

## **HEARING TO MARK UP THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2014**

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**TUESDAY, JUNE 11, 2013**

U.S. SENATE,  
SUBCOMMITTEE ON AIRLAND,  
COMMITTEE ON ARMED SERVICES,  
*Washington, DC.*

The subcommittee met, pursuant to notice, at 9:30 a.m. in room SD-G50, Dirksen Senate Office Building, Senator Joe Manchin (chairman of the subcommittee) presiding.

Committee members present: Senators Manchin, Gillibrand, Blumenthal, Donnelly, Wicker, Chambliss, and Blunt.

Committee staff member present: Leah C. Brewer, nominations and hearings clerk.

Majority staff members present: Creighton Greene, professional staff member; Gerald J. Leeling, general counsel; William K. Sutey, professional staff member; and Bradley S. Watson, special assistant for investigations.

Minority staff members present: William S. Castle, minority general counsel; Ambrose R. Hock, professional staff member; and Anthony J. Lazarski, professional staff member.

Staff assistants present: John L. Principato.

Committee members' assistants present: Jeff Fatora, assistant to Senator Nelson; Mara Boggs and David LaPorte, assistants to Senator Manchin; Patrick Day, assistant to Senator Shaheen; Brook Gesser, Brooke Jamison, and Kathryn Parker, assistants to Senator Gillibrand; Nick Ikeda, assistant to Senator Hirono; Karen Courington, assistant to Senator Kaine; Paul C. Hutton IV and Elizabeth Lopez, assistants to Senator McCain; Lenwood Landrum, assistant to Senator Sessions; Todd Harmer, assistant to Senator Chambliss; Joseph Lai, assistant to Senator Wicker; Craig Abela and Jessica-Phillips Tyson, assistants to Senator Graham; Charles Prosch, assistant to Senator Blunt.

Committee members' fellow present: Victor Glover, fellow to Senator McCain.

### **OPENING STATEMENT OF SENATOR JOE MANCHIN, CHAIRMAN**

Senator MANCHIN. The subcommittee will come to order.

Today the Airland Subcommittee meets to mark up an original bill, the National Defense Authorization Act for Fiscal Year 2014.

I am pleased that the markup of the Airland Subcommittee will be held in open session, and I am confident that we can conduct our business in public without any disclosure of classified information or any adverse impact on the process. In this regard, I ask that any senator wishing to offer an amendment or raise an issue of a classified nature defer that to the full committee's consideration.

Please note also that while this morning's subcommittee meeting is an open session, the entire contents of the markup are subject to amendment throughout its consideration by the Armed Services Committee and are therefore embargoed until passage by the full committee and reported to the Senate.

Traditionally, the subcommittee has used the chairman's mark, the package of legislative provisions and report language that the majority and minority committee staffs have worked on together and that I have reviewed and approved. As a markup vehicle subject to amendment, without objection, we will use the chairman's mark as the markup vehicle subject to an amendment.

In preparing for this markup, Senator Levin asked the subcommittee chairman to consider certain guidelines in evaluating and making recommendations for programs or activities to the fiscal year 2013 budget request. This markup package follows that guidance.

This year, the portion of the Department's base and overseas contingency operations budget request falling under the Airland Subcommittee jurisdiction came to a total of \$49 billion, including the \$37.1 billion in procurement and \$11.9 billion in research and development. As it stands right now, the chairman's mark recommends a net decrease to the base budget request of only \$93.2 million. This equates to a less than one-tenth of 1 percent reduction to the Department's request. I believe members will find the recommended reductions are minor but fully justified programatically, sufficiently prudent, and do not create unacceptable strategic risk today or into the future.

Fiscal constraints under the Budget Control Act. Our interest in providing funding stability for Department programs and the Senate's continuing agreement regarding a moratorium on earmarking have significantly limited increasing the funds for programs this year. In this regard, I would highlight that a proposal before the subcommittee would fully support the Department's budget request for overseas contingency operations and would also support virtually all of the major weapons and equipment programs in the base, as requested.

Finally, the recommendation includes legislative proposals that would authorize the Department to manage programs to realize significant savings and would require the retention of an important intelligence, surveillance, and reconnaissance to the ISR system.

Before I turn to Senator Wicker, the ranking member, I want to compliment him on how well I think we have all worked together this year. I feel this has been truly a bipartisan effort through the hearings and continuing to this day. I know that your subcommittee staff, Bruce Hock and Tony Lazarski, as well as your military legislative assistant, Joe Lai, have all made a real contribution to the success of the subcommittee's effort, along with my

staff, and Mara and Dan and Dave, and we want to thank everybody for all their hard work.

Senator Wicker?

#### **STATEMENT OF SENATOR ROGER F. WICKER**

Senator WICKER. Thank you, Mr. Chairman. The Airland Subcommittee mark before us this morning seeks to address a number of significant funding and policy challenges facing the Army, Navy, Air Force and Marine Corps and their ability to fully execute the President's national security strategy.

The mark includes a number of important provisions to increase transparency and oversight of the Army's modernization portfolio, as well as the tactical air components of the Air Force, Navy and Marine Corps.

Before we proceed to amendments, I would like to highlight three issues relevant to our subcommittee, sequestration first.

While I'm very supportive and appreciative of our subcommittee's deliberative efforts to satisfy the budget request from our services, I remain deeply concerned about the Senate Armed Services Committee and the Senate as a whole, that we have done little to mitigate the impacts of sequestration on our soldiers, sailors, airmen, and Marines. Sequestration remains the greatest challenge facing our military, and I remain concerned that near-term fiscal expediency may have a long-term negative impact on the ability of our servicemembers and our industrial base to react to unforeseen contingencies.

Second, I am concerned that the Department of Defense did not request sufficient funding for overseas contingency operations for fiscal year 2013. As a result, the services and the Army in particular have been forced to raid their modernization accounts to fund their overseas contingency operations for the remainder of this fiscal year. I'm concerned about the impact this will have on the programs we are authorizing in the mark before us today.

And third, I remain deeply concerned about the fiscal year 2013 Defense Authorization Conference decision made behind closed doors and without consultation of all conferees that enabled the Air Force to begin implementation of its Total Force Plan. I'm convinced that some elements of the TFP were shortsighted and may adversely impact our intra-theater airlift capability at a time when our Services are evolving toward a more rotational deployment model.

Therefore, I have filed an amendment, Wicker Amendment Number 56, that would freeze the transfer conveyance or divestment of certain intra-theater aircraft until 120 days after the National Commission on the Structure of the Air Force submits its report to Congress.

However, I believe the Air Force should be granted some additional time to respond to congressional concerns regarding specific elements of the TFP. Accordingly, I will not be offering Amendment 56 during this markup, Mr. Chairman, but I do Reserve the right to offer this amendment on the Senate floor.

Mr. Chairman, the Airland mark before us this morning provides our Army, Navy, Air Force, and Marine Corps with many of the vital technologies, equipment and authorities required to maintain

our military's global preeminence, and I will be supporting this subcommittee mark and recommend its adoption by our membership.

Let me echo the generous comments of the chairman concerning our staff. I want to thank Bill Sutey, Creighton Greene, Mara Boggs, and Luke Principato of the majority staff, and Bruce Hock, Tony Lazarski and Joe Lai of the minority staff for their hard work and collaboration on this mark. They have truly performed in a magnificent way.

National security is solely a Federal responsibility, and I know, Mr. Chairman, you share my gratitude toward our staff for their bipartisan cooperation. Thank you, sir.

Senator MANCHIN. Thank you, Senator Wicker.

And I, too, want to thank Bill and Creighton for doing such a great job and working with all sides here. It's really been great cooperation from all of you working well together.

Are there any members of the subcommittee who would like to make an opening comment or statement? Any of our members? [No response.]

If not, before we open the floor to possible amendments, I'd like to note that the practice of the Senate Armed Services Committee for many years has been that any amendment to add funding must be accompanied by an offset. Accordingly, if any senator proposes an amendment that would increase spending, they must also identify an offset to pay for it within the Airland Subcommittee's jurisdiction.

Also, consistent with the Senate's agreement on earmarks, I must say, reluctantly, I will oppose any amendment to add funding even if it has an offset if it is an earmark.

I understand that we have a few amendments that our staffs have been working on together and have been cleared. I'd like to call the package of the following amendments that staff may distribute now.

Does everybody have that in front of them?

Mr. SUTEY. Sir, they have been distributed.

Senator MANCHIN. They have been distributed?

So, with that, we'll start. We can go one by one, or if you've had the chance to look through them, consider as all being read.

Do we have a motion?

Senator GILLIBRAND. Motion to consider them all.

Senator MANCHIN. We have a motion by Senator Gillibrand to consider all as one.

Senator BLUNT. I second that.

Senator MANCHIN. I have a second.

Comments? Discussion?

Senator Donnelly?

Senator DONNELLY. I just have a brief statement—

Senator MANCHIN. Oh, I'm sorry. You have to turn your mic on, Joe.

Senator DONNELLY. Mr. Chairman, I just had a brief statement.

Senator MANCHIN. Absolutely.

Senator DONNELLY. I don't know at what point it would be appropriate to do that.

Senator MANCHIN. You can do it now and then we'll come back. If you can hold the motion or second the motion until you make your comments.

Senator DONNELLY. Thank you, Mr. Chairman. I want to thank Chairman Manchin, Ranking Member Wicker, members of the subcommittee and the staff for their work to build this package of legislation and report language in a bipartisan manner.

In today's markup, our subcommittee will work to ensure that our military's ground and tactical air forces have what they need to respond to the threats we face today and will encounter in the future.

A key factor in this endeavor is ensuring that our troops have the support that they need to get the job done. I'd like to take the opportunity to speak on three amendments I have sponsored. While two of these amendments will be considered by other subcommittees for which I am not a member, I'd like to raise them here because they are important for supporting our war fighter.

My first amendment on limiting the cancellation of the Reserve component deployments would detail the experience of more than 1,000 Indiana families affected by the off-ramping or cancelled deployment of four Indiana National Guard units, two of which were just six weeks away from deploying. The Army replaced these units with active-duty units, and I am grateful that the committee has included a provision to limit these short-fuse cancellations.

The decision had wide-ranging impacts on over 1,000 families' health care, financial decisions, educational plans, and housing. Moreover, these units were placed at the bottom of the rotation for future deployments and have lost a year of eligibility for deployment. This has had an incredible impact on morale, retention and training, and, simply put, that's not the way the Army should treat its soldiers. I look forward to the committee adopting this amendment.

My second amendment addresses counter-IED training, and I understand it has been cleared by the chair and ranking of the Emerging Threats Subcommittee. I would like to thank them for their support.

IEDs remain one of the top threats to our ground forces in Afghanistan, and we have been told that the threat is expanding. My amendment would ensure that despite the planned transition of the Joint Improvised Explosive Defeat Organization, JIEDO, after 2014, that counter-IED training remains synchronized across the military departments and defense agencies. It is crucial that the lessons we have learned from the wars in Iraq and Afghanistan are not lost.

Finally, I would like to express my support for Chairman Manchin's leadership on an amendment to modify the bill to specify that the Air Force should consider upgrades to the C130H aircraft to meet fuel economy goals, and that upgrades should be proportional to the force structure of the Guard, Reserve, and active component. This is important for two reasons.

First, fuel economy upgrades, including the replacement of engines for the C130 legacy aircraft, will reduce long-term costs and improve aircraft reliability. Rolls Royce in Indiana is proud to support this endeavor.

Second, the C130 legacy aircraft are primarily a National Guard asset, so improving the reliability of this aircraft can enhance Guard missions around the country.

Thank you again for the opportunity to speak, and I look forward to the markup.

Thank you, sir.

Senator MANCHIN. Thank you, Senator.

We have a motion on the floor by Senator Gillibrand, and it has been seconded by Senator Blunt, and that's basically to accept all of the amendments as having been read.

Are there discussions on the motion? [No response.]

If not, all those in favor, signify by saying aye. [Chorus of ayes.]

Opposed? [No response.]

The motion passes.

And without objection, we will include these items en bloc in the subcommittee's recommended mark to the full committee.

At this time, are there any other proposed amendments to the subcommittee markup package or any issues we need to discuss?

Senator BLUNT. Mr. Chairman, I have a statement for the record, and I want to thank the staff for working with me and my staff on the report language that we were able to get in and the amendments we were able to work with. Thank you for your leadership, you and Senator Wicker.

[The prepared statement of Senator Blunt follows:]

[SUBCOMMITTEE INSERT]

Senator MANCHIN. Thank you, Senator.

I move that the recommendations of the subcommittee be reported to the full committee and that the staff be authorized to draft a bill and report language implementing agreements reached today, and to make necessary technical and conforming changes.

All those in favor, signify by saying aye. [Chorus of ayes.]

Opposed? [No response.]

The recommendations of the subcommittee are agreed to and will be forwarded to the full committee subject to the amendment.

I'd like once again to thank Senator Wicker and all the members of the subcommittee for your assistance in the success of this markup.

If there are no further statements or comments, discussions, the subcommittee markup of the National Defense Authorization Act of Fiscal Year 2014 is adjourned.

[Whereupon, at 9:44 a.m., the subcommittee adjourned.]