

[H.A.S.C. No. 115-96]

**MEMBER DAY**

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COMMITTEE ON ARMED SERVICES  
HOUSE OF REPRESENTATIVES  
ONE HUNDRED FIFTEENTH CONGRESS  
SECOND SESSION

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HEARING HELD  
APRIL 11, 2018



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ONE HUNDRED FIFTEENTH CONGRESS

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## MEMBER DAY

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HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ARMED SERVICES,  
*Washington, DC, Wednesday, April 11, 2018.*

The committee met, pursuant to call, at 1:33 p.m., in Room 2118, Rayburn House Office Building, Hon. William M. “Mac” Thornberry (chairman of the committee) presiding.

### **OPENING STATEMENT OF HON. WILLIAM M. “MAC” THORNBERRY, A REPRESENTATIVE FROM TEXAS, CHAIRMAN, COMMITTEE ON ARMED SERVICES**

The CHAIRMAN. The committee will come to order. The committee is pleased to receive testimony today from our colleagues on what their priorities are for this year’s National Defense Authorization Bill. And so I would like to ask unanimous consent that all Members’ written statements will be made part of the record. Now, I would note we have received I think approximately 14 written statements as well as our colleagues who are here in person.

So let me welcome everyone. I would yield to the ranking member for any comments he would like to make.

Mr. SMITH. No, don’t have any comments. I look forward to the rest of the testimony. Thank you.

The CHAIRMAN. Again, thank you all for being here. We will start with—and I don’t know if you all are doing this together or separately, chairman of the Small Business Committee and Ms. Velázquez, the ranking member, we appreciate the working relationship over a number of years that we have had to try to expand the defense industrial base especially for small and mid-sized companies.

Thank you both for being here.

Chairman Chabot, the floor is yours.

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

Mr. CHABOT. Thank you very much, Chairman Thornberry and Ranking Member Smith. And I—as you indicated, we have always had a very good working relationship, Ranking Member Velázquez and myself, and we hope to continue to do that. We work together in a very bipartisan way on the committee, all of the members really do.

I appreciate the opportunity to testify before you on the National Defense Authorization Act [NDAA] for Fiscal Year 2019. Let me begin by thanking the committee for its longstanding collaboration with the Small Business Committee. It has been my privilege to serve on the Small Business Committee for over 20 years now and

through those years, I know that the Armed Services Committee and our committee have really worked very well together, so thank you for that relationship.

Your commitment to small businesses is evidenced through the numerous small-business provisions being enacted into law each year. I am here today to support the inclusion of 13 small-business bills in this year's NDAA; each of them is important in ensuring a robust defense industrial base and I will focus on a few highlights in my limited time.

First, I would like to highlight an important recommendation made by the Section 809 Panel in its Volume 1 report. Recognizing the agility and innovativeness small businesses bring to the table, the panel advocated for increased use of research and development programs specifically calling for the greater utilization of the Small Business Innovation Research [SBIR] and Small Business Technology Transfer [STTR] programs across the Department of Defense.

In a similar vein, H.R. 2763 makes a number of important changes to the SBIR and STTR programs, these are the ones that I just referred to, including improving agency accountability, instituting reporting deadlines, and requiring the Small Business Administration to provide future Congresses with a greater understanding of the program's strength and weaknesses.

Additionally, the legislation ensures taxpayers reap the benefits of the SBIR and STTR programs by tying them to long-term projects at the Defense Department. I want to, again, emphasize that improving the SBIR and STTR programs through this legislation closely follows the recommendations made by the Section 809 Panel, and I urge you to consider this important legislation for the fiscal year 2019 NDAA.

In addition, the Section 809 Panel made a number of recommendations regarding small-business contracting. Given that the Federal Government spends over a half trillion dollars each year through contracts, the Federal procurement market is extremely important for small businesses. Unfortunately, as the panel indicated, the number of small-business contract actions dropped nearly 70 percent from fiscal year 2011 to 2016 while the value of the Department of Defense [DOD] small-business contracts rose approximately 290 percent.

The decline in the number of small-business contract actions indicates DOD's small-business contracting is unfortunately not promoting competition and fostering robustness in the defense market enough.

These startling statistics indicate an immediate need to reverse this decline, so I would urge you to consider H.R. 5337, 4754, and 5144, all of which would facilitate small-business participation in the Federal contracting area. Furthermore, I would urge this committee to consider H.R. 4668 and 3170. These commonsense cybersecurity bills are vital to protecting our national security. Small businesses are increasingly targeted by cyber criminals due to their lack of resources and technical knowledge to prevent cyberattacks, and may not be able to afford hiring specialized employees or cybersecurity experts.

Thus, it is important for the Federal Government and private sector to work together to combat cyber threats by making information technology education accessible for small businesses. H.R. 4668 and 3170 would do just that.

Additionally, I would like to ask the committee to consider H.R. 2333, 2364, and 2056, all of which assist small businesses with much-needed capital. Despite an economy that is starting to show signs of improvement, small business continue to face obstacles when it comes to accessing capital.

To address these challenges, the Committee on Small Business worked in a bipartisan manner on these measures to assist small businesses as they seek capital to grow and expand. Our Nation demands a vital small-business industrial base. It is fundamental to the health of our Nation as a whole and I am grateful to the Armed Services Committee for working with the Small Business Committee, and I look forward to working with you to ensure that small businesses continue to provide the Department of Defense and the Federal Government with competitive solutions to support critical programs.

And I would be happy to answer any questions, and again, thank you for allowing us to testify.

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

The CHAIRMAN. Thank you. Do any members have questions of Chairman Chabot? Great.

Ms. Velázquez.

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

Ms. VELÁZQUEZ. Thank you. Chairman Thornberry, Ranking Member Smith, and members of this committee, I am honored to advance bipartisan legislation that will benefit small businesses alongside my colleague, Chairman Chabot. I would like to echo his remarks regarding our bipartisan working relationship. I strongly believe that when it comes to small-business issues, there is no Republican or Democratic approach and we have guided the committee in that spirit.

We are all aware of the devastation last year's hurricanes caused to Puerto Rico. But one thing is clear, if we are to restore the quality of life in Puerto Rico, small businesses will be central to that equation. I am very proud of Puerto Rico not only because it is where I was born, but because of the resilience of its people.

Unfortunately, even today, more than 6 months after Maria, an estimated 20 percent of the island's small businesses remain closed and others face continued hardships with power and basic living needs. That is why I appreciate Chairman Chabot bringing H.R. 5178, the Puerto Rico Small Business Contracting Assistance Act, before the Small Business Committee.

This bill was approved with bipartisan support in March. The Federal Government's procurement of goods and services can be one of our most powerful tools for stimulating economic activity. Unfortunately, to date Puerto Rico has been largely left out of the Federal marketplace. Of the small number of Federal contracts per-

formed in Puerto Rico a substantial percentage of those contracts are performed by firms outside of Puerto Rico.

In fact, the total awards to Puerto Rico's small businesses declined from about \$426 million in fiscal year 2014 to about \$342 million in fiscal year 2015. My bill aims to increase contracting by offering incentives such as granting agencies like DOD the ability to double the value of contract awards to Puerto Rican small-business concerns when counting the small-business prime contracting goal.

It also provides training opportunities for firms wishing to participate in the Federal marketplace through the Mentor-Protégé Program. We must remember that as citizens of the United States, Puerto Ricans have fought, shed blood, and given their lives in nearly every major American war. We owe it to them to help rebuild, and this bill will advance that goal.

We started working on this legislation a year ago, long before Maria. After the hurricane, we need this bill and its assistance for Puerto Rico even more today.

Beyond Puerto Rico, the legislation before us today will help American small businesses more broadly. The SBA [Small Business Administration] administers a portfolio of entrepreneurial development programs including Small Business Development Centers, Women Business Centers, and the Service Corps of Retired Executives, or SCORE. I think we can all agree that these programs offer our Nation's job creators vital tools to grow and create jobs.

H.R. 1774, the Developing the Next Generation of Small Businesses Act of 2017, streamlines this program and makes them more effective, helping more firms access the assistance they need. Access to affordable capital is a longstanding challenge our committee has prioritized. H.R. 2364 will help boost the small-business investment company program success by modifying how much private capital banks and savings associations can invest in these companies.

And H.R. 2056 increases the intermediary loan limit in the micro-loan program by \$1 million, allowing successful lenders to serve more borrowers in high-demand locations. Additional areas where small firms add to our economy are innovation and infrastructure. Innovative firms drive America's competitive edge in the global marketplace, yet the USPTO [United States Patent and Trademark Office] reported that just 15 percent of small businesses know they need to file for IP [intellectual property] protection abroad.

H.R. 2655 addresses this by creating a partnership between the two agencies best suited to help them, the SBA and the USPTO. And as we contemplate our country's infrastructure, we must protect the small businesses at the heart of building our roads and bridges. Performance bonds protect taxpayers from loss if a contractor on a Federal project defaults. H.R. 4486 amends the Miller Act to provide payment protection to small business that perform work on Federal construction projects. It does so by exempting certain construction contracts that must be bonded under the Miller Act from periodic inflation.

In sum, Mr. Chairman, I believe we have a strong package of bills before you. I want to thank you, the committee, again for al-



lowing me to testify. And I urge the inclusion of all these bills, including those highlighted by Chairman Chabot, to bolster the presence and economic health of our country's small businesses. Thank you.

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

The CHAIRMAN. Are there any questions for Ms. Velázquez? Great.

Thank you both.

Ms. VELÁZQUEZ. Thank you.

The CHAIRMAN. We look forward to working together again.

Ms. VELÁZQUEZ. Thank you.

The CHAIRMAN. Mr. Kihuen, welcome. The floor is yours.

Is the microphone on or? There we go.

#### **STATEMENT OF HON. RUBEN J. KIHUEN, A REPRESENTATIVE FROM NEVADA**

Mr. KIHUEN. Thank you, Mr. Chairman. And thank you Ranking Member Smith and my colleagues on the Armed Services Committee. I want to thank you for giving me the opportunity to come before the committee to discuss the vital role the military installations in Nevada's Fourth Congressional District play in protecting our national security.

Members of the committee, I want to begin with Nellis Air Force Base in the Las Vegas Valley. It's in the adjacent Nevada test site and training range. Nellis is known as the home of the Thunderbirds, which showcases the remarkable skills of our Nation's most highly trained military pilots, and whose pilots consider themselves America's ambassadors in blue.

If I may have a moment, Mr. Chairman, of personal privilege, I would like to recognize Major Stephen "Cajun" Del Bagno, a Thunderbird pilot who was killed last week on April 4th, 2018, during a training exercise. My thoughts go out to his family and his loved ones.

Nellis' mission goes far beyond the Thunderbirds and it is also the home of the U.S. Air Force Warfare Center, the largest and most demanding advanced air combat training mission in the world. Aircraft from Nellis operate in the Nevada Test and Training Range where more than 75 percent of all the live munitions used by the Air Force for training are dropped. Nellis employs 11,000 military and 3,700 civilians, making it one of the largest employers in the State of Nevada. In total, the Nellis complex has an economic impact of over \$5.5 billion annually.

Nellis Air Force Base is also home to Red Flag, the premiere military training exercise in the world. Red Flag was created to provide the U.S. and our allies combat training in a realistic but safe environment. Red Flag brings together units with diverse missions ranging from air interdiction, combat search and rescue, close air support, dynamic targeting, and defensive counterair, and it pits them against other units who are specially trained to replicate the tactics and techniques of potential adversaries. In fact during the Red Flag operations, the forces amassed at Nellis Air Force Base combine to constitute the fourth largest air force in the world.

Nevada's Fourth Congressional District is also home to Creech Air Force Base, which is most famous as the command and control facility for remotely piloted aircraft systems flying missions across the globe. From its base in Nevada's Fourth District, airmen at Creech fly 70 to 75 percent of the unmanned aircraft combat operations around the world, 24 hours a day, 7 days a week.

And finally, I would like to recognize the importance of the Hawthorne Army Depot in Hawthorne, Nevada. If you visit the depot, which I recently did, you will see thousands of munitions storage structures dotting the Nevada desert. These facilities are used to ship thousands of tons of munitions per year to the warfighter, and receive thousands of tons of ammunitions per year for disposal. In addition, Hawthorne is home to the detachment of the Naval Undersea Warfare Center.

The Fourth Congressional District in Nevada plays an essential role in protecting our national security and supporting our military. That is why, Mr. Chairman, I am asking that you continue to authorize the operations that occur at Nellis, Creech, the Nevada Test and Training Range, as well as the Hawthorne Army Depot as part of the NDAA so that Nevada can continue to lead the way in conducting vital missions all around the globe.

I want to thank you for your time and for letting me testify in front of your committee. Thank you, Mr. Chairman and Ranking Member.

[The prepared statement of Mr. Kihuen can be found in the Appendix on page 32.]

The CHAIRMAN. Thank you. No doubt, very—a number of very important facilities, but also we share your grief at the loss over this past week. We have been losing too many pilots and certainly one of the Thunderbirds is one of our best. So thank you.

Mr. KIHUEN. Thank you, Mr. Chairman.

The CHAIRMAN. And thanks for being here. If there are no other questions of Mr. Kihuen, I might just say I think we are going to have to come back after the vote for the second panel for—Mr. Schneider and Mr. Johnson and Mr. Rutherford. So just heads up, I think we will hopefully have a chance to hear from Mr. Donovan and then we will come back immediately after votes for our second panel.

Mr. Donovan, welcome, the floor is yours.

**STATEMENT OF HON. DANIEL M. DONOVAN, JR., A  
REPRESENTATIVE FROM NEW YORK**

Mr. DONOVAN. Thank you, Mr. Chairman. Thank you, Ranking Member Smith and members of the Armed Services Committee. Thank you for the opportunity to testify today.

Mr. Chairman, I am requesting an amendment to the National Defense Authorization Act to require the Pentagon to propose a legal definition of cyber warfare. No matter how much technology has changed from the days of ancient Greece and Roman—Greek and Roman warfare until now, we have thought of war as involving weapons and the use of physical force. In modern times we have a large body of both United States and international law that defines and governs war. But for the past several decades we have faced a threat that does not have a legal definition: cyber warfare.

Cyber war does not fit within the traditional confines of how we conceive warfare. While we have a Cyber Command that is tasked with protecting U.S. cyberspace, we do not have a legal definition detailing under what circumstances a cyberattack is considered an act of war. That is why I am requesting an amendment that will require the Pentagon to form a working group to propose a legal definition, report back to Congress, and make the findings known to the public.

We currently do not know when a cyberattack is an act of war. If North Korea were to bomb a hospital, that would undoubtedly be considered an act of war under both U.S. and international legal standards, but if North Korea were to launch a cyberattack on a hospital and were able to shut down the hospital or alter patient records, there is nothing that defines this as an act of war.

Cyber hacking is rampant. The White House just released a report that cyber crime cost the United States economy an estimated \$57 billion to \$106 billion in 2016 alone. If an enemy causes between \$57 billion and \$106 billion worth of damage from bombing U.S. soil, rest assured we would be at war right now.

North Korea is one of the biggest perpetrators of cyber hacking. China, Iran, and Russia are also well known for engaging in this practice. Critical infrastructure, sensitive technology secrets, and Americans' private information are all at risk. Cyberattacks continue to develop, but they are not a new emerging technology. For the sake of our national security, we are long past due a legal definition that will allow us to confront the enemy. By not legally defining cyber warfare, we let our enemies know that this is an issue we are not ready to take seriously. It is time to change that.

By creating a definition of when cyberattacks are an act of war, we will create a strong deterrent and stop other nation-states from engaging in this practice against the United States. My amendment will start the process of the United States creating a legal framework for when a cyberattack is an act of war. I sincerely and respectfully request that the committee consider my amendment.

Mr. Chairman, I also testify before you today seeking equity for the constituents I represent on Staten Island. As you may know the Post-9/11 GI Bill grants housing allowances and assistance to veterans attending college through the military's basic allowance for housing [BAH] program. This assistance is based on the rental and utility cost of the military housing area in which the veterans live.

Currently, New York City is separated into two zones, one for Manhattan, Queens, Brooklyn, and the Bronx, and the other for Staten Island. Although the census status shows that Staten Island's median gross rent is within \$50 of Brooklyn's and \$100 higher than the Bronx, the formula still grants Bronx students up to \$1,335 more than Staten Island students. It is alarming that these hardworking military families in my hometown have nearly identical cost of living expenses, yet they do not receive the same allowances as BAH recipients who attend schools in the other 4 boroughs.

The result is that Staten Island's three institutions of higher learning cannot recruit veteran students to their campuses because of the thousands upon thousands of dollars in reduced assistance

it would mean for that student. I firmly believe that the most equitable and commonsense solution is to have only one military housing area for all of New York City. My amendment would require DOD to merge Staten Island's military housing area with the rest of New York City to create one military housing area for all of New York City.

I again thank you very much for this opportunity to testify and I sincerely and respectfully request that the committee consider my amendment.

[The prepared statement of Mr. Donovan can be found in the Appendix on page 34.]

The CHAIRMAN. I appreciate it. I had no idea about the division in New York and so I don't know if that is appropriate statutory or regulatory, but we will work with you to pursue some sort of answer to that.

And on your cyber deal, as you may know, we had a hearing earlier today on cybersecurity where this exact issue was discussed, so it is very timely that you would bring that today and I appreciate you being here. We will take a careful look at it.

Mr. DONOVAN. Thank you, Mr. Chairman.

The CHAIRMAN. Because there are votes, we are going to—the committee will stand in recess until just after votes and then we will conduct our second panel.

[Recess.]

The CHAIRMAN. The committee will resume. We appreciate our colleagues coming back from votes. Again, all your written statements have, without objection, been made part of our record, but we appreciate hearing from each of you on your priorities and what you think are good for the country.

So we will start with Mr. Johnson. The gentleman is recognized.

#### **STATEMENT OF HON. MIKE JOHNSON, A REPRESENTATIVE FROM LOUISIANA**

Mr. JOHNSON. Thank you, Mr. Chairman. Chairman Thornberry, Ranking Member Smith, and members of the committee, I sincerely appreciate you giving us the opportunity to return and provide input during the committee's Member Day hearing for the fiscal year 2019 National Defense Authorization Act.

I have the distinct honor of representing a congressional district that's home to two vital military installations for our Nation and national security interest around the world: that is Fort Polk and Barksdale Air Force Base, and even our smaller National Guard facilities such as Camp Minden.

As I am sure you know, Fort Polk is home to the Army Joint Readiness Training Center and Barksdale is home to the Air Force Global Strike Command. And as is evident with the recent provocations of Syria and North Korea and Iran and Russia and others, we live in a highly uncertain and incredibly complex time which further highlights the importance of these two bases and our military readiness to be fully prepared to combat any threat from overseas.

In keeping with today's time constraints, I just wanted to focus primarily on two areas that I think are essential in needing attention by the committee and our Congress. One is modernizing our

U.S. nuclear enterprise, and two is ensuring U.S. Army capabilities are fully equipped for necessary training exercises.

As I begin, I wanted to—like to respectfully thank this committee for working closely with me last year while crafting the 2018 NDAA to begin the process of reengineering and modernizing the B-52 bombers at Barksdale Air Force Base. This much-needed makeover will extend the life of the B-52s into the 2050s, which is amazing to even think about, and improve range and fuel efficiency and lower maintenance costs.

And I would also like to relay my thanks for the continued support of Fort Polk from this committee in recognizing their vital importance to accomplishing its missions and military readiness.

First, the nuclear enterprise. Today, I just briefly wanted to speak to the nuclear weapons as they continue to play an integral role in the strategies of Russia and North Korea, Pakistan, India, and China. In fact, according to many reports, as you all know and as evidenced from recent aggressive actions, these countries are increasing their reliance on and modernizing their capabilities whether it be on land, air or sea-based nuclear forces.

If this Congress is going to be serious about rebuilding our nuclear infrastructure, it must continue to express support for the long-term commitment of Barksdale Air Force Base and for the majority of the nuclear triad. I applaud the decision by the U.S. Air Force to include the new gate at I-20 and Interstate 220 interchanges into Barksdale Air Force Base on its unfunded priority list. This project has to be completed in sequence to pave the way for construction of the weapon storage area which is currently scheduled to begin construction in fiscal year 2020.

The new weapon storage area is absolutely vital to our nuclear enterprise as it will support the overall activities of Global Strike Command overseas and its necessary involvement in a wide array of strategic deterrence. As members of this committee, you are well aware of how critical the Bomber Command, Eighth Air Force in charge of our aging fleet and missile command, and the 20th Air Force in charge of the U.S. intercontinental ballistic missiles, are to deterrence and global strategy.

Second is ground capabilities, and in any event that maintaining a capable and robust nuclear option does not suffice as a deterrent from war, it is imperative that we have a capable and ready ground force. And as this committee and the Congress have presented a path forward to rebuilding our force structure, the need for modernizing our ground capabilities is certainly prevalent to ensure full mission readiness.

As a proud member who represents one of the two training centers, the unit training centers in the United States, Fort Polk Army Base and the Joint Readiness Training Center in our district are crucial to highlight how the Army has continued to solidify its footprint with the state-of-the-art Joint Readiness Training Center, the JRTC.

As Fort Polk's JRTC provides invaluable training for advise and assist roles, and provides soldiers with the training and flexibility necessary to carry out the demands placed on them to achieve victory, it also partners with our close allies in collaborative joint ex-

ercises to prepare for the unique situations and challenges a unit may face while deployed.

As we work to regrow our ground forces, and since Fort Polk remains a vital security asset, we should invest in the JRTC infrastructure to replace the existing Joint Operation Center, the JOC. As the current JOC was constructed in 1976, just 4 years after my birth, it is in need of serious modernization and as it is unable to offer sensitive training scenarios above the secret level due to its outdated infrastructure.

Authorizing a new JOC at Fort Polk would allow the JRTC to replicate scenarios that are sensitive in nature but offer invaluable training to fully prepare for any challenges ahead as it is the only combat training center in the Nation that also trains and deploys combat units.

And preparing to close here, I just want to say the defense communities that surround both Barksdale Air Force Base and Fort Polk and JRTC have a long proven track record of fully supporting these two vital military installations and they stand ready to modernize our Armed Forces to meet our Nation's mission capabilities and necessary resources. Congressman Abraham has visited these bases with me and he has done it himself many times and he can attest to the same.

And just recently at Fort Polk, the Army completed its largest land purchase of over 47,000 acres in an effort to provide even more robust training facilities and capabilities for the brigade combat team rotations. And that action was fully supported by the local community, enthusiastically so.

And furthermore the State of Louisiana and our local community are finalizing an investment of \$90 million to construct that I-20 interchange into the Barksdale Air Force Base, and that will open up the access to the installation's eastern reservation and relieving traffic congestion, paving the way for that weapon storage facility. Just last week, I was in Baton Rouge visiting my old colleagues at the Louisiana legislature and went to the hearing of the joint budget committee, and I just wanted to thank all my colleagues for their unanimous support for this vital project.

And finally, I just want to thank this committee again for considering all these important priorities for our congressional district as you do all of these around the country, and I look forward to doing anything I can to support the committee's work to provide our military with the essential resources it needs. It is a top priority for all of us and it should be.

Mr. Chairman, I appreciate your leadership and truly the time that you all take to consider all these things, the opportunity to show my continued support for our men and women in uniform. And I yield back, thank you.

[The prepared statement of Mr. Johnson can be found in the Appendix on page 36.]

The CHAIRMAN. Thank you. Any questions for the gentleman from Louisiana? The only complaint I have, Mr. Johnson, is being reminded about how young you are. That was kind of a low blow, but other than that, I appreciate it. Thank you for being here today.

Mr. JOHNSON. Yes, sir.

The CHAIRMAN. Mr. Rutherford, the floor is yours.

**STATEMENT OF HON. JOHN H. RUTHERFORD, A  
REPRESENTATIVE FROM FLORIDA**

Mr. RUTHERFORD. Chairman Thornberry and Ranking Member Smith and distinguished members of the committee, I want to thank you for the opportunity to testify on behalf of my priorities which are important to northeast Florida and our country in the fiscal year 2019 National Defense Authorization Act.

As some of you know, Florida's Fourth Congressional District encompasses most of Jacksonville and St. Augustine, and includes Naval Air Station Jacksonville, Naval Station Mayport, Marine Corps Blount Island Command, the Florida National Guard installations, and many industry partners, and I am proud to represent these men and women who contribute substantially to our national security.

First, I want to thank the committee for its continued support of many programs that are key to the missions and growth at northeast Florida's installations. This includes the MQ-4C Triton, the P-8A Poseidon, the littoral combat ships, and various shipbuilding and repair accounts also among others. And I urge the committee to continue supporting these important programs.

However, today I would like to spend time focusing on four areas of importance in this year's legislation: the E-2D Advanced Hawkeye procurement, the Air Force's light aircraft attack aircraft, the littoral combat ship [LCS], and the Law Enforcement Information Exchange program.

First, the E-2D Advanced Hawkeye is the Navy's only carrier-based early warning and battle management command and control system. This aircraft is a key enabler of the carrier strike group [CSG] and provides theater air and missile defense, synthesizes information from multiple onboard and offboard sensors, makes complex tactical decisions, and disseminates actionable information to joint forces in a distributed open architecture environment. The U.S. Navy's unfunded priorities list this year includes \$340 million for two additional E-2D aircraft in fiscal year 2019, for a total of six aircraft. The additional aircraft will allow for a more efficient production schedule and enable early transition of E-2Cs over to the E-2Ds at the carrier airborne early warning [AEW] weapons school.

Of operational importance, it will provide CSGs with the E-2D's advanced capabilities to face rapidly evolving threats, ensuring that the most capable AEW aircraft is available for the defense and protection of U.S. and coalition forces. I want to urge the committee to support this request of six aircraft in fiscal year 2019 along with supporting the necessary RDT&E [research, development, test, and evaluation].

Second, senior Air Force leadership has stated the need to procure a fleet of off-the-shelf light attack aircraft, commonly referred to as the OA-X program. And last year's NDAA supported this concept of rapid procurement, as greater use of this type of aircraft would provide close air support [CAS] in a cost-effective way for the Air Force.

Using aircraft like the A-29 Super Tucano is a cheaper solution than having a more advanced aircraft like the F-35 carrying out CAS and other missions. This saves money and extends the life of the more expensive aircraft. The Air Force has conducted an experiment leading to the procurement decision this year, and should that decision be made, Congress needs to be prepared to meet that request. And I urge the committee to provide advanced procurement funding for the purchase of long-lead items so that this first delivery of the aircraft would be no later than 2020. And I believe the full utilization of investment in this program has the potential to reshape how our airmen carry out their mission.

Third, one program I know this committee is intimately familiar with is littoral combat ship, which the *Freedom*-class ships are homeported at Naval Station Mayport. And I applaud the committee's continued support of this program and for its commitment to rebuilding our Navy's fleet.

Of importance to Mayport, the President's budget request supported the necessary LCS MILCON [military construction] at Mayport for its training and support facilities. I urge the committee to support this request, as the current alternative is actually to send these crews out to San Diego to be trained which is neither good—which is neither a good use of taxpayer money nor is it good for the crews. I also strongly support three more LCS in 2019 and a quick transition to the new frigate, as I know many on the committee do as well.

Last, as a former sheriff, I understand the tools that can help our law enforcement and intelligence agencies carry out their respective missions. The Naval Criminal [Investigative] Service successfully used a capability called the Law Enforcement Information Exchange commonly referred to as LInX to address the data collection, analysis, and integration challenges that confront the defense intelligence and law enforcement agencies at all levels of government.

I have seen firsthand the importance of this capability in dealing with high-value, disparate data in numerous law enforcement and intelligence agencies, and so I would like to submit report language for the request that LInX actually be made a congressional interest item to ensure it receives adequate and stable funding.

Again, I thank all of you, Mr. Chairman, Ranking Member Smith, for the ability to be here to speak today. I also thank you on behalf of a grateful Nation for all the hard work that you all do in ensuring that our Nation remains the strongest and safest in the world. And I am always available for further discussion on these or any other programs of interest. And I yield back, Mr. Chairman.

[The prepared statement of Mr. Rutherford can be found in the Appendix on page 40.]

The CHAIRMAN. Okay. Any questions to Mr. Rutherford? Thank you, sir, I appreciate you being here. We will certainly take a look at the report language you requested. One of our challenges this year is we have a specified top line, and so adding in one area means we have got to take away from another and I think that is going to be a challenge for all our members this year.



But we will—I am—I know all of the other three programs you specifically mentioned will be a very top item for discussion, so thank you.

Mr. RUTHERFORD. Thank you.

The CHAIRMAN. I appreciate you being here.

Mr. Schneider, thank you for being here.

**STATEMENT OF HON. BRADLEY SCOTT SCHNEIDER, A  
REPRESENTATIVE FROM ILLINOIS**

Mr. SCHNEIDER. Thank you. Thank you, Chairman Thornberry, Ranking Member Smith, for this opportunity to share with the House Armed Services Committee some key priorities for Illinois' 10th Congressional District. I appreciate you making the time today.

My district is the proud home of many military families, Active Duty, reservists, and veterans. As well, Naval Station Great Lakes, North Chicago, through which every single new Navy recruit passes, is in my district and is central to our local community. We appreciate your work on the National Defense Authorization Act, which is important both for our national security and our local communities.

I first respectfully request that you again include language addressing the opioid crisis. Our men and women in uniform are not immune from the opioid epidemic ravaging the country. In fact, the National Institute of Health reports rates of prescription opioid misuse are higher among service members than among civilians due to the use of these drugs to treat the symptoms of PTS [post-traumatic stress] and chronic pain.

Last year, an amendment I offered to set continuing education requirements for Department of Defense doctors who prescribe opioids was included in the House-passed version of the NDAA. Unfortunately it was not included in the final bill. Including this provision would ensure our military doctors are up to date on the latest best practices in preventing overprescribing and treating misuse.

Second, I urge the committee to continue to support a critical joint counter-tunnel defense program undertaken with our ally Israel. These sophisticated subterranean tunnels are a major strategic threat for Israel and are used by terrorist networks to stockpile weapons and launch deadly attacks. Sustained joint cooperation to counter those tunnels both helps protect Israel and yields technological benefits for American efforts to secure our own borders and in the fight against global terrorism. I urge the committee to again authorize this program which is appropriated for \$47.5 million in the recently passed fiscal year 2018 omnibus.

Finally, I urge the committee to address the issue of delayed promotions for men and women serving in the United States National Guard. This issue was brought to my attention by a constituent who waited nearly a year for Federal recognition of his promotion. A recent poll of members by the National Guard Association of the United States found nearly half of respondents said it took more than 195 days to receive a promotion, which is longer than the timeline set out by the National Guard.

I ask this committee to urge the National Guard to address this issue to ensure promotions are granted in a more timely and efficient manner while still maintaining necessary oversight. Thank you for your time and consideration on these matters and I appreciate all the work you do to serve our men and women in uniform and to protect our Nation. Thank you.

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

The CHAIRMAN. Great. Any questions for Mr. Schneider?

Thank you, sir. I appreciate it, three very important issues that we will take a careful look at. So, thank you for being here.

As far as I know, there are no other witnesses. So the hearing stands adjourned.

[Whereupon, at 2:40 p.m., the committee was adjourned.]

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

APRIL 11, 2018

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**PREPARED STATEMENTS SUBMITTED FOR THE RECORD**

APRIL 11, 2018

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**Statement of Steve Chabot,  
Chairman, Committee on Small Business  
Before the Committee on Armed Services of the House of Representatives  
On the FY 2019 National Defense Authorization Act  
April 11, 2019**

Good morning, Chairman Thornberry, Ranking Member Smith, and Members of the Committee. I appreciate the opportunity to testify before you on the National Defense Authorization Act for Fiscal Year 2019 (FY19 NDAA). Let me begin by thanking this Committee for its longstanding collaboration with the Small Business Committee. I have been privileged to serve on the Small Business Committee for over 20 years and I've enjoyed seeing this relationship grow. My testimony today will address a wide range of bipartisan issues that are critical to the success of our national security and the health of our industrial base.

**I. Small Business Research and Development Programs: H.R. 2763**

Congressional support for the Small Business Innovation Research (SBIR) initiative was predicated upon the belief that, while technology-based companies under 500 employees tended to be highly innovative, and while innovation is essential to the economic well-being of the United States, these businesses were underrepresented in the awarding of government research and development (R&D) contracts. In order to increase participation of such entities in federal R&D efforts, Congress passed the Small Business Innovation Development Act in 1982, which established the SBIR program. The purpose of the Act was to increase government funding of small businesses that conduct R&D with a particular focus on technology that has high commercial potential. The SBIR program has been reauthorized and extended several times, each reauthorization making significant improvements to the SBIR program.

Among other things, HR 2763, the bipartisan Small Business Innovation Research and Small Business Technology Transfer Improvements Act of 2017, sponsored by Representatives Steve Knight and Stephanie Murphy, improves agency accountability, including several hard reporting deadlines for participating agencies and for the Small Business Administration (SBA) to provide future Congresses with better information and a greater understanding of the programs' strengths and weaknesses.

Second, the legislation clarifies congressional intent of the previous reauthorization to ensure that taxpayers reap the benefits of the SBIR and Small Business Technology Transfer (STTR) programs by tying them to long term projects at the Department of Defense (DOD). The legislation also statutorily requires the Secretary of Defense to set a goal to increase the number of Phase II contracts that lead to technology insertion into programs of record or fielded systems and to use incentives to encourage agency program managers and prime contractors to meet that goal.

Third, in an effort to maintain the focus on the commercialization aspect of the SBIR and STTR programs, the legislation makes the Commercialization Readiness Program (established as a pilot program by Public Law 112-81) at all civilian agencies a permanent part of the SBIR program.

Finally, the legislation extends three popular pilot programs also established by Public Law 112-81 through FY 2022, when the full program will need a full reauthorization. One pilot provides authority for participating agencies to utilize 3 percent of the SBIR program for costs relating to

administrative, oversight, and contract processing activities. Another pilot allows participating agencies to offer a “straight to Phase II” option for small firms that have established they have completed the work traditionally done in Phase I of the program. The last pilot allocates a small portion of the STTR funding to establish Phase “Proof of Concept” grants to universities engaged in entrepreneurship building to create new small firms spun out of university research.

H.R. 2763 was marked up, passed favorably, and reported by the House Small Business Committee and Science, Space and Technology Committee on September 14, 2017. The legislation passed the House of Representatives on October 11, 2017.

Recognizing the importance of the SBIR and STTR programs to the health of the defense industrial base, the Section 809 Panel recently released a report advocating for greater utilization of these programs across the DOD. The Panel recognized that the innovation small businesses can bring to the Department, through programs like SBIR and STTR, can be harnessed to meet the mission goals and objectives of the Department better, faster, and at a potentially lower cost to the taxpayer. I believe that HR 2763 makes valuable changes to the SBIR/STTR programs to the benefit of the DOD, and I hope you will consider this important legislation.

## **II. Cybersecurity: H.R. 4668 and H.R. 3170**

Small businesses are becoming increasingly targeted by cyber criminals due to their lack of resources or technical knowledge to prevent cyber attacks. Small businesses may not be able to obtain the information they need to properly assess and mitigate the costs of protecting their companies. It is also difficult for small businesses to take such precautions due to the high costs of hiring specialized employees or cybersecurity experts. Thus, it is important for the federal government and private sector to work together to combat cyber threats by providing information technology education for small businesses, equipping them with the necessary tools to be competitive in the global economy. I respectfully ask the Committee to consider the following cybersecurity bills, which will protect our national security.

1. *H.R. 4668*: The Small Business Advanced Cybersecurity Enhancements Act of 2017, sponsored by myself and Ranking Member Velázquez, encourages small businesses to work with the federal government by providing them additional resources. In order to combat small businesses’ reluctance to engage with the federal government, this legislation encourages their collaboration by establishing Small Business Development Centers (SBDCs) as the primary interface for federal information sharing for small businesses. It ensures small businesses that share cyber indicators through SBDCs receive the same protections and exemptions provided in the Cybersecurity Information Sharing Act of 2015, so any policies or rulemaking adopted by any federal agency as a result of small business cyber information sharing does not unfairly burden small businesses. It also expands liability protections for small businesses that engage with the federal government in good faith.
2. *H.R. 3170*: The bipartisan Small Business Development Center Cyber Training Act of 2017, sponsored by myself and Representative Dwight Evans, would help SBDCs become better trained to assist small businesses with their cyber security and cyber



strategy needs. Specifically, it would establish a cyber counseling certification program in lead SBDCs to better assist small businesses with planning and implementing cybersecurity measures to defend against cyber attacks. The SBA would be authorized to reimburse SBDCs for employee certification costs up to \$350,000 per fiscal year. This bill utilizes existing federal resources to cover the reimbursement costs.

H.R. 4668 and H.R. 3170 were marked up and reported by the House Small Business Committee with bipartisan support on March 14, 2018.

### **III. Contracting: H.R. 5337, H.R. 4754, and H.R. 5144**

In addition to the cybersecurity and research and development bills, I ask the Committee to continue including small business federal contracting provisions in the FY19 NDAA as it has done in past NDAA's. Over the past several years, the Small Business Committee and its subcommittees have held dozens of hearings on issues impacting small federal contractors. These hearings have focused on the alarming fact that the number of small firms registered to do business with the federal government continues to decline. The Section 809 Panel's most recent report highlights the alarming nature of this decline, stating that the DOD saw a 70 percent reduction in small business prime contract actions between 2011-2016 and a decline of approximately 100,000 small business companies registered to do business with the federal government since 2012. To reverse this decline and ensure that the defense industrial base remains robust, I ask the Committee to consider the following three bipartisan, common sense small business contracting bills.

1. *H.R. 5337*: The Accelerated Payments for Small Businesses Act of 2018 was sponsored by Representatives Steve Knight and Adriano Espaillat, and was cosponsored by myself and Ranking Member Velázquez. Reliance on a steady cash flow is critical to all small businesses. Faster, consistent payment allows small businesses access to working capital at reduced costs and promotes a small business's ability to invest and grow their business. Recognizing this, the Office of Management and Budget (OMB) policy directive in M-11-32 established a goal that small business subcontractors would be paid on an accelerated timetable, within 15 days or less of receipt of a proper invoice. OMB policy directive in M-12-16 extended this accelerated payment directive to other-than-small prime contractors that subcontract with small businesses and also encouraged prime contractors to pay their small business subcontractors on an accelerated timetable. *H.R. 5337* utilizes language found in OMB memorandums M-11-32 and M-12-16, directing agencies to accelerate payment to small business prime and subcontractors to the fullest extent possible. This bill has received the support of the Professional Services Council and the National Defense Industrial Association, which includes both small and large contractors such as Northrup Grumman.
2. *H.R. 4754*: The Change Order Transparency for Federal Contractors Act was sponsored by Representatives Don Bacon and Al Lawson, Jr., and cosponsored by Representatives Steve Knight, Stephanie Murphy, and Mike Coffman. Small contractors and subcontractors in the construction industry are challenged daily with the complexities of the bidding process and receiving payment in a timely manner for work performed.

Equitable changes to the contract, or change orders, are ubiquitous in construction projects and slow approval of change orders can result in delayed payment. While change orders wait to be definitized, a process involving negotiating the cost of the changed work between the contractor and agency, contractors and subcontractors must pay their own bills—employees, suppliers and even taxes – while payments from their federal customers are delayed. Small businesses typically do not have enough capital and resources to sustain long periods of nonpayment and are dependent on a stable cash flow in order to stay afloat. Thus, small businesses are particularly vulnerable to any changes to the scope of work on a contract and corresponding delays in payments.

Contractors and subcontractors currently lack visibility into agencies' change order processes prior to submitting a bid. This lack of transparency makes it difficult for federal contractors to prepare for the inevitable burden of change orders during the life cycle of the construction project. Agencies across the federal government have different change order procedures; some agencies are more effective than others, and some employ procedures which are disastrous to small contractors. For instance, some federal agencies may routinely bundle all change orders for resolution at the end of a project.

H.R. 4754 would provide prospective federal construction contractors and subcontractors with the agency-specific change order information needed to plan their operations prior to submitting a bid on a contract. Contractors will also be able to better formulate their bid and prepare for delays in payment during the performance of the contract. Transparency in change order definitization processes will ultimately promote greater financial health for companies that work on government projects. Additionally, this measure of transparency may encourage agencies to improve their change order processes in order to attract the highest-quality contractors at competitive rates. Agencies that improve their internal change order processes as a result of this transparency measure may ultimately receive higher quality products (i.e., buildings) while saving critical taxpayer dollars. This bill has received support from the American Council of Engineering Companies, American Institute of Architects, American Society of Civil Engineers, American Subcontractors Association, Associated General Contractors, Association of the Wall and Ceiling Industry, Construction Management Association of America, Council on Federal Procurement of Architectural and Engineering Services, Independent Electrical Contractors, MAPPS, National Association of Surety Bond Producers, National Electrical Contractors Association, National Society of Professional Surveyors, Sheet Metal & Air Conditioning Contractors National Association, and the Surety & Fidelity Association of America.

3. *H.R. 5144*: The Contracting Compliance Act was sponsored by Representatives Rod Blum and Brad Schneider. Federal laws and regulations both require federal contractors to maintain an acceptable subcontracting plan if the estimated contract value exceeds a certain dollar threshold. These subcontracting plans include percentage goals for subcontracting with small business concerns, service-disabled veteran-owned small businesses, veteran-owned small businesses, HUBZone small businesses, socially and economically disadvantaged small businesses (commonly referred to as part of the 8(a) program), and women-owned small businesses. Failure of a business to comply in good

faith with its subcontracting plan constitutes a material breach of the contract and can result in the government assessing liquidated damages against the prime contractor. 15 U.S.C. 647(d)(7) requires federal agencies to ensure that they take action to ensure prime contractors are complying in good faith with the requirements of their subcontracting plans. However, the problem arises when federal agencies take little to no action in this regard, essentially rendering the subcontracting plan requirement and the liquidated damages clause functionally useless.

In March 2018, the DOD Inspector General found two Army contracting offices did not take steps to adequately monitor prime contractors compliance with their subcontracting plans. This resulted in small businesses potentially being barred from substantial subcontracting opportunities, and the loss of liquidated damages recoverable by the federal government. This bill takes the first step in assessing how widespread this problem is by requiring the Government Accountability Office (GAO) examine whether federal agencies, both military and civilian, are overseeing prime contractors' compliance with their subcontracting plans.

I would urge this Committee to consider these important small business contracting provisions in order to rebuild and sustain a robust small business workforce, which is critical to maintaining a healthy defense industrial base.

#### **IV. Entrepreneurial Development: H.R. 1774**

The Small Business Committee is working to reauthorize the entrepreneurial development programs within the SBA through H.R. 1774, which Ranking Member Velázquez sponsored and I cosponsored. The entrepreneurial development programs further the important work done by the House Armed Services Committee by ensuring that the SBA is effectively introducing the next generation of entrepreneurs to the opportunities afforded by federal procurement contracts. Contained within H.R. 1774, which strengthens and modernizes SBA's entrepreneurial resources, are three Titles.

Title I strengthens the data collection efforts of SBDCs. Title II reauthorizes the Women's Business Centers program for four years at \$21.75 million per year and contains accreditation process language to ensure uniformity among the Centers across the country. Title III reauthorizes the SCORE program for two years at \$10.5 million per year and also requires an enhanced online utilization effort by the program and a requirement for a strategic plan before future funding increases are considered. This bill was marked up and reported by the Small Business Committee with bipartisan support in 2016. This measure will help to prepare small businesses for the opportunities available in the competitive federal marketplace and ensure a strong industrial base.

#### **V. Access to Capital: H.R. 2333, H.R. 2364, and H.R. 2056**

As the United States continues to see signs of an improved economy, the nation's small businesses are still confronted with a challenging lending environment that prohibits job creation and expansion. To address some of the access to capital issues, the Small Business Committee

worked in a bipartisan manner to develop three bills that would further create an environment for small businesses to flourish and grow. All three bills were marked up in Committee, reported with bipartisan support on July 12, 201, and agreed to by voice vote on the House floor on July 24, 2017.

1. *H.R. 2333*: The Small Business Investment Opportunity Act of 2017 was sponsored by Representative Steve Knight and cosponsored by Representatives Judy Chu and Carlos Curbelo. To help address the many lending roadblocks that exist for small businesses, the SBA offers the Small Business Investment Company (SBIC) program, which focuses on increasing the accessibility of venture and private equity capital available to small businesses.

With the goal of growing the amount of equity capital available to small businesses, H.R. 2333 amends the Small Business Investment Act of 1958 by increasing the Individual Leverage Limit from \$150 million to \$175 million. The Individual Leverage Limit stipulates how much capital can be deployed to a small business by an SBIC that has only one fund under management. Similar to legislation that was signed into law in 2015 that increased the leverage limit for an SBIC that manages multiple funds, H.R. 2333 would enhance the ability of a small business to expand and create jobs.

2. *H.R. 2364*: The Investing in Main Street Act of 2017 was sponsored by Rep. Judy Chu and cosponsored by Representatives Steve Knight and Grace Meng. To assist small businesses in obtaining venture capital and private equity, the SBA administers the Small Business Investment Company (SBIC) program. Currently, the Small Business Investment Act of 1958 limits the amount of capital and surplus that a financial institution or federal savings association may invest in an SBIC to 5 percent.

H.R. 2364 would increase the amount of capital and surplus that a financial institution and federal savings association can invest in an SBIC from 5 percent to 15 percent. Further, H.R. 2364 would also require financial institutions and federal savings associations to be approved by their federal regulator prior to investing more than 5 percent. Beyond increasing the percentage of an investment a bank can make into an SBIC, H.R. 2364 would bring into parity the Small Business Investment Act with the Office of the Comptroller of the Currency's national bank charter percentage requirements.

3. *H.R. 2056*: The Microloan Modernization Act of 2017 was sponsored by Representative Stephanie Murphy and cosponsored by a number of Small Business Committee members. Through the Microloan Program, the SBA works with nonprofit lending intermediaries to make small dollar microloans of \$50,000 or less. With an average loan in the program of approximately \$13,500, the Microloan Program enhances a small dollar borrower's access to capital.

While the Microloan Program has been in operation since 1992, the full utilization of the program has always been questioned. Along with a few structural improvements to the program, H.R. 2056 would determine an accurate utilization of the program.

Specifically, H.R. 2056 would raise the maximum lending volume a microloan intermediary has at any given time from \$5 million to \$6 million. Next, the legislation would provide flexibility to the 25/75 Rule, which limits a microloan intermediary to using 25 percent of their SBA technical assistance grants on pre-loan assistance. By giving intermediaries more latitude with pre-loan assistance, small business startups will receive more comprehensive assistance during their infancy. To delve into the question of program utilization, H.R. 2056 would direct the SBA to conduct a study on the usage of the program. Further, the legislation would require a Government Accountability Office study to examine the oversight of the program.

#### **VI. Other Considerations**

In addition to the above, I'd ask the Committee to include H.R. 5178, H.R. 2655, and H.R. 4486. H.R. 5178, the Puerto Rico Contracting Assistance Act of 2018, would provide solutions for assisting Puerto Rico with its distressed economy by promoting the use of federal contracting opportunities with Puerto Rican small businesses. H.R. 2655, the Small Business Innovation Protection Act, would help educate small businesses on domestic and international patent protection, and H.R. 4486 would afford payment protections to small construction contractors by exempting construction contracts that must be bonded under the Miller Act from periodic inflation.

#### **VII. Conclusion**

I know that we agree that our nation deserves a vibrant small business industrial base: it is fundamental to the health of our nation as a whole. I look forward to working with this Committee to ensure that small businesses remain continue to provide the Department of Defense and the federal government with competitive solutions to support key programs. I would be happy to answer any questions.

**Statement of the Hon. Nydia Velázquez  
Member Day  
for National Defense Authorization Act for FY2019**

Thank you, Chairman Thornberry, Ranking Member Smith, and Members of this Committee for allowing me to come before you today to testify on the FY2019 National Defense Authorization Act. I am honored to advance bipartisan legislation that will benefit small businesses alongside my colleague Chairman Chabot and support all the bills in the Small Business Committee package equally. I will highlight the Democratic bills in the package as they touch on a wide spectrum of small business needs.

We are all aware of the devastation last year's hurricanes caused to Puerto Rico. But one thing is clear – if we are to restore the quality of life in Puerto Rico, small businesses will be central to the equation.

I am very proud of Puerto Rico -- not only because it is where I was born, but because of the resilience of its people in the face of Hurricane's devastation and longstanding economic challenges. An estimated 20 percent of the island's small businesses remain closed since Maria. 60 percent of households' requests for federal assistance are denied. Nearly 200,000 Puerto Ricans have already moved to the mainland.

That is why I appreciate Chairman Chabot bringing H.R. 5178, the Puerto Rico Small Business Contracting Assistance Act before the Small Business Committee in our March markup and glad to report in passed out of Committee with bipartisan approval.

This bill takes contracting provisions from the larger package and strengthens them to target assistance to small Puerto Rican contractors. There is currently a relatively small number of federal contracts that are performed in Puerto Rico. And of the small number of federal

contracts that are performed in Puerto Rico, a substantial percentage of those contracts – about 40 percent – are performed by firms outside of Puerto Rico.

In fact, the total awards to Puerto Rican small businesses declined from about \$426 million in FY 2014 to about \$342 million in FY 2015. One reason for those poor numbers is a lack of education and training to potential contractors. In 2016, the Federal Reserve Bank of New York found that 19 percent of Puerto Rican small businesses cited a need for training on federal government contracts.

My bill aims to increase contracting by offering incentives like granting agencies the ability to double the value of contract awards to Puerto Rican small business concerns when counting their small business prime contracting goal. It also provides more training opportunities for small firms who want to participate in the federal marketplace.

We must remember that as citizens of the United States, Puerto Ricans have fought, shed blood, and given their lives in nearly every major American war. We owe it to them to help build Puerto Rico back better than ever before. And, this bill takes one step in that direction. Another bill that will assist these business owners is H.R. 1774, the Developing the Next Generation of Small Businesses Act of 2017.

The SBA administers a portfolio of Entrepreneurial Development programs, including Small Business Development Centers, Women's Business Centers, and the Service Corps of Retired Executives or SCORE. These initiatives provide aspiring entrepreneurs and existing businesses with counseling, training, technical assistance, and mentorship. This network helps companies at all stages of development overcome challenges.

The agency's network of Small Business Development Centers – or SBDCs – is one such program. SBDCs operate in nearly 1,000 locations across the country and harnesses local

community resources. In a single year, this initiative has helped more than 13,000 entrepreneurs launch new businesses. They have also advised nearly 200,000 clients, provided training sessions for over 260,000 attendees, and helped clients obtain \$4.6 billion in financing. Clearly, SBDCs are a vital part of our nation's entrepreneurial ecosystem.

The SBA has also undertaken efforts to connect younger entrepreneurs with more experienced businessmen and women through the SCORE program. SCORE has grown to become one of the federal government's largest volunteer business mentoring programs, with over 11,000 business professionals at over 320 chapters nationwide. By offering advice from real world professionals, SCORE is helping many business owners within all categories of the entrepreneurial community.

Because small business owners come from all walks of life, the SBA has initiatives targeted at specific demographic groups. One of those programs is the Women's Business Centers—or WBCs. They provide in-depth counseling, training, and mentoring to small firms. In FY 2016, over 106 WBCs reached 140,000 clients and helped 700 new businesses get started.

With respect to each of these programs, it is vital that taxpayer resources are being used wisely and to maximum effect. I think we can all agree that these programs offer our nation's job creators vital tools to help our economy grow.

That is why Chairman Chabot and I, along with the other Members of the Small Business Committee, came together to author H.R. 1774. This bipartisan bill streamlines these programs and makes them more effective.

This bill amends the Small Business Act by eliminating unproven pilot programs and requiring clearer metrics for data collection for SBDCs. It also clarifies rules allowing for fee collection, marketing, and privacy requirements for SBDCs.



H.R. 1774 also reauthorizes the SCORE program for FY2018-FY2019 and ensures that the SCORE program and each of its chapters operates more effectively in rural areas, economically disadvantaged and traditionally underserved communities. They will also be required to develop and implement plans to use electronic and web-based initiatives and the development of new skills by participating volunteers.

Even though female entrepreneurship is on the rise, there remain significant challenges, making WBCs even more critical. That is why this bill revises the duties of the Office of Women's Business Ownership to assist women entrepreneurs to start, grow, and compete in global markets. It also directs the SBA to establish standards for a program to accredit eligible entities receiving a grant to operate one or more WBCs.

Small businesses are the backbone of the American economy and we should provide our entrepreneurs with the resources they need to succeed – and that is what H.R. 1774 does. But we also must encourage more innovative firms to start-up as they are the present and future of job creation.

Innovation is an indispensable element driving economic growth and ensuring America's competitive edge in the global marketplace. A 2016 joint report by the United States Patent and Trademark Office or USPTO and the Economics and Statistics Administration found that IP industries support an estimated 45 million jobs – about 30 percent of all jobs – and contributed over \$6 trillion – 38.2 percent – of U.S. gross domestic product.

Through legal protections such as copyrights, patents, and trademarks, small innovative firms and entrepreneurs reap extraordinary benefits. Small firms with IP rights earn 32 percent more in revenue, on average, per employee when compared to their counterparts without IP rights.

While small firms make up a vast majority of patent holders, they are at particular risk of having their property pirated. Many small innovators who should have IP rights are at an acute disadvantage because they lack the resources, expertise, and knowledge to obtain, monitor, and enforce their IP rights.

The USPTO reported that just 15 percent of small businesses that conduct overseas business understand they need to file for IP protection abroad. H.R. 2655 corrects this by creating a partnership between the two agencies best suited to help these innovators – the SBA and the USPTO.

By leveraging existing intellectual property education and training programs and utilizing the immense network of small business development centers, small business will have all the resources to better protect their interests both domestically and internationally. I applaud Representative Evans for recognizing the problem -- and working to advance the interest of our nation's small businesses.

As we contemplate our country's infrastructure, we must protect the interest of the small businesses at the heart of building our roads and bridges. The Miller Act is a statute that was put in place for protection: protection for subcontractors through payment bond and protection for US taxpayers through performance bonds. Many subcontractors and suppliers on federal projects are small businesses. These small businesses often find that their only avenue into the federal procurement arena is as subcontractors and suppliers. Surety bonds, in the form of payment bonds, ensure that they get properly paid, whether the general contractor on the project pays them or not. Such protections cannot be allowed to be compromised as a result of periodic adjustments for inflation.

Each adjustment, which may occur every five years, in turn means that there is an increase in the threshold so that many more federal subcontractors and suppliers perform work on federal projects without the protection of payment bonds. Performance bonds protect the taxpayer from loss if the contractor on a federal project defaults. Periodic adjustments to address inflation should not be the reason to decrease the protection provided by performance bonds to the US taxpayers. H.R. 4486 amends 41 USC §1908 (b)(2)(B) to provide payment protections afforded small businesses performing work on federal construction projects by exempting construction contracts that must be bonded under the Miller Act (40 USC 3131, 3132, 3133, and 3134) from periodic inflation.

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

After summarizing all these bipartisan bills, I strongly encourage the complete Small Business package's inclusion in the 2019 NDAA, including those Chairman Chabot highlighted today.

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

## Testimony for Rep. Kihuen (NV-04)

Chairman Thornberry, Ranking Member Smith and my colleagues on the Armed Services Committee, I want to thank you for giving me the opportunity to come before the committee to discuss the vital role military installations in Nevada's Fourth Congressional District play in protecting our national security.

Members of the Committee, I want to begin with Nellis Air Force Base, in the Las Vegas Valley, and the adjacent Nevada Test and Training Range. Nellis is known as the home of the Thunderbirds, which showcases the remarkable skills of our nation's most highly-trained military pilots, and whose pilots consider themselves "America's Ambassadors in Blue." If I may have a moment of personal privilege, I'd like to recognize Maj. Stephen Del Bagno, a Thunderbird pilot who was killed on April 4, 2018 during a training exercise.

Nellis' mission goes far beyond the Thunderbirds, and it is also the home to the U.S. Air Force Warfare Center, the largest and most demanding advanced air combat training mission in the world. Aircraft from Nellis operate on the Nevada Test and Training Range, which offers more than 15,000 square miles of airspace and 4,700 square miles of restricted land. More than 75 percent of all live munitions used by the Air Force for training are dropped on the Nevada Test and Training Range.

Nellis employs 11,000 military and 3,700 civilians, making it one of the largest employers in the state. When family members and retirees are included, the total military population swells to more than 40,000. In total, the Nellis Complex has an economic impact of over \$5.5 billion annually.

Nellis Air Force Base is also home to RED FLAG, the premiere military training exercise in the world. RED FLAG was created to provide the US and our allies combat training in a realistic, but safe environment. RED FLAG brings together units with diverse missions ranging from air interdiction, combat search and rescue, close air support, dynamic targeting and defensive counter air, and pits them against other units who are specially trained to replicate the tactics and techniques of potential adversaries. As a result of this type of training, during the 2017 RED FLAG exercises, the F-35 scored an impressive 20-1 kill ratio.

Over the years, RED FLAG has provided training for more than 440,000 military personnel, including more than 145,000 aircrew members flying more than 385,000 sorties and logging more than 660,000 hours of flying time. During RED FLAG operations, the forces amassed at Nellis Air Force Base combine to constitute the fourth largest air force in the world.

Nevada's Fourth Congressional District is also home to Creech Air Force Base, which is most famous as the Command and Control facility for remotely piloted aircraft systems flying missions across the globe. From its base in Nevada's Fourth Congressional District, airmen at Creech fly 70 to 75 percent of the unmanned aircraft combat operations around the world, 24 hours a day, 7 days a week.

Finally, I would like to recognize the importance of the Hawthorne Army Depot in Hawthorne, Nevada. The Hawthorne Army Depot receives, stores and issues conventional munitions; demilitarizes and disposes of unserviceable, obsolete and surplus munitions; and maintains serviceability through inspection and renovation to ensure munitions readiness in support of Joint Forces. If you visit the Hawthorne Army Depot, which I recently did, you will see thousands of munitions storage structures dotting the Nevada desert. These facilities are used to ship thousands of tons of munitions per year to

the Warfighter and receive thousands of tons of munitions per year for disposal. In addition, Hawthorne is home to a detachment of the Naval Undersea Warfare Center.

The Fourth Congressional District in Nevada plays an essential role in protecting our national security and supporting our military. That is why I am asking that you continue to authorize operations that occur at Nellis, Creech, the Nevada Test and Training Range as well as the Hawthorne Army Depot as part of the NDAA so that Nevada can continue to lead the way in conducting vital missions all around the globe. I want to thank you for your time in letting me come before the committee.

DANIEL M. DONOVAN, JR.  
11<sup>TH</sup> DISTRICT, NEW YORK

COMMITTEE ON HOMELAND SECURITY  
CHAIRMAN  
SUBCOMMITTEE ON EMERGENCY PREPAREDNESS,  
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April 11, 2018

Thank you for the opportunity to testify today.

Mr. Chairman, I am requesting an amendment to the National Defense Authorization Act to require the Pentagon to propose a legal definition of cyber warfare.

No matter how much technology has changed, from the days of ancient Greek and Roman warfare till now, we have thought of war as involving weapons and the use of physical force. In modern times, we have a large body of both US and international law that defines and governs war.

But for the past several decades we've faced a threat that still does not have a legal definition: cyber warfare. Cyber war does not fit within the traditional confines of how we conceive of warfare. While we have a Cyber Command that is tasked with protecting US Cyberspace, we do not have a legal definition detailing under what circumstances a cyber-attack is considered an act of war. That is why I am requesting an amendment that will require the Pentagon form a working group to propose a legal definition, report back to Congress, and make the findings known to the public.

We currently do not know when a cyber-attack is an act of war. If North Korea were to bomb a hospital, that would undoubtedly be considered an act of war under both US and international legal standards. But if North Korea were to launch a cyber-attack on a hospital and was able to shut it down or alter patient records...there is nothing that defines this as an act of war.

Cyber hacking is rampant; the White House just released a report that cyber-crime cost the US economy an estimated 57 to 106 billion dollars in 2016 alone. If an enemy causes between 57 and 106 billion dollars' worth of damage from bombing US soil, rest assured, we would be at war right now. North Korea is one of the biggest perpetrators of cyber hacking; China, Iran, and Russia are also well-known for engaging in this practice. Critical infrastructure, sensitive technological secrets, and Americans' private information are all at risk.

Cyber attacks continue to develop, but they are of a new, emerging technology. For the sake of our national security, we are long past due a legal definition that will allow us to confront the enemy. By not legally defining cyber warfare, we let our enemies know that this is an issue we are not ready to take seriously. It is time to change that. By creating a definition of when cyber-attacks are an act of war, we will create a strong deterrent and stop other nation states from engaging in this practice against the United States.

My amendment will start the process of the US creating a legal framework for when an cyber-attack is an act of war. I sincerely and respectfully request that the Committee consider my amendment.

Mr. Chairman, I also testify before you today seeking equity for the constituents I represent on Staten Island.

As you may know, the Post-9/11 GI Bill grants housing assistance to veterans attending college through the military's "Basic Allowance for Housing" program. This assistance is based on the rental and utility costs of the Military Housing Area in which these veterans live. Currently, New York City is separated into two zones: one for Manhattan, Queens, Brooklyn, and the Bronx; and another for Staten Island.


Although census data shows Staten Island's median gross rent is within \$50 of Brooklyn's, and \$100 higher than the Bronx, the formula still grants Bronx students up to \$1,335 more than Staten Island students.

It is alarming that these hardworking military families in my hometown have near-identical cost-of-living expenses, yet they do not receive the same allowance as BAH recipients who attend schools in the other four boroughs. The result is that Staten Island's three institutions of higher learning cannot recruit student-veterans to their campuses because of the thousands upon thousands of dollars in reduced assistance it would mean for the student.

I firmly believe that the most equitable and common-sense solution is to have only one Military Housing Area for all of New York City. My amendment would require DOD to merge Staten Island's Military Housing Area with the rest of New York City to create one Military Housing Area for all of New York City.

Again, thank you very much for this opportunity to testify. I sincerely and respectfully request that the Committee consider my amendment.

Sincerely,

A handwritten signature in black ink that reads "Daniel M. Donovan, Jr." The signature is written in a cursive, flowing style.

Daniel M. Donovan, Jr.

**Testimony of Congressman Mike Johnson (LA-04)**  
**Submitted to the House Armed Services Committee**  
**April 11, 2018**

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Thank you, Chairman Thornberry, Ranking Member Smith and members of the committee. I sincerely appreciate you giving me the opportunity to return to provide input during the committee's "member day" hearing for the Fiscal Year 2019 National Defense Authorization Act (NDAA).

I have the distinct honor of representing a congressional district that is home to two vital military installations for our nation and national security interests around the world - Fort Polk and Barksdale Air Force Base. As I'm sure you know, Fort Polk is home to the Army Joint Readiness Training Center and Barksdale is home to the Air Force Global Strike Command. As is evident with the increased actions of North Korea, we live in highly uncertain and incredibly complex time, further highlighting the importance of these two bases and our military readiness to be fully prepared to combat any threat from overseas.

In keeping to today's time constraints, I will focus primarily on two areas I think are in essential need of attention by the committee and Congress – modernizing our U.S. Nuclear Enterprise and ensuring U.S. Army capabilities are fully equipped for necessary training exercises.

Before I begin, I would like to respectfully thank this Committee for working closely with me last year while crafting the Fiscal Year 2018 NDAA to begin the process of re-engineering and modernizing the B-52 bombers at Barksdale Air Force Base. This



much needed makeover will extend the life of the B-52's into the 2050s, improve range and fuel efficiency, and lower maintenance costs. I would also like to relay my thanks for the continued support of Fort Polk from this Committee in recognition of their vital importance to accomplishing its missions and military readiness.

*Nuclear Enterprise –*

Today I would briefly like to speak to nuclear weapons as they continue to play an integral role in the strategies of Russia, North Korea, Pakistan, India and China. In fact, according to many reports, and as evidenced from recent aggressive actions, these countries are increasing their reliance on, and modernizing, their capabilities whether it be in their land, air or sea-based nuclear forces.

I believe that if this Congress is going to be serious about rebuilding our nuclear infrastructure, it must continue to express support for the long-term commitment of Barksdale Air Force Base and for the majority of the Nuclear Triad. I applaud the decision by the U.S. Air Force to include the new gate at the 1-20 – 1-220 interchange into Barksdale Air Force Base on their unfunded priority list. This project must be completed to pave the way for construction of the Weapons Storage Area, which is currently scheduled to begin construction in Fiscal Year 2020. The new Weapons Storage Area is absolutely vital to our nuclear enterprise as it will support the overall activities Global Strike Command oversees and its necessary involvement in a wide array of strategic deterrence. As members of this committee, you are well aware how the Bomber Command, 8th Air Force in charge of our aging fleet and Missile Command, and 20<sup>th</sup> Air

Force in charge of the United States Intercontinental Ballistic Missiles (ICBM's), are critical to deterrence and global strategy.

*Ground Capabilities –*

In any event that maintaining a capable and robust nuclear option does not suffice as a deterrent from war, it is imperative that we also have a capable and ready ground force. As this committee and Congress has presented a path forward to rebuilding our force structure, the need for modernizing our ground capabilities is certainly prevalent to ensure full mission readiness. As a proud member who represents one of two, unit training centers in the United States, Fort Polk Army Base and the Joint Readiness Training Center, it's crucial to highlight how the Army has continued to solidify its footprint with a state of the art Joint Readiness Training Center (JRTC). As Fort Polk JRTC provides invaluable training for Advise and Assist roles and provides soldiers with the training and flexibility necessary to carry out the demands placed on them to achieve victory, it also partners with our close allies in collaborative joint exercises to prepare for the unique situations and challenges a unit may face while deployed.

As we work to regrow our ground forces, and since Fort Polk remains a national asset, we should invest into the JRTC infrastructure to replace the existing Joint Operations Center (JOC). As the current JOC was first built in 1976, it is in need of serious modernization as it is unable to offer sensitive training scenarios above the SECRET level due to the outdated infrastructure. Authorizing a new JOC at Fort Polk will allow the JRTC to replicate scenarios that are sensitive in nature but offer invaluable

training to fully prepare for any challenges ahead as it is the only Combat Training Center in the nation that also trains and deploys combat units.

The defense communities that surround both Barksdale Air Force Base and Fort Polk JRTC, have a long proven track record of fully supporting these two vital military installations and stand ready to modernize our armed forces to meet our nations mission capabilities and necessary resources. Just recently, the Army completed its largest land-purchase of over 47,000 acres in an effort to provide even more robust training capabilities for Brigade Combat Team rotations — an action that was fully supported by the local community. Furthermore, the State of Louisiana and our local community are finalizing an investment of \$90 million to construct a I-20 – I-220 interchange to Barksdale Air Force Base to open access to the installation’s eastern reservation, and relieving traffic congestion to pave the way for the construction of the Weapons Storage Area.

Again, I want to thank Chairman Thornberry, Ranking Member Smith, and members of this committee for taking in these important priorities for my congressional district. I look forward to doing everything I can to support the committee’s work to provide our military with the essential resources it needs.

Mr. Chairman, I appreciate this opportunity to show my continued support for our men and women in uniform, and I yield back.

**Congressman John Rutherford (FL-04) Testimony**  
*House Armed Services Committee*  
*April 11, 2018*

Chairman Thornberry, Ranking Member Smith, distinguished members of the Committee – thank you for the opportunity to testify on behalf of my priorities for the Fiscal Year 2019 National Defense Authorization Act.

As some of you know, Florida's 4<sup>th</sup> Congressional District encompasses most of Jacksonville and St. Augustine and includes Naval Air Station Jacksonville, Naval Station Mayport, Marine Corps Blount Island Command, Florida National Guard installations, and many industry partners. I am proud to represent these men and women, who contribute substantially to our national security, in Congress.

First, I would like to thank the Committee for its continued support of many programs that are key to the missions and growth at Northeast Florida's installations. This includes the MQ-4C Triton, P-8A Poseidon, the Littoral Combat Ship, and various Shipbuilding and Repair accounts, among others. I urge the Committee to continue supporting these important programs.

However, today I would like to spend this time focusing on four areas of importance in this year's legislation – E-2D Advanced Hawkeye procurement, the Air Force's Light Attack Aircraft, the Littoral Combat Ship, and the Law Enforcement Information Exchange program.

First, the E-2D Advanced Hawkeye is the Navy's only carrier-based Airborne Early Warning and battle Management Command and Control System. This aircraft is a key enabler of the Carrier Strike Group and provides theater air and missile defense, synthesizes information from multiple onboard and off-board sensors, makes complex tactical decisions, and disseminates actionable information to Joint Forces in a distributed, open-architecture environment. The U.S. Navy's Unfunded Priorities List this year includes \$340 million for two additional E-2D aircraft in FY2019, for a total of 6 aircraft. The additional aircraft will allow for a more efficient production schedule and enable early transition of E-2Cs to E-2Ds at the Carrier Airborne Early Warning Weapons School. Of operational importance, it will provide CSGs with the E-2Ds advanced capabilities to pace rapidly evolving threats, ensuring that the most capable AEW aircraft is available for the defense and protection of U.S. and Coalition forces. I urge the Committee to support this request of 6 aircraft in FY2019, along with supporting the necessary RDT&E.

Second, senior Air Force leadership has stated the need to procure a fleet of off-the-shelf, light attack aircraft, commonly referred to as the OA-X program. Last year's NDAA supported this concept of a rapid procurement, as greater use of this type of aircraft would provide close air support in a cost-effective way for the Air Force. Using aircraft, like the A-29 Super Tucano, is a cheaper solution than having more advanced aircraft, like the F-35, carrying out CAS and other missions. This saves money and extends the life of more expensive aircraft. The Air Force is

conducting an experiment leading to a procurement decision this year, and should that decision be made, Congress needs to be prepared to meet that request. I urge the Committee to provide Advanced Procurement funding for the purchase of long-lead items so that the first delivery of the aircraft will be no later than 2020. I believe the full utilization and investment in this program has the potential to reshape how our airmen carry out its mission.

Third, one program I know this Committee is intimately familiar with is the Littoral Combat Ship, whose *Freedom* class ships are homeported at Naval Station Mayport. I applaud the Committee's continued support of this program and for its commitment to rebuilding our Navy's fleet. Of importance to Mayport, the President's Budget Request supported the necessary LCS MILCON at Mayport for its Training and Support facilities. I urge the Committee to support this request as the current alternative is training these crews out in San Diego, which is neither a good use of taxpayer money nor is it good for the crews. I also strongly support three more LCS in FY2019 and a quick transition to the new frigate, as I know many on this Committee do.

Lastly, as a former sheriff, I understand the tools that can help our law enforcement and intelligence agencies carry out their respective missions. The Naval Criminal Investigative Service has successfully used a capability called the Law Enforcement Information Exchange, commonly referred to as LInX, to address the data collection, analysis, and integration challenges that confront the defense intelligence and law enforcement agencies at all levels of government. I have seen firsthand how important this capability is in dealing with high-volume disparate data in numerous law enforcement and intelligence agencies, so I would like to submit report language for the record that requests LInX be made a congressional interest item to ensure it receives adequate and stable funding.

Again, thank you all for this opportunity and time to speak today. I also say thank you on behalf of a grateful nation for all the hard work you do in ensuring our nation remains the strongest and safest in the world. I am always available for further discussion on these or other programs of interest. I yield back.

Propose Report Language on Item of Special Interest

Law Enforcement Information Exchange (LInX)

The budget request includes \$706.6 million in Operation and Maintenance, Navy for Investigative and Security Services, of which \$7.7 million would provide an analytical tool for the Naval Criminal Investigative Service (NCIS) advanced integration and analysis of high-volumes of disparate data. The committee is aware that for nearly 10 years the NCIS has successfully used a capability called the Law Enforcement Information Exchange (LInX) to address the data collection, analysis, and integration challenges that confront the defense intelligence and law enforcement agencies at all levels of government. Most recently, the LInX program has added investigator friendly analysis tools to more rapidly survey, evaluate, and develop insights from the large and growing number of data sources. Massive amounts of data existing in an ever-increasing variety of open or warrantable formats - everything from documents and narrative reports to emails, blogs, and text messages - are sources of raw information that, when rapidly and reliably analyzed, provides actionable intelligence for military and law enforcement agencies. NCIS and other agencies' use of LInX has proven its capability and capacity to deal with high-volume disparate data in numerous law enforcement and intelligence cases.

Given the NCIS's record of success with this intelligence and law enforcement capability, the committee is concerned that this program receives adequate and stable funding to ensure its continuous operational availability to investigators and analysts of other agencies. Accordingly, the committee designates the NCIS's LInX program as a congressional interest item. The committee further directs that the Director, NCIS, or designee, not later than August 15, 2018, provide an update briefing addressing the LInX program and the Navy's utilization, program performance, plans for expanding its use, and efforts to share the NCIS's experience with the program with other intelligence and law enforcement agencies.

**HASC Member Day 2018**

Thank you Chairman Thornberry and Ranking Member Smith for this opportunity to share with the House Armed Services Committee some key priorities from Illinois's Tenth Congressional District.

My district is the proud home of many military families, active duty, reservists and veterans. As well, Naval Station Great Lakes in North Chicago, through which every new Navy recruit passes, is in my district and is central to our local community. We appreciate your work on the annual National

Defense Authorization Act, which is important both for our national security and local communities.

**I first respectfully request** that you again include language addressing the opioid crisis. Our men and women in uniform are not immune from the opioid epidemic ravaging the country. In fact, the National Institute of Health reports rates of prescription opioid misuse are higher among service members than among civilians due to the use of these drugs to treat the symptoms of PTSD and chronic pain

Last year, an amendment I offered to set continuing education requirements for Department of Defense doctors who prescribe opioids was included in the



House-passed version of the NDAA. Unfortunately, it was not included in the final bill. Including this provision would ensure our military doctors are up-to-date on the latest best practices in preventing overprescribing and treating misuse.

**Second**, I urge the committee to continue to support a critical joint counter-tunnel defense program undertaken with our ally Israel. These sophisticated subterranean tunnels are a major strategic threat for Israel, and are used by terrorist networks to stockpile weapons and launch deadly attacks.

Sustained joint cooperation to counter these tunnels both helps protect Israel and yields technological

benefits for American efforts to secure our own borders and in the fight against global terrorism. I urge the Committee to again authorize the program, which was appropriated \$47.5 million in the recently passed FY 18 omnibus.

**Finally**, I urge the Committee to address the issue of delayed promotions for men and women serving in the U.S. National Guard. This issue was brought to my attention by a constituent who waited nearly a year for federal recognition of their promotion. A recent poll of members by the National Guard Association of the U.S. found nearly half of respondents said it took more than 195 days to

receive a promotion, which is longer than the timeline set out by the National Guard. I ask the Committee to urge the National Guard to address this issue to ensure promotions are granted in a more efficient manner, while still maintaining necessary oversight. Thank you for your time and consideration of these matters.



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**DOCUMENTS SUBMITTED FOR THE RECORD**

APRIL 11, 2018

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Congress of the United States  
Washington, DC 20515

April 6, 2018

The Honorable Mac Thornberry  
Chairman  
Committee on Armed Services  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Adam Smith  
Ranking Member  
Committee on Armed Services  
U.S. House of Representatives  
Washington, DC 20515

Dear Chairman Thornberry and Ranking Member Smith:

As you work to draft the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2019, we urge you to include report language on the need to authorize additional visas for the Afghan Special Immigrant Visa (SIV) program. The President's FY19 budget request included funding for 4,000 visas and your committee included similar language in the report accompanying H.R. 2810, the National Defense Authorization Act for FY18.

Specifically, we request the inclusion of the following report language:

*The Committee notes the importance of the Afghan Special Immigrant Visa (SIV) program and understands the critical role that our wartime partners play in assisting the United States mission and United States Armed Forces in Afghanistan. Failing to authorize additional visas would leave threatened local partners in serious danger for many additional months beyond current processing times sometimes exceeding one year. This exposes these individuals and their families to attack, kidnapping, and death. The continuation of this program is critical.*

In previous years, Congress has used the NDAA to demonstrate its steadfast support for our allies, while assuring others across the globe that the United States will stand by its commitments in future missions. We respectfully urge you to continue this support by recognizing the sacrifice of our Afghan allies and including this language in your bill.

Thank you for your thoughtful consideration of this request and for your leadership on the Armed Services Committees.

Sincerely,



Earl Blumenauer  
Member of Congress



Adam Kinzinger  
Member of Congress

CHERI BUSTOS  
17TH DISTRICT, ILLINOIS  
SENIOR WHIP  
CO-CHAIR  
DEMOCRATIC POLICY AND  
COMMUNICATIONS COMMITTEE  
DEMOCRATIC STEERING  
AND POLICY COMMITTEE

**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515-1317

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE  
SUBCOMMITTEE ON HIGHWAYS  
AND TRANSIT  
SUBCOMMITTEE ON RAILROADS,  
PIPELINES, AND HAZARDOUS MATERIALS  
SUBCOMMITTEE ON WATER  
RESOURCES AND ENVIRONMENT  
SUBCOMMITTEE ON AVIATION  
COMMITTEE ON AGRICULTURE  
SUBCOMMITTEE ON GENERAL FARM  
COMMODITIES AND RISK MANAGEMENT  
LIVESTOCK AND FOREIGN  
AGRICULTURE SUBCOMMITTEE

Testimony on National Defense Priorities

Thank you Chairman Thornberry and Ranking Member Smith for providing this opportunity to provide testimony essential to Illinois' 17th Congressional District.

As you prepare the National Defense Authorization Act for Fiscal Year 2019, I want to draw your attention to three key issues:

- Relief for the widows and widowers of our servicemembers killed in action;
- The need to continue critical upgrades to the Air National Guard's fleet of C-130H aircraft; and
- The importance of keeping the Rock Island Arsenal strong and supporting advanced manufacturing.

In October 2016, Sergeant Douglas J. Riney of Fairview, Illinois, was killed in action in Afghanistan. His wife Kiley and her two young children were living in Texas where Sgt. Riney was assigned before his deployment. In a time of heartbreak, Kiley decided the family would move back to Illinois as they mourned his loss and adjusted to life without him. She knew that was the right choice for her family, but doing so meant paying costly fees to her landlord to cancel their lease early.

We should do everything we can to make life easier for families who've lost a loved one in military service. These families have made the ultimate sacrifice, and they deserve our support. The last thing they need is to be punished for having such a drastic change in their lives.

Through the Servicemembers Civil Relief Act, Congress protected servicemembers from lease termination fees when they deploy or receive a permanent change of station. We should extend these same protections to widows and widowers when they lose their spouse in military service. I ask that you use this year's National Defense Authorization Act as the opportunity to ensure that these families are protected in their time of need.

Next, I want to commend the Committee's work to support critical upgrades to our nation's fleet of C-130H aircraft like those flown by the 182<sup>nd</sup> Airlift Wing of Peoria, Illinois. As you know, these aircraft are critical to the Air National Guard's mission at home and overseas. As you craft this year's bill, I ask that you continue your work to accelerate the modernization of these aircraft, including upgrades to their avionics, engines and propellers.

Finally, I hope you will use this year's bill to help ensure that adequate work is given to our nation's Army arsenals to keep their workers' skills sharp and maintain readiness. Sufficient workload is critical to ensuring our arsenals can continue supporting our warfighters for years to come.



I am proud to represent the Rock Island Arsenal in Congress. Located on the Mississippi River between Illinois and Iowa, the Rock Island Arsenal has been one of our nation's vital military assets and an integral part of the Quad-City region's economy since the Civil War.

In addition to several critical commands, Rock Island is home to the Joint Manufacturing and Technology Center (JMTC). JMTC is the only remaining foundry within the Department of the Army. In 2013, it was named a Center of Industrial and Technical Excellence for foundry operations. As such, it is unique within the Department of Defense, with the equipment and skilled workforce capable of taking raw material and transforming it into equipment that can help protect our soldiers across the world. In an unpredictable international environment, keeping this capability within the Department of Defense is critical. It allows our armed services to adapt to changing needs and emerging conflicts quickly.

In order to make that capability as strong as possible, we must ensure that Rock Island Arsenal and other industrial facilities within the Department of Defense have the necessary workload to maintain critical capabilities and hone new ones. In this year's National Defense Authorization Act, I ask you to include policies that will support that workload and give these facilities the flexibility they need to succeed. As a nation, we cannot afford to let the workforce's critical manufacturing skills decline or disappear. The Rock Island Arsenal has been there for our fighting men and women in uniform and I am committed to making sure this always remains the case.

Additionally, in recent years, the Army has been taking deliberate steps to implement advanced manufacturing techniques across the organic industrial base. To support this work, I ask that the Committee include language requiring the Secretary of the Army to establish a Center of Excellence for Advanced Manufacturing. Creating such a Center of Excellence at an Army arsenal would help bring together existing knowledge across the Department of Defense's workforce, in the private sector and at institutions of higher learning to ensure that the Army's efforts to integrate advanced manufacturing capabilities are of the highest possible benefit to the warfighter.

Thank you again for this opportunity and for your consideration. I look forward to working with you to support our military families, the 182<sup>nd</sup> Airlift Wing of the Illinois Air National Guard and Rock Island Arsenal.

Sincerely,

A handwritten signature in dark ink that reads "Cheri Bustos". The signature is written in a cursive, flowing style.

Cheri Bustos  
Member of Congress

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

April 6, 2018

The Honorable Mac Thornberry  
Chairman  
Armed Services Committee  
2216 Rayburn HOB  
Washington, DC 20515

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

RE: Support the Health of our Special Operators in the FY19 National Defense Authorization Act

Dear Chairman Thornberry and Ranking Member Smith,

As co-chairs of the Congressional Special Operations Forces Caucus, thank you for the opportunity to highlight an important provision we would like to see included in the FY 2019 (FY19) National Defense Authorization Act (NDAA).

As we are faced with an increased need for rapid response to emerging threats that often require unconventional warfare, we have relied heavily on our special operators to be an essential part of our national security strategy. This special force has become an agile and effective global force for good. They carry out diverse and complicated missions that are central to the defense of the nation, including unconventional warfare, foreign internal defense, special reconnaissance, direct action, counter-terrorism and much more. As we know, their missions are often secret, so our neighbors likely will never know the extent of the bravery of our Special Operations Forces. Because of the tremendous sacrifices made by these quiet professionals to protect our homeland, we must be vigilant in our support to protect their health and wellbeing.

As we have seen over the years, the Department of Defense has teamed with medical researchers to help develop innovative ways to treat and cure diseases that impact the military community. It is our understanding that the U.S. Special Operations Command (SOCOM) is working with the Oncology Research Information Exchange Network (ORIEN) to track the health status of special operators with the goals of enhancing readiness and the overall health of servicemembers. The ORIEN consortium includes the John P. Murtha Cancer Center at Walter Reed National Military Medical Center, which we have been told is serving as the coordinating center for this partnership.

The ORIEN consortium includes 17 academic medical centers that are united behind the idea that collaboration and access to data are the keys to cancer discovery. These member organizations have established a standard system to track patient molecular, clinical and epidemiological data and follow these cancer patients throughout their lifetime, with patient consent. The long-term surveillance of these patients will allow for lifetime consent, access to


clinical outcomes data and genomic sequencing of tumors. We understand that as of January 2018, nearly 200,000 patients have enrolled into this protocol, which will help find the cures and treatments of tomorrow. This type of protocol not only will help our special operators receive personalized cancer treatments to allow them to more quickly recover and return to duty, it could also help provide a framework for SOCOM to address other unique medical needs of our warfighters.


We are respectfully requesting that the report language below be included in the FY19 NDAA to show support for this partnership for the betterment of our special operators. It is our understanding that House Armed Services Committee members Reps. Stephanie Murphy, Matt Gaetz, Austin Scott and Mo Brooks have submitted this request as well.


"The Committee commends the efforts of the United States Special Operations Command to develop an information system to track the health status of Special Operations Forces personnel with the goal of proactively identifying, studying and mitigating risk. This effort is a cooperative endeavor involving the John P. Murtha Cancer Center of the Uniformed Services University of the Health Sciences and at Walter Reed National Military Medical Center, the Assistant Secretary of Defense (Health Affairs), and the Oncology Research Information Exchange Network -- a network of major academic centers (that includes the Murtha Center) which has developed a uniform protocol for long-term patient surveillance. The Committee encourages the Assistant Secretary of Defense (Health Affairs) to continue to assist the United States Special Operations Command in adapting this protocol for use in addressing risk and improving the overall health of military populations."


Thank you for your strong continuing support for the health care needs of our warfighters and for your consideration of this language to continue that mission.

Sincerely,

  
Kathy Castor  
Member of Congress

  
Scott Peters  
Member of Congress

  
Walter B. Jones  
Member of Congress

  
Tom Walz  
Member of Congress

**Congressman Rick Crawford****Testimony before the House Armed Services Committee:****EOD Priorities on NDAA for FY2019**

Good morning Chairman Thornberry, Ranking Member Smith, and distinguished members of the Committee. I am here to testify before the Committee regarding Explosive Ordnance Disposal (EOD) priorities on the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2019. I served in the Army as an EOD technician and I am proud to be a co-chair of the House EOD Caucus along with Members Susan Davis, Brian Mast, and Tim Walz.

EOD units comprise a small force that provides a vital capability to protect America's safety and security. They are critical enablers for combatant commanders and they provide daily defense support of civil authorities. They deploy to support overseas contingency operations, and upon return to their home station, they are responding to unexploded ordnance on and off their installations: protecting the Commander in Chief and critical infrastructure from bombings, assisting public safety authorities with rendering safe improvised explosive devices; as well as providing trained and ready forces to render-safe chemical, biological, and nuclear weapons. It is noteworthy that Senate Armed Services Committee Member Senator Claire McCaskill has recently inquired on the Army's capacity for conducting chemical, biological, radiological, nuclear, and high-explosive operations both at home and abroad. This is timely given the Army's recent reduction of 33 percent (about 1,073 Active Component EOD qualified Soldiers) of their EOD force, the Army's sole capability to neutralize, disable, dismantle, render-safe the nuclear, chemical, biological, and high-yield explosive warheads of manufactured and improvised weapon systems.

The first priority for the Caucus is to re-engage on EOD acquisition reform put forth by Ms. Davis in the NDAA for FY2016. At that time the Department of Defense (DoD) requested time to study the issue and brief a plan to Congress on their way ahead. As of today, we still have not received a plan. Therefore, the Caucus urges the Committee to work with your Senate colleagues to establish an EOD defense program that is truly a joint EOD Research, Development and Acquisition (RDA) program that conducts under the supervision of the Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs. Additionally, it should include a defense-wide program element on EOD RDA managed by the Director of the Defense Threat Reduction Agency and performed by a Joint Program Executive Officer for EOD, that works joint requirements and joint programs who are responsive to the needs of combatant commanders on EOD resource requirements and capability.

The second priority for the Caucus is establishing the EOD Intelligence Program within the DoD with oversight provided by the Under Secretary of Defense for Intelligence, and a program of record managed by the Director of the Defense Intelligence Agency, a combat support agency. Our capability for EOD intelligence on advanced weapon systems of near-peer competitors has atrophied since September 2001. We must emphasize close, continuous coordination and sharing of information at all levels of security classification and special handling instructions between the Intelligence Community and the military departments. This will help to ensure the United States does not suffer strategic surprise from novel ordnance or weapons systems. We are increasingly seeing advanced weaponry used by surrogate forces throughout the

world, and we must be prepared to collect, exploit, counter, and provide attribution of these weapons systems.

The third priority for the Caucus is authorizing a pilot program on enhancing bomb squad capability in support of border security operations. The Caucus is working with the Homeland Security Committee on this effort. Briefly, it will examine the electromagnetic spectrum to identify the optimum spectrum(s) for bomb squads to operate: unmanned vehicles and platforms, such as robotic systems and drones; operate bomb squad cyber and communications equipment, including long haul secure communications to reach-back sanctuary; and operate bomb squad jamming equipment to counter improvised explosive devices. We need to coordinate spectrum resources to better facilitate interoperability and interagency cooperation on military EOD and public safety bomb squad efforts near or at the United States border.

The fourth priority for the Caucus is authorizing a pilot program on Active Guard Reserve EOD qualified soldiers for the Army National Guard's planning and immediate response defense support to civil authorities. This program will examine the feasibility and effectiveness of the Army National Guard EOD soldiers in Title 32 status versus using the current Mobilization Day EOD soldiers mobilized in Title 10 status to provide this support. It will also evaluate the need for additional legislative authorization for Active Guard Reserve EOD soldiers to conduct a fully implemented program.

The fifth priority for the Caucus is language requiring the Secretary of Defense to provide a plan to Congress on merging roles, responsibilities, and organization from various United States Northern Command elements into the roles, responsibilities, and organization of the United States Northern Command's joint task force for EOD and countering improvised explosive devices. The language builds on Committee efforts beginning with the House Report on the NDAA for FY 2013. The language will require the Joint Chiefs of Staff to provide scheduled EOD units, via rotation of the Services' EOD units to combatant commanders, that will support the Commander of the United States Northern Command's joint task force for EOD and countering improvised explosive devices. The purpose of this task force is having an EOD qualified commander providing appropriate oversight of highly technical EOD operations and ensuring explosives safety; mission command of additional technical enablers; and successful integration of military EOD forces with State and local public safety bomb squads, on planning, training, experimentation, and providing immediate response defense support to civil authorities.

Other Caucus initiatives include authorizations for the Secretary of the Department of Homeland Security's Office of Bombing Prevention and the Secretary of the Department of Defense's support of the Interagency Technical Support Working Group on coordination and integration of military EOD and public safety bomb squad planning, training, and on integration of EOD technology with that of public safety bomb squad research, development, and acquisition activities.

Thank you for the opportunity to present my testimony today. I look forward to continually working with the Committee to craft legislation that supports EOD in their mission to defend the homeland and our interests abroad. I remain available to the Committee for further assistance on EOD matters, and I thank you for your consideration.

ADAM KINZINGER  
16TH DISTRICT, ILLINOIS

DEPUTY REPUBLICAN WHIP

COMMITTEE ON  
ENERGY & COMMERCE

COMMITTEE ON  
FOREIGN AFFAIRS

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

April 6, 2018

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

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

Dear Chairman Thornberry and Ranking Member Smith,

As you begin deliberations on the National Defense Authorization Act (NDAA) for Fiscal Year 2019, I write to respectfully request that you include directive report language in the House Armed Services Committee Report to accompany the legislation requiring the Air National Guard (ANG) to conduct an analysis of its RC-26 intelligence, surveillance, and reconnaissance (ISR) platform.

The RC-26 is the Guard's only manned, domestic Incident Awareness Assessment aircraft. This critical asset responds quickly to natural disasters, hurricanes, wildfires, missing persons, and terrorist attacks to provide ISR. Furthermore, this aircraft plays a vital role in counter-cartel and counter-drug operations on the southern border and has aided in the detention of perpetrators and the confiscation of thousands of pounds of drugs, as well as cash and weapons. The RC-26 also made significant contributions to Operation Enduring Freedom (OEF) in Afghanistan. As a pilot of the RC-26—formerly as an Air Force officer serving in OEF and currently as an ANG officer executing counter-drug operations—I am able to personally attest to the platform's versatility and reliability.

There has been some discussion within the higher echelons of the ANG about the RC-26 ranging from consolidation of the platform to divestiture of five or more RC-26 aircraft. I have, on numerous occasions, expressed deep concerns about any such plans with the ANG and asked them for any data being used to drive their analysis. When budgetary data was finally offered to my office for review, I discovered that the ANG's figures were highly inaccurate. Basing major strategic decisions on faulty or inaccurate data is ill-advised in any endeavor, but especially so when such short-sightedness will have significant impacts on national security, counter-drug operations, and the individual states in which the RC-26 is based.

Given President Trump's recent announcement that he plans to send military personnel, including National Guardsmen, to the Southern Border in an effort to bolster security, it is imperative that these forces have a manned aerial ISR platform to execute this important mission. Therefore, I respectfully request that you include directive report language in the Committee Report to accompany the FY 19 NDAA instructing the Chief of the National Guard Bureau, in consultation with the Chief of the Air National Guard Bureau, to conduct a formal assessment of the RC-26. Enclosed with this letter is draft language for the Committee to consider including in the report.

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

Sincerely,



Adam Kinzinger  
Member of Congress

**Directive Report Language on RC-26  
National Defense Authorization Act for FY 2019  
Submitted by the Office of Rep. Adam Kinzinger**

The Committee remains concerned over the health, readiness, and utilization of the Air National Guard's RC-26 intelligence, surveillance, and reconnaissance (ISR) platform. The Committee is aware that the RC-26 is the Air National Guard's only manned, domestic Incident Awareness Assessment aircraft. This critical asset responds quickly to natural disasters, hurricanes, wildfires, missing persons, and terrorist attacks to provide ISR. Furthermore, the Committee notes that this aircraft plays a vital role in counter-cartel and counter-drug operations on the Southern Border and has aided in the detention of perpetrators and the confiscation of thousands of pounds of drugs, as well as cash and weapons. In light of the President's announced plans to have military personnel, including members of the National Guard, help secure the Southern Border, the Committee feels that the RC-26's ISR capabilities make it an essential tool with which to accomplish the mission. The Committee also appreciates the significant contributions the RC-26 made during operations in Afghanistan.

The Committee is informed that the Air National Guard is considering plans to consolidate or even divest five or more RC-26 aircraft from operational status. The Committee believes that any such plans must be carefully considered through a lens of a complete dataset, including both operational costs as well as the benefits to the missions the platform is utilized to execute. Any decision to consolidate or divest the RC-26 without the proper engagement with Congress and other stakeholders would be hasty and shortsighted, the result of which would negate the benefits that the RC-26 aircraft provides to local, state, and federal partners; as well as its ability to respond to regional and national security issues.

The Committee is also aware of an Air National Guard plan to upgrade the existing RC-26 platform. This upgrade will further enhance the capability of the aircraft and thus increase its value to its vital mission set. The Committee has been informed that this program has been delayed for more than two years. Regardless of the mission sets to be determined, the Committee feels that these are viable aircraft with low hours and many useful years of utility remaining. To this end, it is apparent that, regardless of which mission the RC-26 will support in the future, the planes will need to undergo cockpit modernization. Thus, the Committee directs the Air National Guard to upgrade the cockpits of the RC-26 as soon as possible in accordance with the previously approved plan.

The Committee further directs the Chief of the National Guard Bureau, in coordination with the Chief of the Air National Guard Bureau, to conduct a formal assessment of the RC-26, which shall include, but shall not be limited to the following:

- a full scale analysis of the RC-26 platform, including costs of maintenance and parts;
- a detailed report on the missions the platform currently performs, as well as other missions it may perform under Title 32 or Title 10;
- a detailed plan to keep and maintain this platform in its current locations for a period of no less than two years; and
- a detailed schedule for RC-26 upgrade and modifications.

The Committee directs the Chief of the National Guard Bureau to transmit this formal assessment to this Committee, as well as the House Appropriations Subcommittee on Defense, within 90 days. Should the Chief of the National Guard Bureau and the Chief of the Air National Guard Bureau conclude in their assessment that the RC-26 should be consolidated, partially divested, or fully divested before or after such two year period, the Committee further directs the Chiefs to provide such plans to this Committee, as well as the House Appropriations Subcommittee on Defense, not less than 180 days prior to executing any such plans.

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

April 6, 2018

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

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

Dear Chairman Thornberry and Ranking Member Smith,

As you begin deliberations on the National Defense Authorization Act (NDAA) for Fiscal Year 2019, I write to respectfully request that you include the text of H.R. 555, the Amateur Radio Parity Act, in the base text of the bill. This important legislation—which would have a direct, positive impact on the security of the American people by providing improved emergency disaster coordination and response—has passed the House of Representatives in the 114<sup>th</sup> and the 115<sup>th</sup> Congress by voice vote.

Along with the critical communications assistance provided to local governmental and civilian emergency response organizations, the Amateur Radio Service has long played a part in assisting the United States military through the Department of Defense-sponsored Military Auxiliary Radio System (MARS), whose mission is to provide “contingency communications support on behalf of the men and women of the Department of Defense and other U.S. Government users in support of their important and diverse national security missions whenever, however and wherever required.”

Amateur radio operators who participate in the MARS program support the Department of Defense and U.S. Government by providing first-rate, on-demand contingency communications services that rival far more complex and expensive systems’ levels of service and quality, and do so in peacetime or times of national crisis, on an around-the-clock basis, and at no expense to the U.S. taxpayer. Members utilize their own resources and time to provide these services. There were MARS volunteers on the ground in Puerto Rico and the U.S. Virgin Islands providing support after Hurricanes Irma and Maria.

The Amateur Radio Service is also a key partner of the National Communications System (NCS), a confederation of government agencies established by the Presidential Memorandum of August 21, 1963. The mission of NCS is to ensure that the most critical telecommunications needs of the federal government can be met in any possible emergency, ranging from a normal situation to national emergencies and international crises, including nuclear attack, while at the same time achieving the most effective and economical fulfillment of the day-to-day telecommunications requirements. NCS administers a joint restoration priority system with the Federal Communications Commission (FCC) to assure that available telecommunications resources are used to meet the most critical requirements under all conditions. NCS is also given primary responsibility for implementing Presidential Directive 53, National Security Telecommunications Policy, under the direction and guidance of the National Security Council. National-level communications exercises have demonstrated the capability of radio amateurs to respond to simulated national emergencies when normal communications are disrupted. These tests confirm that volunteer radio amateurs are a valuable national resource whose capabilities should be utilized, further developed and exercised to improve our national security.



Unfortunately, a large segment of amateur radio operators cannot provide the services that are expected of them when necessary because they have been prohibited from installing functional outdoor antennas at their homes due to private land use restrictions. While longstanding FCC policy requires municipalities to reasonably accommodate outdoor antennas for amateur radio, operators are frequently and increasingly precluded from providing their public service and taking advantage of their FCC licenses as a result of private land use regulations.

As a result of this preclusion, I reintroduced the Amateur Radio Parity Act this Congress. The specific intent of my bill is to require the uniform application of the FCC's balanced, "reasonable accommodation" policy to all types of land use regulation for amateur radio antennas. This important bill will provide regulatory parity for amateur radio operators regardless of where they live.

In emergencies, when all other forms of communication have failed, this legislation ensures that amateur radio operators will have the means provide reliable, hardened communications in support of federal, state, and local disaster response efforts. Amateur radio operators provide volunteer public service, emergency coordination, and disaster relief communications at no cost to the American taxpayer. During the recent hurricanes Harvey and Maria, and in their aftermath, amateur radio operators were called upon to provide critical communications throughout the affected disaster areas from the time the storms started until mainstream communications were restored. In the case of Puerto Rico, the devastation was so overwhelming that 50 volunteer operators from the mainland were dispatched to provide on-site support, together with hundreds of local amateur radio operators, for many weeks of the recovery process. Equipment costing thousands of dollars was donated by radio amateurs through their national association for that specific purpose.

American amateur radio volunteers are the last line of defense in terms of communications for our first responders, and it is important that we support them because, in doing so, we are also supporting our men and women when called upon to respond to a national emergency.

Enclosed with this letter is the text of H.R. 555, the Amateur Radio Parity Act. Again, I respectfully request that you include this important legislation in the forthcoming FY 19 NDAA. Thank you for your thoughtful consideration of my request and for your dutiful leadership of the House Armed Services Committee. Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,



Adam Kinzinger  
Member of Congress



Joe Courtney  
Member of Congress

115TH CONGRESS  
1ST SESSION

# H. R. 555

---

## AN ACT

To direct the Federal Communications Commission to amend its rules so as to prohibit the application to amateur stations of certain private land use restrictions, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Amateur Radio Parity  
3 Act of 2017”.

4 **SEC. 2. FINDINGS.**

5       Congress finds the following:

6           (1) More than 730,000 radio amateurs in the  
7 United States are licensed by the Federal Commu-  
8 nications Commission in the amateur radio services.

9           (2) Amateur radio, at no cost to taxpayers, pro-  
10 vides a fertile ground for technical self-training in  
11 modern telecommunications, electronics technology,  
12 and emergency communications techniques and pro-  
13 tocols.

14           (3) There is a strong Federal interest in the ef-  
15 fective performance of amateur stations established  
16 at the residences of licensees. Such stations have  
17 been shown to be frequently and increasingly pre-  
18 cluded by unreasonable private land use restrictions,  
19 including restrictive covenants.

20           (4) Federal Communications Commission regu-  
21 lations have for three decades prohibited the applica-  
22 tion to stations in the amateur service of State and  
23 local regulations that preclude or fail to reasonably  
24 accommodate amateur service communications, or

1     pose. Commission policy has been and is to require  
2     States and localities to permit erection of a station  
3     antenna structure at heights and dimensions suffi-  
4     cient to accommodate amateur service communica-  
5     tions.

6           (5) The Commission has sought guidance and  
7     direction from Congress with respect to the applica-  
8     tion of the Commission's limited preemption policy  
9     regarding amateur service communications to private  
10    land use restrictions, including restrictive covenants.

11          (6) There are aesthetic and common property  
12    considerations that are uniquely applicable to private  
13    land use regulations and the community associations  
14    obligated to enforce covenants, conditions, and re-  
15    strictions in deed-restricted communities. These con-  
16    siderations are dissimilar to those applicable to State  
17    law and local ordinances regulating the same resi-  
18    dential amateur radio facilities.

19          (7) In recognition of these considerations, a  
20    separate Federal policy than exists at section  
21    97.15(b) of title 47, Code of Federal Regulations, is  
22    warranted concerning amateur service communica-  
23    tions in deed-restricted communities.

24          (8) Community associations should fairly ad-

1 of their communities, while nevertheless permitting  
2 the installation and maintenance of effective outdoor  
3 amateur radio antennas. There exist antenna de-  
4 signs and installations that can be consistent with  
5 the aesthetics and physical characteristics of land  
6 and structures in community associations while ac-  
7 commodating communications in the amateur radio  
8 services.

9 **SEC. 3. APPLICATION OF PRIVATE LAND USE RESTRIC-**  
10 **TIONS TO AMATEUR STATIONS.**

11 (a) **AMENDMENT OF FCC RULES.**—Not later than  
12 120 days after the date of the enactment of this Act, the  
13 Federal Communications Commission shall amend section  
14 97.15 of title 47, Code of Federal Regulations, by adding  
15 a new paragraph that prohibits the application to amateur  
16 stations of any private land use restriction, including a  
17 restrictive covenant, that—

18 (1) on its face or as applied, precludes commu-  
19 nications in an amateur radio service;

20 (2) fails to permit a licensee in an amateur  
21 radio service to install and maintain an effective out-  
22 door antenna on property under the exclusive use or  
23 control of the licensee; or

24 (3) does not constitute the minimum practicable

1 the lawful purposes of a community association seek-  
2 ing to enforce such restriction.

3 (b) ADDITIONAL REQUIREMENTS.—In amending its  
4 rules as required by subsection (a), the Commission  
5 shall—

6 (1) require any licensee in an amateur radio  
7 service to notify and obtain prior approval from a  
8 community association concerning installation of an  
9 outdoor antenna;

10 (2) permit a community association to prohibit  
11 installation of any antenna or antenna support  
12 structure by a licensee in an amateur radio service  
13 on common property not under the exclusive use or  
14 control of the licensee; and

15 (3) subject to the standards specified in para-  
16 graphs (1) and (2) of subsection (a), permit a com-  
17 munity association to establish reasonable written  
18 rules concerning height, location, size, and aesthetic  
19 impact of, and installation requirements for, outdoor  
20 antennas and support structures for the purpose of  
21 conducting communications in the amateur radio  
22 services.

1 **SEC. 4. AFFIRMATION OF LIMITED PREEMPTION OF STATE**  
2 **AND LOCAL LAND USE REGULATION.**

3 The Federal Communications Commission may not  
4 change section 97.15(b) of title 47, Code of Federal Regu-  
5 lations, which shall remain applicable to State and local  
6 land use regulation of amateur service communications.

7 **SEC. 5. DEFINITIONS.**

8 In this Act:

9 (1) **COMMUNITY ASSOCIATION.**—The term  
10 “community association” means any non-profit man-  
11 datory membership organization composed of owners  
12 of real estate described in a declaration of covenants  
13 or created pursuant to a covenant or other applica-  
14 ble law with respect to which a person, by virtue of  
15 the person’s ownership of or interest in a unit or  
16 parcel, is obligated to pay for a share of real estate  
17 taxes, insurance premiums, maintenance, improve-  
18 ment, services, or other expenses related to common  
19 elements, other units, or any other real estate other  
20 than the unit or parcel described in the declaration.

21 (2) **TERMS DEFINED IN REGULATIONS.**—The  
22 terms “amateur radio services”, “amateur service”,  
23 and “amateur station” have the meanings given

1       such terms in section 97.3 of title 47, Code of Fed-  
2       eral Regulations,

      Passed the House of Representatives January 23,  
2017.

Attest:

*Clerk.*



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

April 6, 2018

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

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

Dear Chairman Thornberry and Ranking Member Smith,

As you begin deliberations on the National Defense Authorization Act (NDAA) for Fiscal Year 2019, we write to respectfully request that you include language that will optimize the use of a waste disposal site used by the United States Army, effectuate cost savings for the American taxpayer, and sustain good-paying jobs in the State of Illinois. Specifically, we ask that you remove certain statutory restrictions imposed upon the Prairie View Recycling and Disposal Facility (Prairie View) in Will County, Illinois.

By way of background, President Clinton signed legislation in 1996 to decommission the Joliet Army & Ammunition Plant (JAAP) and allow Will County to receive a 455-acre parcel for use as a landfill. One stipulation for acquiring this land from the federal government was to accept non-hazardous waste from the remediation of the arsenal and nearby properties at no cost to the federal government. In 1997, after a competitive bidding process, Will County executed a Host/Operating Agreement with Waste Management of Illinois, Inc. to build and operate a non-hazardous, municipal solid waste landfill. Late in 1999, then-Congressman Jerry Weller sponsored language to restrict the deed for Prairie View to a 23-year lifespan and limit the service area to accept waste only from municipalities wholly or partially in Will County. These restrictions were specifically included to allow a second landfill to be built in an adjoining county. However, the second planned landfill was never built.

In January 2004, after receiving an operating permit approved by the Illinois Environmental Protection Agency, Prairie View opened and began accepting waste. By 2014, based on waste intake and a 44% recycling rate, it became clear to Will County and Waste Management of Illinois, Inc. that the lifespan of the landfill would likely exceed the statutory operation cap of 2027 placed on it in 1999. As a result, the Members of Congress who represent portions of Will County collaborated to extend the statutory lifespan of Prairie View. Language sponsored by Congressman Kinzinger to extend the life of Prairie View to 2042 was included in the National Defense Authorization Act for Fiscal Year 2015 (P.L. 113-291, Section 2838).

The Prairie View facility covers a waste mass footprint design of 223 acres with the remaining acreage being utilized for facility support and a buffer area. The facility provides no-cost disposal for cleanup of the former 23,000-acre JAAP property, which provides a benefit to both the Department of Defense and to the U.S. Forest Service, which owns and maintains the adjoining property as an unspoiled prairie habitat, known as the Midewin National Tallgrass Prairie. The deed restriction along with the host agreement between Will County and Waste Management of Illinois, Inc. requires that during the entire operating life of the landfill that it preserves disposal capacity for waste from the former JAAP property. However, based on Army estimates provided to the U.S. Forest Service, the cleanup will generate between 1,076,600 and 1,976,000 tons of waste material into the landfill. Given current JAAP volumes disposed to date, almost 1 million tons of waste may still be generated for disposal. Based on the annual average of 14,000 tons disposed from the cleanup project to date, the cleanup of the JAAP property will significantly exceed the closure date of 2042.

Our proposed language provides a number of benefits to our constituents, the environment, local government, and the federal government. First, Prairie View provides long-term disposal capacity to Will County residents, which yields to them lower disposal costs. The landfill's infrastructure—including groundwater protection systems, access roads, and gas recovery systems—is already established and should be utilized by the County to its fullest capability. Removal of the federally-established closure date will allow the County to maximize the capacity at Prairie View and accept waste from the cleanup of the former arsenal beyond 2042, thereby saving taxpayer dollars that would be spent on disposal elsewhere. Further, an on-site renewable energy facility produces enough electricity to provide power for 8,000 homes, which increases the savings realized by our constituents.

Second, use of the facility in concert with other valuable environmental programs allows the County to maintain a 44% recycling rate, thereby reducing the County's waste disposal needs and supporting the environment. Third, Prairie View generates more than \$4 million per year in revenue for Will County, which is used to provide important municipal services to our constituents. What is more, our proposed language facilitates local control over a mostly-local matter. Rather than the federal government defining Prairie View's service area, Congress must allow local officials to control the waste flow into the facility to suit the interests of County residents. Due to market fluctuations, waste flow volumes into Prairie View may very well drop. Allowing Will County to manage the waste flow and normalize any loss in waste flow by expanding the service area will keep disposal rates relatively constant for our constituents.

Lastly, the U.S. Forest Service has free waste disposal for the cleanup of the JAAP because of its control of the Midewin National Tallgrass Prairie. This free disposal represents savings over \$17 million in waste disposal costs thus far to the federal government. In contrast, if the facility were to be closed in 2042, estimates show that the cost to dispose of the remaining federal waste at current market prices would total more than \$81 million. Given the current levels of waste disposed from JAAP property, Prairie View will close well before the cleanup of the JAAP property is completed. Failure to remove the statutory lifespan of the facility could yield job loss as well as tens of millions of dollars in lost revenue to the County.

For these reasons, we respectfully request that you include language in the forthcoming FY 19 NDAA to remove federal restrictions on the Prairie View facility. Enclosed with this letter is draft language for the Committee to consider including in the text of the legislation. Thank you for your thoughtful consideration of our request and for your dutiful leadership of the House Armed Services Committee. Should you have any questions or concerns, please do not hesitate to contact us.

Sincerely,



Adam Kinzinger  
Member of Congress



Randy Hultgren  
Member of Congress



Bobby L. Rush  
Member of Congress



Robyn L. Kelly  
Member of Congress



Bill Foster  
Member of Congress



Daniel Lipinski  
Member of Congress

**Requested Bill Language regarding Prairie View Recycling and Disposal Facility  
National Defense Authorization Act for FY 2019  
Submitted by Reps. Adam Kinzinger, Randy Hultgren, Bobby Rush, Robin Kelly, Bill Foster, and  
Dan Lipinski**

**SEC. \_\_\_\_.** Section 2922(c) of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104-106; 110 Stat. 605), as added by section 2842 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 863), as added by Section 2838 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (division B of Public Law 113-291; 128 Stat. 3710), is amended by striking “(1)” before “The conveyance” and by striking paragraph (2).

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**Congress of the United States**  
**House of Representatives**

Washington, DC 20515-1303  
April 6, 2018

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

COMMITTEE ON SCIENCE, SPACE,  
AND TECHNOLOGY  
RESEARCH AND TECHNOLOGY  
RANKING MEMBER

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

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

Dear Chairman Thornberry and Ranking Member Smith,

As you begin to develop the National Defense Authorization Act (NDAA) for FY2019, I write to respectfully request that you include language expanding access to commissaries and Morale, Welfare, and Recreation (MWR) facilities to additional categories of veterans. Specifically, the language I propose would extend this access to Purple Heart recipients, all disabled veterans with a service-connected disability, Medal of Honor recipients, former prisoners of war, and veteran caregivers.

America's brave veterans and their families deserve our utmost gratitude. It is our duty as a nation to not only to say that we appreciate their service but also to enact policies demonstrating that gratitude. Currently, only Active Duty, Retirees, and veterans with 100 percent disability rating—and in certain situations Reservist, National Guard, and DoD Civilian employees—are allowed to use the Defense Commissaries and Exchange stores. We should all agree that Purple Heart recipients, Medal of Honor recipients, former POWs and disabled veterans have done more than enough to also earn that access.

This simple action would make the lives of many veterans and their families a little easier at home. For these reasons the Military Order of the Purple Heart, the Veterans of Foreign Wars, the American Legion, and Paralyzed Veterans of America have endorsed this language.

Enclosed with this letter is a copy of the draft language for the Committee to consider as it develops the NDAA text. Thank you for your time and consideration in reviewing this request. Should you have any questions, please contact Christopher Baylor ([Christopher.baylor@mail.house.gov](mailto:Christopher.baylor@mail.house.gov)) or Sofya Leonova ([sofya.leonova@mail.house.gov](mailto:sofya.leonova@mail.house.gov)) on my staff.

Sincerely,



Daniel W. Lipinski  
Member of Congress

**Requested bill language regarding commissary and MWR facility access for certain veterans**  
**National Defense Authorization Act for FY 2019**  
**Submitted by Rep. Daniel W. Lipinski**

**SEC. \_\_\_\_\_. SHORT TITLE.**

This Act may be cited as the “Purple Heart and Disabled Veterans Equal Access Act of 2018”.

**SEC. \_\_\_\_\_. FINDINGS.**

Congress finds the following:

(1) In 2017, the Secretary of Defense determined that the addition of new patron categories to the commissary and exchange systems would support the growth of a robust customer base and help ensure the ability of both systems to provide benefits to members of the Armed Forces and their families.

(2) The Secretary previously opposed extending commissary and exchange privileges to large patron groups such as disabled veterans.

(3) In January 2017, the Secretary of Defense approved limited online exchange shopping privileges for all veterans, effective November 11, 2017.

(4) The Secretary determined that current patrons of exchanges did not perceive the extension of such privileges as diluting the benefit for members of the Armed Forces.

(5) The Purple Heart is the oldest military decoration, awarded to members of the Armed Forces who have been wounded or died in combat, fighting for the United States. Since the modern incarnation of the award was established in 1932, approximately 1,800,000 million members of the Armed Forces have been awarded the Purple Heart.

**SEC. \_\_\_\_\_. COMMISSARY STORES AND MWR FACILITIES PRIVILEGES FOR CERTAIN VETERANS AND VETERAN CAREGIVERS.**

(a) EXTENSION OF PRIVILEGES.—Chapter 54 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 1065. Use of commissary stores and MWR facilities: certain veterans and caregivers for veterans**

“(a) ELIGIBILITY OF VETERANS AWARDED THE PURPLE HEART.—A veteran who was awarded the Purple Heart shall be permitted to use commissary stores and MWR facilities on the same basis as a member of the armed forces entitled to retired or retainer pay.

“(b) ELIGIBILITY OF VETERANS WHO ARE MEDAL OF HONOR RECIPIENTS.—A veteran who is a Medal of Honor recipient shall be permitted to use commissary stores and MWR facilities on the same basis as a member of the armed forces entitled to retired or retainer pay.

“(c) ELIGIBILITY OF VETERANS WHO ARE FORMER PRISONERS OF WAR.—A veteran who is a former prisoner of war shall be permitted to use commissary stores and MWR facilities on the same basis as a member of the armed forces entitled to retired or retainer pay.

“(d) ELIGIBILITY OF VETERANS WITH SERVICE-CONNECTED DISABILITIES.—A veteran with a service-connected disability shall be permitted to use

commissary stores and MWR facilities on the same basis as a member of the armed forces entitled to retired or retainer pay.

“(e) ELIGIBILITY OF CAREGIVERS FOR VETERANS.—A caregiver or family caregiver shall be permitted to use commissary stores and MWR facilities on the same basis as a member of the armed forces entitled to retired or retainer pay.

“(f) DEFINITIONS.—In this section:

“(1) The term ‘MWR facilities’ includes—

“(A) MWR retail facilities, as that term is defined in section 1063(e) of this title; and

“(B) military lodging operated by the Department of Defense for the morale, welfare, and recreation of members of the armed forces.

“(2) The term ‘Medal of Honor recipient’ has the meaning given that term in section 1074h(c) of this title.

“(3) The terms ‘veteran’, ‘former prisoner of war’, and ‘service-connected’ have the meanings given those terms in section 101 of title 38.

“(4) The terms ‘caregiver’ and ‘family caregiver’ have the meanings given those terms in section in section 1720G(d) of title 38.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 54 of title 10, United States Code, is amended by adding at the end the following new item:

“1065. Use of commissary stores and MWR facilities: certain veterans and caregivers for veterans.”.

(c) EFFECTIVE DATE.—Section 1065 of title 10, United States Code, as added by subsection (a), shall take effect at the end of the 90-day period beginning on the date of the enactment of this Act.

**SEC. \_\_\_\_\_. AUTHORIZATION OF APPROPRIATION FOR UPDATING EPACS FOR MILITARY COMMISSARIES.**

There is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, \$500,000 to the Secretary of Defense for the purpose of updating the electronic physical access control system used by military commissaries and exchanges so that the system may recognize and accept veteran health identification cards.

**SEC. \_\_\_\_\_. SENSE OF CONGRESS REGARDING INDIVIDUALS AWARDED THE PURPLE HEART.**

It is the sense of Congress that the Secretary of Defense, in coordination with the Secretary of Veterans Affairs, should maintain a list of all individuals awarded the Purple Heart.

Congressman Steve Pearce  
National Defense Authorization Act Fiscal Year 2019  
Testimonial Initiatives

Chairman Thornberry, Ranking Member Smith and distinguished Members of the Committee, I want to thank you for affording me the opportunity to discuss issues I consider vitally important to our national security and the United States ability to protect the homeland. I have four initiatives to bring to your attention.

The first effort pertains to the Department of Defense's (DoD) ability to produce ground-based passive high resolution optical imaging. Recent, global advances in imaging with optical interferometer telescope arrays offers order of magnitude increases in resolution for long range surveillance at a realistic size and weight capable of being put into outerspace. In particular, the development of technology for space based vibration control means it is foreseeable to maneuver extremely stable structures in outerspace. An optical interferometer could then meet the stringent requirements eventually needed for space-based optical imaging exploiting an amplitude interferometer.

I therefore request the following language be added to Fiscal Year (FY) 2019 National Defense Authorization Act:

*REPORT REQUIRED. - The Committee is pleased to see the progress with ground-based experiments being made by the Air Force Research Laboratory's Joint US-UK Research Team. Results indicate great potential for high resolution imaging of Geosynchronous satellites that also supports the AFRL STEM education goals. The team will soon be doing ground based experiments using full scale baseline separations of over 100 meters between the tracking telescopes. The committee therefore directs the Air Force Research Lab to provide a report to the defense committees by December 31, 2018, or within 30 days of passage, that explains the utility of passive/unobtrusive optical amplitude interferometry for high resolution (x centimeters) imaging in combination with other surveillance systems.*

Next, I request a change to the Test Resource Management Center's Strategic Plan for Department of Defense Test and Evaluation Resources. As it currently stands, the strategic plan only forecasts ten years in the future; however, nearly all other military strategic plans look at least twenty years, if not fifty years, into the future. The changes I propose (see attachment 1) would alter the plan to cover a thirty-year fiscal period, reviewing both funded and unfunded test and evaluation requirements, and receive input from Joint Staff Combatant Commands such as PACOM and EUCOM. Often times, the DoD understands and has identified outside threats, but does not have the capabilities, technology, or funding to test against these threats. Incorporating these elements allows the DoD's testing facilities flexibility and justification future to retain real assets to include airspace, land, and other resources in a shrinking global landscape.

The third initiative is a technical change to clarify eligibility requirements for Military Airport Program (MAP) funding. As it stands, MAP funds are only available, due to Department of Transportation regulation, to civilian airports that were closed under the Base Realignment and

Closure (BRAC) process. U.S. Code does not limit MAP funding to BRAC facilities. It was designed and written to support transitioning facilities. This simple technical fix will not change prioritization of the funds, but merely allows MAP funding to be distributed as it was originally intended— to revitalize former DoD assets to be used by civilian airport entities.

I therefore request the following amendment to *Section 47118(a) of title 49, United States Code*:

*(1) in paragraph (1)(C) by striking “or” at the end;*

*(2) in paragraph (2) by striking the period at the end and inserting “; or”; and*

*(3) by adding at the end the following:*

*“(3) the airport is—*

*“(A) a former military installation; and*

*“(B) a primary airport.”.*

Finally, I would like to discuss airspace for our nation’s vital facilities. An increased demand exists for restricted airspace due to enlarged testing safety corridors, emerging threat complexity, and advancements in aircraft technology. As our military capabilities continue to grow, the DoD will face the challenge of satisfying an increased testing and training requirement with a dwindling allocation of restricted airspace due to encroachment issues. It is therefore imperative that we maximize the efficiency and through-put for both training and testing on one of our most valuable assets, our Major Range and Test Facility Bases (MRTFBs).

In order to overcome this emerging spatial shortfall, DoD must continue to develop its capabilities in conducting multiple mission sets within its finite land and airspace ownership. This modernization effort should have MRTFBs utilize their assets to the maximum output available for both Research Development Test and Evaluation (RDT&E) and training requirements. This includes MRTFBs having integrated scheduling software that has predictive and analytical capabilities to de-conflict competing interests between RDT&E and training; and, grants the Office of the Secretary of Defense (OSD) direct decision making authority for approving scheduling changes when two different services have significant competing interests such as the pilot shortage and missile defense.

I therefore request the following language be added to this FY 2019 NDAA:

*SENSE OF CONGRESS (IN GENERAL). - Major Range and Test Facility Bases’ (MRTFB) shall work in conjunction with the Office of the Secretary of Defense’s (OSD) Director of Operational Test and Evaluation and the Director of Test Resource Management Center (TRMC) to increase through-put of test and training missions by developing standardized processes and scheduling systems that accommodate joint force utilization.*



*PLAN REQUIRED.* - The Director of Operational Test and Evaluation in coordination with the Under Secretary of Defense for Acquisition and Sustainment and the Under Secretary of Defense for Personnel and Readiness shall develop a plan –

- (1) Modernize and standardize MRTFB processes and scheduling systems for current and future advancements in technology to include (1) 5<sup>th</sup> and 6<sup>th</sup> generation aircraft avionics, propulsion and weapons systems, (2) offensive and defensive hypersonic missile and directed energy testing, and (3) the Intercontinental Ballistic Missile replacement -*
  - a. Maximize use and effectiveness of MRTFBs land and airspace assessing the demand for long-range testing and training capabilities; and*
  - b. To execute all means available to achieve testing and training goals, and objectives of all Armed Forces Branches*

*SUBMITAL OF PLAN AND BREIFING.* – Not later than 120 days after the date of the enactment of this Act, the Director of Operational Test and Evaluation in coordination with the Under Secretary of Defense for Acquisition and Sustainment and the Under Secretary of Defense for Personnel and Readiness shall submit to the congressional defense committees a written plan on the plan required under subsection \_\_\_\_.

**Attachment One**

The highlighted text are the changes I request to 10 U.S. Code § 196.

**(d) Strategic Plan for Department of Defense Test and Evaluation Resources.—**

(1) Not less often than once every two fiscal years, **the Under Secretary of Defense for Research and Engineering, the Director TRMC**, in coordination with **the Director of the Defense Intelligence Agency**, the Secretaries of the military departments, and the heads of Defense Agencies with test, evaluation **missile defense, and intelligence** responsibilities, shall complete a strategic plan reflecting the **future** needs of the Department of Defense with respect to test and evaluation facilities and resources. **The strategic plan(s) shall cover the period of thirty fiscal years** beginning with the fiscal year in which the plan is submitted under paragraph (3). The strategic plan shall be based on a comprehensive review of both **funded and unfunded** test and evaluation requirements of the Department, **future threats to national security** and the adequacy of the test and evaluation facilities and resources of the Department to meet those **future** requirements **and threats**.

(2) The strategic plan shall include the following:

(A) An assessment of the test and evaluation requirements of the Department for the period covered by the plan.

(B) An identification of performance measures associated with the successful achievement of test and evaluation objectives for the period covered by the plan.

(C) An assessment of the test and evaluation facilities and resources that will be needed to meet current and future requirements based on current and emerging threats and satisfy such performance measures.

**Representative Greg Walden – Statement for the Record, FY19 NDAA**

Thank you for the opportunity to submit written testimony on the FY19 National Defense Authorization Act (NDAA). I wish to raise an issue of importance for Kingsley Air National Guard Base in Klamath Falls, Oregon: the lack of sustainment for the F-15 platform, and the future of the base as a potential home to F-35s.

For the past several years, Kingsley Field has been the sole training facility in the nation for F-15Cs and F-15Ds. In 2015, Kingsley was given additional responsibilities as home to an active duty component to increase pilot production – a testament to the base’s performance and capacity to grow. They’re showing no signs of slowing down, either – the Air Force’s plan to add an Adversary Air contract to Kingsley’s mission next year will bring another six planes, eight pilots, and 39 maintenance workers to the base.

While this expansion is good news for Klamath Falls, it comes with a significant caveat: Kingsley’s fleet of F-15 Eagles is plagued by structural and maintenance issues that could result in grounded planes, wasted resources, or, worst of all, endangered pilots.

Twice in the past two weeks, significant portions of Kingsley’s fleet have been grounded due to safety and maintenance concerns. Expired parts for pilot ejection seats, lack of proper maintenance for longerons, and out-of-date maintenance manuals for electronic wiring systems are some of the main concerns that forced the base to ground their planes recently. But the overarching issue for Kingsley is the lack of a clear decision from the Air Force about whether to invest in the necessary sustainment for F-15s. Given the need to train pilots for the F-35, and the overall shift to that platform that must occur, it is time to begin Kingsley Field’s transition to become a home to the F-35.

There are many factors that make Kingsley Field an ideal home for F-35s. The continued growth and expansion of the Kingsley’s mission has been accompanied by overwhelming support from the local community. The base accounts for nearly \$90 million of economic activity in Oregon every year – they’re one of the largest employers in the area, and they continue to invest in the community. That explains why the city of Klamath Falls and Kingsley Field recently signed a lease-extension for the base, ensuring the Air Force and Air National Guard can have a home in Southern Oregon for the next 77 years.

The signing of this lease extension comes on the heels of another piece of great news for Kingsley – the Oregon Airspace Initiative, which was approved this past December, will increase the base’s airspace for training by 50%. This gives the base unrivaled capacity both in terms of airspace and availability of that space for training. Combine that with its over 50,000 square yards of ramp space, unwavering support from the community, and four decades of fighter training culture, and Kingsley Field is clearly a perfect home for the F-35.

Thank you again for the chance to submit this testimony. I look forward to working with you on the future of Kingsley Field and all other national defense priorities.

The Honorable John A. Yarmuth  
Member of Congress  
3<sup>rd</sup> District, Kentucky

Member Day  
House Armed Services Committee  
April 11, 2018

Chairman Thornberry, Ranking Member Smith, and members of the Committee, thank you for the opportunity to testify today.

As the ranking member of the House Budget Committee, I am compelled to come before you to raise my concerns over the misuse of the Overseas Contingency Operations (OCO) budget designation to fund activities unrelated to war activities. For years, the OCO designation has been used as a back-door loophole to circumvent budget controls in order to fund additional on-going base-budget activities. We need to end this practice because it hides the true cost of our national security strategy and it undermines the integrity of the budget process.

In view of this, I request the Committee draft a national defense authorization bill for 2019 that includes OCO authorizations for appropriation that do not exceed \$69 billion, the level agreed to as part of this year's bipartisan budget agreement, unless it can be shown that all of the funds designated as OCO are for war-related activities. Further, I request that the Committee, as part of its oversight responsibilities, encourage the Department of Defense (DoD) to identify enduring activities that are currently being financed with OCO funds and to plan for transitioning these costs back to the base budget in future years. I am not alone in making recommendations along these lines. The Government Accountability Office recommended that DoD develop a complete and reliable estimate of enduring OCO costs to report in future budget requests. This recommendation came on the heels of DoD officials stating in 2016 that the estimate of enduring costs was as much as \$30 billion, or 46 percent, of DoD's total 2017 OCO budget.

I recognize that the unrealistically low budget caps as a consequence of the Budget Control Act (BCA) of 2011 were the genesis of the OCO abuse—abuse that both the executive branch and Congress participated in. But, with this year's budget agreement that lifted the 2019 defense cap by \$85 billion and with a negotiation on lifting the caps of the final two years of the BCA on the horizon, it is well past time to correct our past mistakes and finally have a fair accounting of these costs.

This year the Pentagon is spending more than \$900 million to conduct its first department-wide audit and to fix deficiencies in its financial systems so that we ensure the most accurate and

clear accounting of DoD's financial information. With that in mind, we should make every effort to fund the government's activities without slight-of-hand budget gimmicks that serve to obfuscate costs for the sole purpose of circumventing the budget process.

Again, thank you for the opportunity to testify today and I look forward to working with you on this issue in the coming weeks.

The Honorable Don Young



Congressman for All Alaska

Testimony of  
**The Honorable Don Young**  
Before the  
**House Armed Services Committee**  
FY 2019 National Defense Authorization Act Member Request Day

Chairman Thornberry, Ranking Member Smith, and distinguished colleagues on the House Armed Services Committee, thank you for holding this hearing, and for giving me the opportunity to testify as the lone Representative for the State of Alaska. Though I am not a member of the Armed Services Committee, I am proud to represent the most strategic state in our country, with the largest number of service members and veterans per capita in the nation. I appreciate your consideration of the following provisions for inclusion in the Fiscal Year 2019 National Defense Authorization Act. I will keep my remarks today brief, and my staff will be happy to follow up with you to provide additional information on all of these issues, if needed.

**Enlisted Pilots**

Pilot shortage and retention has reached a critical mass, the current trend could greatly impact our national security. If we look to history we can see that this is not the first pilot shortage we have had, and in the past Congress took action to help alleviate the issue; their answer was Public Law 99. That law authorized an enlisted pilot training program. This program was highly successful and produced fighter aces, General officers, and aviation legends, such as General Chuck Yeager. Additionally, the Air Force is facing a shortage of Remotely Piloted Vehicle pilots, I believe that enlisted pilots can also help to alleviate this shortage. Considering the Air Force has graduated its first class of enlisted RPV pilots and has selected its candidates for a second class of RQ-4 pilots with a goal of 100 enlisted RQ-4 pilots by 2020, it is safe to assume that the Air Force has confidence in enlisted pilots.

I ask for two Air Force studies, (1) a report on the cost and benefit of fully opening up the RPV pilot career field to all enlisted personnel upon enlistment, and (2) a report on the cost, benefit, and feasibility of authorizing enlisted pilots on all aircraft platforms. I believe it would also be helpful if the studies examined the question of whether the primary problem is officer retention or pilot retention.

**Resident Energy Conservation Program (RECP)**

RECP has been instituted around DoD for the purpose of awarding energy savings/efficiency. This derived from a 1998 OSD policy which established a policy for the payment of utilities in Public-Private Venture Housing to encourage

The Honorable Don Young



Congressman for All Alaska

energy efficiency in privatized housing. However, RECP serves no purpose for bases which produce their own power, such as Eielson AFB.

Implementing RECP at bases which create more energy than they use serves no purpose as any energy savings is pointless because it does not save any money. Moreover, it can be extra burdensome on the service members and their families. Eielson AFB for example, has some of the most extreme environments in the world, including temperatures that stay well below zero for months. Essentially, with implementation, many troops and their families will pay above their Basic Allowance for Housing entitlement or try to conserve energy in this harsh environment, which is dangerous and unfair to families.

This is why I am asking the Committee to include language that would exempt military installations that produce more electricity than they consume from the Resident Energy Conservation Program.

#### **Security Force Assistance Brigade (SFABs)**

SFABs were designed by the United States Army to train, advise, and assist our allied and partner nations. Currently, the Army has stood up two of these Brigades in North Carolina and Georgia, with plans to establish six brigades all together. Given the National Defense Strategy's call to expand our Indo-Pacific alliances and partnerships and DoD's shift to the Asia-Pacific region to deal with developing threats and expansionism from countries like Russia and China, it should be the goal of Congress to ensure we are doing everything to combat this threat.

This is why I ask for a Sense of Congress that any new SFABs be established such that the SFAB would support the National Defense Strategy, which calls for an expansion of our Indo-Pacific alliances and partnerships; and any new SFAB's home station should be located on an installation that is conducive to operations in the Pacific.

#### **Military Mountaineer Badge**

I request that the Committee authorize federal approval the Basic Military Mountaineer Badge, commonly known as the Rams Head Device for graduates of the Basic Military Mountaineering Course.

The badge has existed since the 1950's when it was worn by the Cadre at the U.S. Army Mountain and Cold Weather Training Command at Fort Carson, Colorado and Camp Hale, Colorado, but has yet to receive federal approval. Approval of this badge would not only mean that the Army recognizes the importance of the training that BMCC graduates receive, but also means that the

The Honorable Don Young



Congressman for All Alaska

Army recognizes the historical significance of the badge. Additionally, given our current and future threats developing in mountainous and Arctic regions around the globe, it is safe to say that institutions teaching these courses, such as those at the Northern Warfare Training Center in Alaska, must grow. This badge would help that process by raising the status and importance of the training.

### **U.S. FAA Licensed Spaceports**

U.S. FAA licensed spaceports have been identified as valuable components in the national security launch framework, and should be utilized for appropriate missions to support U.S. strategic goals. These spaceports provide numerous advantages, for example, the Pacific Spaceport Complex (PSCA) located in Kodiak, Alaska, is the nation's highest latitude full service spaceport, and was designed specifically to provide optimal support for space launches to polar and high inclination orbits, including circular and highly elliptical Molniya and Tundra orbits. PSCA provides an alternative launch site to Vandenberg AFB that reduces U.S. vulnerability to a natural or man-made event that shuts down launch access to polar orbits for small payloads. Given the importance of access to space for national security I ask that the following report language be included:

#### *The importance and use of U.S. FAA licensed spaceports*

*The committee recognizes the unique importance of U.S. FAA licensed spaceports and when appropriate, encourages the use of such spaceports and launch and range complexes for mid-to-low inclination orbits or polar high-inclination orbits in support of national security space priorities. The committee recognizes that these federally-licensed, non-federally owned launch facilities, including the Pacific Spaceport Complex-Alaska (PSCA) and the Mid Atlantic Regional Spaceport (MARS), are available to meet the requirements for the national security space program from the Department of Defense (DOD), Air Force Space Command, Operationally Responsive Space Office, and Missile Defense Agency (MDA).*

*The PSCA has supported numerous launches for Air Force Space Command including specific national security launches. It remains the only commercial polar launch range available in the United States, and supports a number of MDA missions. The Mid Atlantic Regional Spaceport (MARS) at Wallops Island, Virginia provides medium-class and small-class launch capabilities for the Department. It has launched numerous missions for DOD with its agency partners, Air Force Space Command, ORS, and MDA. MARS provides assured/responsive access to mid-to-low inclination orbits for payloads up to 14,000 lbs.*



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*The committee believes that these facilities can be used, when appropriate, to support the national security space program.*

### **Background Investigations**

P.L. 108-458, The Intelligence Reform and Terrorism Act, required that all security clearance background investigations and determinations completed by an authorized investigative agency or authorized adjudicative agency shall be accepted by all agencies and that all security clearance background investigations initiated by an authorized investigative agency shall be transferable to any other authorized investigative agency. However, a December 2017 GAO report found that full implementation has yet to happen.

While it is understood that there are a variety of reasons why full implementation has yet to occur, I think we can all agree that this process has dragged on way too long. Estimates have shown that the use of reciprocity could eliminate up to one-third of the backlog. Additionally, the clearance backlog has affected the backbone of the American economy - small business. I have heard from companies which operate under SBA programs that the clearance backlog has adversely affected their ability to function in the federal contracting realm. Therefore, I request a provision which mandates that federal agencies apply and respect reciprocity as was directed by PL 108-459 in an expedited manner.

Chairman Thornberry, Ranking Member Smith, and members of the Armed Services Committee, I again thank you for giving me this opportunity. I encourage all of you, and your staff, to come to Alaska to see firsthand all that we offer the Department of Defense. A strong defense presence in Alaska is not only vital to the state, but also vital to our national security.