEE ON GOVERNMENT REFORM
RANGE ENCROACHMENT
MAY 16, 2002

QUESTION # 1

RANGE ENCROACHMENT

Chairman Burton: What are the most important training skills you carried with you in Operation ENDURING FREEDOM? Why is training so important to combat readiness?

CPT Amerine: ODA 574 applied many critical skills while conducting combat operations in Afghanistan. In broad terms, the team executed six major activities: long range helicopter infiltration, small unit tactics, long range vehicular movement, Terminal Guidance Operations, close air support, and NBC protection.

My team conducted three long range, low-level helicopter insertions into Afghanistan. Team members taught and executed individual fire and movement techniques to Afghan Anti-Taliban forces that were applied in firefights against the Taliban. The team utilized its laser designation equipment in Terminal Guidance Operations as it directed laser-guided bombs. The team also utilized pilot "talk-on" as it directed close air support missions against Taliban targets. The team prepared for, and was equipped to respond to biological or chemical attacks by Taliban forces. Fortunately, the team did not have to actually execute this skill.

The aphorism, "The more you sweat in peace, the less you bleed in war" has become a popular cliché in the military. However, this is a very accurate concept when one considers the critical role training plays in developing combat readiness. The soldier's sweat must come from effective, realistic training that allows them to fully practice and integrate all of their combat systems before they use them in war. Training must be innovative, yet safe, and instill confidence in the soldiers' ability to fight and win against our Nation's enemies.

QUESTION FOR THE RECORD
COMMITTEE ON GOVERNMENT REFORM
RANGE ENCROACHMENT
MAY 16, 2002

QUESTION # 2

RANGE ENCROACHMENT

Chairman Burton: What do you think are the most important training areas and ranges in the United States for soldiers of the 5th Special Forces Group (Airborne)?

CPT Amerine: Teams from the 5th Special Forces Group (Airborne) train all over the United States as they develop their expertise in a diverse set of abilities such as direct action, special reconnaissance, foreign internal defense, unconventional warfare, and counter terrorism.

Much of the 5th Group's training within the United States is conducted at Fort Campbell, Kentucky and military installations in the American West and Southwest. At Fort Campbell, our home station, we exercise team-level skills and individual soldiers skills. We habitually train at Fort Irwin, California, Fort Bliss and the McGregor Range Camp, Texas, the Nevada Test Site, Nevada, and the White Sands Missile Range, New Mexico because these desert environments afford us the best opportunity to conduct company and battalion-level operations across the desert expanse.

COMMITTEE ON GOVERNMENT REFORM
RANGE ENCROACHMENT
MAY 16, 2002

QUESTION # 3

RANGE ENCROACHMENT

Chairman Burton: Do you think the American public understands how important the military is to national security? Do you think they understand how important it is that our government provides you with the best training we possibly can?

CPT Amerine: Fort Campbell is located between two towns, Clarksville, Tennessee and Hopkinsville, Kentucky. The 5th Special Forces Group (Airborne) has always received extensive and heart-felt support from both of these communities. The large number of military retirees in both towns has contributed greatly to this support.

In my experience, those who come in contact with the military or who grew up in towns such as Clarksville and Hopkinsville become our Army's greatest supporters. It is difficult for me to measure this nationwide, but in recent years I have personally witnessed a large out-pouring of support for the military arising from a clear understanding of our role in maintaining national security.

QUESTION FOR THE RECORD
COMMITTEE ON GOVERNMENT REFORM
RANGE ENCROACHMENT
MAY 16, 2002

QUESTION # 4

RANGE ENCROACHMENT

Chairman Burton: You have heard about some of the critical encroachment challenges to sustaining training ranges in this country. Do you have any concerns for the green berets that come after you if these challenges are not addressed now and in the future?

CPT Amerine: I believe that urbanization---specifically, urban sprawl---has been, and will continue to be, the root cause of many of our greatest encroachment issues.

The second-and third-order effects arising from urban sprawl create a myriad of problems that further diminish our ability to train properly on, and around, military land. For example, as cities expand haphazardly, traditional wildlife habitats are driven onto our training areas and we assume the responsibility for protecting those species that became endangered by city growth.

Communities arise along well-established installation boundaries for a variety of reasons, then new residents begin to complain about noise and other issues affecting their property due to their close proximity to a military base.

I believe that unplanned city growth---urban sprawl---will continue to create critical challenges for us in the future.

United States General Accounting Office
Washington, DC 20548

June 6, 2002

The Honorable Dan Burton, Chairman
Committee on Government Reform
House of Representatives

Subject: *Post-Hearing Questions Related to Training Range Encroachment*

Dear Mr. Chairman

On May 16, 2002, we testified before your Committee at a hearing on "Critical Challenges Confronting National Security–Continuing Encroachment Threatens Force Readiness." At that hearing we discussed (1) the growing impact of encroachment on training range capabilities, (2) the effects of encroachment on training readiness and costs, and (3) the Department of Defense's (DOD)'s progress in developing a comprehensive plan for addressing encroachment.

This letter responds to your request that we provide answers to follow-up questions relating to our May 16, 2002, testimony. Your questions, along with our responses, follow.

Questions from Chairman Burton

1. In an article that appeared in Inside Defense on Tuesday, May 14, 2002, the first paragraph states: "The General Accounting Office has concluded in a draft report that the Defense Department's own data demonstrate that the military is ready to fight and that DOD has not documented to what extent, and at what cost, environmental laws affect the military's ability to train, congressional sources say." Do you agree with the characterization of your report that DOD's lack of data means there are no problems with training or readiness caused by encroachment?

The recent press account does not portray the full context of our message. One should not infer from the news account that we think that encroachment is not a problem, or that encroachment does not adversely affect training. Let me highlight the key points in our draft report, which is now at DOD for official comments.

- As noted in our draft report, DOD officials indicate that many encroachment problems result from or are exacerbated by population growth and urbanization.

Based on our work, we believe encroachment is a real issue, and, as we point out in our report, one that is likely to grow and increasingly affect military installations. Our report cites examples of encroachment and its impact on the military's use of its training ranges. Effects include the need to use work-arounds and lost capabilities in terms of the time that ranges were available, the types of training that could be conducted, or the way that exercises had to be modified. We have reported on environmental encroachment and its impact on military training as far back as 1991.[1]

- Our report points out that, despite the reported limitations that encroachment places on military training, DOD's readiness reports do not indicate the extent to which encroachment is adversely affecting readiness. More specifically, we found that most readiness reports show that military units stationed in the continental United States have a high state of readiness; the reports rarely mention the issue of encroachment. We noted a similar problem in our recently issued report on training constraints faced by U.S. forces stationed overseas.[2]

- Our recent report on overseas training noted that DOD is well aware of the limitations of its readiness reporting system. DOD officials have told us that readiness reporting is subjective and is not a vehicle to report training shortfalls and the associated limitations or restrictions. Army officials previously told us that commanders may underreport the extent to which training land is a problem. However, we cannot be certain to what extent this occurs. But we have long reported on the limitations in DOD's readiness reporting system and the need for improvements. And we have recommended improvements in DOD's readiness reporting systems to report on training readiness more objectively and to accurately capture training shortfalls for senior DOD leadership. Some improvements have been made over time, but more are needed.

2. While your testimony indicates that DOD's readiness reports do not reflect degraded readiness due to encroachment, does your work show that encroachment is a significant issue negatively affecting training?

The information we have obtained indicates that encroachment is a real issue that constrains training. We have heard the concerns of unit leaders about the way encroachment limits the types of training that can take place, interrupts the continuous flow of planned training, or restricts the use of smoke generators to support training, etc. However, in many instances, unit commanders also indicate that they are able to complete most of their training. This leads to the previously mentioned difficulties in reporting the precise impact on readiness, as most readiness reports we examined showed that units are maintaining a high level of readiness.

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[1] See U.S. General Accounting Office, *Army Training, Various Factors Create Uncertainty About Need for More Land*, GAO/NSIAD-91-103 (Washington, D.C.: Apr.22, 1991).
[2] See U.S. General Accounting Office, *Military Training: Limitations Exist Overseas but Are Not Reflected in Readiness Reporting*, GAO-02-525 (Washington, D.C.: Apr. 30, 2002).

3. What does the data you have examined indicate regarding the potential for this problem to get worse over time?

Although we cannot precisely measure its impact on readiness today, it is fairly clear that encroachment and its effects are likely to increase over time. Growth around DOD installations is increasing more than the national average. The clearest indication of this is seen in time-phased maps that show that urbanization is moving ever closer to installations. Because of the potential for this problem to get worse over time, we recommended that DOD finalize the efforts that it began nearly 2 years ago to develop a comprehensive plan for dealing with encroachment issues.

4. How have population growth and urban development contributed to the impact of encroachment on training ranges?

As we noted in our draft report, DOD and service officials report that many encroachment issues are related to urbanization around military installations. They noted that most, if not all, encroachment issues such as noise, airspace, endangered species habitat, and air quality, result from population growth and urbanization. As urban growth moves nearer to military installations and ranges that were once rural or in wilderness environments, complaints about military activities increase. Some organized groups of citizens have filed lawsuits against military services or instituted letter-writing campaigns with the goal of reducing installation or range operations.

5. Does the current readiness reporting system provide a specific mechanism for identifying encroachment problems?

The Global Status of Resources and Training (G-SORTS) system does provide a means for commanders to identify problems associated with inadequate training areas, but as I testified, commanders rarely identify training area problems. Many installations lack sufficient land to conduct live doctrinal training, even without encroachment, and commanders at these installations routinely work around the shortfalls. When additional land is lost to encroachment, we believe it is difficult for commanders to identify at what specific point training no longer meets standards.

6. How has DOD identified these problems in the past?

As noted above, we have reported on limitations in DOD's training readiness reporting system and the need for improvements. Our recent report on overseas training limitations recommended that DOD develop a report that would accurately capture training shortfalls for senior DOD leadership. We said it should objectively report a unit's ability to achieve its training requirements including:

- all instances in which training cannot occur as scheduled due to constraints imposed by entities outside DOD as well as all instances when training substitutes are not sufficient to meet training requirements,

- a discussion of how training constraints affect the ability of units to meet training requirements and how the inability to meet those requirements is affecting readiness, and

- a description of efforts to capture training shortfalls in existing as well as developmental readiness reporting systems.

7. What would provide an effective way of surfacing these problems in or outside of the readiness reporting system?

A more objective readiness reporting system would be key to improved reporting on readiness problems. Also, as noted above, an objective assessment of requirements and an inventory of the assets available to support those requirements could provide a basis for clearly identifying gaps between the two so that actions could be taken to address problems. Our draft report recommends that the services inventory their training ranges and identify their requirements.

8. How would you describe the DOD management structure responsible for addressing encroachment issues?

There is a division of management roles, responsibilities, and accountability for training and for training lands. One Under Secretary of Defense is responsible for training lands and facilities and another responsible for training requirements and readiness. A similar split of responsibilities exists among the military services. The recent emphasis on encroachment by senior management has brought a new high-level emphasis on encroachment both within the services and at the Office of the Secretary of Defense--witness the creation of the Integrated Product Team. This new emphasis has created the opportunity to build on high-level interest and develop a permanent strategy for dealing with encroachment.

9. What did the annual installation report say about the status of training facilities? Would the Department's annual installation status report provide an effective vehicle for identifying encroachment issues?

In recent years DOD has prepared an annual installation readiness report that assesses facilities in nine areas, one of which is training and operations. A "C-1" rating indicates only minor facility deficiencies with negligible impact on the capability to perform missions. A "C-2" rating indicates some facility deficiencies with limited impact. A "C-3" rating indicates significant facility deficiencies that prevent performing some missions. A "C-4" rating indicates major facility deficiencies, which preclude satisfactory mission accomplishment.

In examining the installation readiness report for October to December, 2001, we found that the majority of units rated their operations and training facilities at C-3 or C-4, and cited many problems. Concerns were expressed about inadequate sustainment, restoration, and modernization funding; backlogs in facility and range maintenance; deteriorated runways and taxiways, etc. Only one group, an overseas command, reported limited land availability and encroachment by local people as sometimes inhibiting training.

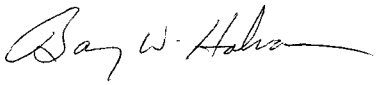
I think it is possible that installation status reports could provide a means to identify some encroachment issues, such as the extent to which encroachment effects are increasing over time, and the status of efforts to mitigate those effects. However, I am not sure that this by itself would suffice. Efforts are needed to more clearly correlate, if not de-conflict, the "C"-ratings of installation status reports with the ratings found in the G-SORTS system.

10. Why can't the services identify the additional training costs incurred from working around encroachment issues? Do you have any suggestions on how they might report workaround costs?

We have previously reported on long-term challenge DOD faces in improving its financial management systems to have accurate financial information to support decision-making, control costs and manage its assets. Further, DOD's accounting systems do not provide a means for units to identify why costs are incurred. Units routinely vary their training for many reasons, including the opportunity to train at another installation or because of range limitations at their home station. The costs associated with training at an alternative installation may be identifiable, but the reason for going there may not. Similarly, if costs are incurred to mitigate the effects of a training activity, such as those incurred for spotter craft patrols to protect marine mammals at sea training ranges, the reason for these costs may not be recorded separately from the overall cost of the exercise. In the short-term capturing work-around costs in a comprehensive manner is likely to remain a challenge a separate data system to capture and report those costs.

If you or your staff have any questions concerning this response, please contact me on (202) 512-8412.

Sincerely yours,



Barry W. Holman, Director
Defense Capabilities and Management

QUESTION FOR THE RECORD
HOUSE COMMITTEE ON GOVERNMENT REFORM HEARING
"CRITICAL CHALLENGES CONFRONTING NATIONAL SECURITY - CONTINUING ENCROACHMENT THREATENS FORCE READINESS"
MAY 16, 2002

Question No. 1

Chairman Burton: How do widely dispersed responsibilities for training and range issues within OSD, the Services and the defense agencies affect the way encroachment problems are addressed?

Mr. DuBois: As issues are raised by the Services, we will evaluate their potential impacts and determine, through an integrated DoD approach, how the Department should respond. DoD has developed action plans for nine areas of encroachment already, and we foresee other encroachment issue areas arising that need to be addressed in a like manner. While we intend to address all issues, we must, of course, prioritize our efforts to focus on the most severe challenges. Encroachment problems are also addressed through the Integrated Product Team process (whose overarching charter is to identify and address the military Services' encroachment priorities), which includes legislative and regulatory efforts, the development of new DoD range sustainment policies and planning guidance, action plan implementation, and DoD-wide outreach initiatives.

QUESTION FOR THE RECORD
HOUSE COMMITTEE ON GOVERNMENT REFORM HEARING
"CRITICAL CHALLENGES CONFRONTING NATIONAL SECURITY - CONTINUING ENCROACHMENT THREATENS FORCE READINESS"
MAY 16, 2002

Question No. 2

Chairman Burton: Is there a need for a clearer delineation of responsibilities or for a single office that is responsible for managing and coordinating the Department's efforts?

Mr. DuBois: The Integrated Product Team (IPT) formed by the Deputy Secretary was established to manage and coordinate the Department's efforts on encroachment. This IPT does provide a clear delineation of responsibilities and makes the best use of OSD's resources and those of the Services working the encroachment problem. The IPT oversees the implementation of sustainable ranges policy, and thus brings to bear the resources of my office, as well as DUSD(Readiness), the Director, Operational Test & Evaluation, Service Installation & Environmental staffs, and the operators.

QUESTION FOR THE RECORD
HOUSE COMMITTEE ON GOVERNMENT REFORM HEARING
"CRITICAL CHALLENGES CONFRONTING NATIONAL SECURITY - CONTINUING ENCROACHMENT THREATENS FORCE READINESS"
MAY 16, 2002

Question No. 3

Chairman Burton: Have any of the offices, committees or working groups on this chart issued any management or policy directives over the last year?

Mr. DuBois: A number of offices are working on sustainable ranges policy directives, but none have been formally approved in the last year. All DoD policy is signed by the Secretary, and is fully coordinated within OSD and across the Services before it is approved. In that sense, all sustainable range policy will be a DoD product that has been fully vetted through the IPT process as well as the normal policy coordination cycle. The majority of existing policy that relates to this subject originated within AT&L and the Installations and Environment office. However, some new sustainable ranges policy, including the top-level sustainable ranges directive now being prepared for approval, will be sponsored from the Readiness side. Other OSD and Service Directives and Instructions will be sponsored by various offices or organizations based on the subject at hand. In addition to the capstone-level Sustainable Ranges Directive currently being submitted for approval, we are preparing separate policy documents to establish a Unified DoD Noise Program to detail the outreach and coordination requirements highlighted in the Sustainable Ranges Directive, and to establish a consistent DoD range clearance policy for our operational ranges. We are continuing to evaluate the need for further policy change, new or revised, to support this effort.

QUESTION FOR THE RECORD
HOUSE COMMITTEE ON GOVERNMENT REFORM HEARING
"CRITICAL CHALLENGES CONFRONTING NATIONAL SECURITY - CONTINUING ENCROACHMENT THREATENS FORCE READINESS"
MAY 16, 2002

Question No. 4

Chairman Burton: What are the benefits or drawbacks of having a single office dedicated to overseeing and managing department-wide training?

Mr. DuBois: There undoubtedly would be some advantages to a dedicated office in terms of oversight. For example, a single office would provide a more Department-wide view on training issues, and could help in understanding and addressing encroachment in a comprehensive matter. It could also improve information sharing among the ranges and between the field, Service headquarters, and OSD. On the other hand, the ranges are owned and operated by the Services as an integral part of their Title X responsibilities. Managing the ranges effectively is something a single DoD office could not hope to accomplish. Moreover, present limits on headquarters resources make such an office impractical.

The oversight role provided by the Deputy Under Secretary of Defense for Readiness, as well as the coordinating function performed by the Range Sustainment Integrated Product Team, provide the necessary OSD oversight and management.

QUESTION FOR THE RECORD
HOUSE COMMITTEE ON GOVERNMENT REFORM HEARING
"CRITICAL CHALLENGES CONFRONTING NATIONAL SECURITY – CONTINUING ENCROACHMENT THREATENS FORCE READINESS"
MAY 16, 2002

Question No. 5

Chairman Burton: Would such an office enhance efforts or opportunities for joint training and maximize use of ranges?

Mr. DuBois: Current initiatives to enhance joint training opportunities, including the creation of a Joint National Training Capability, could benefit from improved DoD coordination; and an office could be one solution. However, like encroachment, joint training initiatives present very complex challenges that require the broad participation of a number of organizations within the Department. Clearly, Title 10 assigns responsibility for management of ranges to the Services. OSD, principally through the Office of the Deputy Under Secretary of Defense for Readiness, provides general oversight and helps to coordinate common issues, especially as they relate to joint training, testing, and more recently, encroachment issues. These are DoD-wide initiatives, and involve a number of offices within the Office of the Secretary of Defense and within all four Services. Key operations, environment, and installations offices from the Army, Air Force, Navy and Marines, as well as OSD, participate in sustainable range and joint training initiatives.

QUESTION FOR THE RECORD
HOUSE COMMITTEE ON GOVERNMENT REFORM HEARING
"CRITICAL CHALLENGES CONFRONTING NATIONAL SECURITY - CONTINUING ENCROACHMENT THREATENS FORCE READINESS"
MAY 16, 2002

Question No. 6

Chairman Burton: In your statement before the House Subcommittee on Readiness on March 14th you stated: "That encroachment is a serious, growing and compounding challenge to readiness of our armed forces" and "that impacts on readiness must be considered when applying environmental regulations to military-unique training and testing activities." Can you explain to us exactly what your concerns are and tell us the most serious impacts on readiness that you have found?

Mr. DuBois: The most serious aspect of the encroachment issue is that it is growing, and the effects of various types of encroachment, in aggregate, compound the challenges to readiness. While it is affecting testing and training in many ways today, we anticipate worse problems ahead. There seem to be no limits to the expansion of encroachment and its impacts on military test and training. We are trying to protect military readiness, both today and into the future.

There are three basic pillars to military readiness: high-quality people of the proper skill and experience mix; the right types of equipment in sufficient numbers and serviceability (including spare parts); and realistic training to meld these people and their equipment into an effective combat unit. Degrade any one of these basic pillars and military readiness is impacted. Range encroachment touches each of these pillars. The first pillar by affecting the morale of our service men and women by requiring additional time away from home and family to complete training that can't be accomplished at a single location; the equipment pillar by reducing our ability to develop and test systems under operational conditions; and the training pillar by the fact that realistic training is the sole peacetime function for military units – if they are not already deployed, they are training up for deployment or potential wartime use.

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Question No. 7

Chairman Burton: What constraints most negatively impact or restrict the use of your key training ranges?

Mr. DuBois: We have identified eight major areas of encroachment that most affect our test and training activities today or threaten to restrict them in the future. These include endangered species and critical habitat issues; unexploded ordnance and ordnance constituent concerns; radio spectrum encroachment; maritime sustainability issues; national airspace redesign considerations; air quality; airborne noise; and urban growth. All these issues are creating challenges, and there will likely be other issues as well. The expansion of environmental regulations, urban growth, and a resultant increase in concerns or complaints over noise, airspace, and frequency interference concern us most at this time.

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Question No. 8

Chairman Burton: To what extent are these constraints common to all training ranges and to what extent do they vary?

Mr. DuBois: Their effect on ranges varies from location to location, and from service to service. Urban growth and ongoing development around our ranges and installations is the root cause in many instances, which in turn exacerbates environmental restrictions, noise concerns, overflight issues, frequency interference, and other regulatory issues and community concerns. Each range is unique, its geography and environment is unique, its mission is unique, and its encroachment concerns are unique. Some of our ranges are severely stressed by encroachment; others are not yet severely affected. But we see the problem worsening almost everywhere.

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Question No. 9

Chairman Burton: To what extent have these constraints become more prevalent in recent years?

Mr. DuBois: Clearly the problems are increasing; our range operators are increasingly bringing encroachment concerns forward as major inhibitors to quality testing and training. Many of these encroachment concerns are cumulative in nature; we can deal with an emerging issue, often through workarounds, but then another and another come along. This is the "death by a thousand cuts" we have referred to before. I would reiterate that many of the issues are related to the degree of development or other land uses near our ranges.

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Question No. 10

Chairman Burton: To what extent do the Department or the Services develop and share lessons learned and best practices related to encroachment and training ranges? How will you make sure they do so?

Mr. DuBois: The Integrated Product Team and the relationships we have established among the Services and OSD have provided a means to share issues, lessons learned, and potential solutions. This is, in fact, an important strength of the Integrated Product Team structure.

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Question No. 11

Chairman Burton: To what extent do the Department or the Services consider training range restrictions when making basing decisions? How will encroachment effect base realignment and closure decisions of 2005?

Mr. DuBois: Encroachment is an important factor that will be included within the military value criteria that will be developed as part of the Department's base realignment and closure decision making process.

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Question No. 12

Chairman Burton: You have stated in previous testimony before the House that the Department of Defense has worked hard to reduce non-essential use of its ranges. Have you stopped or will you direct the reduction of use of military land for non-military purposes?

Mr. DuBois: Our installations and ranges are part of the larger communities in which they reside. To the extent that we can work cooperatively with the surrounding jurisdictions, including the sharing of our land and assets for important needs, we will continue to do so, as long as it does not affect the military mission. However, where we need to use this land for mission purposes, I agree that we should evaluate any proposed sharing accordingly.

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Question No. 13

Chairman Burton: Aside from recent efforts to acquire additional training lands including the buffer zone language contained in the House National Defense Authorization for 2003, what efforts, if any have been spurred to obtain additional training lands?

Mr. DuBois: The Services continue to assess their training land needs and develop new ranges as required; the Air Force's new range in Montana provides an example. The intent of our buffer zone proposal is not to acquire new training land, but to better protect what we have now. As our military weapons capabilities, strategies, and tactics evolve, associated test and training land requirements will no doubt change accordingly.

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Question No. 14

Chairman Burton: Can you quantify what percentage of your land-based training ranges have been set aside for the protection of endangered species?

Mr. DuBois: No, I can't give an easy answer to this question. As we have testified, DoD lands host a large number of endangered species, at least in part due to our stewardship efforts and the nature of our land use practices. Wherever they occur, we take necessary steps to protect these plants and animals and their habitat. In some instances, such precautions have little effect on training (for example, an endangered plant on a service's air range may thrive with no effects on overflight.) In other cases, they can severely restrict or even forestall any training within protected habitats. Even where land is not explicitly "set aside," it may still be somewhat encumbered by the needs of the endangered species. While I cannot provide a concrete number, I can say that the habitats of endangered species do cover a substantial portion of our test and training lands, and this presents an ongoing management challenge.

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Question No. 15

Chairman Burton: In addition to current "Readiness and Range Preservation Initiative," what other legislative training sustainability policies are you considering?

Mr. DuBois: Our legislative proposals this year were limited in number to a few critical clarifications that the Department and the Administration believed could only be resolved through legislation. These proposals were submitted under the auspices of the Readiness and Range Preservation Initiative, which is a broader, more comprehensive effort that also includes consideration of needed regulatory and administrative change, policy and organizational solutions, budgeting and programming, and outreach. Many other encroachment issues also must be addressed, but at the present time options other than legislative change are being pursued. DoD has always understood that the results of this year's legislative cycle will not represent a complete solution to preserving our ranges.

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Question No. 16

Chairman Burton: Why did this initiative not address airspace and overflight restrictions or noise encroachment problems?

Mr. DuBois: The Readiness and Range Protection Initiative for 2002 identified a very targeted and carefully crafted set of initiatives to address critical and current encroachment concerns that the Department and the Administration believed could be addressed only through legislation. While potential legislative clarifications addressing noise and airspace problems were considered during the development of the legislative proposal, it was determined that there may be other avenues to pursue these concerns at the present time. If, at some future date, it is determined that legislative clarifications are necessary, they would be considered.

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Question No. 17

Chairman Burton: The SROC (Senior Readiness Oversight Council) has also listed that radio frequency spectrum used by the military is extremely important and needs to be protected. Why was this not addressed in the Initiative?

Mr. DuBois: The Readiness and Range Protection Initiative for 2002 contained only a very targeted and carefully crafted set of initiatives to address critical and current encroachment concerns that the Department and the Administration believed could be addressed only through legislation. A number of other non-legislative measures are currently being pursued to address DoD radio-frequency spectrum concerns. If, at some future date, it is determined that legislative clarifications are necessary in this issue area, they would be considered.

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Question No. 18

Chairman Burton: Can you tell us what input the other federal departments of jurisdiction had in the preparation of the legislation proposal?

Mr. DuBois: The Readiness and Range Protection Initiative proposals, as submitted to Congress, were the product of several months of extensive consultation and coordination within the Administration. In addition to DoD, the White House, Office of Management and Budget, and several federal agencies, including the Department of Interior, the Department of Commerce, and the Environmental Protection Agency, were all part of the review and approval process.

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Question No. 19

Chairman Burton: Do you think the American public is aware of the growing loss of critical training ranges in this country?

Mr. DuBois: I do not think the general public has a high level of awareness on this issue. When a segment of the public is aware of the problem, it tends to be at the local level, in locations where the frictions between local communities and our military ranges or installations due to encroachment are felt most directly. Coverage of the encroachment issue by local press or in other forms of community discourse may generate awareness of the issue, but it would tend to be issue-specific and geographically constrained. Increasing national-level awareness of the encroachment problem and its ramifications is a key goal of the Department.

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Question No. 20

Chairman Burton: What will you do to see that they understand the importance of these ranges to national security and the safety of our men and women in uniform?

Mr. DuBois: The Department is expanding outreach and stakeholder involvement concerning the military need for ranges, the challenges of encroachment, and how we can address these challenges. We hope that as the profile of this issue increases and our outreach initiatives proceed, we can better convey the importance of these ranges to national security and the safety of our uniformed personnel. Certainly Congressional hearings on the topic and consideration of our legislative initiative can help to further public awareness of this critical defense issue.

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Question No. 21

Chairman Burton: I also understand that the Department is working to place DoD national-level liaisons with other key federal agencies that have the potential to affect military training range operation. Can you tell us exactly where you have placed these personnel and who they are? Who pays for their salaries and how permanent are these positions?

Mr. DuBois: DoD does have liaisons in place within some agencies, most notably at the Department of the Interior. We believe the Air Force Colonel at Interior has been invaluable in coordinating DoD and Interior issues of common concern. The Air Force currently funds this liaison billet, which has been in place for over three years now. However, it is not necessarily a permanent position. While the creation of comparable liaison positions at other agencies has been discussed conceptually, we have not implemented a national-level liaison program as you describe due to staffing constraints and limits on the creation of new joint positions.

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Question No. 22

Chairman Burton: Can you describe the process for working with the Fish and Wildlife Service and the National Oceanic and Atmospheric Administration to protect endangered species on Department lands? How are the Department's and the military Services' interests considered and protected during this process?

Mr. DuBois: Service and OSD headquarters and installation personnel work extensively with both of these agencies to collaborate on the protection of endangered species on our lands. We consult frequently with US Fish and Wildlife Service and/or National Oceanic and Atmospheric Administration fisheries personnel when our actions may affect endangered species, and they review plans and documents relating to endangered species (National Environmental Policy Act documentation, Integrated Natural Resource Management Plans, etc.). In most instances, I believe we work well with our sister agencies and will continue to do so to ensure that we meet the requirements of the Endangered Species Act and fulfill our stewardship responsibilities. But we can do better. As we have testified, there are some areas where the existing laws or regulations do conflict with military readiness needs; our proposed legislative clarification involving the use of Integrated Natural Resource Management Plans to obviate the need for critical habitat designations provides an example.

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Question No. 23

Chairman Burton: In your March testimony before the House Subcommittee on Readiness, you state that there will be a capstone-level directive that will establish range sustainment as a planning and management requirement for all DoD operational ranges that will also direct increased emphasis on outreach and coordination efforts with communities and stakeholders outside DoD ranges. Please tell us more specifically what this new DoD Directive on Sustainable Ranges dictates.

Mr. DuBois: The draft DoD Directive on Sustainable Ranges, currently in coordination, outlines a comprehensive policy framework to address encroachment. This new directive will complement and significantly broaden the requirements contained in directives issued in late 1999 that established environmental and explosives safety policies for operational ranges. This will be a capstone-level directive that will establish range sustainment as a planning and management requirement for all DoD operational ranges, and will also direct increased emphasis on outreach and coordination efforts with communities and stakeholders outside our ranges. These broad guidelines are intended to steer our range management processes towards long-term sustainment to support the military mission. The Directive is being written and sponsored by Dr. Chu, the Under Secretary of Defense for Personnel and Readiness. This directive has been formally coordinated within the Department and we anticipate that the Secretary will sign it in the near future. In regards to outreach, the IPT is currently leading the Department's efforts, and will direct and coordinate activities in this regard.

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Question No. 24

Chairman Burton: How will range sustainability be managed for the long run? What is the office that will direct and coordinate out reach efforts? Who will fund this office and for how long?

Mr. DuBois: The Department devotes significant resources to encroachment problems now, whether through our ongoing Readiness and Range Preservation Initiative, existing service range management and environmental programs, the Operations & Maintenance expenditures allocated to workarounds that allow us to continue to test and train, and continuing Research & Development efforts to better understand the various aspects of these encroachment issues. So the funding and personnel commitment is already quite large. We will continue to spend what it takes to solve encroachment issues in order to continue to keep our forces ready.

Concerning our outreach efforts, my office is currently funding the initial aspects of our outreach strategies. These efforts are coordinated through the Range Sustainment Integrated Product Team. As this process continues, we will expect the ~~of the~~ Services to expand their individual outreach programs in support of our comprehensive strategy.

Future Service 5-year programs will also include additional range management activities that will devote important resources to the protection and sustainment of test and training ranges. To protect critical testing and training capabilities, the Secretaries of the Military Departments will be asked to prepare sustainability management plans for major ranges, as well as to develop real property alternatives to "buffer" training areas. They will also be charged to revitalize "compatible use zone" programs; update Integrated Natural Resource Management Plans to reduce the number of critical habitat designations; and to assess potential hazards from off-range migration of munitions constituents. On the issue of frequency spectrum, the Department will begin to develop spectrum-efficient technologies for range instrumentation, and

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modernize range instrumentation using open, object-oriented architectures that support the transformation of DoD training. These types of activities require programming and budgeting support throughout the Department as broad and diverse as the encroachment challenges themselves.

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Question No. 25

Chairman Burton: Can you tell us some of the mutual agreements and efforts you have made with state, local and private entities to ensure military readiness and environmental protection have both prospered?

Mr. DuBois: We have worked cooperatively with a number of states, localities, and private organizations on efforts that protect the environment and community interests as well as military readiness. We work with the Nature Conservancy on a number of our bases to better manage the natural environment in ways that also facilitate our training mission. In North Carolina, we have worked with the state, surrounding localities, The Nature Conservancy, and other federal agencies to consolidate habitat for the Red-cockaded Woodpecker, while at the same time improving training options for the Army on Fort Bragg. In Arizona, Luke Air Force Base's Commander and range management staff have worked closely with both the state and surrounding local communities to ensure both economic growth and base viability, with significant success. These processes are typically determined locally and are situation-specific, but all have a common thread of maintaining open communications and pursuing cooperative win-win solutions to the challenges at hand.

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Question No. 26

Chairman Burton: Please describe the processes used to work with local communities and governments to lessen the impact of encroachment on the use of training ranges.

Mr. DuBois: DoD is acutely aware that a positive relationship with the governments and citizens of our states and communities depends, to a significant extent, on our being a good neighbor and a faithful custodian of public lands. We are committed to involving all stakeholders as we move forward to meet the range encroachment challenge. As stated earlier, DoD is developing outreach policy guidance that will ensure OSD and the Services are working to this end. Under the leadership of the Deputy Secretary of Defense and through the Integrated Product Team, we have begun the necessary planning and initial outreach activities that will lead to the start of a national-level stakeholder involvement effort to discuss our range sustainability challenges. Contacts with non-governmental organizations and state and local governmental organizations are underway now to initiate the groundwork for continued dialogue. We are hopeful that such a process will not only lead to a greater understanding of our problems, but that it will also develop "win-win" solutions for everyone. We intend to address these issues at the national, regional, and local levels, with interchange and coordination between OSD and the Services at all levels to ensure an effective and coordinated response.

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Question No. 27

Chairman Burton: On April 5, 2002, your Department issued a policy statement requiring DoD components to implement an environmental management system and work to integrate it in all missions. According to the accompanying press release, this is not a new requirement but a change in management practices. What are the changes in the environmental management system and when do you expect them to produce results? How does this new policy statement relate to the work of the Defense Test and Training Steering Group? What parts of that steering group's efforts is this new policy statement intended to address?

Mr. DuBois: (1) The Department's environmental requirements originate in its core mission activities. Despite this fundamental fact, many environmental issues have been, and continue to be, managed separately from the Department's core mission. The result: we maintain compliance, but we don't scrutinize the underlying operational activities that drive the need to comply. The primary change an EMS will bring is building environmental issues directly into our core mission decision-making processes, and making the process owners - in this case the range managers and users - responsible for the long-term environmental implications of their mission activities. This will help us do a better job up-front evaluating and reducing the long-term environmental implications of our operations, thereby making our internal decisions more conducive to range sustainment.

(2) The guidance to be developed by the Defense Test and Training Steering Group (as well as other groups involved in planning for readiness and range preservation) would be built on a systematic management framework ("Plan-Do-Check-Act") to ensure environmental issues are incorporated in all phases of planning and execution of test and training activities. This would include clear definition of responsibility and accountability, performance

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measurement and tracking, auditing and corrective action, and management review.

(3) The new Environmental Management System policy would address any and all aspects of the Steering Group's efforts that have actual or potentially significant implications for the environment and for range sustainment.

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Question No. 28

Chairman Burton: The Environmental Management System is supposed to be a more effective tool "for balancing training and operational needs with the demands of sound environmental stewardship." Please explain how this system would balance these needs. How will this system assist the military Services in addressing encroachment issues?

Mr. DuBois: (1) The Environmental Management System itself does not balance the needs; rather, it ensures the necessary environmental and mission-specific information is available to decision makers to support balanced decisions regarding mission activities. Furthermore, the Environmental Management System would provide a management framework in which the decision-maker would be held accountable for making balanced decisions regarding mission and environment.

(2) The Environmental Management System, when effectively implemented, will provide a consistent and recognizable set of procedures for integrating environmental issues with core mission management processes. All parties involved in readiness and range preservation will have clearly defined responsibilities, performance expectations, and management oversight to ensure encroachment issues are managed in a manner consistent with the best long-term interests of mission and environment.

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Question No. 29

Chairman Burton: The Environmental Management System policy states that there will be periodic review of the System by senior leadership with recommendations for improvements. Who is included in this review and please explain the process for implementing any recommendations.

Mr. DuBois: The Environmental Management System implementation effort was just recently kicked-off. The Environmental Management System will be implemented to take full advantage of existing groups, such as the Sustainable Range Oversight Committee and the Test and Training Steering Group, and pertinent management processes, such as the National Environmental Policy Act process and operational risk management. The Environmental Management System would serve to link the groups and processes in a defined, cohesive structure to ensure opportunities for improvement are recognized, solutions are developed, implementation actions are completed, and the resulting changes in operational performance are evaluated relative to performance objectives.

QFR's Offered by Chairman Burton

Of the

Government Reform Committee

Answered by

Deputy Under Secretary Of Defense

Dr. Paul W. Mayberry

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Question from Chairman Burton

Question 1: Last week, I believe senior Defense officials provided the media with a high-level background briefing on the Defense Planning Guidance for the period 2004 through 2009. I believe this is the annual guidance provided for use by the Department and Military Services in developing their future years budgets and programs. I also understand that this annual document outlines the Department's future program plans and priorities. Can you tell me whether the new Defense Guidance addresses the encroachment issue and if so, generally what the guidance calls for? To what extent does encroachment register on the Department's Defense Guidance radar screen as a priority?

Answer: The new Defense Planning Guidance (DPG) does recognize the importance of planning for encroachment and range sustainment. In general, the DPG directs the Services to take important initial steps to better understand and address encroachment, and to make their ranges more sustainable over the long term.

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Question from Chairman Burton

Question 2: Can you tell us why you believe real-time testing of tactics, techniques, procedures equipment and personnel will always be necessary, and cannot be done on simulators or in piecemeal sections?

Answer: The realities of the combat environment (weather, stress, terrain conditions, and the threat itself) cannot be fully simulated, nor understood simply through piecemeal or incremental training events. Live training on realistic ranges will always be necessary. Troop performance under live-fire conditions is one aspect of training that cannot be adequately accommodated through simulation. The stresses of handling and releasing live ordnance, the ability to coordinate supporting-fire conditions, or the experience to guide troop deployments and maneuver under live-fire conditions cannot be replicated in a computer. Our troop's first exposure to live fire cannot come as they land on a hostile beach in combat.

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Question from Chairman Burton

Question 3: Can you tell us some specific examples of military work-arounds?

- At Camp Pendleton?
- At San Clemente Island?
- Fort Hood?
- Eglin Air Force Base?

Answer: Work-arounds can vary from very minor procedural adjustments to significant changes in how, when, or where a large exercise is conducted. Requiring a Marine landing force on Camp Pendleton to depart a beach by road march due to endangered species restrictions is a work-around. Restricting the use of illumination rounds or other potentially incendiary shells during shore bombardment exercises at San Clemente Island during the six-month Loggerhead Shrike breeding season is a work-around. Having a soldier mark off an imaginary foxhole with tape instead of actually digging a covering position during maneuver training at Fort Hood is a work-around. At the Army's National Training Center, range instrumentation regularly loses 20 to 30 percent of its data due to interference with cell phone users in the area, requiring work-arounds to acquire data through less than optimal means. And the Air Force's costly development of a replacement target control system for the QF-4 full-size aircraft drone target system used for testing purposes at the Eglin Range Complex, because spectrum encroachment from nearby commercial operations threatened the loss of control and target crashes, was a work-around.

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Question 4: How do you propose that these work-arounds be quantified in terms of monetary costs and time lost for training?

Answer: Money spent on work-arounds comes from a unit's Operations and Maintenance funds. Use of these funds to mitigate the impact of encroachment often forces a unit commander to choose between the work-around and other training events because of limited funding. Traveling to another base incurs its own set of costs: transportation of people and equipment, increased maintenance costs, increased deployment tempo for personnel, and increased competition between resident and visiting units for limited training space. Restrictions on the use of Vieques for training Naval Gunfire Spot Teams created a need to send 3-man teams to Norway to accomplish this same training, costing over $36,000 per team trip. Each Service spends a substantial amount on endangered species protection each year. The Army spent $17.3 million in fiscal year 2000. Annual endangered species expenditures by other Services are comparable. The Navy's San Clemente Island range off of southern California spent $2.5 million last year protecting an endangered shorebird, the San Clemente Loggerhead Shrike. The Marines spend $5 million per year for endangered species management, and $1.3 million annually protecting 18 species at Camp Pendleton. When considered along with work-around costs that are often also intended to address environmental constraints, significant funds are being allocated for this purpose.

As part of the Initiative, the Department is working with all the Services to identify better encroachment quantification measures that help measure the problem, satisfy common information requirements, and also suit each Service's unique testing and training needs. An ongoing Camp Pendleton initiative provides an excellent model that DoD will be evaluating for more general applicability.

The Marine Corps has taken the lead in developing a methodology for grading the ability of an installation to support the documented training requirements for the forces stationed at its bases. At the individual training task level, the Marine Corps has analyzed the ability of Camp Pendleton to support the training of a Battalion Landing Team in a realistic exercise scenario, starting with an amphibious landing and moving inland to engage a hostile force. Initial results show that, due to encroachment, Camp Pendleton as a training facility is seriously deficient in terms of its ability to support Marine combat training. Training activities most impacted are off-road maneuver of vehicles; digging of fighting and defensive positions for Marines, artillery, and mortars; and airspace restrictions and noise. The encroachment factors inhibiting training to the greatest degree are endangered species and their habitat, presence of cultural or archaeological resources, and wetlands.

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Question from Chairman Burton

Question 5: I understand, for instance, that because the II Marine Expeditionary Unit Force (MEF) cannot do live fire training at Camp Lejeune, that $1.2 million is spent annually to transport tank and artillery units to Virginia and Kentucky. Can you give us any more examples?

Answer: Many examples exist; I will provide two here. In southern California, Marines from Camp Pendleton can no longer conduct certain helicopter night training operations on their own base, due to light pollution from bisecting Interstate 5 and surrounding development. To accomplish this training, they now fly over 110 miles to Twenty-nine Palms in the Mojave Desert, approximately a one-hour and fifteen minute round trip. Costs vary per operation based on equipment types, personnel involved, and other mission specifics, but clearly more non-training flying time costs more in fuel, in non-productive man-hours, and in equipment wear and tear. Work-arounds like these, while sometimes necessary, impose great strains on testing and training and are unacceptable as a status quo.

Prior to issuance of the Administrative Orders, the Massachusetts Military Reservation (MMR) supported 27,170 soldiers from National Guard and Army Reserve units totaling 200,000 training days/year. Units were primarily field artillery, engineer, military police, infantry, aviation, chemical, transportation, and quartermaster. Since the Orders, MMR has experienced a 50% decrease in usage due to training limitations. Field artillery units could not train to standard even with the use of alternative training sites. The inability to employ pyrotechnics and fire mortars diminished infantry unit proficiency. Between 20% and 30% of mission essential tasks in engineer and chemical units could not be trained. Because MMR was a major live-fire training site for units throughout the northeastern United States, many units outside of Massachusetts had to relocate their live-fire training events. This served to increase travel expenditures and travel time and decrease time available for unit training. The additional travel costs for the Massachusetts Guard alone were $2.4 million for fiscal year 1998/1999 training cycle.

Travel costs alone do not give a full picture of the expense of work-arounds. The example cited in your question is a case in point. Prior to 1991, II MEF stationed at Camp Lejeune, North Carolina, did in fact spend approximately $1.2 million annually to transport tank and Light Armored Reconnaissance units to Fort Pickett, VA and Fort Knox, KY for live training unavailable at Camp Lejeune. In 1991, Camp Lejeune purchased a 41,100 acre addition and in 1998 completed development of three multi-million dollar, state-of-the-art, automated, live-fire ranges. This precluded the need for long trips by the armor units to train elsewhere. However, the surrounding community is now placing pressure on the base to close these new ranges in order to reduce noise complaints. Increased noise monitoring costs are now being incurred, and further growth around the new ranges is continuing. This example typifies the expanding impact of urban growth pressures and the insidious creep of work-arounds on our ranges around the nation.

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Question from Chairman Burton

Question 6: You stated in your testimony before the House Subcommittee on Readiness that "the readiness reporting systems of the Services and the Department are not sufficiently refined or are not detailed enough to be able to capture the cumulative essence of degradations to realistic training or to acknowledge the compounded costs of the work-arounds and alternative training means." Please explain why such a significant issue as encroachment is not identified or highlighted in readiness data and reports affecting readiness or costs.

Answer: Current unit readiness measures provide snap-shots in time of a particular unit's status, and typically document immediate problems that may be resolved by appropriate short-term actions (for example, by accelerating distribution of key spare parts). In contrast, the impacts of encroachment on our test and training lands are incremental, multi-layered, and often compounding, making accurate assessment and reporting of resulting deficiencies a complicated task. Solutions to encroachment problems (for example, expanding land buffers around existing installations, or developing new ranges) can take years.

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Question from Chairman Burton

Question 7: What are the limitations on your ability to measure encroachment degradations on readiness? How and when do you plan to upgrade readiness reporting?

Answer: The Department is actively pursuing measures to identify and report the readiness of our installations affected by encroachment, that, in turn, will help us determine the necessary test and training resources to achieve unit readiness. The Sustainable Ranges Integrated Product Team is assessing the adaptability of the existing Installation Readiness Reporting system to better report and track the effects of encroachment on readiness. Such reporting, tailored to installation readiness, would provide encroachment information of the necessary fidelity to identify where and how limitations are affecting an installation's or range's ability to meet its test and training missions.

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Question from Chairman Burton

Question 8: How will you attempt to quantify the impact of encroachment on the Services' readiness and costs?

Answer: Our ability to quantify encroachment impacts on readiness has been a weakness, but we are seeking to change that. As of today, the readiness reporting systems of the Services and the Department are not sufficiently refined and are not detailed enough to be able to capture the cumulative effects of degradations to realistic training or to acknowledge the compounded costs of the work-arounds and alternative training means.

As part of the Sustainable Ranges Integrated Product Team (IPT), the Department is working with all the Services to identify better encroachment quantification measures that will satisfy common information requirements and also suit each Service's unique testing and training needs. An ongoing Camp Pendleton initiative provides an excellent model that DoD will be evaluating for more general applicability.

The Marine Corps has taken the lead in developing a methodology for grading the ability of an installation to support the documented training requirements for the forces stationed at its bases. At the individual training task level, the Marine Corps has analyzed the ability of Camp Pendleton to support the training of a Battalion Landing Team in a realistic exercise scenario, starting with an amphibious landing and moving inland to engage a hostile force. Initial results show that, due to encroachment, Camp Pendleton as a training facility is seriously deficient in terms of its ability to support Marine combat training. Training activities most affected are off-road maneuver of vehicles; digging of fighting and defensive positions for Marines, artillery, and mortars; and airspace restrictions and noise. The encroachment factors inhibiting training to the greatest degree are endangered species and their habitat, presence of cultural or archaeological resources, and wetlands.

Encroachment is diffuse, and therefore difficult to measure. The Department is actively investigating measures to identify and report the readiness of our installations affected by encroachment, that, in turn, will help us determine the test and training resources needed to achieve unit readiness. The Sustainable Ranges IPT is assessing the adaptability of the existing Installation Readiness Reporting system to better report and track the effects of encroachment on readiness. Such reporting, tailored to installation readiness, would provide encroachment information of the necessary fidelity to identify where and how limitations are affecting an installation's or range's ability to meet its test or training missions.

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Question from Chairman Burton

Question 9: How do you suggest military commanders report the work-around costs?

Answer: The Sustainable Ranges Integrated Product Team is assessing the adaptability of the existing Installation Readiness Reporting system to better report and track the effects of encroachment on readiness. Such reporting, tailored to installation readiness, would also provide information on how limitations are affecting an installation's or range's cost to operate in order to provide an adequate level of training and readiness.

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Question from Chairman Burton

Question 10: What process will the Department use to respond to specific readiness and encroachment concerns directed to them by the Services?

Answer: The Integrated Product Team was established to identify and resolve service encroachment concerns. To address the issues of encroachment and range sustainment, the Deputy Secretary of Defense, Paul Wolfowitz, recently created an inter-Service, cross-function, interdisciplinary team to not only address encroachment within the Department of Defense, but to also work with other key agencies and stakeholders on this issue. The Department's senior leadership is actively engaged on this issue. The result has been the formation of an IPT "to act as the DoD coordinating body for all issues of encroachment on our ranges, operation areas, and other locations where we train or test and evaluate new weapons or sensors." Both an Overarching Integrated Product Team (IPT), or OIPT, and a Working IPT, or WIPT, are in place. The OIPT falls under the leadership of the Under Secretary of Defense for Personnel and Readiness. The Deputy Under Secretary of Defense for Readiness, Dr. Paul Mayberry, chairs the group. He works in close cooperation with the Deputy Under Secretary of Defense for Installations and Environment, Mr. Ray DuBois, and the Director, Operational Test and Evaluation, Mr. Tom Christie. Other OIPT members include key Service Range Installation and Environment leaders. The IPT is working under the broad guidance of the Department's Senior Readiness Oversight Council, which is chaired by the Deputy Secretary with the Secretaries of the Military Departments and the Services' Vice Chiefs as primary members. The IPT is actively working and meeting on a regular basis on key elements of the problem, and we have significant initiatives planned and underway.

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Question from Chairman Burton

Question 11: How has the Department of Defense prepared to implement Section 1041 of the Defense Authorization of 2002 calling for a process to measure the impact of proposed legislative and regulatory actions on military readiness?

Answer: The Integrated Product Team is also the forum for addressing the Department's 1041 response. Section 1041 of the National Defense Authorization Act for Fiscal Year 2002 directs the Secretary of Defense to submit to the President a recommendation concerning whether a "defense impact review" process should be established within the Executive Branch. That recommendation, due to the President later this spring, is currently being developed. We can share with you, however, that the Department of Defense is quite concerned that military readiness is not always given appropriate consideration during the regulatory and administrative processes other agencies follow. Sometimes this is due to the fact that DoD is not always even made aware that another agency is planning to take an action that may affect military testing and training; other times, it may be that an agency doesn't completely understand the potential effects of its proposed action upon military readiness. And in a few cases, the statute underlying the proposed action seemingly denies the agency in their deliberations any discretion to value readiness considerations. Whatever the reason, we cannot allow the men and women of the Armed Forces to face the rigors and dangers of combat without proper training and well-tested and reliable equipment.

For this reason, we will be suggesting to the President a variety of means to ensure that in the future military readiness is given appropriate consideration during the regulatory and administrative processes managed by other agencies. While our specific recommendation is not yet complete, it will embrace four key principles: (1) DoD must receive advance notice of any proposed action that may have the potential to affect military training, testing, or operations; (2) DoD must be given a reasonable opportunity to review and comment in writing on these proposed actions; (3) the action agency must consider DoD's comments and respond to DoD, in writing, if the action agency elects not to accommodate DoD's concerns; and (4) in the event the action agency decides to pursue its proposed course of action in a manner that does not accommodate DoD's concerns, DoD must be given a reasonable period of time to "appeal" the decision within the Executive Office of the President.

The Services are currently assessing their encroachment problems to identify those that have resulted from systemic breakdowns in the inter-governmental process to support this effort.

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Question from Chairman Burton

Question 12: Will the Secretary issue a directive to enhance the reporting of encroachment effects on readiness through GSORTS?

Answer: In general, the Department does support the need to improve readiness reporting in a number of dimensions, including capturing the impact of encroachment. My office has just issued a new directive on readiness reporting that is the first step in what will eventually become a much improved reporting process including changes in GSORTS. As stated in my testimony, I plan to modify the Installation Readiness Report as the proper vehicle for capturing encroachment, since it is the range limitations that are the focus rather than unit degradations.

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Question from Chairman Burton

Question 13: If not, how do you suggest military commanders and installations report these effects?

Answer: The Department is actively investigating measures to identify and report the readiness of our installations affected by encroachment, that, in turn, will help us design the means for military commanders to report the effects of encroachment on training and readiness. We are assessing the adaptability of the existing Installation Readiness Reporting system to better report and track the effects of encroachment on readiness. Tailored to installation readiness, such reporting would provide encroachment information of the necessary fidelity to identify where and how limitations are affecting an installation's or range's ability to meet its test or training missions.

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Question from Chairman Burton

Question 14: We understand that some of the Services are now engaged in creating inventories of training requirements and available training facilities and capabilities. Can you tell us about some of these projects?

Answer: The Services are each currently completing inventories of their range facilities and how they have been or are being used for training purposes. These are in large part a result of direction to do so in recent environmental and explosives safety directives, and therefore focus largely on past ordnance use and associated environmental impact assessment. We believe these inventories will help significantly in assessing and understanding encroachment impacts. Some information from these inventories is already being used to address current encroachment issues. The Department understands the GAO's recommendation to develop inventory and data base information on training range requirements and capacities to better support joint Service scheduling, and is currently developing a position on this recommendation.

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Question from Chairman Burton

Question 15: When exactly does the Department expect the Services to complete these inventories?

Answer: Baseline information has been collected and initial inputs received within each Service; the Service headquarters are now working to compile and document this information. The content of these inventories will be improved over time, as additional information is collected and assembled and data management systems are put in place. However, the Services expect to have enough baseline inventory data in hand by the end of this calendar year to begin to better address encroachment issues and impacts on our ranges.

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Question from Chairman Burton

Question 16: How does the Department assess the impact of encroachment on training without a Defense-wide inventory? When will you create one? Do you have a deadline for completion? If not, why not? How much money will you provide to the military Services and to DoD to complete training range inventories?

Answer: The Department has recognized the need for a more comprehensive inventory of our ranges. In fact, such an inventory has already been directed, under DoD Directives 4715.11 and 4715.12, issued in 1999. As stated previously, this inventory effort is well under way. The funding necessary for this inventory effort is already included in Service budgets.

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Question from Chairman Burton

Question 17: How will the Department determine how evolving weapons system capabilities, war-fighting requirements and operational plans could affect training range requirements?

Answer: This is principally a function of the Military Departments, and is done on an ongoing basis as new plans and programs emerge. However, it can be difficult to project range requirements a number of years in advance, and doing so remains a challenging problem.

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