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Submission for the Record  
Member Day Testimony on the Fiscal Year 2014 National Defense Authorization Act  
House Armed Service Committee  
*May 8, 2013*

Chairman McKeon, Ranking Member Smith, and Members of the Committee: thank you for the opportunity to testify. I will briefly summarize my three priorities for the FY14 National Defense Authorization Act.

**Cleanup of Culebra, Puerto Rico (Title III)**

First, under the Formerly Used Defense Sites program, the U.S. Army Corps of Engineers is conducting cleanup operations in limited areas of Culebra, Puerto Rico—which was used as a military training range for decades. However, the Department of the Army has asserted that a 1974 law prohibits the use of federal funds to clean a 400-acre parcel of land that was part of the former bombardment zone and that was conveyed to the government of Puerto Rico in 1982. Because the Army argues—wrongly, in my view—that the 1974 law has not been superseded by federal cleanup authorities enacted in the 1980s, this parcel on Culebra is the only former defense site—of several thousand across the country—that the federal government claims it is not authorized to decontaminate.

To its credit, this Committee has recognized that this state of affairs is not only illogical, but that it poses a threat to human safety—since this parcel contains popular beaches, pedestrian walkways and campgrounds. In Section 2815 of the 2010 NDAA, the House repealed the relevant provision in the 1974 law to authorize federal cleanup of the parcel. But the Senate—where Puerto Rico has no representation—did not include a similar provision, and the House receded in conference.

In the 2011 NDAA, Congress directed DOD to conduct a study to assess the amount of unexploded ordnance on this parcel, the risk it poses to safety and the environment, and the cost of its removal. Unfortunately, DOD completed this study after this Committee marked up the 2012 NDAA. To preserve the issue for conference, I offered a floor amendment—which was accepted by voice vote—expressing the sense of the House that, if this parcel could be

decontaminated at a reasonable cost, the 1974 law should be relaxed or repealed. Once again, and despite the efforts of Senator Blumenthal, the Senate failed to act.

On March 21<sup>st</sup> of this year, the consequences of the Senate's inaction became terribly clear. A young girl who was visiting a Culebra beach with her family suffered burns and was taken to the hospital after she picked up an artillery shell containing white phosphorous. Law enforcement officials responding to the incident reported finding six other pieces of UXO, including six-inch naval gun rounds that were detonated and removed by the FBI. This incident, which could have had a truly tragic ending, underscores the need for congressional action. I ask this Committee to include language to relax or repeal the 1974 law and, if necessary, to fight for this provision in conference.

### **Defense Department Counter-Drug Activities In and Around Puerto Rico (Titles X, XIV)**

My second request concerns DOD counter-drug activities in and around Puerto Rico. I have worked hard to raise awareness about drug trafficking and related violence in Puerto Rico, and to urge the federal government—DHS, DOJ, and DOD—to dedicate the resources necessary to alleviate this problem.

The homicide rate in Puerto Rico is about three times higher than any state, and most of these murders are linked to the drug trade. As the federal government has allocated substantial resources to combat drug trafficking organizations operating in the Central American corridor, those organizations have returned to smuggling routes through the Caribbean region. The Coast Guard seized or disrupted over 17,000 pounds of drugs in the vicinity of Puerto Rico in 2012, an 800 percent increase over the previous year. DEA seizures rose nearly 100 percent. CBP seizures were up nearly 40 percent, and the agency seized more drugs in Puerto Rico than it did along the 180-mile border between Mexico and New Mexico. Meanwhile, the street price of drugs in Puerto Rico has decreased. This is a security problem of national scope, given that 80 percent of the drugs that enter Puerto Rico are transported to the U.S. mainland.

On March 20<sup>th</sup>, this Committee heard testimony from the commanders of NORTHCOM and SOUTHCOM. Upon questioning from Ms. Bordallo, both generals stated that the matter was of great concern to them. General Jacoby of NORTHCOM noted that JTF-North was responsible for responding to requests for support made by law enforcement agencies, and that it would make this issue a priority if such requests were forthcoming. I have urged DOD, DHS and DOJ to communicate constantly about how, in this constrained budget environment, they can maximize the effectiveness of counter-drug operations in Puerto Rico. While there has been some improvement, I continue to believe that not nearly enough is being done.

As part of my efforts, I have asked this Committee, in the report accompanying this year's NDAA, to direct DOD to prepare a written report for the Committee on the detection, monitoring

and other counter-drug activities it is undertaking, or intends to undertake, to support law enforcement operations in and around Puerto Rico and the U.S. Virgin Islands.

**The 156<sup>th</sup> Airlift Wing of the Puerto Rico National Guard (Item of Special Interest)**

Finally, I would like to work with the Committee to encourage the Air Force and the Air National Guard to ensure that the 156<sup>th</sup> Airlift Wing of the Puerto Rico Air National Guard retains a flying mission and is provided with the aircraft it needs to conduct that mission.

Over the last several years, the 156<sup>th</sup> AW has had the highest operational tempo of any C-130 unit in the Air National Guard, conducting Intelligence, Surveillance, and Reconnaissance (ISR) and humanitarian relief missions in AFRICOM, CENTCOM and SOUTHCOM and fulfilling its commitments under Operation CORONET OAK, all while flying the oldest C-130s in the Air Force inventory. The unit has unmatched operational experience in its AOR, is strategically located, and is fully bilingual. It could—and should—become the unit of choice serving the Americas.

Yet, for reasons I cannot fully understand, its future is uncertain. Currently, the 156<sup>th</sup> has three C-130Es, all of which are scheduled to be retired this year, and recently took delivery of five WC-130s, which are not combat-coded. The Air National Guard has consistently assured me that these planes are simply intended to be a temporary stop-gap measure until the 156<sup>th</sup> can be provided with newer H or J models that are fully mission capable. Every time I inquire about the expected delivery date of these new planes, however, no clear response is provided.

There are multiple options for the 156<sup>th</sup>. The unit could keep its current tactical airlift mission or, alternatively, pursue a strategic airlift or tanker mission. Allowing the unit's flying mission to lapse would be a terrible mistake, and inconsistent with the repeated assurances I have been given by top Air Force officials, including the Secretary of the Air Force, since 2009. Therefore, I respectfully ask the Committee to work with me on this matter, either through the NDAA or in other ways.

Thank you.