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MEMBER DAY

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ONE HUNDRED SEVENTEENTH CONGRESS
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ONE HUNDRED SEVENTEENTH CONGRESS

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MEMBER DAY

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
Washington, DC, Wednesday, May 5, 2021.

The committee met, pursuant to call, at 11:01 a.m., in room 2118, Rayburn House Office Building, Hon. Adam Smith (chairman of the committee) presiding.

OPENING STATEMENT OF HON. ADAM SMITH, A REPRESENTATIVE FROM WASHINGTON, CHAIRMAN, COMMITTEE ON ARMED SERVICES

The CHAIRMAN. I call the committee to order.

Before today's hearing begins, I would like to review a few procedural points. This hearing will be broadcast live on the committee's website, and the broadcast will begin following these announcements.

I would like to remind Members who are participating remotely that they must be visible on screen for the purposes of establishing and maintaining a quorum, seeking recognition, participating in the proceeding, and voting. Remote participants must continue to use the software platform video function while in attendance unless they experience connectivity issues or other technical problems which render them unable to participate on camera.

If a participant experiences technical difficulties, please do not hesitate to contact committee staff for assistance.

I would also like to remind participants that the software platform's chat feature should only be used to communicate with staff regarding technical or logistical support issues and that those communications will not be considered committee records.

Members are welcome to leave and rejoin the proceedings. If Members who are participating remotely depart for a short while for reasons other than joining a different proceeding, they should leave the software platform's video function on. If Members will be absent for a significant period, or depart to join a different proceeding, they may remain logged onto the software platform but they must turn the platform's audio and visual functions off until they return.

All participants other than the chair are currently muted. All participants are asked to remain muted when they are not engaged in the discussion.

In circumstances in which Members are not speaking and they have not muted themselves, I will do so to avoid inadvertent background noise. Well, technically my staff will do so to avoid inadvertent background noise.

Members and witnesses are reminded that they are responsible for unmuting themselves at any time that they wish to be heard during the proceedings.

Thank you. We are now ready to begin. And today we are hearing—this is Member Day. To a certain degree, every day is Member Day. But today we are talking about Members throughout Congress who wish to express their views as we move forward towards marking up the defense bill this year. So we will have witnesses, Members who are not members of the committee, who will be testifying.

We are going to take them three at a time. You will be each given 5 minutes, though you are not required actually to take the full 5 minutes, but you are given 5 minutes. And then when those three are done, we will open it up to questions. There will be 5 minutes of questions total for the three Members.

And we have an order here, but we will take Members in the order that they show up, and up front the first three Members who are going to testify will be Representative Mary Scanlon, Representative Bill Foster, and Representative Derek Kilmer.

Okay. Scanlon is not there. Do we have a third? I have Foster and Kilmer, who—we are looking for a third. So while we are looking for a third, we will start with Representative Bill Foster. You are recognized—oh, I am sorry. I apologize. I forgot that important step.

Ranking Member Rogers, do you have any opening comments?

Mr. ROGERS. No, Mr. Chairman. I just want to thank you for having this and thank the witnesses for being with us today and sharing their thoughts on how we can make the NDAA [National Defense Authorization Act] a stronger document and help our national security.

With that, I yield back.

The CHAIRMAN. Thank you.

And with that, Mr. Foster is recognized for 5 minutes. Well, sorry, one quick second. We are adding—Representative Welch will be on the first panel. So it will be Foster, Kilmer, and Welch. And, Mr. Foster, you are recognized.

**STATEMENT OF HON. BILL FOSTER,
A REPRESENTATIVE FROM ILLINOIS**

Mr. FOSTER. Thank you. Am I audible and visible here?

The CHAIRMAN. We got you.

Mr. FOSTER. Okay. Well, good morning. Thank you, Chairman Smith, Ranking Member Rogers, and members of the committee for allowing me to testify. I am here today to request that the committee do two things. First, authorize \$20 million for continued research on low-enriched uranium fuel for the pressurized water reactors for aircraft carriers and submarines; and, secondly, to realign the National Technical Nuclear Forensics, or NTNF, program from the Department of Homeland Security to the National Nuclear—to NNSA, the National Nuclear Security Administration.

So, first, in regards to the low-enriched uranium. For decades, the elimination of highly enriched uranium outside of nuclear weapons programs has been a U.S. policy objective worldwide because of the proliferation concerns that high-enriched uranium can

be used by a not-very-sophisticated entity, whether they be terrorist or proliferation states, to make a simple gun-type nuclear bomb with a multi-kiloton yield.

Currently, the largest remaining non-weapons use of high-enriched uranium is for fuel for U.S. naval propulsion reactors, and many other countries are interested in potentially copying the U.S. in this use.

Public estimates are that the U.S. naval reactors use more than 2 tons of weapons-grade HEU [highly enriched uranium] annually, the equivalent to hundreds of nuclear weapons. And as the only Ph.D. physicist in Congress, I have studied at length the question of the feasibility of minimizing the use of HEU in naval propulsion reactors, including having detailed discussions with naval personnel in classified settings, as well as visiting the factory where naval nuclear fuel is made.

Continuing to research a transition to low-enriched uranium fuel is crucial, because if it is found to be technologically and economically feasible, the minimization of HEU would have significant benefits for international non-proliferation and counterterrorism efforts.

One thing that has changed in the last year is that the Department of Energy has approved initial funding for commercial advanced nuclear reactors. Most of these new designs use what is called high-assay, low-enriched uranium for them, and there is interest and participation in those same companies that are involved in naval fuel and these advanced reactors.

So it is now more important than ever for the United States to lead by example and continue exploring the feasibility of converting our naval nuclear propulsion to high-assay LEU [low-enriched uranium] fuel.

As the committee has done in previous NDAA's, I urge the committee to include the \$20 million to continue this research on LEU fuel. I would also like to ask the committee to realign the National Technical Nuclear Forensics, or NTNF, program from the Department of Homeland Security to NNSA, which is supported by both NNSA and DHS [Department of Homeland Security].

Congress formally codified the NTNF program in 2010 to ensure that we have a ready and robust nuclear forensics capability. The program has established a nuclear forensics interagency partnership to prepare the government to respond to a nuclear event that happens without warning.

However, the NTNF program's capabilities, as they have matured, the misalignment of its function has created inefficiencies that inhibit the program's advancement. Specifically, while DHS is responsible for planning NTNF exercises, it has no operational role in the mission itself because NTNF relies on nuclear device design and material production expertise, which the NNSA is solely responsible for.

Realigning the NTNF program under NNSA will lead to greater efficiency by making NNSA solely responsible for ensuring the integration of activities that are consistent with the unified strategic direction.

Thank you, and I yield back the balance of my time.

[The prepared statement of Mr. Foster can be found in the Appendix on page 25.]

The CHAIRMAN. Thank you.

Mr. Kilmer is recognized for 5 minutes.

**STATEMENT OF HON. DEREK KILMER,
A REPRESENTATIVE FROM WASHINGTON**

Mr. KILMER. Thank you, Mr. Chair. I want to thank you and the ranking member for holding this Member Day. It is good to be back with the Armed Services Committee.

I would like to discuss two of my legislative priorities today, both focused on improving infrastructure in and around our military installations. First, I want to touch on the Shipyard Infrastructure Optimization Program, or SIOP, and then the Defense Community Infrastructure Program.

I represent Washington's 6th District, which is home to Naval Base Kitsap in Bremerton. Kitsap is home to one of the Navy's four public shipyards, the Puget Sound Naval Shipyard [PSNS], and intermediate maintenance facility.

The four public shipyards—PSNS, Norfolk, Portsmouth, and Pearl Harbor—are critical in strengthening, maintaining, and modernizing our Navy's fleet, and protecting our national interest. The four public shipyards perform all of the Navy's nuclear repair and retrofit work.

PSNS plays an outsized role for Department of Defense in its current priority theater, INDOPACOM [Indo-Pacific Command], in that it is the Navy's only dry dock on the west coast capable of performing carrier work.

As you know, in 2018, the Navy released its 20-year \$21 billion Shipyard Infrastructure Optimization Program, or SIOP, to update and modernize our public shipyards. The program will revitalize and modernize the infrastructure of the shipyards, increase climate resilience, and improve resistance to natural disasters.

The timely execution of SIOP is vital to the Navy's mission, to the security of the work being done in the yards, and to our national security. Any delays or shortfalls in funding for SIOP could result in additional aging and damage to the already-substandard facilities, utilities, dry-dock equipment, and information technology infrastructure at the four public yards. If that happens, the shipyards will be unable to meet current and future demands of the fleet without continued investment in SIOP.

Therefore, in my view, Congress and the Navy need to ensure SIOP remains on track. I have certainly discussed this with the Seapower Subcommittee chair, and he shares the view that this has to get done.

And, Mr. Chair, I know you get to look across the water from your district at the 130-year-old shipyard in my district, and I would love to invite you and the ranking member to see some of these urgent needs up close and personal.

I appreciate your consideration of my request to prioritize the \$21 billion currently projected as needed for SIOP, as well as any additional funding identified by the Navy, to not modernize our public shipyards in the future.

The second priority that I wanted to discuss is the Defense Community Infrastructure Program, or DCIP. This program was created in 2019 to help communities around military installation address infrastructure deficiencies. Grants from DCIP help to preserve and enhance military readiness and security by providing funding for critical infrastructure projects, which support on-base operations and readiness.

DCIP is a unique program because it allows the DOD [Department of Defense] to partner with local communities and share the often expensive costs of infrastructure upgrades. Investments from DCIP in defense communities help make these towns and cities more vibrant, livable, and safe, both for service members and for their families, and for everybody else in the neighborhood.

All of these investments also help improve the readiness of the bases because ultimately, if the off-base infrastructure is failing, it is that much harder for our service members to get to and from work and to do their jobs. If the roads leading to a base are too congested, that is hurting the ability of the base to most effectively respond to our national security needs.

These funds help communities throughout the country, including in my district. Every day thousands of service members and civilian employees at Puget Sound Naval Shipyard and Naval Base Kitsap commute through a section of congested roadway. During the morning and afternoon rush hour, this normally sleepy stretch of roadway gives LA [Los Angeles] rush hour a run for its money, turning the road into a parking lot, not to mention the fact that there are concerns around the climate resiliency of the roadway.

As the nearby military installations continue to grow, the concern is only compounded. DCIP could offer much-needed assistance and support, not just to Kitsap County as they try to address these congestion issues, but to communities around the country.

Ultimately, for the installations in my area and throughout America, these issues are impacting bases and their readiness, which harms our entire country, not just the people who live near and work on these installations. With that in mind, I request that you include \$75 million for the Defense Community Infrastructure Program in the upcoming National Defense Authorization Act.

Chairman Smith, Ranking Member Rogers, thank you for the opportunity to speak with you. I urge you to consider taking up these provisions as part of the NDAA, and I would be happy to stand for any questions that you may have.

And with that, I yield back.

[The prepared statement of Mr. Kilmer can be found in the Appendix on page 27.]

The CHAIRMAN. Thank you.

Mr. Welch is recognized for 5 minutes.

**STATEMENT OF HON. PETER WELCH,
A REPRESENTATIVE FROM VERMONT**

Mr. WELCH. Mr. Chairman and Ranking Member Rogers, thank you very much. I am here to talk about burn pits. And as this committee knows from the good work you have been doing, burn pits have been too widely used, and soldiers who were in the vicinity of those burn pits were exposed to all kinds of toxic materials that

were being burnt. It has got a particular Vermont connection, but it is really universal for our service members who have been in Afghanistan and Iraq.

In Vermont, Brigadier General Mike Heston and also Sergeant Major Cram both died. Sergeant Cram—Sergeant Major Cram was in a unit of 21 military police. Three of the members of that force all died from cancer typically related to burn pit exposure, and several other members of that unit have had various illnesses that we do believe could well be attributed to exposure to burn pits.

The committee has ended the practice of using burn pits, but we still have some out there where, for a variety of reasons presented by DOD, they can't be stopped. We want that to change.

The committee has also helped the VA [Department of Veterans Affairs] expedite the review process so that when soldiers are being interviewed, the burn pit question is part of that, so that we can get the information we need in the registry. We have had about 241,000 soldiers sign up on the burn pit registry that is going to allow us to continue to get information. Though we do have some continuing challenges with the existing burn pits, improving the review process, and improving the care for exposed vets, there is a very high denial rate.

Seven hundred Vermonters have signed up on the registry here in Vermont out of 14,000 who have served in Afghanistan. But this is an acutely serious issue for us because in Vermont we had the highest participation rate of our citizens on a per capita basis in Iraq and Afghanistan than we have of these tragic losses of soldiers who came home and died of cancer that we believe is related to burn pits.

The two questions before us are, one, can the committee assist through the NDAA in expediting the review process? It takes a long time, and there is a very, very high denial rate. Second, we believe it is time to consider doing what we did with Agent Orange, and that is apply a presumption of disability to soldiers who have illnesses, and those soldiers can demonstrate that they were serving in the vicinity right around burn pits.

So we seek the continued energy of this committee to assist these veterans who have been exposed to these toxic burn pits while serving our country in Afghanistan, sometimes Syria, and Iraq.

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

[The prepared statement of Mr. Welch can be found in the Appendix on page 30.]

The CHAIRMAN. Thank you. I have one comment and then one question. First of all, on Mr. Welch's comments, I think that the burn pit issue is enormously important. It is sort of the Agent Orange issue of our day, and I think it is imperative that we learn the lessons. I mean, we are still trying to get people covered who were harmed by Agent Orange in Vietnam.

We just last year added a significant chunk of diseases as presumptive that would get covered, and we can't wait 50 years this time. So let's make sure we get the coverage to the service members who have been harmed by burn pits.

A question is for Mr. Kilmer. On both the issues that you raised, on the shipyard refurbishment and on the critical infrastructure

around bases, there is a possibility of folding those into the infrastructure, the much-talked-about infrastructure package. I know just recently I have had some conversations on the shipyard issue. I was wondering if you have had any conversations.

We talked before about the transportation piece around bases. But on the shipyard issue, have you discussed that at all as including in the infrastructure package?

Mr. KILMER. I have, but I know that there is discussion about that. You know, if you look at the potential of an infrastructure package, both to put people to work in the short term and lay the foundation for addressing long-term needs over the long haul, I would argue that both of these issues—both SIOP and the DCIP—are right in the sweet spot there.

These investments at our public shipyards, simply put, need to happen for us to maintain our national security. And so I think there is a real opportunity there. Those of us who represent public shipyards and some that don't, including your Seapower Subcommittee chair, we have started having conversations around whether it would be possible to loop this conversation in with the broader infrastructure conversation.

The CHAIRMAN. Yeah. Is this a real infrastructure issue for us nationwide? Our shipbuilding and ship repair capability is stressed, to put it mildly. Certainly, that is crucial for national security and national defense, but it is also an incredibly important part of our economy that we should strive to preserve. So I would be supportive of that.

Mr. Rogers, do you have any questions?

Mr. ROGERS. I do not, Mr. Chairman. Thank you.

The CHAIRMAN. Any other HASC [House Armed Services Committee] member have any questions for the three Members who just testified? Mr. Courtney is recognized.

Mr. COURTNEY. Yeah. Thank you, Mr. Chairman.

And, Mr. Kilmer, again, you and I have talked about the infrastructure connection to public shipyards. Again, you are somebody who has studied the SIOP plan that the Navy has put together. They actually are shovel-ready; isn't that correct? I mean, they actually have an itemized list of items that they really could move out on very quickly at all four public shipyards.

I mean, that is your understanding of the SIOP plan which, again, is just sort of sitting out there forlorn waiting for resources. Isn't that right?

Mr. KILMER. Yeah. There is plenty of work that is ready to roll. I think there is going to be some phasing because it is like a monster game of Jenga at these public shipyards, in that they have to both do the projects to modernize the shipyards and continuing doing the work of the shipyards.

So there will be some phasing of the projects, but they are absolutely to your point ready to roll on some of these infrastructure projects.

And, listen, you know, as an example, we had the Secretary of the Navy out at Puget last week. One of the primary dry dock at Puget he was told will be functionally obsolete in less than two decades. But I think—actually 2034 I think he was told, in terms of being able to service the next class of carriers.

So his comment while at the shipyard, and I think the general perspective, is these are investments that need to be made, and certainly there seems like a great opportunity to include this in a broader conversation around our infrastructure.

Mr. COURTNEY. Great. Well, thank you. Again, the public yards, which, again, operate different than the private yards, again, are kind of just totally dependent on congressional action. And that is, frankly, one of the reasons why it doesn't have the same quite constituency and sort of support, you know, from some of the private sector advocates that are on the Hill.

So, to me, this is an opportunity in the infrastructure package to do a major catch-up in terms of really neglect and deterioration in both shipyards.

I yield back, Mr. Chairman.

The CHAIRMAN. Thank you.

Any further questions for this panel? Hearing none, thank you.

The next three we have are Representatives Scanlon, Schrader, and Case. So, Representative Scanlon, you are recognized for 5 minutes.

**STATEMENT OF HON. MARY GAY SCANLON,
A REPRESENTATIVE FROM PENNSYLVANIA**

Ms. SCANLON. Thank you, Chairman Smith and Ranking Member Rogers, for the opportunity to appear before the committee today to discuss priorities for the fiscal year 2022 National Defense Authorization Act.

And I really was heartened. I was so glad to hear and would second Congressman Welch's discussion about the burn pits. I have a sister who served in the Army, and she bends my ear regularly about it, as do many of the veterans in our community. And, of course, as home to the Philadelphia Shipyard, we are always interested in what we can do to make sure that our domestic shipyards are meeting our national defense needs.

But today I am appearing to talk about requesting the committee's continued support for the CH-47F Block II program, the Chinooks. I represent Pennsylvania's 5th District, which is home to the production facilities for the Army's Chinook helicopter as well as being home to many of the hardworking men and women who build the best heavy-lift helicopter in the world.

The Chinook manufacturing facility is a critical regional economic engine. It employs over 4,400 people in southeastern Pennsylvania, Delaware, and New Jersey. And across the Commonwealth of Pennsylvania, the Chinook program has 36 suppliers, supports approximately 6,000 jobs, and provides an estimated \$1 billion per year in economic impact.

Nationally, the Chinook program supports more than 20,000 jobs across 38 States and provides our national manufacturing base with an annual economic impact of approximately \$2 billion a year. Additionally, the Chinook is essential for heavy-lift capability for every Active Army division, 24 States in the Army National Guard, and 2 States in the Army Reserve.

The Chinook program represents the best of American manufacturing and design and deserves our continued support as the Nation builds back from the coronavirus pandemic.

While there are future vertical lift modernization programs underway, there is currently no heavy-lift modernization program to replace the critical capability which the Chinook provides to the United States Army and I think it is 16 or 19 of our allies around the world. As you know from your oversight, the Chinook will remain the heavy-lift helicopter for the Army into the 2060s.

The F Block II modernization program will allow the Chinook to fly at higher altitudes, in hotter temperatures, and lift more weight. By the Army's own analysis, the F Block II program would save the Army more than \$3 billion compared to any other modernization alternatives.

And with the first five CH-47F Block II aircraft authorized by the fiscal year 2021 NDAA, and in the fiscal year 2021 Defense Appropriations Bill, the Block II program is modernization that is happening right now. And the program is on track to start delivering advanced heavy-lift capability to the Army in 2024. Developmental flight testing for the CH-47F Block II continues, and F Block II has met all key performance parameters.

I understand that Army leadership has finally stated that they will comply with the NDAA and place the first five aircraft on contract this fiscal year. My colleagues and I in the region will be watching closely for that contracting announcement.

Less than 4 years ago, the Army certified to Congress that the F Block II program was a critical modernization priority, only to backtrack and try to cancel the F Block II program, putting the Chinook at a competitive disadvantage and placing thousands of jobs in advanced heavy-lift capability at risk.

The Army simply didn't deliver on its commitment to support the Chinook, and it is unwise for the Army to walk away from the Block II program. That is why it is so important for Congress to follow up on its actions in fiscal year 2020 and 2021 and continue its support for the program.

For fiscal year 2022, we ask that you support an additional \$140.9 million to procure the second five CH-47F Block II low-rate initial production aircraft, an additional \$52.2 million in advanced procurement to procure nine CH-47F Block II aircraft in fiscal year 2023, an additional \$28.7 million in RDTE [research, development, test, and evaluation] funding for F Block II development, and directive report language for the Army to execute the CH-47F Block II modernization program.

In closing, the Chinook is critical to the Army, to my district, the Commonwealth of Pennsylvania, our adjoining neighbors, and, as you can see from the bipartisan member letter that I led with Congressman Mike Bost, the Chinook is important for workers, service members, National Guard, across the Nation.

Chairman Smith, Ranking Member Rogers, the entire committee, thank you for your strong support for, and commitment to, the CH-47F Block II program. And thank you for the opportunity to appear here today.

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

The CHAIRMAN. Thank you.

Mr. Schrader is recognized for 5 minutes.

**STATEMENT OF HON. KURT SCHRADER,
A REPRESENTATIVE FROM OREGON**

Mr. SCHRADER. Thank you, Mr. Chairman, Ranking Member Rogers. Appreciate the opportunity to testify. Generally in favor of the President's defense budget as put forward so far. It looks to be very forward-leaning, but at the same time fiscally responsible, probably the most fiscally responsible budget that we have seen coming out of DOD in a long, long, long time. And that is important I think at this point in time.

The Defense Department itself has identified over \$125 billion worth of administrative changes, some waste, inefficiencies that they could make to actually augment their budget, without having to go into a lot of the domestic priorities that are really, really important at this point in time. So I really appreciate the President stepping up like that.

Now, with China and Russia the way they are, I do not believe we should be cutting the defense budget like some folks have talked about. We have to lean in a little heavier. Putin and Xi Jinping are being more and more aggressive. Without the United States to act as a deterrent, I think the world order, frankly, would be in great jeopardy. So I really appreciate that.

Particularly like how the President put the overseas contingency operations fund in the base budget. I mean, you know, let's be honest. We do not need to have a slush fund for the Defense Department. They have plenty of opportunity for weapons procurement, building, making sure that their operations are sufficient in their base budget.

There should not be this overseas contingency operation. We are pulling out of Afghanistan, we are moving back on our war footing into a more thoughtful defense posture supporting hopefully our allies over the long haul.

I would also like to talk a little bit about some concerns. I have concerns about the TRICARE system, some of the changes that have been made. The costs and those types of things really impact folks like myself and my constituents in States and districts where there really is not an active military base.

Our National Guard folks are right alongside Active Duty personnel from the armed services branches, and, you know, they should get the same treatment, same opportunities, that everyone else has out there. That is just not the case. I hope the committee is willing to work on that going forward.

Also, share my concern on the burn pits that Representative Welch talked about. That, the Blue Water stuff, we worked on the Agent Orange. The committee has shown it is very interested in protecting veterans that have served their country and making sure that these exposures are taken into account. We are learning more and more about how dangerous it is in some of these areas.

And last but not least, I want to thank the committee. You have worked on a number of amendments over the years that I put forward to make sure our service members get the benefits they deserve, don't have financial worries overseas, not worried that their home is going to be sold out from underneath them, make sure that, you know, if they have been discharged involuntarily, that they come back, do not lose benefits. I really appreciate the way

the committee has leaned into protecting the men and women in addition to promoting the Department of Defense.

So with that, I really appreciate the opportunity to testify here today, Mr. Chairman, Mr. Ranking Member. I wish you all the best on the defense budget discussions this year. And I yield back, Mr. Chairman.

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

The CHAIRMAN. Thank you.

Mr. Case is recognized for 5 minutes.

**STATEMENT OF HON. ED CASE,
A REPRESENTATIVE FROM HAWAII**

Mr. CASE. Chair Smith, Ranking Member Rogers, members of the committee, good morning. I appreciate the opportunity to discuss with you our national security challenges and opportunities in my backyard of the Indo-Pacific.

Overall, the current and previous administrations have affirmed the reemergence of strategic competition with other great powers as the central challenge to our national security. No country poses as significant a long-term threat to us as China. The NDAA must continue to address our strategic challenges throughout the Indo-Pacific.

Key to ensuring a free and open Indo-Pacific is the Pacific Deterrence Initiative, or PDI. It provides the foundation for establishing a forward-deployed, properly equipped, postured force to deter aggression and assure our allies and partners.

The PDI is less than seven-tenths of 1 percent of the Department of Defense's total spending, but its importance cannot be understated. We must deter and deny our adversaries' ability to engage in acts of aggression or coercion against our partners and allies. We need investments in Guam, our Pacific Island partners, training ranges throughout the Indo-Pacific, and a new generation of weapons to overcome what the INDOPACOM command has referred to as the tyranny of distance. I urge you to fully support the PDI.

Hawaii is of particular importance to this strategy as our major forward position in the Indo-Pacific. It is home to USINDOPACOM, the U.S. Pacific Fleet, Pacific Air Forces, U.S. Army Pacific, Marine Corps Forces Pacific, and Special Operations Command Pacific. We also host several key operating forces and military installations.

Critical to the protection and readiness of these commands and forces stationed in Hawaii are three important projects that I am going to spend a little time on—Homeland Defense Radar Hawaii, the Red Hill Underground Fuel Facility, and, as already discussed, the Shipyard Infrastructure Optimization Plan.

On radar, given the prominence of Hawaii's military and strategic value, Hawaii has become far more of a target to those who wish to do us harm, as they have stated publicly. The need for a fixed, persistent, and comprehensive missile defense cannot be understated. This requirement has been around for a while, hasn't gone away, and it won't.

The Homeland Defense Radar Hawaii, or HDR-H, is the solution. It is regarded by the Missile Defense Agency and USINDO-

PACOM as vital and appropriate, and I urge you to strongly support continued funding for HDR-H.

On Red Hill, the current linchpin of the military supply chain in the Indo-Pacific is the Red Hill Bulk Storage Facility. It is unlike any other in the world, as many members of the committee have seen when you have visited, with 20 underground tanks that can store up to 250 million gallons of fuel.

In 2014, however, approximately 27,000 gallons of fuel leaked from one of the tanks. This spill occurred right above the main aquifer for the city of Honolulu, providing water to hundreds of thousands of our residents, service members, and visitors to Hawaii.

The Navy has agreed to develop, quote, "double-wall equivalency" secondary containment or remove all of the fuel from Red Hill. As this process unfolds, Red Hill must receive the oversight and funding needed for its upkeep and operations to protect Hawaii's water supply and our forces in the Pacific.

On SIOP, Hawaii is home to one of our iconic and invaluable naval public shipyards, the Pearl Harbor Naval Shipyard and Intermediate Maintenance Facility. After over 100 years of faithful service, it is time to recapitalize this and our three other public shipyards.

I ask that you prioritize resources for the Navy's \$21 billion SIOP plan, both the construction projects and the program management. This massive undertaking also requires continuous oversight by this committee and my Appropriations Committee to ensure that it remains on schedule to ensure our ships are ready to fight.

And I would endorse your prior discussion with Representative Kilmer. We have certainly commenced that discussion over on MILCON [military construction]/VA side of Appropriations as to whether some of the SIOP projects that are in fact ready to go should be part of the infrastructure bill.

I look forward to working with the committee and its members and staff on achieving our national security bills in Hawaii and the Indo-Pacific region. Thank you for allowing me to testify before you today, and I ask that you consider my remarks as you craft the fiscal year 2022 NDAA.

Mahalo.

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

The CHAIRMAN. Thank you very much.

I do not have any questions for this panel. Do any other members of the committee have questions?

Mr. ROGERS. Mr. Chairman, I do. Yeah. I wanted to ask Mr. Case, does the HDR-H have public support in Hawaii?

Mr. CASE. Yes, it does. We are in the middle of a discussion right now as to exactly where to locate the HDR-H. There is one site that the military has under consideration which has some concerns from the public, but the site that the military and the public want on the island of Kauai at the Pacific Missile Range Facility does have public support.

Mr. ROGERS. Good. I know we have talked about putting radar discrimination there in the past, and it has had some public opposition. I just want to make sure that was eliminated.

Mr. CASE. It is going to be—it is going to be a different site from the one that you have—you have that impression of.

Mr. ROGERS. Thank you very much.

That is all I have, Mr. Chairman.

The CHAIRMAN. Are there further questions for this panel? Hearing none, thank you.

Bit of a problem here. I am expecting several more witnesses. None of them are currently present. Mr. Arrington had signed on but has not—

Mr. ARRINGTON. I am here, Mr. Chairman. Can you see me okay? And hear me okay?

The CHAIRMAN. Awesome. Yes. There we go. We got you. Mr. Arrington, you are recognized for 5 minutes.

**STATEMENT OF HON. JODEY C. ARRINGTON,
A REPRESENTATIVE FROM TEXAS**

Mr. ARRINGTON. Chairman Smith and Ranking Member Rogers, thank you for the opportunity to provide input in preparation for the 2022 NDAA.

I come from West Texas and represent the largest B-1 bomber base in the country and try to be a voice for our Nation's airmen and the Air Force and to work alongside of you all to make sure that we are the absolute best fighting force on the field every day in defense of our great country, our freedoms, and our interests abroad.

I will cut to the chase in terms of my very focused knowledge base and concerns as we proceed and as you all deliberate, Mr. Chairman. In the last NDAA, well, let me back up even further than that. We have flown the B-1s and utilized them in a way that has left them with some structural challenges.

They are at the end of their life cycle, and they have been utilized, again, extensively, and the Air Force has had need to retire 17 of the 62 fleet. But of the 62, only 36 are combat-ready. So that should get everybody's attention.

Now, in the last NDAA, Mr. Chairman, we said to the Air Force "You can reduce the combat-ready aircraft of the B-1 from 36 to 32, but no more than that, for the next 5 years." And I think that is obviously wise, especially given the evolving threats and the importance to our air dominance that the B-1 provides the Air Force and the Global Strike Command.

My concern—and I am asking you all to be extremely vigilant about this, and I have talked to our colleague, Rob Wittman, and he has been a big help. But we have to make sure that we have—that as these changes are made with the aircraft to ensure that we have the 32 combat-coded B-1s, that they are in fact PMAI [primary mission aircraft inventory], they are combat-ready.

And whatever resources to maintain that in the transition to the B-21, which is the next-generation bomber, we need to make that the top priority because this is a very tenuous and potentially vulnerable situation to be with the tip of the spear now reduced significantly, as I said, 17 retirements and then the loss of 4 combat-coded B-1 bombers.

So my first comment and recommendation and plea to my colleagues, make sure that those aircraft have the resources to be

maintained at combat-coded, they are ready to get into the fight if necessary, and continue to project power all over the world. Secondly, let's make sure that the desires and the plans of the Air Force to make them more lethal, those that remain more lethal, with expanded carry and hypersonic weapons, I think that is wise, and I think it is critical, especially in this transition period and the gap between the B-1 and the B-21.

And lastly, obviously, the B-21 is the future. It is the most powerful, most capable, most lethal bomber that the world will ever see. And I am glad it is going to be on our team fighting for the good guys, but it is going to be several years down the road. I understand that it is on target in terms of budget and timing.

I want to just say whatever we can do to keep that pace and those outcomes, those positive outcomes, and whatever we can do to accelerate it, I ask my colleagues to consider that because of the crucial timing of the B-1 to B-21.

I didn't read through my notes, so I hope all of that made sense, but I thank you again for your indulgence, Mr. Chairman, and my friend from Alabama, Mike Rogers, and his leadership. God bless you guys. You are doing the most important job and the first job of the Federal Government.

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

The CHAIRMAN. Thank you, and I appreciate those comments. I think we do have some interesting decisions to make in, well, a number of areas. But in the bomber fleet, you know, as I've told a number of people, the most encouraging things that I have heard in quite a while when it comes to defense programs is where the B-21 is at. You know, it is under budget, it is performing as expected and is moving forward, and we have learned a lot of lessons.

It is one of the more successful to date—knock on wood, got a ways to go here—large-ticket item programs that we have had in a long time. So I am pleased we are moving in the right direction on that. I know the Air Force has some tough decisions to make in terms of what to do with existing platforms.

We are going to rely heavily on the B-52, and what role the B-1 plays going forward is a matter of debate. So I appreciate getting your perspectives on that, and we will work to try and come up with the right decision. So thank you.

I will take one more person, if you would hold on for just a second, Mr. Arrington. I just violated the rules there because I was stalling to give Mr. San Nicolas time to get on.

So Mr. San Nicolas is recognized for 5 minutes, and when he is done, we will then—I will then open it up to questions for him and Mr. Arrington. Mr. San Nicolas, you are recognized.

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

Mr. SAN NICOLAS. I deeply appreciate, Mr. Chairman, the efforts to facilitate our participation. It is about 1:42 a.m. here on Guam, so I thank you so much, and I thank the committee for their kindness.

Chairman Smith, Ranking Member Rogers, and members of the distinguished House Armed Services Committee, thank you for the

opportunity to testify on our priorities for Guam and the Indo-Pacific Region in the development of the chairman's mark for the National Defense Authorization Act for Fiscal Year 2022.

As a matter of national policy, in reviewing the hiring practices and policies of the Department of Defense with the ongoing Marine relocation to Guam, it is apparent that there is an opportunity to further align community stakeholder interests on Guam and throughout the country with DOD mission. Key to such alignment is the direct availability of jobs in the communities in which DOD operates, when and if such jobs become available.

With current hiring practices filtering job offerings and applicants for preference based on specific status categories such as DOD employment, veteran status, spousal status, priority placement, et cetera, it would be worthwhile to further filter these categories based on community proximity, such as "DOD, Veteran, or Spouse Within Commuting Area," or a "DOD Member, Veteran, or Spouse Within State or Territory."

Such emphasis will ensure geographic preference is part of specific and general considerations, making communities within proximity of DOD hiring opportunities direct beneficiaries and strengthening stakeholder relationships.

This, Mr. Chairman, will be particularly timely during this need for us to be able to ensure that communities are able to recover as quickly from our pandemic circumstances as possible by allowing for there to be a community preference consideration based on proximity. Whether it is by commuting area or by State or territory, geographic location, or both, we can really help the communities in which DOD operates.

In continuance with our priority to align national defense interests with specific requests for Guam, we ask that this committee also continue to make strides and support INDOPACOM's request for a substantial Guam missile defense system that will protect our people, military intelligence, and defense assets located on and around the island.

The need for the Aegis Ashore system is critical to the defense of our Nation in a progressively aggressive region. We need to do more to ensure that attacks or threats of attack from our adversaries are mitigated and ameliorated by the presence and potential use of greater response.

As noted by Admiral Davidson, the current use of the Terminal High Altitude Area Defense system to protect Guam is not sufficient to address threats posed by China. With all of the investments that we are making on Guam for the interests of the country, the region, national defense, it is imperative that we do not miss the opportunity to strengthen defense capabilities with an Aegis Ashore system.

Regionally, we are also concerned about communication capabilities facing unique threats with reports of deteriorating relations with China in the region suggesting that the DOD should take critical steps to secure American information technology assets. We understand that DOD has been addressing this through military-specific initiatives, such as the Mission Partner Environment.

With the loss of protected status for information infrastructure in Hong Kong, we face serious threats to our commercial communica-

tions and information capacity. The MPE [Mission Partner Environment] alone may not be sufficient to meet military and civilian needs. We ask that you include language to require DOD to report on activities it is taking to ensure the security of our critical communication links and explain how plans to utilize dual-use communication services, such as commercially operated data centers on Guam, and other commercial operations that would be of vital use to Department of Defense initiatives, when and if those needs arise.

And, lastly, Mr. Chairman, we do like—we would like for the committee to also initiate another study on whether or not there would be a value-added proposition to whether—to enhancing our Guam Air National Guard capabilities to include aircraft and flying missions. We are one of only three National Guards in the country—Air National Guards that do not have that capability. And for us to be the front line towards our potential adversaries to the east, I think that this would be something worthwhile to study. That way we can help augment the mission of our Active Duty and Air Force base operations.

Thank you so much, Mr. Chairman. Thank you again for your consideration and facilitation. I yield back.

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

The CHAIRMAN. Thank you.

We have also been joined by Mr. Sherman, so we will hear from Mr. Sherman, and then we will take questions. Mr. Sherman, you are recognized for 5 minutes.

**STATEMENT OF HON. BRAD SHERMAN,
A REPRESENTATIVE FROM CALIFORNIA**

Mr. SHERMAN. Thank you, Mr. Chairman. We are all familiar with the War Powers Act, the restriction on the President just deploying our troops into harm's way. Every President since the 1970s has said that that provision is not constitutionally binding. They have sought support from Congress as an afterthought but never acknowledged that it was a necessity. And every attorney general has advised Presidents that the War Powers Act is not constitutionally binding on them.

So Congress needs to act on the AUMFs [authorizations for the use of military force], but we also have to act to make sure that the War Powers Act is as constitutionally binding on the President. Otherwise, the President doesn't need an authorization to use military force. The way to do this—something Congress has done on every appropriations bill since the 2012 fiscal year—is to provide that no funds can be used in contravention of the War Powers Act.

We have had a former Republican attorney general testify before Foreign Affairs saying that that would be constitutionally binding. And if you look at the Constitution, the power to wage war is held within both Article I and Article II of the Constitution. Congress can declare war. The President is Commander in Chief. But our power over the purse is vested exclusively in Congress.

So we have—it was controversial. In fact, we voted in 2011. There was a series of floor votes, the Constitution prevailed, and now we have it in the national defense appropriations bill. No

funds shall be used in contravention. But now it ought to be part of permanent law, not just law for 1 year, and that is why I hope this year's NDAA specifies that Presidents cannot spend money in contravention of the War Powers Act.

I will also be suggesting revisions requiring congressional approval for any unprovoked attack on the Korean Peninsula. I will also be submitting a provision about cooperating more with India, one of our non-NATO major allies. And I do that as Democratic chair of the India Caucus, and I expect that the Republican chair of the caucus, Mr. Chabot, will join me.

And, finally, I will be suggesting to the committee a provision preventing defense sales to Azerbaijan until it releases the POWs [prisoners of war] from its recent war with Armenian forces.

So I want to thank the committee for its time.

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

The CHAIRMAN. Thank you very much.

Do we have any questions for our last three—well, witnesses is the wrong way—last three Members who testified? I don't have any questions.

Mr. Rogers, do you have anything? Mr. Rogers, you are recognized.

Mr. ROGERS. Yeah, thank you. I wanted Mr. San Nicolas to know that I wholeheartedly agree with the request for the Aegis Ashore site at Guam, that that is inadequate, and this should be one of our highest priorities, to protect what we know is an early target from any attack.

So I feel very strongly about trying to help them with that, as well as Mr. Case with his radar discrimination. We have to recognize those are vital targets.

I am really interested in learning more, Mr. San Nicolas, about some missions for your Air National Guard. So if you will catch me on the floor sometime, or whatever, fill me in again on what you have in mind.

And with regard to Mr. Sherman, I would like if it our committee did have authority or jurisdiction over the AUMF. I think we should, but unfortunately that is Foreign Affairs.

With that, Mr. Chairman, I yield back.

The CHAIRMAN. Mr. Sherman, go ahead.

Mr. SHERMAN. Yeah. I think this provision will—the parliamentary will let it in the NDAA. So thank you.

The CHAIRMAN. Well, we have long had that battle, and I know we are actually working with a bipartisan group of Members on both Armed Services and Foreign Affairs that are interested in the AUMF. It is a very sticky wicket.

In principle, you know, certainly Congress should reassert more authority, but there is considerable disagreement on how to express that authority between those who want to rein the President in more and those who are worried about reining him in too far. Threading that needle is something I have on and off worked on over the course of the last 10 years, obviously without success.

We have stuck with the status quo just because we can't come to agreement on how to change it. I know there are a lot of Members who are really focused on figuring that out, and we will—I ap-

plaud those efforts, and we will see how they play out. And I am certainly in conversations with Chairman Meeks on Foreign Affairs about how he wishes to handle it. I know the Foreign Affairs Committee is pursuing options at the moment as well.

And on the missile defense front, you know, Guam is a fundamental question. Certainly, that is the top priority that Admiral Davidson has put in front of us every year, and INDOPACOM is coming up with a better defense system for Guam. It is certainly his top priority in the region, so that has gotten our attention and we will consider that request.

And as I said to your predecessor, Ms. Bordallo, whenever we were working on these: work on the Senate. You know, the Senate has always been a challenge when it comes to Guam, for a variety of different reasons. So we need some Senate allies, so when Mr. Rogers and I get into conference we have some friends on the Senate side to back up the requests from Guam. So, appreciate your work.

Does anyone else have any questions for these Members?

Mr. KAHELE. Yeah. Aloha, Chair. This is Kai in Hawaii with a question for Rep. San Nicolas.

The CHAIRMAN. Please go ahead.

Mr. KAHELE. Thank you so much. And hafa adai, Rep. San Nicolas. I know it is early there in Guam.

Chair, having just spent about 4 hours at INDOPACOM yesterday, I can also assure you that the new INDOPACOM commander, Admiral Aquilino, his top priorities as well are Guam and the defense of Guam. And, obviously, that is not suitable or capable for the—increasing the emerging threats from both China and/or North Korea and their intermediate range ballistic missiles.

I think my question—I have two questions. One, kind of piggy-backing off the ranking member's previous question to Congressman Case about the Homeland Defense Radar Hawaii is—the first one would be, is there public support for Aegis Ashore on Guam in terms of siting Aegis Ashore there?

And then my second question would be, also along the lines of the Air National Guard adding a flying platform there, do you have any—is there any sentiment on—are we talking fighters, bombers, tankers, mobility aircraft? Has there been any discussions on what type of Air National Guard platform? Would it be a single aircraft or a flying wing? Any thoughts along those lines or how we should proceed forward with that? Thank you.

Mr. SAN NICOLAS. Thank you. And aloha, and very much appreciate the support that we get from our Hawaiian brothers and sisters.

As for the public support for Aegis Ashore, unequivocally, yes, there is public support for it. Our community has had to deal with North Korea even just, you know, making empty threats, but they are still having psychological impacts not only in the community but also on our visitor industry. And so having those assets on the ground here would of course protect our mission, our DOD investments, our military personnel, the Americans living on Guam, but would also be very psychologically reassuring, and it would take off the table the ability for a closed-in adversary like North Korea

from just being able to spew a few words and economically impact American interests in terms of the economy here in Guam.

So absolutely, unequivocally, yes, we would like Aegis Ashore, and there is public support for it.

To your second question about the flying mission for Guam, my Guam Air National Guard just wants to be a part of the solution, and they want to be able to build the modalities necessary for them to expand into whatever the DOD ultimately determines would be in the best interest of the country.

So if it goes all the way to a fighter mission, they will be ready to grow into that. If it is just to start out with initial flight-based modalities, a single aircraft, they will be willing to accept that just to get their foot in the door. They know that in order for us to be able to contribute to the mission we need to of course develop the skill sets. And if developing those skill sets means just some initial basic air mission capability, we will accept that and grow into whatever DOD needs us to grow into.

Mr. KAHELE. Great. Thank you for that. And, you know, perhaps there may be things to learn from the Hawaii Air National Guard as a flying wing. You know, we have F-22s, C-17s, KC-135s, and there might be some coordination that the Guam Air National Guard can do what the Hawaii Air National Guard did.

And I couldn't agree more. Guam is absolutely critical to our national defense in the Pacific, and, you know, I just want to mahalo Representative San Nicolas and the people of Guam who, you know, allow our United States military to have very robust operations on the island of Guam and are continuing to do that as we move Marines over from Okinawa. There is a lot that the people of Guam have, you know, welcomed the United States military with.

And so thank you so much, Rep. San Nicolas, and aloha.

The CHAIRMAN. Thank you.

Any further questions? Hearing none, that is all of the Member testimony we have.

Before we go, I do have to get a unanimous consent to have the written testimony that has been submitted by Members put into the record. Is there objection? Hearing none, so ordered.

That is all I have. Mr. Rogers, do you have anything for the good of the order?

Mr. ROGERS. I do not, other than to thank the witnesses for their time and efforts.

The CHAIRMAN. Likewise, I thank them and look forward to working with all of you as we work through the National Defense Authorizing Act again this year.

And with that, we are adjourned.

[Whereupon, at 11:59 a.m., the committee was adjourned.]

A P P E N D I X

MAY 5, 2021

PREPARED STATEMENTS SUBMITTED FOR THE RECORD

MAY 5, 2021

**Virtual Member Day Hearing for House Armed Services Committee on Fiscal Year (FY)
2022 National Defense Authorization Act (NDAA)**

Written Testimony of Congressman Bill Foster (IL-11)

Wednesday, May 5, 2021

Thank you for the opportunity to submit written testimony to the House Armed Services Committee on my priorities for the Fiscal Year (FY) 2022 National Defense Authorization Act (NDAA). I request the committee include the following provisions in this year's NDAA: 1) authorize \$20 million for the Deputy Administrator for Defense Nuclear Nonproliferation of the National Nuclear Security Administration (NNSA) for the exclusive purpose of carrying out research on low-enriched uranium (LEU) fuel for pressurized water reactors for aircraft carriers and submarines; 2) realign the National Technical Nuclear Forensics (NTNF) Program from the Department of Homeland Security (DHS) to the National Nuclear Security Administration (NNSA) under the Department of Energy (DOE).

1. Low-Enriched Uranium Naval Fuel Research and Development

For decades, the elimination of highly enriched uranium (HEU) outside of nuclear weapons has been a U.S. policy objective because of proliferation concerns that HEU can be used to make a simple, gun-type design nuclear bomb with a multi-kiloton yield. Currently, the largest remaining non-weapons use of HEU is fuel for naval propulsion reactors. Public estimates assess that U.S. naval reactors use more than two tons of weapons-grade HEU annually, equivalent to hundreds of nuclear weapons.

As the only Ph.D. physicist in Congress, I have studied at length the question of minimizing the use of highly enriched uranium (HEU) in naval propulsion reactors. Continuing to research a transition to LEU fuel is crucial because if found to be technologically and economically feasible, the minimization of HEU would have significant benefits for international nonproliferation and counterterrorism efforts.

It is now more important than ever for the United States to lead by example and continue exploring the feasibility of converting our naval nuclear propulsion to LEU fuel. As the committee has done in previous NDAA's, I urge the committee to include \$20 million in FY22 NDAA to continue this research on LEU fuel.

2. Realign the National Technical Nuclear Forensics (NTNF) Program

After multiple discussions with the National Nuclear Security Administration (NNSA), who has worked closely with the Department of Homeland Security (DHS), I urge the committee to realign the National Technical Nuclear Forensics (NTNF) program from DHS to NNSA. Congress formally codified the NTNF program in 2010 to ensure a ready and robust nuclear forensics capability. The program has established a nuclear forensics interagency partnership to prepare the government to respond to a nuclear event without warning.

However, as the NTNF program's capabilities have matured, the misalignment of its functions has created inefficiencies that inhibit the program's advancement. Specifically, while DHS is responsible for planning NTNF exercises, it has no operational role in the mission because NTNF relies on nuclear device design and material production expertise, which the NNSA is responsible for.

Realigning the NTNF program under NNSA would make NNSA responsible for ensuring the integration of activities that are consistent with a unified strategic direction. This realignment will lead to greater efficiency and eliminate duplication of efforts between NNSA and DHS, as NTNF will have direct access to NNSA's research and development (R&D) efforts and nuclear materials.

Thank you for the opportunity to submit this written testimony. I look forward to working with the committee on these priorities for the FY22 NDAA.

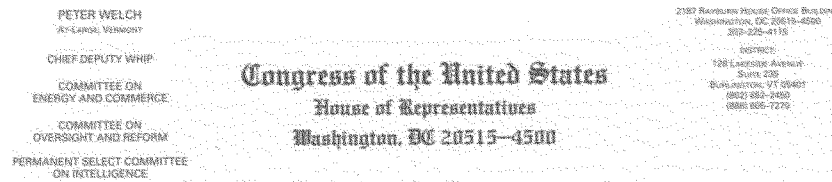
**Testimony of Congressman Derek Kilmer (WA-6)
House Armed Services Committee
FY 2022 National Defense Authorization Act
May 5, 2021**

Testimony:

- Mr. Chair, I want to thank you and the Ranking Member for holding this Member Day.
- I would like to discuss two of my legislative priorities today, both focused on improving infrastructure in and around our military installations. First, I will touch on the Shipyard Infrastructure Optimization Program (SIOP) and then, I will discuss the Defense Community Infrastructure Program (DCIP).
- I represent Washington's Sixth Congressional District which is home to Naval Base Kitsap in Bremerton. Kitsap is home to one of the Navy's four public shipyards, Puget Sound Naval Shipyard and Intermediate Maintenance Facility (PSNS).
- The four public shipyards – PSNS, Norfolk Naval Shipyard, Portsmouth Naval Shipyard, and Pearl Harbor Naval Shipyard – are critical in strengthening, maintaining, and modernizing our Navy's fleet and protecting our national interests. The four public shipyards perform all of the Navy's nuclear repair and retrofit work.
- PSNS plays an outsized role for the Department of Defense's current priority theater – INDOPACOM – in that it is the Navy's only dry dock on the West Coast capable of performing carrier work.
- As you know, in 2018, the Navy released its 20-year, \$21-billion Shipyard Infrastructure Optimization Program – or SIOP - to upgrade and modernize our public shipyards. The program will revitalize and modernize infrastructure at the shipyards, increase climate resilience, and improve resistance to natural disasters.
- The timely execution of SIOP is vital to the Navy's mission, to the security of the work being done in the yards, and to our national security.
- Any delays or shortfalls in funding for SIOP could result in additional aging and damage to the already substandard facilities, utilities, dry docks, equipment, and information technology infrastructure at the four public shipyards. The shipyards will be unable to meet current and future demands of the fleet without continuing investment in SIOP.
- Therefore, Congress and the Navy must ensure SIOP remains on track.

- I appreciate your consideration of my request to prioritize the \$21 billion currently projected as needed for SIOP, as well as any additional funding identified by the Navy to modernize our public shipyards in the future.
- The second priority that I wanted to discuss is the Defense Community Infrastructure Program or DCIP.
- This program was created in 2019 to help communities around military installations address infrastructure deficiencies.
- Grants from DCIP help to preserve and enhance military readiness and security by providing funding for critical infrastructure projects which support on base operations and readiness.
- DCIP is a unique program because it allows the DoD to partner with local communities and share the often expensive costs of infrastructure upgrades.
- Investments from DCIP in defense communities help make these towns and cities more vibrant, livable, and safe, both for service members and their families, and everybody else in the neighborhood.
- All of these investments also help improve the readiness of the bases, because ultimately if the off-base infrastructure is failing, it's that much harder for our service members to get to and from work and do their jobs.
- If the roads leading to a base are too congested, that's hurting the ability of the base to most effectively respond to our national security needs.
- These funds help communities and towns throughout the country including in my district.
- Every day, thousands of servicemembers and civilian employees at Puget Sound Naval Shipyard and Naval Base Kitsap commute through a section of congested roadway.
- During the morning and afternoon rush hour this normally sleepy stretch of roadway gives LA rush hour a run for its money, turning the road into a parking lot.
- As the nearby military installations continue to grow the problem is only compounded.
- DCIP could offer much needed assistance and support to Kitsap County as they try to address these congestion issues.

- Ultimately, for the installations in my area and throughout America, these issues are impacting bases and their readiness which harms our entire country – not just the people who live near and work on these installations.
- Therefore, I request that you include \$75 million for the Defense Community Infrastructure Program (DCIP) in the FY 2022 NDAA.
- Chairman Smith and Ranking Member Rogers – thank you for the opportunity to speak with you.
- I urge you to consider taking up these provisions as part of the FY 2022 NDAA and I would be happy to answer any questions you may have.



HASC NDAA Member Day
Welch Statement
May 3, 2021

Thank you Chairman Smith, Ranking Member Rogers and members of the Committee for this opportunity to testify today. I come before you today to highlight an issue that effects constituents in all of our districts.

Too many veterans are suffering from cancers, lung diseases and other illnesses connected to their exposure to burn pits at military bases during the Iraq and Afghanistan wars. Only after pressure from veterans and many of us in Congress has the Defense Department finally begun to close the remaining burn pits in operation and disclose the information needed to determine how to best care for these veterans going forward.

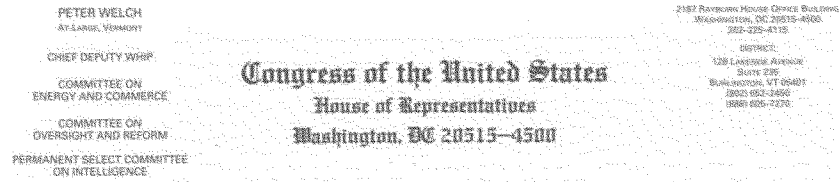
In 2020, we called on DoD to end the use of burn pits and provide the VA with a list of burn pit locations, and in 2021 we required VA health screenings to include questions about burn pit exposure.

But it's too little too late for many veterans suffering from health issues. In my home state of Vermont, Sergeant Major Michael Cram and Brigadier General Michael Heston died from diseases linked to burn pits that they were exposed to during their service in the Middle East. The tireless advocacy of their widows, Pat Cram and June Heston, has put a spotlight on this issue. I know they will continue to raise awareness and fight to get recognition for diseases associated with exposure to burn pits. In turn, we need to do better for our veterans.

First, we must end the use of burn pits once and for all. No one serving in our military should be exposed to toxic fumes on military installations.

Second, we must improve and expand the burn pit registry. The registry is essential because it provides first-hand accounts that help researchers understand the potential effects of exposure to burn pits and ultimately help improve the care of our veterans. An estimated 3 million veterans and active-duty service members are eligible to join the registry, but just over 241,000 have joined as of today. It is essential that all veterans know the importance of signing up for the registry and that it is accessible and easy to use.

Finally, we must improve care for veterans exposed to burn pits. It is essential that medical workers at the DOD and VA receive training on the potential health effects of burn pits. Congress has a responsibility to these veterans to expedite the review process to establish a presumption of service connection. To do so, we must aggressively and consistently invest in research on the health effects of burn pits. Our veterans can't afford to wait.



Provisions to accomplish these goals have been included in the House version of the NDAA in years past but were ultimately not signed into law. This year, I hope we will be able to get these provisions over the finish line. Thank you again, Chairman Smith and Ranking Member Rogers, for the opportunity to speak today, and I urge you to consider these provisions as you begin the difficult task of writing this year's NDAA.

Testimony of Congresswoman Mary Gay Scanlon
House Armed Services Committee Member's Day
May 5, 2021

Chair Smith and Ranking Member Rogers, thank you for the opportunity to appear before the Committee today to discuss priorities for the Fiscal Year 2022 National Defense Authorization Act. I appear today to respectfully request the Committee's continued support for the CH-47F Block II Program.

I proudly represent Pennsylvania's 5th District, which is home to the production facilities of the Army's Chinook helicopter, and many of the hardworking men and women who build the best heavy lift helicopter in the world. The Chinook manufacturing facility is a critical regional economic engine that employs over 4,400 people in Southeastern Pennsylvania, Delaware, and New Jersey. Across the Commonwealth of Pennsylvania, the Chinook program has 36 suppliers, supports approximately 6,000 jobs, and provides an estimated \$1 billion per year in annual economic impact. Nationally, the Chinook program supports more than 20,000 jobs across 38 states and provides our national manufacturing base with an annual economic impact of approximately \$2 billion per year. Additionally, the Chinook is essential for heavy-lift capability for every Active Army Division, 24 states in the Army National Guard, and 2 states in the Army Reserve. The Chinook program represents the best of American manufacturing and deserves our continued support as our nation builds back from the coronavirus pandemic.

While there are future vertical lift modernization programs underway, there is no heavy lift modernization program to replace the critical capability the Chinook provides to the United States Army and 19 of our allies around the world. As you know from your oversight of our Armed Services, the Chinook will remain the heavy lift helicopter for the Army into the 2060s. The F Block II modernization program will allow the Chinook to fly at higher altitudes, fly in hotter temperatures, and lift more weight. By the Army's own analysis, the F Block II program would save the Army more than \$3 billion compared to all modernization alternatives. With the first five CH-47F Block II aircraft authorized by the Fiscal Year 2021 National Defense Authorization Act, as well as funded in the Fiscal Year 2021 defense appropriations bill, the Block II program is modernization that is happening right now, and the program is on track to start delivering advanced heavy-lift capability to the Army in 2024. Developmental flight testing for the CH-47F Block II continues, and the F Block II has met all key performance parameters. I understand the Army's leadership has finally stated that they will comply with the NDAA and place the first five aircraft on contract this fiscal year. I will be watching closely for that contracting announcement.

We all know the history of the F Block II program. Certified by the Army to Congress less than four years ago as a critical modernization priority, the Army then changed its mind and

abandoned the F Block II program, putting the Chinook at a distinct competitive disadvantage and placing thousands of jobs and advanced heavy-lift capability at risk. The Army simply did not deliver on its commitments to support the Chinook program. It is unwise for the Army to walk away from the Block II program, and that is why it is so important for Congress to follow up on its actions in Fiscal Year 2020 and 2021 and continue its support for the program.

For Fiscal Year 2022, I ask that you support an additional \$140.9 million to procure the second five CH-47F Block II Low Rate Initial Production aircraft, an additional \$52.2 million in Advanced Procurement to procure nine CH-47F Block II aircraft in Fiscal Year 2023, an additional \$28.7 million in RDTE funding for F Block II development, and directive report language for the Army to execute the CH-47F Block II modernization program.

In closing, the Chinook is critical to the Army, my district, the Commonwealth of Pennsylvania, and, as you can see from the bipartisan Member letter that I led with Congressman Mike Bost, the Chinook is important for workers and service members across the nation. Chairman Smith, Ranking Member Rogers, and the entire Committee, thank you for your strong support for, and commitment to, the CH-47F Block II program, and thank you for the opportunity to appear before you today.

KURT SCHRADER
FIFTH DISTRICT, OREGON
SCHRADER HOUSE, BOY
HOUSE COMMITTEE ON
ENERGY AND COMMERCE
SUBCOMMITTEE ON ENERGY
SUBCOMMITTEE ON HEALTH
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May 5, 2021

Dear Chairman Adam Smith and Ranking Member Mike Rogers,

Thank you, Chairman Smith, Ranking Member Rogers, and the other members of the committee for this opportunity to share some of my priorities as you begin your work on this year's National Defense Authorization Act.

My focus while serving in Congress has always been about putting our country on a better financial footing. I have supported efforts that invested in our country but always looking for ways to not saddle future Americans with the cost. We all know that one of the areas ripe with opportunity for streamlining and modernization is the Pentagon budget. There are countless reports and white papers outlining huge areas of potential cost savings. This could be merging redundant offices, rethinking their IT departments, updating the acquisition process for new technologies, and so many more. Now I haven't supported every NDAA during my time, but I have been proud of the work this committee has done over the past few years to rethink defense spending without sacrificing readiness capabilities. I want to see the committee continue this bipartisan work to effectively use the large amounts of taxpayer dollars that go towards our defense.

In that same vein, I was impressed with the President's skinny budget and the elimination of the Overseas Contingency Operations (OCO) fund. This program has endured for far too long and been used contrary to its original purpose far too often. I hope that the committee will make this necessary change and get rid of it this year or at the very least begin a transition process.

A more parochial concern for me, and I don't want to open any old wounds here, but I want the committee to know the impact that Tricare changes have had on my constituents. My district is lucky to have a large population of veterans. But the changes made to Tricare have been completely unfair to them just because they happen to live in a state without an active military base. They bear the brunt of increased costs without any thought of relief. I don't have any solutions on this topic, but I want to offer my support to work with you all to find a way forward that doesn't penalize my constituents.

Let me end my statement by thanking the committee and your staff for working with me on my amendments over the past few years to help educate service members about their financial rights while serving. This issue came to my attention when I read an article in a local paper about a veteran fighting against an illegal foreclosure that occurred while he was actively serving. Since that time, I developed many different pieces of legislation to get to the root of this problem to protect our service members. The fear of dealing with financial matters should not be on their minds while actively serving our country in a theater of war. That's why Congress passed SCRA (pronounced like sick-ra) to give these men and women peace of mind. The work that your staff has provided helped to hone these amendments and to get them included during conference negotiations with our Senate colleagues.

I want to thank you again Chairman Smith and Ranking Member Rogers for this opportunity to brief the committee. I wish you all nothing but good luck as you craft the FY22 NDAA. I hope that this year's version continues the bipartisan tradition that we have seen for the last 60 years.

Sincerely,



KURT SCHRADER
Member of Congress

**House Armed Services Written Testimony
Congressman Ed Case
May 5, 2021**

Chairman Smith, Ranking Member Rodgers and Members of the Committee. I appreciate the opportunity to discuss with you our national security challenged and opportunities in my backyard of the Indo-Pacific.

Pacific Deterrence Initiative

Overall, the current and previous administrations have affirmed the reemergence of strategic competition with other great powers as the central challenge to our national security. No country poses as significant a long-term threat to us as China. The NDAA must continue to address our strategic challenges throughout the Indo-Pacific.

Key to ensuring a free and open Indo-Pacific is the Pacific Deterrence Initiative – or PDI. It provides the foundation for establishing a forward-deployed, properly equipped and postured force to deter aggression and assure our allies and partners.

The PDI is less than seven-tenths of 1% of the Department of Defense's total spending, but its important cannot be understated. We must deter and deny our adversaries' ability to engage in acts of aggression or coercion against our partners and allies. We need investments in Guam, our Pacific Island partners, training ranges throughout the Indo-Pacific and a new generation of weapons to overcome the tyranny of distance. I urge you to fully support the PDI.

Hawai'i is of particular importance to this strategy as our major forward position in the Indo-Pacific. It is the home of USINDOPACOM, U.S. Pacific Fleet, Pacific Air Forces, U.S. Army Pacific, Marine Corps Forces Pacific and Special Operations Command Pacific. We also host several key operating forces and military installations. Critical to the protection and readiness of these commands and forces stationed in Hawai'i are three important projects - Homeland Defense Radar Hawai'i, the Red Hill Underground Fuel Facility and the Shipyard Infrastructure Optimization Plan.

Homeland Defense Radar Hawai'i

Given the prominence of Hawaii's military and strategic value, Hawai'i has become far more of a target to those who wish to do us harm. The need for a fixed, persistent and comprehensive missile defense cannot be understated. This requirement hasn't gone away and won't. The Homeland Defense Radar Hawai'i – or HDR-H - is the solution. It is regarded by the Missile Defense Agency and USINDOPACOM as vital and appropriate. I urge you to strongly support continued funding for HDR-H.

The Red Hill Underground Fuel Facility

The current lynchpin of the military supply chain in the Indo-Pacific is the Red Hill Bulk Storage Facility. It is unlike any other in the world, with 20 underground tanks that can store up to 250 million gallons of fuel. In 2014, approximately 27,000 gallons of fuel leaked from one of the tanks. This spill occurred right above the main aquifer for the City of Honolulu providing water to hundreds of thousands of residents, servicemembers and visitors to Hawai'i. The Navy has agreed to develop "double-wall equivalency" secondary containment or remove all the fuel from Red Hill. As this process unfolds, Red Hill must receive the oversight and funding needed for its upkeep and operations to protect Hawaii's water supply.

Shipyard Infrastructure Optimization Plan

Finally, Hawai'i is home to one of our most iconic and invaluable naval public shipyards - the Pearl Harbor Naval Shipyard and Intermediate Maintenance Facility. After over 100 years of faithful service, it is time to recapitalize this and our three other public shipyards. I ask that you prioritize resources for the Navy's \$21 billion Shipyard Infrastructure Optimization Plan – both the construction projects and the program management. The massive undertaking also requires continuous oversight by this Committee to ensure that it remains on schedule to ensure our ships are ready to fight.

I look forward to working with the Committee and its members and staff on achieving our national security goals in Hawai'i and the Indo-Pacific region. Thank you for allowing me to testify before you today, and I ask that you consider my remarks as you craft the FY22 NDAA.

Sincerely,

A handwritten signature in black ink that reads "Ed Case". The signature is written in a cursive, slightly stylized font.

Congressman Ed Case
Hawai'i-First District

DRAFT: 4/29/21

Testimony of Congressman Jodey Arrington (TX-19)
House Committee on Armed Services
FY 2022 National Defense Authorization Act
May 5, 2021

Chairman Adam Smith and Ranking Member Mike Rogers, thank you for this opportunity to testify before you today on the national defense priorities of Texas' 19th Congressional District. We are the proud home of Dyess Air Force Base in Abilene, TX. The base has approximately 5,700 dedicated military and civilian personnel and is under Global Strike Command. Dyess serves as the home for the Air Force's 7th Bomb Wing, which has B-1B bombers. Dyess is the B-1B Training Base and has a B-1B Operational Squadron, a B-1B Training Squadron, and a B-1B Classic Associate Reserve Unit. Dyess's missions also include two Active Duty C-130J squadrons with a total of 33 of these highly-capable aircraft.

Since 2001, the B-1B has played a major role overseas, including in Afghanistan and Iraq. The Air Force has stated that the B-1B is the "backbone" of America's long-range conventional bomber force and carries the largest payload of both guided and unguided weapons in the Air Force inventory. Despite the B-1B's important role and significant capabilities, the Air Force will be retiring 17 of the B-1Bs by the end of this year, which will reduce the fleet by 25 percent, from 62 aircraft to only 45.

Maintain the Remaining B-1Bs. With this substantial reduction in the B-1B fleet, it is essential that the Air Force properly maintain the remaining B-1Bs to ensure that our Nation can preserve its long-range strike capabilities. As you consider the FY 2022 NDAA, I request that the Committee require the Air Force submit a five-year plan for maintaining the remaining B-1Bs. Such a plan should include the Air Force's goal for the B-1B fleet's Mission Capable Rate and how it will achieve and, crucially, continue to sustain that Mission Capable Rate into the future.

Hypersonic Weapons Capability and Other Upgrades for the Remaining B-1Bs. Most importantly, the Air Force needs to provide the reduced B-1B fleet with Expanded Carriage, Hypersonic Weapons capability and other improvements. The recent MITRE U.S. Air Force Inventory Study recommended maintaining our fleet of 157 bombers, the B-1Bs, B-52s, and B-2s, until at least 50 new B-21s are in the inventory in the mid-2030s. Despite this recommendation, the Air Force is proceeding to reduce our overall bomber fleet. With the retirement of 17 valuable B-1Bs, we need to ensure that remaining B-1Bs have the increased capabilities to make up for this substantial decrease in numbers. I consider these steps critical for ensuring that our reduced bomber fleet can meet the needs of our national defense until the B-21 is operational in sufficient numbers. Accordingly, I request that the Committee require the Air Force to provide its five-year plan for upgrades and improvements for the remaining B-1Bs.

With respect to Hypersonic Weapons capability, our adversaries are moving forward with this technology and we need to ensure that we maintain our lead. Since we do not yet have the President's FY 2022 Budget request, it is unclear how much funding the Administration will

propose for this important program and how much will be dedicated to the B-1B. In any case, I urge the Committee to ensure that there is sufficient FY 2022 Research, Development, Test and Evaluation funding for the B-1B to be able to have Hypersonic Weapons capability as soon as possible. I would also like to point out that the B-1B can carry the largest payload of any aircraft in our Nation's inventory and the B-1B was one of the initial platforms for the Long-Range Anti-Ship Missile. Given these capabilities, it makes sense for the B-1B to be one of the first aircraft to carry Hypersonic Weapons and I request that the Committee make this a priority in the FY 2022 National Defense Authorization Act and subsequent bills.

Continued Development of the B-21 Raider. As a final point, I note that the Air Force has been making steady progress with the development of its new long-range strike aircraft, the B-21 Raider. I appreciate that the Committee has been supportive of this important program and request continued support to keep the B-21 program on track.

I would like to thank you again, Chairman Smith and Ranking Member Rogers, for the opportunity to testify before you today and I'm happy to take any questions.

**United States House of Representatives
Armed Services Committee**

**Member Day Testimony
Provided by Congressman Michael F.Q. San Nicolas (Guam, At-Large)**

Wednesday, May 5, 2021

Chairman Smith, Ranking Member Rogers, and Members of the distinguished House Armed Services Committee – thank you for the opportunity to testify on our priorities for Guam and the Indo-Pacific region in development of the Chairman’s mark for the National Defense Authorization Act for Fiscal Year 2022.

As a matter of national policy, in reviewing the hiring practices and policies of the Department of Defense (DoD) with the ongoing Marine relocation to Guam, it is apparent that there is an opportunity to further align community stakeholder interests on Guam and throughout the country with DoD mission. Key to such alignment is the direct availability of jobs to the communities in which DoD operates, when and if such jobs become available. With current hiring practices filtering job offerings and applicants for preference based on specific status categories such as DoD Employment, Veteran Status, Spousal Status, Priority Placement, et cetera, it would be worthwhile to further filter these categories based on community proximity, such as “DoD/Veteran/Spouse Within Commuting Area” and thereafter expanded to “DoD/Veteran/Spouse Within the State or Territory,” with a new and final preference for “Within Commuting Area” and “Within State or Territory.” Such emphasis will ensure geographic preference is part of specific and general considerations, making communities within proximity of DoD hiring opportunities direct beneficiaries and strengthening stakeholder relationships.

In continuance with our priority to align national defense interests with our specific requests for Guam we ask that this Committee continue to make strides and support USINDOPACOM’s request for a substantial Guam missile defense system that will protect our people, military intelligence, and defense assets located on and around the island. The need for the Aegis Ashore system is critical to the defense of our nation in a progressively aggressive region. We need to do more to ensure that attack or threats of attack from our adversaries are mitigated and ameliorated by the presence and potential use of greater response. As noted by Admiral Davison, the current use of the Terminal High Altitude Area Defense (THAAD) system to protect the Guam is not sufficient to address threats posed by China. Reports of Chinese ships and submarines moving around the region indicates potential for a “360-degree threat” to Guam and the Northern Mariana Islands. We must have in place this critical infrastructure to ensure that the substantial investments, assets, and American lives are secured and ready to defend the country.

Regionally our data and communications capabilities face unique threats with reports of deteriorating relations with China in the region suggesting that the DoD should take critical steps to secure American information technology assets. We understand that DoD has been addressing this through military-specific initiatives, such as the Mission Partner Environment (MPE). With the loss of protected status for information infrastructure in Hong Kong, we face serious threats to our commercial communications and information capacity; the MPE alone may not be sufficient to meet military and civilian needs. We ask that you include language to require DoD to report on activities it is taking to ensure the security of our critical communications links and explain how it plans to utilize dual-use communication services, such

as commercially operated data centers on Guam, to ensure that DoD operators and support staff have low-latency, high-fidelity communications with cloud centers in the region and in the United States. In an increasingly hostile region of INDOPACOM, we must ensure a more resilient and defensible communications hub by investing in capacity and capability in order to avoid great power conflict.

As an item specific to Guam we have an interest in addressing the fact that the Guam Air National Guard is one of only three Air Guards in the nation that does not have an aircraft or flying mission. Given Guam's geographic location and utilization for strategic positioning in the defense of our nation, it is imperative that the island be equipped with the vital resources to carry out forward missions and readiness. We ask that this Committee include language in the FY2022 NDAA requiring the Secretary of the Air Force conduct a study to determine the needs and feasibility of establishing a flying mission for the Guam Air National Guard. Although the Andersen Air Force Base currently lacks a permanently assigned aircraft, it already has the needed infrastructure to ensure that an Air National Guard flying mission would not be cost prohibitive. Additionally, while the Air Force has yet to announce the basing locations for all its forthcoming B-21 bombers, the increased focus on the Pacific theater indicate that B-21s in Guam would be station-forward.

Guam wishes to again thank this Committee for including in the FY2021 NDAA the requested provision exempting foreign labor to augment Guam's insufficient labor force. While the benefits of this are yet to be realized due to the severe impacts of COVID-19 and interpretation issues with USCIS that need to be addressed, the availability of this option has increased confidence that an augmented labor force will stimulate our economy and provide affordable housing for all on the island.

We want to thank you for your time and consideration of our requests and look forward to working with you as we secure our nation's position in the region.

NDAA Member Day Testimony
Congressman Brad Sherman
May 3, 2021

Chairman Smith and Ranking Member Rogers, thank you for the opportunity to testify before you in favor of the inclusion of a few important provisions in the Fiscal Year 2022 National Defense Authorization Act (NDAA). I would like to bring to your attention these four provisions that I believe will enhance our national security.

First, I request that you include language explicitly prohibiting the use of any funds in contravention of the War Powers Resolution (WPR). I first proposed a War Powers amendment in 2011 to the Department of Defense Appropriations Act, which passed overwhelmingly. Such provisions have consistently been passed through the annual appropriations process since then.

The War Powers Resolution prevents the president from continuing hostilities undertaken in emergency or exigent circumstances without seeking and obtaining Congressional approval within certain time periods. Under the WPR, the president must obtain Congressional approval for hostilities he or she commences within 60 or 90 days. Certainly, if the President seeks to go beyond that period, he or she should do so only pursuant to statutory authorization prescribed by the War Powers Resolution or a declaration of war.

Unfortunately, since 1973, every president, Democrat and Republican, has claimed that the War Powers Resolution is not constitutional. They have either violated the Act or claimed that compliance was voluntary. Unfortunately, many constitutional scholars agreed with them.

Many constitutional scholars believe that Congress can make the War Powers Resolution binding on presidents, if - but only if - we tie it to the expenditure of funds. Former Republican Attorney General Michael Mukasey testified to that effect before the Foreign Affairs Committee on July 25, 2017.

Since 2012, Congress has used its authority over funds to prevent presidents from violating the War Powers Act—but, we've done so only with a series of temporary one-year provisions in

Appropriations bills. It is critical that, should the Commander-in-Chief decide that U.S. servicemen and women be put into harm's way, the President be forced to do so only in a manner that complies with the WPR. I urge you to make this prohibition a permanent part of U.S. law.

In addition, I request that you include language to prohibit making funds available for any use of military force in or against North Korea without the prior approval of Congress. The United States has approximately 28,500 members of the Armed Forces stationed in Korea, and over 100,000 United States citizens in total, all of whom would be placed in grave danger if an active military conflict on the Korean Peninsula were to erupt. The Fiscal Year (FY) 2020 National Defense Authorization Act included a sense of Congress that diplomacy is essential to ensure denuclearization. Sustained diplomacy with North Korea, alongside our partners and allies in the region, should be our focus to securing a lasting peace. As you prepare the Fiscal Year 2022 NDAA, I ask you to include the following language into the bill:

- *None of the funds authorized to be appropriated by this Act or otherwise made available to the Department of Defense for fiscal year 2022 may be obligated or expended for any use of military force in or against North Korea unless Congress has—*
 1. *declared war; or*
 2. *enacted specific statutory authorization for such use of military force after the date of the enactment of this Act that meets the requirements of the War Powers Resolution (50 U.S.C. 1541 et seq.).*

Exception.—The prohibition under subsection (a) shall not apply to a use of military force that is consistent with section 2(c) of the War Powers Resolution.

It must be Congress' objective to reclaim its constitutional authority over matters of war and peace on the Peninsula.

Furthermore, I urge you to include my provision concerning defense cooperation with India. The House Fiscal Year (FY) 2020 National Defense Authorization Act included a sense of Congress that the United States should strengthen and enhance its major defense partnership with India and

work towards designating India a major defense partner. My provision would expand NATO plus five to NATO plus six to include India.

U.S.-India security cooperation is expanding rapidly. Bilateral defense trade increased from near zero in 2008 to \$15 billion in 2019. These sales have included military transport aircraft, maritime patrol aircraft, and helicopters. We are also selling India military equipment that we haven't sold to any other non-NATO country. Today, India conducts more military exercises with the United States than any other country. India and the United States also conduct multilateral military exercises regularly with other countries as members of the Quad alliance. As such, India plays a major role in our efforts to maintain a free and open Indo-Pacific. Thus, it is only fitting that we put Delhi in the same category as our closest allies: NATO, Australia, New Zealand, Japan, South Korea, and Israel.

I also have a provision that would prevent any defense sales to Azerbaijan until Azerbaijan has released all Armenian prisoners of war (POW's). The unprovoked Azerbaijani and Turkish attack in Artsakh on September 27, 2020 led to six weeks of devastating fighting that killed over 5,000 people and forced more than 100,000 ethnic Armenians to flee Artsakh. While Armenia, Azerbaijan, and Russia signed a tenuous ceasefire agreement that went into effect on November 10, 2020 that brought an end to the fighting, an estimated two hundred Armenian POW's remain in captivity subjected to documented abuse and mistreatment. This is not only in direct contradiction to the terms of the ceasefire, but also the Third Geneva Convention on the Humanitarian Treatment of Prisoners of War. Shockingly, Azerbaijan received over \$100 million in U.S. military assistance in Fiscal Years 2018 and 2019 through the Section 333 Building Partner Capacity program. The United States must hold Azerbaijan accountable if we are serious about reengaging in the region in a way that advances a sustainable peace that reflects the interests of all parties involved.

Again, thank you for the opportunity to testify in favor of the inclusion of important provisions in the Fiscal Year 2022 National Defense Authorization Act (NDAA).

DOCUMENTS SUBMITTED FOR THE RECORD

MAY 5, 2021

Testimony of Congresswoman Julia Brownley
California's 26th Congressional District
Before the House Armed Services Committee
Member Day
May 5, 2021

Good Morning Chairman Smith and Ranking Member Rogers.

Thank you for holding today's hearing.

As you may know, for more than two years, I have had the privilege to Chair the Women Veterans Task Force.

Since its founding, the Task Force has worked to identify and eliminate inequities facing millions of women who have served in our nation's military.

Through our work, we have identified two specific issues, which I hope we can address in the 2022 National Defense Authorization Act.

First, over the past few years, I have heard directly from many servicemembers and veterans about gender disparities in out-of-pocket costs for uniforms.

The 2020 NDAA included my amendment directing GAO to review these issues.

In February, GAO released its report, which found that across all branches of service and ranks, women pay several times more for uniforms than men.

GAO also found that the armed services were not accounting for the cost of uniform changes to servicemembers.

Over a 20-year career, an enlisted female Marine will pay nearly 10 times more out-of-pocket than a male Marine.

In the Army, female enlisted soldiers will pay nearly \$4000 more – or double – what enlisted men pay.

In the Air Force, over 20 years, enlisted women will pay \$1,627 out-of-pocket, but enlisted men will have a surplus of approximately \$2000.

In the Navy, women pay approximately three times as much over a 20-year career.

To make matters worse, the Navy and Marine Corps have made uniform changes that have *only* impacted women.

Further, none of the services collect uniform data for officers -- because all officers pay for their uniforms out-of-pocket.

In fact, GAO found that in the last 10 years, the Navy alone has made 18 changes to uniforms that disproportionately increased costs for female officers.

These cost disparities add up to hundreds or thousands of dollars.

To fix this, I recently introduced the Equal Pay for Servicewomen Act (H.R. 2502) along with Congresswomen Speier and Stefanik.

Our bipartisan bill would eliminate the unfair and sexist “pink tax” on women’s uniforms.

My bill would incorporate all of the recommendations of the GAO report, which:

- Mandate greater oversight by the Under Secretary of Defense for Personnel and Readiness,

The bill would also:

- Require the services to ensure that “like” uniform items cost the same for men and women, and
- Authorize back pay for servicewomen for up to 10 years to cover the lost wages due to disparities in uniform cost.

As long as women are forced to pay more than men for required uniforms, the Department of Defense’s principle of equal pay for equal work is not being upheld.

I urge the Committee to include this legislation in the 2022 NDAA.

Second, I request the Committee include the Justice for Servicewomen Act (H.R. 2385) in the 2022 NDAA.

This bill would direct GAO to conduct a study regarding women involuntarily separated or discharged due to pregnancy or parenthood.

As you know, women were made permanent members of the armed forces in 1948.

However, between 1951 and 1976, the military summarily discharged women who became pregnant, gave birth, or became a parent or stepparent through adoption or marriage.

From 1969 to 1973, during the Vietnam War, the Army alone discharged more than 5000 enlisted women for pregnancy and parenthood.

These policies were ruled unconstitutional in 1976.

However, no action was taken to redress this wrong, or to ensure these women were compensated or provided veterans' services they were owed.

My bill is a first step in assessing the impact of this discriminatory policy.

It requires GAO to identify the number of women affected, assess racial and ethnic disparities, and review the impact of involuntary discharges on women's access to benefits.

Under my bill, GAO is further directed to provide recommendations for restoring access to resources that have, for too long, been denied these women veterans.

I urge my colleagues to join me in supporting our service women, who patriotically served our nation, and whose constitutional rights were violated.

I thank the committee for your consideration.

I yield back.

KATHY CASTOR
14TH DISTRICT, FLORIDA
SELECT COMMITTEE ON
THE CLIMATE CRISIS
Chair
COMMITTEE ON
ENERGY AND COMMERCE
SUBCOMMITTEE ON RESILIENT
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March 5, 2021

The Honorable Adam Smith
Chairman
House Armed Services Committee
Washington, DC 20515

The Honorable Mike Rogers
Ranking Member
House Armed Services Committee
Washington, DC 20515

RE: Priorities for Fiscal Year 2022 National Defense Authorization Act, MacDill AFB, SOCOM, CENTCOM and military families

Dear Chairman Smith and Ranking Member Rogers,

Thank you for the opportunity to provide a list of priorities for the Fiscal Year (FY) 2022 National Defense Authorization Act (NDAA). I am proud to represent MacDill Air Force Base (AFB) in Tampa, home of the 6th Air Refueling Wing, U.S. Central Command (CENTCOM), U.S. Special Operations Command (SOCOM), the 927th Air Refueling Wing, Joint MISO Web-Ops Center (JMWC) and additional mission partners. I am also a proud co-chair of the Congressional Air Force Caucus and the Special Operations Forces Caucus.

Mold in Base Housing

MacDill is home to service members from all branches of our military and it is vital that we keep them safe on the battlefield, and also at home. I appreciate the work this committee has undertaken to tackle the mold issues in base housing across the country – including at MacDill. Over the past few years, I heard from families of service members that found mold in their on-base homes. Plain and simple, military families deserve the best housing available and reports of substandard conditions are unacceptable. Our service members should be able to focus on their mission without worrying about housing conditions, sick family members or alternative housing. I strongly encourage you to continue oversight of the implementation of the Tenant Bill of Rights that was included in the FY 2020 NDAA. It is our duty to hold the private housing contractors accountable and make military families whole when their lives are disrupted.

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

Reinforce prohibition of retirement of KC-135s and Provide Adequate Resources

MacDill AFB's 6th Air Refueling Wing is the centerpiece of the U.S. Air Force's Global Vigilance, Global Reach, Global Power mission with its essential functions of aerial refueling and airlift. MacDill AFB's missions are operating at a high tempo. Just a few weeks ago, another set of MacDill's KC-135 tankers was tapped to support rapid, global mobility in the CENTCOM area of responsibility. Crews with the 91st Air Refueling Squadron from MacDill provide unmatched air refueling to the DOD.

While the Air Force expects to retain KC-135s until the replacement Boeing KC-46 Pegasus jets are operationally capable, Congress should continue to ensure the KC-135s are not retired early. I encourage the committee to maintain language similar to Section 135 of the report accompanying the FY 2021 NDAA to prohibit retirement of KC-135s until October 1, 2023 and beyond and to ensure the appropriate funding levels are authorized to maintain the tankers' mission. Additionally, both the FY 2021 report and the FY 2021 defense appropriations bill included funding for continued operation of KC-135s the Air Force had previously considered for retirement.

Plus, the Air Force strives to meet the requirements set forth in the National Security Strategy, which calls for 40 tanker squadrons, accounting for roughly 480 tankers. By contrast, in 2020, the Air Force had 26 tanker squadrons, which suggests the Air Force had only 65 percent of the squadrons it needs, and only 85 percent of the air refuelers required. I strongly encourage this committee to conduct a year-by-year review of the KC-46 before determining any further cuts, and extend these provisions as necessary to ensure readiness.

DOD Clean Energy and Resilience

Thank you for your work in the 116th Congress to position the Department of Defense (DoD) closer to achieve greater energy efficiency and climate resiliency. The department has taken important steps to build resilience across a number of systems, and also help reduce the emission of greenhouse gases that contribute to the climate crisis, such as using renewable energy. However, it is vital that Congress requires consideration of climate risk in DoD procurement, logistics and supply chain management, to be able to focus effort and prioritize resources toward those facilities that need it most.

As Chair of the House Select Committee on the Climate Crisis, I strongly encourage this committee to codify DoD Directive 4715.21 to ensure DoD has the authority and resources necessary to adapt current and future procurement, logistics and supply chain management operations to address the impacts of climate change. I also encourage this committee to include continued oversight of contractors, who must be required to evaluate climate change risks.

Additionally, Defense Secretary Lloyd Austin announced that the DoD will immediately take appropriate policy actions to prioritize climate change considerations in their activities and risk assessments, to mitigate this driver of insecurity. The DoD will include the national security implications of climate change in their risk analyses, strategy development, and planning guidance as well as incorporate climate risk analysis into modeling, simulation, wargaming, and the next National Defense Strategy.

The climate crisis and its implications on our national security and DoD missions cannot be ignored. For years, the DoD has acknowledged that environmental change poses a threat to military capabilities. In FY 2020, the department allocated \$67 million in funds to help bases alleviate or repair climate-related damage. A 2018 report by the Center for Climate and Security, identified a number of key domestic military installations, including both North Carolina's Camp Lejeune and Camp Pendleton in California, as at-risk from climate change. And in 2019, a number of bases were hit by large weather events, including Offutt Air Force Base in Nebraska, which required more than \$400 million in repairs. I call on this committee to strongly support DoD's efforts not just on resiliency and efficiency, but on overall national security.

Congress should also harness the power of the military, for net-zero and resilient energy installations, and increase funding for DoD to partner with the National Renewable Energy Laboratory (NREL) to improve the resilience of renewable energy projects at military installations to climate change impacts. I was very concerned to learn that many installations, including MacDill AFB, have no plan or direction to locate and expand renewable energy and energy efficiency resources to strengthen their resilience and save taxpayers money. Federal spending to locate or expand fossil fuel infrastructure is costly and unwise as we need every strategy to reduce America's carbon footprint and achieve energy savings for the federal budget. Congress should also use the data collected by the DoD Climate Assessment Tool (DCAT) to complete climate exposure assessments on all major U.S. installations and major overseas installations, to enable personnel at all levels to understand each location's exposure to climate-related hazards, using historical data and future climate projection.

It is also vital that DoD continues to work to strengthen its coordination with local governments for climate resilience. Congress should direct DoD to require that domestic military installations coordinate their resilience planning with hazard mitigation and climate resilience

planning by state, tribal, territorial and local governments adjacent to and within commuting distance of their facilities. DoD also should coordinate with stakeholders, including environmental justice communities and other community organizations where installation plans and activities affect community resources, such as drainage or environmental impact.

Public Schools on Military Installations

Educating the children of our service members is a task we should not take lightly. We need to prioritize funding to public schools on military installations to ensure we serve the unique needs and challenges that face military children while giving them a top-rated education. I am proud to represent General Clarence Tinker K-8 School (Tinker) at MacDill AFB. Tinker School has been the primary school for the children of MacDill military personnel for almost 70 years. Tinker provides its students with a support system, counselors and administrators who understand the unique needs and challenges of military families such as deployments and frequent moves. Other public schools are not as expert in providing such focus. For this reason, MacDill families requested and were granted an expansion of Tinker to include grades six, seven and eight by Hillsborough County Public Schools six years ago. The community strongly supported the expansion; however, with the student population expanding to over 720 students, more infrastructure is needed to properly serve MacDill's students.

Tinker middle school students currently use modular classrooms and multi-purpose cafeteria facilities. According to an assessment done in 2018, seven additional classrooms and improved special needs space, upgraded food facilities and a gymnasium are needed as soon as possible. This is not ideal and will be very costly – but necessary. I strongly encourage the committee to authorize sufficient resources for public schools on military installations, so the children of our service members have the best education combined with the necessary support system.

Uphold No Drilling Past the Military Mission Line Off Florida's Coast

I urge the committee to safeguard our military training areas in the east central Gulf of Mexico and continue to oppose oil drilling in this area. Aside from risks to our tourism-based economy in Florida and across the Gulf, our strong military presence throughout the region needs the east central Gulf for their exclusive use for testing – free of drilling rigs, platforms and supply vessel traffic. It is for this reason that the Military Mission Line (MML) in the east central Gulf (EGOM) was established by the 2006 GOMESA law to delineate the military testing area as being off limits to oil exploration.

The DoD called the eastern Gulf of Mexico an “irreplaceable national asset” for combat force readiness and for accomplishing the goals of the National Defense Strategy. In the 116th Congress the House passed H.R. 205 Protecting and Securing Florida's Coastline Act, with bipartisan support, including a number of committee members. This bill permanently extends the moratorium on oil and gas leasing, preleasing and related activities in the eastern Gulf.

Post-Deployment Rehabilitation and Evaluation Program (PREP)

I also strongly encourage the committee to continue to prioritize and expand the number of service members and veterans able to receive care through the Post-Deployment Rehabilitation and Evaluation Program that is based at the James A. Haley Veterans' Hospital (Haley VA). PREP provides individualized in-patient treatment for our service members and veterans for combat-related physical, cognitive and mental health symptoms.

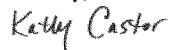
This initiative provides the DoD a perfect opportunity to partner with the VA to include programmatic information and funding levels for PREP in current and future budget requests, as stated in the FY 2021 MILCON-VA report language. The physical rehabilitation and mental health needs of our active duty service members and veterans should be one of our top priorities, so I encourage the committee to continue to look for ways to bolster the Post-Deployment Rehabilitation and Evaluation Program to ensure the men and women who sacrificed so much for us receive the care they have earned, especially as thousands of Americans begin to return home from Afghanistan.

Joint MISO Web-Ops Center (JMWC)

It is important for the committee to ensure JMWC's budget is consistent and that it receive the funding necessary to carry out its mission. Along with the overall funding, the committee should expedite a permanent building for the SOCOM-led, CENTCOM-inspired JMWC in the location selected at MacDill AFB. The current modular trailers do not provide a cohesive, modern workspace for a mission so central to America's national defense. Additionally, the mission of JMWC is vital and it requires all hands on deck. To that end, I would encourage the DoD to ensure personnel from all combatant commands are located at JMWC.

Thank you all for the work you do to support our men and women in uniform and their families, and for allowing me to share the issues that are important to my community, MacDill Air Force Base and our overall national security. I look forward to working with you during the National Defense Authorization process and beyond to ensure we face our nation's ongoing and future national security challenges head-on.

Sincerely,



Kathy Castor
U.S. Representative
Florida – District 14

David N. Cicilline
House Armed Services Committee Member Day Testimony
National Defense Authorization Act for Fiscal Year 2022
May 5, 2021

Thank you, Chairman Smith and Ranking Member Rogers, for allowing Members to provide their views on this year's National Defense Authorization Act (NDAA) to the House Armed Services Committee, and thank you for your work on behalf of our nation's Armed Forces. As you begin the process of writing this year's NDAA, I ask that you strongly consider key priorities for which I have fought in recent years.

All these priorities have received consistent support from both sides of the aisle, including during consideration of the most recent NDAA. These are actions that will help to strengthen economic relations with one our oldest allies; support job growth and strengthen our nation's defense industrial base; protect the rights of our men and women in uniform; and ensure our Navy's supremacy and readiness.

Strengthening U.S.-Portugal Trade Relations

I ask that you please support the establishment of a reciprocal trade visa program between the United States and Portugal. Portugal was one of the first countries to recognize the United States after the Revolutionary War. Today, Portugal is one of our nation's strongest allies, and one of our closest economic partners. The United States is Portugal's largest trading partner outside of the European Union, as well as the fifth largest export market for Portuguese goods.

Bilateral trade between the United States and Portugal has continued to grow steadily in recent years. Between 2010 and 2015, there was a thirty percent increase in trade between the United States and Portugal, and in 2015 bilateral trade between our two nations reached \$4.2 billion. There are also currently over 130 American companies with operations in Portugal in a wide range of industries, including pharmaceuticals, technology, banking, and the health sector.

In 2018, the United States' direct investment position in Portugal was \$2.8 billion, an increase of 37 percent from 2017. The direct investment position from Portugal in the United States, however, experienced a 3.5% decrease to \$1 billion from 2017 to 2018.

While the majority of the countries within the European Union had pre-existing bilateral investor treaties with the United States before joining the EU, Portugal did not and is one of only five EU countries whose citizens are not currently eligible for E-1 or E-2 visas. In the absence of a bilateral treaty, which Portugal cannot enter due to the rules of the European Union, Congress has the power to authorize E-1 and E-2 visa benefits to other countries. And we have exercised our authority to do so for both Israel, in 2012 and New Zealand in 2018. I'm pleased to support this effort to do the same for Portugal.

Last year, the House Armed Services Committee included a provision in their markup of the NDAA for Fiscal Year 2021 which I authored that would extend these visa benefits to Portugal. Just recently, I reintroduced the Advancing Mutual Interests and Growing Our Success, or

AMIGOS, Act. The AMIGOS Act would extend E-1 and E-2 nonimmigrant visas in a reciprocal manner with Portugal, should they extend the same visa privileges to U.S. nationals. This is a bill that has strong bipartisan support in both the House and the Senate. Congressman David Valadao is a lead Republican cosponsor in the House, while Senator Pat Toomey is a lead cosponsor in the Senate. Also, in addition to being adopted without opposition by the House Armed Services Committee last year, the full House also passed the AMIGOS Act by voice vote in December of 2019.

Extending these trade visas to Portugal not only gives Portuguese businesses an opportunity to invest in the United States, but it supports a mutually beneficial relationship that promotes jobs in both countries and growth in United States businesses and economy.

Establishment of a Southern New England Regional Commission

I would also ask that you support the establishment of a regional commission to promote manufacturing and industry in Southern New England. One of the most important things done in the NDAA each year is providing support to our nation's defense industrial base. Each year, the NDAA authorizes new programs to spur defense manufacturing, strengthen procurement law, and grow American jobs. During consideration of the FY2021 NDAA, the House passed an amendment I authored which would strengthen defense manufacturing and industry in my home state and the surrounding region.

The establishment of a Southern New England Regional Commission would lead to the investment of federal funds into Rhode Island, Massachusetts, and Connecticut to build upon regional strengths, such as defense manufacturing. This commission would allow areas within these three states to work together to leverage federal resources to promote economic development in the defense manufacturing industry, as well as industries such as renewable energy, maritime economy, infrastructure, and many others. Administrative costs are shared by states and the federal government, while the commission's activities are federally funded.

Commissions like the Southern New England Regional Commission identify and address regional economic underdevelopment. A similar effort was made in 2008 with the establishment of the Northern Border Regional Commission. The commission was created to alleviate economic distress in Northern Maine, New Hampshire, Vermont, and New York, and received a funding of \$20 million in FY 2019.

Protecting the Employment Rights of Servicemembers

I ask your support for clarifying that the statutory rights of servicemembers and their families under the Uniformed Services Employment and Reemployment Rights Act (USERRA) cannot be waived through forced arbitration unless it is agreed to after a dispute arises. This provision passed in the House as a floor amendment to the NDAA for both FY 2020 and FY2021, and both times it passed with bipartisan support.

American servicemembers, veterans, and their families have sacrificed much in service to our country. They have fought to protect the fundamental idea that we are a nation of laws and

institutions that guarantee the rights and prosperity of every American. Since the Second World War, Congress has created many laws, including USERRA, to provide essential protections that guarantee every veteran and active-duty service member—including the Reserves and National Guard—the right to be free from workplace discrimination on the basis of their military service, and the right to their day in court to enforce these protections.

For too long, however, forced arbitration has eroded these fundamental protections by funneling service members' claims into a private system set up by corporations without the same procedural safeguards of our justice system. Buried deep within the fine print of everyday contracts, forced arbitration clauses prevent the brave men and women in uniform—as well as their family members—from having their day in court to hold corporations accountable for breaking the law.

This is nothing short of a corporate takeover of our nation's system of laws, and the American people have had enough. The overwhelming majority of voters—including 83% of Democrats and 87% of Republicans—support ending forced arbitration. It is time to act.

This provision which I have authored would end this shameful practice by clarifying that arbitration clauses are only enforceable if agreed to by service members or their families after a dispute arises, thereby protecting their rights under USERRA.

U.S. Submarine Programs and Submarine Industry

Finally, I ask that you continue to strongly support our nation's submarine fleet. The Virginia Class and Columbia Class Submarine programs play a critical role in preserving America's naval supremacy around the world. In Rhode Island, these programs directly support more than 4,000 ship building jobs. Thanks to the support provided by Congress, this number is expected to increase by about 1,300 jobs in the coming year. I ask that the committee continue to support the two-ship per year build rate for the Virginia Class Submarine program, and continue to support the development of the Columbia Class program- which the Navy has identified as its number one priority.

As these programs continue to move forward, I also ask that you continue to support submarine supplier and submarine workforce development efforts. The Virginia and Columbia Class programs rely on an industrial supply base for development of critical components. However, since the end of the Cold War, the submarine supply base has shrunk by nearly 12,000 suppliers. With the ongoing production of the Virginia and Columbia submarines, it will be necessary to ensure that the supply chain remains robust to ensure efficient and on-time construction and delivery.

Ongoing efforts in these programs will also require the hiring of approximately 17,000 new workers to maintain build rates. To meet this challenge, the Department of Defense has implemented an initiative to produce more highly skilled workers to meet anticipated needs. These efforts have helped produce a robust workforce in Rhode Island, and it is important that these development efforts continue. This committee's support for submarine workforce development in the past has been critical, and I ask that you continue these efforts.

Thank you again for receiving my testimony regarding these priorities for the FY 22 NDAA, and I ask that the committee provide them with its full support.

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IN EUROPE (U.S. HELSINKI COMMISSION)

Statement on the FY22 National Defense Authorization Act

Congressman Steve Cohen

May 3, 2021

Chairman Smith, Ranking Member Rogers, and Members of the Committee,

Thank you for the opportunity to express my support for important programs in the National Defense Authorization Act (NDAA) for Fiscal Year 2022. The NDAA is critical for our Armed Forces and our national defense.

An important focus of the NDAA should be providing support for the 1.4 million members of our Armed Forces, 18 million veterans and their families. They sacrifice so much and they deserve all the support necessary so that the men and women in uniform can focus on their role in the protection of our country.

I support a cost of living adjustment for the base military pay. With the *Wall Street Journal* reporting that CEOs of S&P 500 companies received an average 15% pay increase in 2020, it would be a travesty to not enact a meaningful cost of living adjustment for our men and women in uniform, who go over and beyond every day, and have been essential this year in aiding the distribution of the COVID-19 vaccines.

Beyond financial support to our military families, we need to provide a strong health care system for them, ensuring that the Defense Health Program, known as TRICARE which provides health care to 9.6 million beneficiaries, is not short on resources. I urge the Committee to increase the medical care for the men and women who are serving in the military and those who have served, including those who have been exposed to toxic chemicals. It took over 40 years for Vietnam veterans to be able to receive military-connected care for bladder cancer, hypothyroidism, and Parkinson's disease as a result of exposure to Agent Orange. There is no justifiable reason that it took so long for Congress to agree to cover these treatments. Going forward, we must be more proactive to ensure that the people who are serving in uniform or who have served receive the health care they need and deserve.

The Committee's support for health care for our military and veterans should include continued support for virtual health, or telehealth visits. When talking with doctors, nurses, active-duty military, or veterans, the message is clear: virtual health visits have been a tremendous tool throughout the pandemic and the Committee should continue support for virtual health visits through the Defense Health Program in perpetuity. Virtual health visits significantly reduce the time it takes to go to the doctor. By cutting out travel time, waiting periods and child care arrangements, appointments become much shorter. I encourage the Committee to continue support for wide use of virtual health visits so that our service members can quickly and easily check in with their care team.

I believe the Committee should consider ways cut overall defense spending. It is difficult for me to justify increasing our nation's defense spending when over 28 million Americans do not have health insurance and 34 million Americans are living in poverty. Our country needs a strong defense, but some programs are outdated or have seen tremendous overruns and have become boondoggles. I ask that the Committee look closely at these types of programs to determine if they should receive reauthorization.

One area of defense that should not be reduced is medical research. The pandemic and the medical community's rapid response to it has demonstrated how important basic and advanced medical research is to protecting our country and other citizens of the world. Without the groundwork on mRNA laid in the 1990s, modern researchers would not have been able to quickly create effective COVID-19 vaccines and administer nearly 250 million doses to Americans within 18 months of the first case of the disease. I urge the Committee to continue to support medical research that can lead to cross-cutting discoveries that help not only our military, but also our civilian population.

I strongly support the Research, Development, Test & Evaluation (RDT&E) program and ask for your continued support. Specifically, I would ask for an increase in funding of \$5 million for the Multiple Drone, Multiple Sensor Intelligence, Surveillance, and Reconnaissance (ISR) Capabilities project. Led by the University of Memphis, in collaboration with the University of Arizona, the University of Central Florida, and IMEC USA, the Multiple Drone, Multiple Sensor ISR Capabilities project is focused on developing sensor integration on drones for battlefield situational awareness. The use of multiple drones with large area coverage electro-optical and infrared sensors for initial target detection coupled with multiple drones with interrogation sensors – such as acoustic, magnetic, electric field, vibrometry, and seismic – can discriminate

decoys from real targets and as well as detect real targets under camouflage. ISR is intelligence, surveillance, and reconnaissance that leads to effective targeting. This program builds on an FY21 initial investment and advances the technology further toward field deployment. In that particular investment, sensors on drones included infrared, visible, acoustic, and magnetic. This request extends the sensors to polarization, hyperspectral, and vibrometry. In the development of this research center capability, the University of Memphis leads a highly technical team to support Army wide area search operations with multi-drone execution as well as decoy and surrogate detection using additional drone sensor technology developed under this program.

Finally, I also request the Committee to consider a program increase of \$5M for the development of "Infrared Strap-Down Rotorcraft Pilotage Sensors." This program will develop sensor technology to replace the current expensive, heavy, complicated, and outdated Modified Pilot Night Vision Systems (MPNVS) with a lower weight, lower cost, more capable system. The new system will consist of multiple cameras strapped to the body of a rotorcraft. These cameras can cover 210 degrees in azimuth and 90 degrees in elevation simultaneously as opposed to MPNVS which requires the pilot to steer the sensor over this range of angle with his head. Because the sensors are always looking at the scene, they can collect more infrared energy from the scene and produce higher quality images resulting in improved performance in fog, dust, rain, snow, and smoke. In addition, total coverage of the forward hemisphere allows the sensors to perform multifunctional military tasks such as incoming missile detection as well as small arms fire detection. Total coverage on the front of the rotorcraft can even provide drone detection and ground target detection. This program will allow the development of an effective strap-down pilotage sensor. The University of Memphis will develop high fidelity simulations to evaluate sensor characteristics such as integration time. University of Memphis (UM), University of Arizona (UA), and University of Central Florida (UFC) in collaboration with PM Apache and the Army Night Vision and Electronic Sensors Directorate will develop a sensor testbed to include low cost uncooled microbolometers, longwave and midwave photon imagers, as well as high gain reflective near infrared and shortwave infrared sensors to answer the require pilotage issues and develop an effective strap-down sensor strategy and the tools for sensor design.

Again, I appreciate Chairman Smith, Ranking Member Rogers, and the Committee for this opportunity to express my support for specific programs in the FY22 NDAA. Thank you for your consideration of these requests.

Congress of the United States
Washington, DC 20515

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

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

Dear Chairman and Ranking Member:

As you consider the Fiscal Year (FY) 2022 defense authorization bill, we respectfully request that you adopt the text of H.R. 266, which would name the Air Force Utah Test and Training Range as the "Bishop Utah Test and Training Range in honor of former Utah Congressman Rob Bishop.

As you well know, Congressman Rob Bishop served 18 distinguished years as a House of Representatives member. Throughout those 18 years, he was a staunch advocate for Utahns, Hill Air Force Base, and the Utah Test and Training Range. He committed countless hours to advocate for his constituents, many of whom are veterans, service members, and their families. Furthermore, he dedicated his entire Congressional career to serving as a House Armed Services Committee member. He continuously sponsored legislation to further military capabilities, increase readiness, and deter our adversaries. Congressman Rob Bishop will forever be known as an "outside the box thinker" to problems; it is only fitting that his name is associated with the land assigned to solve 21st Century problems.

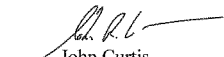
The Utah Test and Training Range has a long, storied history, dating back to the early 1940s when the range was used as a B-17 and B-24 training range. Shortly thereafter, it became the home of P-47 pilot training and the home of B-29's. In the latter parts of World War II, President Roosevelt established Dugway Proving Grounds on a portion of the UTTR. Throughout the rest of the 20th Century, the range provided training to many different platforms for testing and training, and in 1979 became the range we know today. The UTTR averages 16,000 sorties annually, supporting the largest contingent of F-35's stationed at Hill Air Force Base.

Thank you for considering this important request and for your leadership on defense and national security issues.

Sincerely,


Chris Stewart
Member of Congress


Burgess Owens
Member of Congress


John Curtis
Member of Congress

Testimony of Congressman Louie Gohmert
Texas' 1st Congressional District
Before the House Armed Services Committee
Member Day
May 5, 2021

Thank you for this opportunity to present improvements to our military in the FY 2022 National Defense Authorization Act (NDAA).

The Congressional Justice for Warriors Caucus has a mission of defending our defenders when they face injustices in the military legal system. As you may be aware, our service members are not afforded the same legal rights and protections as civilians, and it is our goal to see that this is remedied as much as possible while still taking into consideration the special needs and circumstances of the military.

It is with this in mind that we propose the Justice for Warriors Act; essentially, a Bill of Rights for our service members which addresses many core concerns with the Uniform Code of Military Justice (UCMJ) and seeks to align aspects of military law with state and federal law.

Some of the remedies in the Justice for Warriors Act include ensuring that members of our military have equal access to petition the Supreme Court, unanimous jury verdicts in trials and prohibiting jury tampering through disallowing commanders the authority to give unclassified briefings to subordinates pertaining to the accused's case, which unfortunately has occurred.

Current law, specifically Section 1259 of Title 28, United States Code, prevents service members from filing for review by the U.S. Supreme Court if their petition is denied review by the Armed Forces Court of Appeals. Simply put, terrorists at Guantanamo Bay have greater access to the Supreme Court with no restrictions based on a lower court ruling. It makes no sense that our own military members would be subjected to this arbitrary restriction while enemies trying to kill our military face no such constraints.

Under current military law, specifically Section 852 of Title 10, United States Code (Article 16 and 52 of the UCMJ), a three-fourths majority of the jury is all that is necessary for a "guilty" verdict. Our bill requires a unanimous verdict to convict, providing our service members equal protection under law that civilians have. Many exceptions to rights under the Constitution have been pushed beyond what is just and right for our military members. In the Supreme Court decision of *Ramos v. Louisiana*, Justice Gorsuch contends that Ramos was denied a fair trial because he was, "convicted of a non-unanimous jury as an unconstitutional denial of the 6th amendment right to a jury trial."

If the Supreme Court has noted the propriety of a unanimous jury verdict, the Military Courts should not be permitted to ignore that decision and deny our service members the same Constitutional right.

Under Article 25 of the UCMJ, members of the same unit as the accused may sit on a jury for their coworker. Commanders also have the authority to give unclassified

briefings to their subordinates on the accused's case to warn them about negative behavior that could impact the Armed Forces. These two acts infringe on the presumption of innocence and can greatly impair jury impartiality. It further makes clear to jurors that if they want to continue their military career unabated, they must follow the will of the Commander.

The Department of Defense does not necessarily think this is a problem, but the Committee on Rules disagreed with this assertion back in 1997, stating, "The courts must take appropriate steps to insulate alternate jurors. That may be done by separating them and instructing them to not discuss the case with any person." If that is so important for alternate jurors, one can conclude it is even more vital for original jurors.

The aforementioned proposals represent just a few examples of the changes to UCMJ we wish to see that are outlined in the Justice for Warriors Act. Ensuring our servicemen and women are properly protected in the military justice system is a national security issue that we must take seriously.

Thank you for your consideration.

May 5, 2021

**Testimony of Congressman Tony Gonzales (TX-23)
House Armed Services Committee
Fiscal Year 2022 National Defense Authorization Act**

Chairman Smith and Ranking Member Rogers:

Thank you for this opportunity to share my top national security priorities that I urge the committee to consider as it prepares the Fiscal Year 2022 National Defense Authorization Act. My district, Texas's 23rd Congressional District, is home to Laughlin Air Force Base, the U.S. Air Force's largest training base. Laughlin trains and develops the military's finest pilots at a rate of 300 graduates per year.

Laughlin is threatened by our greatest competitor, China. GH America Energy, a subsidiary of China's Guanghe Energy Company, purchased 130,000 acres near Laughlin Air Force Base to develop a wind farm. Guanghe Energy Company is owned by Sun Guangxin, a former member of the People's Liberation Army and the wealthiest person in Xinjiang province. As this Committee is well-aware, individuals cannot conduct business or accrue wealth in China without swearing fealty to the Chinese Communist Party (CCP). If they are not already, the CCP can use this site to gather intelligence or interfere with Air Force pilot training. I am extremely concerned by the national security threat of a company with overt ties to the CCP in such close proximity to a vital U.S. military base.

Unfortunately, this threat isn't limited to my district. Another example is in Wichita Falls, Texas, near Sheppard Air Force Base, where there have been instances of foreign owned entities trying to purchase real estate. Allowing our adversaries to own property in such close proximity would be a national security threat for Sheppard and its critical military training routes. If a foreign entity chooses to use wind farms or other alternative energy projects as a front for their malign espionage efforts, this would not only allow them to steal our military's secrets, but it would directly hurt our readiness levels by negatively impacting our pilot's ability to fly military training routes.

These are just two key examples that I can speak to, however my colleagues and I have heard of this threat existing across the Department of Defense. That is why my colleagues on the House Armed Services Committee, Representatives Ronny Jackson and Pat Fallon, and I introduced the *Protecting Military Installations and Ranges Act* (H.R. 2728). This legislation would restrict any efforts by China, Russia, Iran, or North Korea to buy U.S. land within 100 miles of a U.S. military installation, or 50 miles from military operations areas. It would also allow the Department of Defense to prevent construction on any site under Committee on Foreign Investment in the United States investigation and require the mandatory notification of lawmakers of affected states and congressional districts.

As our foreign enemies continue their aggression, protecting our military installations should be a top priority. I respectfully request that this legislation be included in the Fiscal Year 2022

National Defense Authorization Act. It is unacceptable to allow our adversaries to have a platform to spy on or disrupt operations at military installations and training ranges on U.S. soil. This commonsense legislation provides the necessary protection to ensure our adversaries cannot purchase strategically important real estate near our military installations and training routes. Not including this legislation as part of the FY22 NDAA would jeopardize our readiness levels and severely hinder the Department of Defense's ability to implement the National Defense Strategy.

Thank you again for the opportunity to submit written testimony and I look forward to working with you as you craft the Fiscal Year 2022 National Defense Authorization Act.

Rep. Garret Graves
 Member Day Testimony
 Armed Services Committee

- Thank you, Chair Smith and Ranking Member Rogers, for accepting member testimony. I want to speak with you today about a few issues that are of special interest to my constituents in Louisiana's Sixth Congressional District. Many of these priorities have passed the House in recent years, and given this broad base of support, I urge their adoption in base text and inclusion in the final version of the National Defense Authorization Act.
- **Operation End Sweep**
 - For the last several Congresses, I have offered an amendment on the floor to authorize the service secretaries to award the Vietnam Service medal to veterans who participated in Operation End Sweep.
 - As you know, the Vietnam Service medal is awarded to recognize service to all service members who fought during the Vietnam war.
 - Members of the U.S. Navy and the Marine Corps were given the exceedingly dangerous task of removing naval mines from Haiphong harbor and other coastal and inland waterways in North Vietnam in early 1973.
 - However, because this crucial mine clearing happened between February and July – and the eligibility period for the service medal ended on 28 March 1973 – service members who literally risked life and limb for their country are being excluded from having their service recognized.
 - It is high time that Congress amend the eligibility criteria and allow the service secretaries to recognize the sacrifices made by the veterans of Operation End Sweep.
- **Military Commissaries**
 - Another priority of mine that has been included in the last three House-passed NDAA's is a requirement that the Department of Defense submit a report regarding management of military commissaries and exchanges to the Congressional Defense Committees.
 - While we know the Department of Defense commissary operations is essential, especially in areas where there are not consistent grocery options outside of an installation, in areas where there *are* adequate options, we want to be assured that taxpayers are providing military servicemembers with access to support services that they are actually using.
 - I would ask the Committee to require DeCA and the exchange system to not only pursue budget neutrality for the exchange system, but outline strategies to reduce cost and provide the best possible value to our service members.
- **National Guard Reimbursements**
 - In the last two NDAA's, I have had a provision included on amendment which would allow the National Guard to be reimbursed in a timely manner in response to an emergency declared under the Stafford Act.

Rep. Garret Graves
 Member Day Testimony
 Armed Services Committee

- Unfortunately, something we know all too well in Louisiana is what it's like to experience a disaster. And after a disaster in a nearby state, the first thing Louisianians do is rush into help. This includes our members of the Louisiana National Guard.
 - States have responded to these events at moment's notice, without thought to the impact on their own budgets and spending, as they know it is the right thing to do. However, given the unprecedented scale of these disasters, the response cannot be supported by states alone for such prolonged periods of time. Unfortunately, the current framework exacerbates the dramatic fiscal and cash-flow impacts during and after these catastrophic events. We have seen this on a mega-scale in response to the COVID-19 pandemic.
 - My amendment would simply authorize the President and the Secretary of Defense, with the approval of the state or territorial governor and subject to appropriations, the ability to offer support for large-scale, complex, and catastrophic disasters. This is not a mandate – it is simply an additional tool for response efforts.
 - The use of Title 32 502(f) in catastrophic situations will improve our collective response, ease the economic burden on states, and ensure the continued wellbeing of our National Guard members and their families.
 - Furthermore, this change will streamline the payment process to make sure that Guardsmen and women do not have to worry about their paychecks when responding to these disasters, should Title 32 be authorized.
- **SBIR**
 - Finally, I would ask that the Committee consider establishing a pilot program under which the Secretary of Defense can provide additional assistance to certain Small Business Innovation Research (STIR) or Small Business Technology Transfer (STTR) program awardees.
 - The pilot program would be available to businesses that are DEPSCoR-eligible or owned and controlled by women, veterans, or socially and economically disadvantaged individuals.
 - This pilot program would authorize DoD provide the additional assistance necessary to further bridge the gap between federal research funds and qualifying small businesses.
 - My proposal would allow small businesses that have received a Phase I SBIR or STTR award to receive a streamlined transfer and fast-track approval process for the Phase II award and up to \$1 million in additional funding before the disbursement of the Phase II award.
 - This pilot program will help ensure that small businesses are able to take full advantage of their technological potential.
 - Thank you again for taking these concerns into consideration.
 - Please let me know if you or your staff have questions.

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Written Testimony
 House Committee on Armed Services
 Wednesday, May 5, 2021

Thank you for holding this hearing today, I appreciate the Committee's willingness to provide me the opportunity to draw attention to what I believe is an unconstitutional provision that was included in the Fiscal Year (FY) 2012 NDAA.

The FY 2012 NDAA included a provision in Section 1021(b) that expanded the military's power under the 2001 Authorization for the Use of Military Force (AUMF) to indefinitely detain any member of al-Qaeda, the Taliban or anyone who assists them. This provision does not include that those who assist do so knowingly.

The statute essentially allows the military to detain any such person until the end of hostilities, regardless of citizenship, location, or intent. I believe that this provision is incompatible with the due process afforded American citizens under the Constitution.

My particular concern with this statute is that it makes no exception for the intent of the detained or any mechanism to challenge the detainment. This could become problematic for any American, including those on American soil. I do not believe the military should be able to exercise the power of indefinite detention at home against U.S. citizens without due process.

Being associated with a member of al-Qaeda or certain other groups could be as simple as unknowingly driving an acquaintance to a federal courthouse where you assume he works,

only to find out later that the person committed a terrorist act. Unknowingly doing a favor for a neighbor could conceivably make you eligible for indefinite detention.

I am troubled by this ambiguity and believe that our armed forces will still be able to fight terrorism effectively even with this slight change in law.

I urge this Committee to include language in the underlying NDAA text that would address my concerns. I hope to continue discussions with the Committee on this issue and appreciate your consideration. Thank you.

CONGRESSWOMAN SHEILA JACKSON LEE (TX-18)

**STATEMENT BEFORE THE
COMMITTEE ON ARMED SERVICES**

**VIRTUAL MEMBER DAY HEARING ON
NATIONAL DEFENSE AUTHORIZATION ACT FOR FY 2022
WEDNESDAY, MAY 5, 2021
11:00 A.M. (EDT)**

(Members have 5 minutes and requested to be online 10-15 minutes prior)

*Chairwoman Smith, Ranking Member Rogers and distinguished
Members of the Committee:*

- As a senior member of the Committees on the Judiciary and on Homeland Security, let me offer my appreciation and thanks to Chairwoman Smith and Ranking Member Rogers for the difficult work and choices that must be made to produce a truly bipartisan National Defense Authorization Act for Fiscal Year 2022.
- The National Defense Authorization Act (“NDAA”) is designed to meet the threats we face today as well as into the future. The NDAA for Fiscal Year 2022 should reflect the strong commitment of Congress to ensure that the men and women of our Armed Services receive the benefits and support that they deserve for their faithful service.
- The painstaking care that goes into the annual NDAA reflects the reality that we live in a dangerous world, where threats are not always easily identifiable, and our enemies are not bound by borders. Confronting unique types of enemy requires unique capabilities.
- Mr. Chairman, I understand that my entire statement will be made part of the record so I will keep my remarks brief.

- In the few minutes allotted I wish to highlight several policies and programs that warrant the Committee's strong consideration for inclusion in the FY 2022 NDAA.
- I support inclusion in the bill of language providing that candidates granted admission to attend a military academy undergo screening for speech disorders and be provided the results of the screening test and a list of warfare unrestricted line (URL) Officer positions and occupation specialists that require successful performance on the speech test. Academy students and instructors shall be afforded the option of undergoing speech therapy to reduce speech disorders or impediments and students who did not successfully complete the speech assessment be afforded the option of retaking a speech test each year while enrolled. The test will not determine eligibility for admission to a service academy but will provide transparency to students in making future career decisions.
- I support inclusion in the bill of language directing the Secretary of Defense to report on the number of military bases, installations, and facilities that are named after African Americans; and directing each service Secretary to establish a review process to consider the naming of military installations and covered defense property under the jurisdiction of that Secretary after African Americans who served in the Armed Forces with honor, heroism, and distinction and are deserving of recognition.
- I support inclusion in the bill of language authorizing Secretary of Defense to establish program providing technical assistance by U.S. military women to military women in other countries combating terrorism, human trafficking and narcotics trafficking and their impact on women and girls.
- I support inclusion in the bill of language directing the Secretary of Defense to develop measures to defend against deployment of nuclear ICBMs by North Korea to protect against damage or destruction of satellites critical to U.S. national defense and global

communications, International Space Station, and other vital assets.

- I support inclusion in the bill of language directing Secretary of Navy to submit report to Congress on the feasibility of applying desalinization technologies to provide drought relief in areas impacted by sharp declines in water availability for both military as well as civilian purposes.
- I support inclusion in the bill of language directing Secretary of Defense to submit report to Congress on the feasibility of providing technical assistance in the form of training, equipment and logistics to improve air traffic control systems in African countries where routine U.S. military operations require ground air traffic control.
- I support inclusion in the bill of language authorizing the Secretary of Defense to work with local security partners in facilitating the provision of security at civilian nuclear research centers in educational institutions to ascertain that nuclear weapons do not end up in the hands of terrorists, in promotion of the United States' and its allies' security interests.
- I support inclusion in the bill of language directing the Secretary of Defense to conduct, and report to Congress within 180 days, results of study regarding whether requirement to notify Voting Action Officer within 10 days of registering to vote in a state where service member resides due to a duty reassignment imposes significant burden on military voters.
- I support inclusion in the bill of language directing the Secretary of Defense to develop plans for early detection, mitigation, and defense against state sponsored cyberattacks targeting federal public election assets, election administrators, election workers, or voter engagement efforts.
- I support inclusion in the bill of language requiring Secretary of Defense to report to Congress programs and procedures employed

to ensure students studying abroad through Department of Defense National Security Education Programs are trained to recognize, resist, and report against recruitment efforts by agents of foreign governments.

- I support inclusion in the bill of language amending title and section of the “Women’s Business Program” to be the “Minority and Women Business Ownership. “The NDAA includes the creation of a Women’s Business Programs.” There is no similar program for minority businesses. However, there is specific language about helping HUZ and disadvantaged businesses.
- I support inclusion in the bill of language directing the Secretary of Defense to conduct and engagement of minority women owned businesses.

CONCLUSION

Mr. Chairman, I thank you and the Ranking Member for your leadership and for extending me this opportunity to share my major priorities with the Committee.

US HOUSE OF REPRESENTATIVES
HOUSE ARMED SERVICES COMMITTEE

TESTIMONY OF HON. SEAN PATRICK MALONEY

May 3rd, 2021

INTRODUCTION

Chairman Smith, Ranking Member Rogers, and Members of the Committee, I thank you for the opportunity to testify today. I am asking the Committee to consider including two important initiatives, the “Never Forgotten Korean War POW Act” and Service Academy healthcare protection in the FY2022 National Defense Authorization Act (NDAA). I represent the United States Military Academy at West Point as well as thousands of military families both active and retired. I have engaged the Veteran community in my district through my Veterans Advisory Board, leaders at West Point, and discussions with local heroes when considering these two initiatives. Our responsibility to honor those who are willing to sacrifice everything does not end when they return home and I appreciate the hard work the Members of this Committee do in that regard.

NEVER FORGOTTEN KOREAN WAR POW ACT

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

It's about more than just the money – we should honor all those who have served. The Korean War (1950-1953) is often called “the forgotten war,” and my bill will make sure those heroes are remembered. “My fervent wish is to have this injustice made right, not for the monetary reasons, but to honor the remaining few Korean War POWs,” said Korean War POW Corporal Raymond Mellin.

The Combat Duty Pay Act of 1952 established combat pay for the United States military. Although POWs from the Korean War did qualify for combat pay, the law instituted a three-month limit on their eligibility. The Never Forgotten Korean War POW Act would strike the language which includes the limit and adjust the rate of pay to be consistent with inflation. The VA estimates of the number of Korean War POW Veterans still alive as of August 2017 is 1200. However, the VA does not have complete data for this specific group of Veterans, so the number could be as low as 600 and as high as 1300. This bill will make sure that those who served are fairly compensated and never forgotten.

“Corporal Raymond Mellin is a hero and deserves to be fairly compensated for his time as a POW,” said New York State Assemblyman James Skoufis. “Sadly, it often takes the actions of elected officials to obtain the fair and just compensation due our veterans,” said Director of the Orange County Veterans Service Agency Christian Farrell. We have the opportunity to rectify this injustice and I would urge the Committee to include my legislation in the NDAA.

SERVICE ACADEMY HEALTH CARE PROTECTION

I have the distinct honor of representing the United States Military Academy at West Point in New York's 18th Congressional District. I take my responsibility to the Cadets, Staff, Faculty, and the military families of the Academy seriously, and that includes ensuring they

maintain access to critical health services. As the Department of Defense (DoD) continues its efforts to update the Military Health System Modernization Study, many concerns have been raised that these efforts could lead to significant reductions in services provided by Keller Army Community Hospital at West Point. While I believe that realigning and restructuring military medical treatment facilities throughout DoD is a laudable goal, I believe the unique nature of the United States Military Academy requires foresight on the part the Department and Congress should provide direction to ensure the Academy is able to maintain critical services.

The nature of the exercises and training that cadets perform is inherently dangerous at times and, as such, the Academy requires they have access to several vital services, all of which Keller currently provides. One need look no further than the tragic accident that occurred at the Academy in 2019 involving the rollover of a M1085 medium tactical vehicle which resulted in the death of one cadet and 19 other cadets suffering injuries. The services Keller was able to provide were essential and any effort to reduce or cut these services could result in serious health concerns for cadets who may be involved in other life-threatening situations.

While some of our nation's other Service Academies have access to nearby health systems, West Point is many miles away from the nearest services. Furthermore, a simple view of a map does not reveal the nature of the roads that lead to these other health care facilities. As someone who has driven the winding mountain roads around West Point in the harsh New York winters, I can tell you that accessing health facilities outside of the Academy could take significant time and that is not a luxury we can afford in emergencies.

Fortunately, the House has already made its views on this matter known when it passed my amendment as a part of HR 2500 in July of 2019. Amendment number 269, which was passed by voice vote as a part of Amendment En Bloc number 11, ensured the availability of

certain medical services at U.S. Service Academies, including emergency room services, orthopedic services, and general surgery services for Cadets, military personnel and their families. I believe the House Armed Services Committee should include this or similar language as a part of the FY2022 National Defense Authorization Act base text. Doing so ensures that our nation's future leaders have access to the medical care that they deserve.

CONCLUSION

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

CHAIRMAN
COMMITTEE ON
ENERGY AND COMMERCE

FRANK PALLONE, JR.
6TH DISTRICT, NEW JERSEY

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

May 4, 2021

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The Honorable Adam Smith
Chairman
House Armed Services Committee
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The Honorable Mike Rogers
Ranking Member
House Armed Services Committee
Washington, DC 20515

Dear Chairman Smith and Ranking Member Rogers,

Thank you for providing me the opportunity to submit testimony to your Committee. As co-chair of the Congressional Armenian Caucus, I believe the Fiscal Year 2022 National Defense Authorization Act should reflect our unwavering commitment to building democracy and a stronger geo-strategic relationship with like-minded countries in the South Caucasus Region like the Republic of Armenia. We must also make sure that any security aid sent to this region prioritizes promoting lasting peace in the Republic of Artsakh (Nagorno Karabakh) and inhibits the destabilizing efforts of Turkey and Azerbaijan.

For years, the United States has invested in a negotiated peace to the conflict in the Nagorno Karabakh region, including humanitarian assistance and funding for landmine and unexploded ordnance clearance efforts in Artsakh. Shockingly, we saw bombastic rhetoric lead to a full-scale war against Artsakh last fall, only a year removed from Azerbaijan receiving over \$100 million in security aid from the United States through the Section 333 Building Partner Capacity program in Fiscal Years 2018-19. This funding defies almost two decades of parity in U.S. security assistance to Armenia and Azerbaijan.

The fungibility and enormous amount of the Section 333 aid also provided Azerbaijani President Aliyev an opportunity to shift resources toward purchasing offensive capabilities like the Turkish Bayraktar drones, heavy weaponry including illegal cluster and white phosphorus munitions, and hiring foreign mercenaries – all of which he used to deadly effect last fall, killing thousands of ethnic Armenians. This information, along with consistent State Department and international reports on gross human rights abuses committed by the Aliyev regime, points to a clear violation of American principals and of Leahy Law restrictions that prohibit U.S. military assistance to foreign security force units that commit human rights abuses.

I am also concerned that the Biden Administration decided to move forward with a waiver to Section 907 of the Freedom Support Act on April 26. This follows in the footsteps of past administrations since 2002, which contradicts Congressional intent in the original bill language prohibiting U.S. funding from going to Azerbaijan until the halt their offensive military actions


against Armenia and Nagorno Karabakh. In the wake of the deadly fighting in the fall that was initiated by Azerbaijan and fully supported by Turkish forces and Turkish-backed mercenaries, we must take immediate, focused action to amend the Section 907 waiver process and ensure that the United States is not supporting autocratic, human rights abusing regimes under the pretenses of our national security interests.

The United States should immediately suspend all military aid to Azerbaijan until its government ceases its attacks against Armenia and Artsakh, releases prisoners of war and civilians it detained during the fall 2020 conflict, agrees to the peaceful resolution of regional conflicts, and proves it has halted all human rights abuses. We must also strive to send a more supportive signal to our regional partners currently undergoing positive, democratic transitions like Armenia by increasing security assistance and bolstering strategic cooperation between our countries. In this light, I ask that you include specific language in the National Defense Authorization Act that would:

- Suspend U.S. military aid, including under Section 333 Building Partner Capacity Program, to Azerbaijan.
- Establish reporting requirements on end use monitoring for border services funding through Section 333 to ensure stronger oversight and prevent funds from going to human rights abusing regimes like the one in Azerbaijan.
- Require under the certification process for Section 907 of the Freedom Support Act that the President, before any consideration of a waiver takes place, make an initial evaluation as to whether Azerbaijan has taken steps to cease all blockades and other offensive uses of force against Armenia and Nagorno-Karabakh. If Azerbaijan has not, a waiver should only be permitted for serious national security interests which the Administration would be required to provide in specific detail to Congress.
- Dedicate and robustly increase the funds made available for military assistance to Armenia through programs like IMET, FMF, and Section 333.

Taking these steps will continue to build on the U.S.-Armenia strategic relationship, support democratic and civil society institutions in Armenia, and protect innocent lives from Azerbaijani and Turkish aggressions in the region. I urge the Committee to invest in peace and assist Armenia and Artsakh during this difficult time.

Sincerely,


FRANK PALLONE, JR.
Member of Congress

MARK POCAN
2ND DISTRICT, WISCONSIN
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**Testimony to House Armed Services Committee “Member Day Hearing on the FY2022
 National Defense Authorization Act”
 Congressman Mark Pocan
 05.05.2021**

Chairman Smith and Ranking Member Rogers, thank you for the opportunity to submit written testimony to the House Armed Services Committee (HASC) as you develop the Fiscal Year 2022 National Defense Authorization Act (NDAA).

President Biden has proposed a \$753 billion FY2020 defense budget—a \$13 billion increase over the FY2021 defense budget. In America today, we are experiencing an extraordinary series of crises unprecedented in the modern history of our country, but none require an increase in spending for the Department of Defense.

Over the last year, the COVID-19 pandemic has infected more than 32 million Americans and caused over 574,000 deaths. Sadly, this pandemic has killed more people than World War I, World War II, the Korean War, The Iraq War, the War in Afghanistan, the Gulf War and 9/11 combined. Over 550,000 people are collecting unemployment assistance every week, 18 million people are going hungry, and over 10 million people are on the brink of eviction.

As we finally begin to see a path towards recovery and an end to this pandemic, we have a duty to the American people to demand a change in our national priorities. We must cut the Pentagon’s excessively large budget and reinvest that money in jobs, education, healthcare, and housing in American communities.

For too long, American national security has been defined by the amount of money we spend on forever wars abroad or the number of American soldiers deployed globally. It’s time we invest in what actually makes the American people safer—job security, healthcare security, education security, and housing security.

The Pentagon’s budget grew by over \$100 billion, almost 20%, under President Donald Trump. The blank checks Congress writes to the Pentagon has time and time again been thrown at ineffective weapons, outdated technology, and lucrative private defense contracts—with little to no oversight.

Huntington Ingalls’ \$13.2 billion Ford class aircraft carrier has a launch system that consistently fails, and the toilets on board frequently cost \$400,000 to flush specialized acids down the literal drain. Defense contractors like Boeing, Lockheed Martin, and United Technologies have paid over \$3 billion in fines or settlements for fraud or misconduct, and the Pentagon has rewarded

them with \$1 trillion in contracts over the last two decades alone. From 2010 to 2012, out of 3,000 Defense Department contracts made in Afghanistan worth \$106 billion, about 40 percent of the money ended up in the pockets of insurgents, criminal syndicates or corrupt Afghan officials. The Pentagon itself commissioned an internal study that found \$125 billion in bureaucratic waste at the DoD—then buried it from the public.

Congress continues to increase the Defense Department's budget when it cannot even complete an audit. The American people across the political spectrum agree that it's time to cut the defense budget. In a Data for Progress poll from 2020, 56 percent of voters support cutting the defense budget by 10 percent to pay for priorities like fighting the coronavirus, education, healthcare & housing—including 50 percent of Republicans.

Our defense budget is larger than the next 10 countries—China, India, Russia, Saudi Arabia, France, Germany, United Kingdom, Japan, South Korea, and Brazil—combined. Cutting such a disproportionately large budget will not make our nation any less safe, but it will remind us that our foreign policy should be rooted in diplomacy and peace, instead of more wars and bombs.

I believe America is only as safe as its people at home feel, and right now with rampant unemployment, millions losing healthcare, underfunded education, and families facing eviction—the American people need our help. Given these unprecedented crises, now is not the time to increase the Pentagon's budget to \$753 billion – it's time to invest in the American people's jobs, education, healthcare, and housing.

Thank you.

A handwritten signature in black ink, appearing to read 'Mark Pocan', with a stylized flourish at the end.

Mark Pocan

Member of Congress

The Honorable Glenn ‘GT’ Thompson (PA-15)

Submission for the Record for the House Armed Services Committee Member Hearing on
National Defense Authorization Act for Fiscal Year 2022

Monday, May 3, 2021

Chairman Smith, Ranking Member Rogers, and members of the Committee:

Good afternoon and thank you for the opportunity to share my priorities for Fiscal Year 2022 National Defense Authorization Act. As a Member of Congress, I strive to meet the needs of our servicemen and women. As the father of an active-duty soldier who received a Purple Heart during Operation Iraqi Freedom, and a firm believer in the importance of a strong national defense, I greatly appreciate the opportunity to be here today and share my priorities for Fiscal Year 2022.

I recognize the challenges placed before the Committee and appreciate your ongoing commitment to our soldiers, sailors, marines, and airmen even when difficult choices must be made. Despite these tough choices, you recognize the troops are on the front lines, in danger, defending the freedoms we all hold so dear. It is imperative our country always maintains the lethality and strategic edge it has had for decades. It is our duty to maintain and ensure robust funding for the defense of our nation.

Over the past year, the pandemic taught us the importance of having a strong, efficient, and effective domestic supply chain. Thus, it is critical continue to strengthen our Buy American policies. We cannot allow our military to lack equipment, parts for maintenance, or suffer delays to production. Therefore, we should consider investing additional funds into Additive Manufacturing. Additive Manufacturing will reduce manufacturing times by 60% at an affordable cost. This program could reduce weight of systems and optimize the manufacturing process to ensure parts can be manufactured fast enough, without defects, at a cost structure meeting overall U.S. military performance requirements.

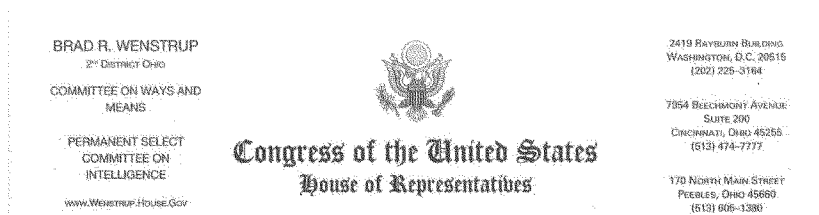
The United States military has always had a dominating presence which includes sustaining our overall readiness. Maintaining an edge requires our military technologies be a step ahead of our adversaries. In a time when we face unprecedented challenges from near-peer actors who are making strides in the development of hypersonic weapons and other new programs, we must invest in our own advanced technologies.

As we continue to prepare for the future by optimizing our technologies, we must also ensure our Navy remains the tip of the spear by rebuilding and maintaining its capabilities. Our sailors regularly face aggressive action when navigating our world’s waters. The U.S. Navy has taken serious steps in developing and investing into proven programs ensuring the freedom of navigation for all. For instance, we must continue to support evolutionary modifications to programs like the MK 48 MOD 7 Heavyweight Torpedo, which will maintain its capabilities while improving range and payload. Additionally, the lightweight torpedo program designs, integrates, and tests the LWT MK 54 torpedo to make it more effective in shallow water. This type of research and development will give our sailors the edge they need to face our adversaries.

As a former health care professional, I respectfully request we continue to support and fund vital Department of Defense research programs. These include research programs for Multiple Sclerosis, ALS, Breast and Ovarian Cancer, as well as the Peer Reviewed Orthopedic Research Program. I strongly believe making critical investments in medical research at the federal level will improve the well-being of our nation, veterans, and active duty military.

Finally, we must keep in mind more than 80,000 American citizens who served in the Vietnam War, Korean War, and World War II are still missing in action. The families and friends of these American heroes deserve no less than our greatest efforts to bring their loved one's home. Therefore, I respectfully request the Committee support robust funding for the Defense POW/MIA Accounting Agency in Fiscal Year 2022.

I want to thank Chairman Smith, Ranking Member Rogers, and the members of this Committee for your continued dedication to the matters within the jurisdiction of the House Armed Services Committee. I appreciate your consideration of these priorities and look forward to working together in the future.



The Honorable Adam Smith
Chairman
House Armed Services Committee
United States House of Representatives
Washington, D.C. 20515

The Honorable Mike Rogers
Ranking Member
House Armed Services Committee
United States House of Representatives
Washington, D.C. 20515

May 3, 2021

Dear Chairman Smith and Ranking Member Rogers:

I write to submit for the record testimony regarding two areas I believe the Fiscal Year 2022 National Defense Authorization Act needs to address: the evolution of the Defense Health Agency and the status of podiatrists in the United States Medical Corps.

The Evolution of the Defense Health Agency (DHA) and the Military Health System (MHS)

The Military Health System (MHS) is a vital component of our national security strategy, and the Defense Health Agency (DHA) is a critical element of the MHS that was established as part of a larger effort to reorganize military healthcare programs and services. Since its inception in 2013, DHA was established to serve as a combat support agency (CSA) to enable the medical services to provide a medically ready force and ready medical force to combatant commands. But since its inception, as Congress has asked DHA to take on an increasingly larger role in the MHS, DHA remains limited by its construct as an integrated Combat Support Agency (CSA).

Prior to the COVID-19 pandemic, concerns were being raised with the direction of the MHS transformation and, specifically, DHA's evolving role.

There are five key areas of concern regarding the current DHA.

1. **Lack of clarity of authority within the current DHA structure.** In November 2019, the Department of Defense (DoD) transmitted a report to Congress, pursuant to Section 711(c) of the Fiscal year 2019 NDAA the feasibility of establishing a Defense Health Command (DHC). In this report, researchers found that "[i]nterviewees invariably lamented a lack of clarity in the assigned responsibilities of DHA as a source of concern." Additionally, "[a] separate clarity issue raised by multiple interviewees was the need to identify a clear decision-making authority to ensure that authority is recognized."

COVID-19 has especially highlighted the issue of unsynchronized demands and processes within and between the Services, DHA, Joint Staff, and the Office of the Assistant Secretary of Defense for Health Affairs. Each command addresses its needs and aligns its limited resources without taking in to account greater needs elsewhere. With COVID-19, DoD components and the Services were also competing amongst themselves for resources, and while medical capability limitations were known before the pandemic, they have been exacerbated during this time. Additionally, when the Services recall their personnel to support operational needs, the MTFs will likely suffer.

The use of a CSA to support combatant command requirements, the Services' medical training requirements, and delivery of a healthcare benefit is organizationally limited. While a CSA will be able to communicate with the Services to identify personnel gaps and coordinate manpower adjustments (i.e., joint staffing models or TRICARE network providers), the Director of the current model, by nature, lacks the proper authority to make centralized personnel adjustments.

2. Need for better integration and communication across the Services. Under the current construct, DHA is unable to execute joint deployment solutions. For example, if an Air Force Reservist wants to deploy, but the Department of the Air Force has a policy not to deploy Reservists, or is absent a service-specific requirement for that individual or skillset, the servicemember would be denied such an opportunity to deploy. Alternatively, the servicemember could transfer to another Service in order to take advantage of another Service's deployment opportunities. In this scenario, which did occur, an overseeing Health Commander could more easily coordinate with the Joint Staff and facilitate personnel deployments based on identified need and servicemember availability. Joint deployment flexibility is an area of need that the current system, with or without the involvement of a CSA, is unable to efficiently accomplish.
3. Enhanced Military-Civilian Trauma Training Opportunities. There is a broad need for a unified expansion in military-civilian medical combat readiness training opportunities for both active and reserve medical personnel, especially for trauma. Servicemember and public reports indicate that active duty medical personnel stationed on safe, stateside installations are still not getting the exposure to and repetitions of trauma care that are needed in theater and that this has been observed in field hospitals. In addition to medical combat readiness, these military-civilian partnerships provide critical relationships for population health in the event of a mass casualty event where DoD medical capabilities may need to be engaged domestically.

The Fiscal Year 2017 NDAA directed the Secretary of Defense to establish a Joint Trauma System within DHA, establish a Joint Trauma Education and Training Directorate that will include a personnel management plan for certain wartime medical specialties, and establish high-performance military-civilian integrated health delivery systems in collaboration with the Service Departments. In the context of the current combat support agency model, DHA will be able to negotiate military-civilian partnership agreements in regional markets at the enterprise level on behalf of the Services, as well as conduct research and incorporate the resulting standards of care within the enterprise.

However, this framework and the integration of trauma standards to meet combat readiness requirements is occurring outside of the Services' medical departments. While the Surgeons General rightfully retain the ability to determine their operational readiness requirements and whether their respective Services will be included in DHA's trauma integration efforts, this model ironically blurs the lines of responsibility about the extent to which the DHA owns readiness.

4. Decoupling the MTFs from the Services. Although MTFs are not the sole source of training, they are and have been an important link in the readiness and deployment pipeline controlled by each Surgeon General. In the context of how the integrated healthcare delivery system relates to Service-specific operational medicine, this realignment presents a concern with the extent to which DHA is responsible for readiness, and it decentralizes management decisions.
5. Separating Research Programs from the Services: The Fiscal Year 2019 NDAA built on DHA's research integration authority and directed the transfer of the Army Medical Research and Materiel Command, among other medical research and public health programs across the Services, into a new Research and Development Directorate at the DHA. While DHA should have a role in streamlining and coordinating research activities, ensuring that efforts are not unnecessarily duplicated, there are also reasons to keep Service-specific research, and research tied directly to combat readiness, within the Military Departments.

We must be able to learn from the recent health crisis as well as listen to those who have been operating on the ground throughout this MHS transition overall to adjust course when necessary. Through their experiences, we know that reforms are needed to ensure we have a ready medical force, a medically ready force, and high-quality beneficiary care.

In the recent past, this Committee has reaffirmed its commitment to reforming the MHS and pressing forward with the efforts to fully establish the DHA. Certainly, the MHS transformation is an evolution that is both necessary and overdue, and that transformation need not be halted completely. In fact, making changes while the agency is changing may well prove to be the more prudent course of action rather than waiting for a final product that is knowingly flawed in order to then go back to fix those problems we know about now.

As the Committee looks develops the policies that will ensure DoD continues to operate a beneficial healthcare integrated delivery network with no adverse effects on readiness, I urge the Committee to reconsider the overarching structure of the MHS and DHA's role within it, incorporating lessons learned thus far in the transformation process and from COVID-19.

Moving Podiatrists to the United States Medical Corps

Under current law, doctors of podiatric medicine (D.P.M.) are only allowed to serve in the United States Medical Service Corps, where officers serve within the areas of Administrative Health Services, Medical Allied Sciences, Preventive Medicine Sciences, Behavioral Health Sciences, Pharmacy, Optometry, Podiatry, Aeromedical Evacuation, or Health Services Maintenance Technicians. However, officers in the MSC are only allowed to deploy if they apply for and are granted a special waiver.

Doctors of medicine (M.D.) and doctors of osteopathic medicine (D.O.), on the other hand, serve in the Medical Corps, which is a non-combat specialty branch whose officers are assigned to military medical facilities, deployable combat units, or to military medical research and development units. Physicians in the Medical Corps are considered fully deployable.

Physicians and surgeons in the Medical Corps may have greater opportunities available to them compared to their Medical Service Corps counterparts, specifically because those in the Medical Corps are more readily deployable. Because of this misalignment, podiatrists are at a disadvantage compared to their M.D. and D.O. peers for advancement within the Services, even if they have more years in service and more experience in practicing medicine and surgery.

Podiatric education, training, and practice have evolved considerably over the past four decades. Podiatrists now complete four years of graduate medical education at one of nine colleges of podiatric medicine. Doctors of podiatric medicine receive basic and clinical science education that is comparable to medical doctors; podiatric residency curriculum is also comparable to M.D. and D.O. residency training and a minimum of three years for civilian podiatrists. All of the Services also require a three-year surgical residency.

The present-day podiatric surgeon is trained in all aspects of surgical principles, patient admissions, performing history and physicals, and taking emergency call. The military faces a tremendous shortage of surgeons, and podiatrists have even served as chief of surgery in the military in theater. Their careers track along the lines of their M.D. and D.O. counterparts in the civilian world and in the Department of Veterans Affairs. As such, I urge the Committee to consider updating the law to move doctors of podiatric medicine from the Medical Service Corps to the Medical Corps.

I appreciate the Committee's consideration of these two issues and look forward to working with my colleagues on the Committee in support of our warfighters and their families.

Sincerely,



Brad Wenstrup
Member of Congress