



Congressman Pedro R. Pierluisi
Statement as Prepared for Delivery
Member Day Testimony on the Fiscal Year 2015 National Defense Authorization Act
House Armed Service Committee
April 9, 2014

Chairman McKeon and Ranking Member Smith:

Thank you for the opportunity to testify. I have two requests, which I will summarize.

Cleanup of Culebra, Puerto Rico (Title III)

First, I want to thank the Committee for ensuring that the report accompanying the 2014 National Defense Authorization Act (NDAA) encourages the Department of Defense (DOD) to make public all of its historic documents related to its training activities on the Puerto Rico island municipalities of Vieques and Culebra. I recently led a letter to Secretary Hagel, joined by 16 members of the House and Senate, requesting an update about how DOD will implement this language, and urging DOD to publish the relevant documents on the Internet in a single location.

While I am grateful to the Committee for urging DOD to be transparent about the *past*, congressional action is still required to address the significant *present* threat to public safety on Culebra. DOD has interpreted a 1974 law to deny funding to decontaminate a 570-acre parcel in Culebra—400 acres of which were conveyed to the government of Puerto Rico in 1982—that

constitutes the former bombardment zone. As a result, Culebra is the only former defense site, of several thousand across the United States, that DOD contends it is barred by statute from decontaminating.

In the last several years, DOD and some Members of Congress have opposed bicameral efforts to repeal or relax the relevant provision of the 1974 law. This opposition flies in the face of well-established federal policy that DOD is responsible for funding remedial action on property contaminated by its training activities. It is also difficult to understand, since CBO confirms that effective cleanup could be conducted over a period of years for a total cost of only \$6 million.

The current state of affairs on Culebra is a disaster waiting to happen, because the parcel in question includes popular beaches, pedestrian walkways and campgrounds. Since 1995, there have been over 70 incidents in which members of the public encountered unexploded munitions that could have caused grave harm. Indeed, in January, local authorities had to close a beach when they discovered a 100-pound unexploded bomb underwater close to shore. This past Friday, the Corps of Engineers issued a press release warning spring break visitors to Culebra to “exercise caution during their stay” and to “be on the lookout for any items that could be potential munitions, noting that “[t]he likelihood of encountering munitions on Culebra . . . is relatively high.”

In the 2010 NDAA, the House repealed the relevant provision in the 1974 law to authorize cleanup of the parcel, but receded in conference. In the 2012 NDAA, I offered a successful floor amendment expressing the sense of the House that the 1974 law should be relaxed or repealed if

the parcel could be cleaned at reasonable cost—which it absolutely can—but, yet again, the final bill was silent on the issue. I respectfully ask the Committee to again include language to modify the 1974 law and to defend this provision in conference. Mr. Chairman, I would like to work with you, Ranking Member Smith and Chairman Wittman of the Readiness Subcommittee to accomplish this goal—because I cannot and will not rest until this threat is properly addressed. The stakes are too high for my constituents and for the thousands of people who visit Culebra every year.

Drug Interdiction and Counter-Drug Activities to Combat Trafficking and Related Violence in Puerto Rico (Titles X, XIV)

My second request relates to the budget line for drug interdiction and counter-drug activities. No U.S. jurisdiction is more affected by transnational criminal organizations (TCOs) and drug trafficking organizations (DTOs) than Puerto Rico, which is a major transshipment point for drugs produced in Latin America and destined for the U.S mainland. Drug consumption in Puerto Rico is also exceptionally high. The murder rate in Puerto Rico is far worse than any state, and most of the violence is linked to narcotics.

At my urging, the Defense title of the *2014 Consolidated Appropriations Act*, approved in January, expresses concern about the level of drug-related violence and Puerto Rico and requires DOD to brief Congress on the counter-drug activities it is taking—and intends to take going forward—to support law enforcement operations in and around the U.S. territory.

I am concerned that DOD has requested only \$719 million for drug interdiction and counter-drug activities in FY2015, compared to an FY2014 funding level of \$895 million. DOD is the lead

U.S. agency responsible for detecting drugs entering the U.S., including its territories, but it must request and receive more robust funding if it is to adequately perform that mission. General Kelly, the commander of SOUTHCOM, testified that, with its current fleet of boats and planes, the federal government is interdicting less than 20 percent of all illegal drugs being transported within the A-O-R. That has a direct impact on public safety throughout the nation, and especially in Puerto Rico.

Accordingly, I urge the Committee to provide increased funding for this budget line so that SOUTHCOM has more of the maritime and aviation assets it needs to prevent major shipments of narcotics from entering U.S. territory and destroying the lives of American citizens.

Thank you.