

Member Testimony Submission
Representative Keith Rothfus (PA-12)
House Armed Services Committee
National Defense Authorization Act for Fiscal Year 2015
Tuesday, April 8, 2014

Chairman McKeon, Ranking Member Smith, and Members of the Committee:

Thank you for holding this important hearing today and for receiving testimony on the National Defense Authorization Act (NDAA) for Fiscal Year 2015. This important legislation will chart the path forward for our military in terms of policy and funding. To be sure, in setting this course, Congress will need to make difficult decisions on a variety of issues.

1. Army Aviation Restructure Initiative

This morning, I would like to focus my remarks first on one particular decision that has raised significant concern with many of my fellow Members of the House: the Army's proposed "aviation restructure initiative" and the negative impacts that it will have on our National Guard.

As reflected in its fiscal year 2015 budget request, the Army has begun a comprehensive restructuring of its aviation assets to "optimize their efficiency and utility at home and abroad."¹ Under the terms of this restructuring, the Army will divest all single-engine rotary wing aircraft (for example, OH-58D Kiowa Warriors) from its inventory, transfer all National Guard AH-64 Apaches to the active component, and replace them with 111 UH-60 Blackhawks. The Army has stated that this restructuring is necessary to generate savings and make the remaining aviation fleet more affordable. But the question remains, Mr. Chairman, savings at what cost?

Since 9/11, the National Guard has repeatedly risen to the occasion. They have answered the call and fought bravely in both Iraq and Afghanistan. At the height of these wars, nearly fifty percent of the Army's total force was a mix of reservists and members of the National Guard. The Pennsylvania Army National Guard alone contributed more than 21,000 overseas deployments. To meet these needs, the National Guard has transitioned from a strategic reserve to a fully operational force. They have been partners and fought side-by-side with the active component, all while continuing to achieve their important mission here at home. As the National Governors Association recently put it best, the modern National Guard has become "a highly experienced and capable combat force and an essential State partner in responding to domestic disasters and emergencies."²

Unfortunately, the Army's proposed aviation restructure initiative will have devastating impacts on all that the National Guard has achieved during these years of war. It will leave the National Guard deeply hollowed and much less capable. Notably, by stripping the National Guard of all

¹ News Briefing on President Obama's Proposed Fiscal 2015 Budget Request for the U.S. Army, presented by Major General Karen Dyson, Director, Army Budget, and Davis Welch, Deputy Director, Army Budget, on March 4, 2014.

² National Governors Association, Letter to the President Obama, February 28, 2014.

of its Apache helicopters, the Army is ensuring that the National Guard will be less combat-ready and less able to provide operational depth. It will also deprive our nation of an operational reserve for these aircraft, which is essential to retention and management of talented aircrews. This represents a fundamental shift in the nature and role of the National Guard. It runs counter to the wisdom and preference of many members of Congress and their constituents.

This issue is particularly important in Pennsylvania and to the 1-104th Attack Reconnaissance Battalion. Based in Johnstown, these highly-trained airmen and ground crew played an invaluable aerial support role while they were deployed in Afghanistan where they flew their Apache helicopters and fought alongside the active component. The Army now proposes to take all of these Apaches away and to replace them with a smaller number of older version Blackhawks that may or may not meet the standard of what active duty aircrews are flying. This reduction will deprive the National Guard of both highly-trained personnel (pilots and ground crew) and equipment. It will also result in the National Guard being less effective, less combat-capable, and less able to heed the call to defend this nation, both at home and abroad. Major General Wesley E. Craig, Adjutant General, Pennsylvania National Guard, summarized this well when he recently stated that this sort of result “does not make sense for our community, commonwealth, or country.”³

Of course, the 1-104th is only one example among many when examining the widespread negative impacts that will result from the Army’s aviation restructuring initiative. That is why we, as a country, need to take a hard look at the Army’s proposal and potential alternatives. When faced with similar circumstances, the Air Force successfully relied on an independent commission. I strongly believe that the Army should adopt a similar approach and would request the Committee include language to that end in this year’s NDAA.

H.R. 3930, the National Commission on the Structure of the Army Act of 2014, which was introduced this past January by Congressman Joe Wilson [SC-2], provides an excellent framework for the Committee to work from in crafting this language. Notably, the bill freezes the transfer and divestiture of Army aircraft and maintains the National Guard end strength at 350,000 while a commission undertakes a “comprehensive study of the structure of the Army to determine the proper force mixture of the active component and reserve component, and how the structure should be modified to best fulfill current and anticipated mission requirements for the Army in a manner consistent with available resources and estimated future resources.” Among other things, the commission is tasked with giving particular consideration to meeting the current and anticipated requirements of the combatant commands, achieving cost-efficiencies between the active and reserve components, and determining a structure that maximizes and appropriately balances affordability, efficiency, effectiveness, capability, and readiness. The members of the commission would be appointed by the President and the Chairman and Ranking Members of the House and Senate Armed Services Committees, and they would submit their findings, conclusions, and recommendations no later than February 1, 2016.

³ Major General Wesley Craig, Adjutant General, Pennsylvania National Guard, “Johnstown battalion is under attack,” The Tribune-Democrat, January 6, 2014.

More than 150 of our colleagues have already declared their support for this thoughtful and deliberate approach. The independent commission model that the bill proposes has also been endorsed by all fifty State Governors. Without a doubt, this significant show of support makes it clear that the decision about whether and how the Army force should be restructured requires due deliberation and cannot be rushed. By including H.R. 3930 in this year's NDAA, the Committee can ensure that result, and for that reason, I respectfully request that such language be included in the final bill.

2. Certification Requirements for Military Ejection Seats

I would also like to touch on a second issue this morning: certification requirements for military ejection seats. One of the most important jobs of Congress is to ensure that our armed servicemen and women have the best, most-proven technology available that will enable them to safely complete their missions. To do this, we must also ensure that this equipment is properly tested and certified, and I have submitted proposed language to the Committee that would help accomplish that goal in the area of military ejection seats.

Currently, the Department of Defense (DoD) relies heavily on industry-sponsored testing for ejection seats rather than government-sponsored testing by independent employees or facilities. Further, each service branch is able to establish their own certification process for ejection seat technology and how that technology operates in various airframes, and neither the individual service branches nor the DoD has released definitive requirements and specifications for fully-functioning ejections seats or published a complete set of standards or requirements.

In the absence of this sort of standardized information, certification and testing of ejection seats has been based on individual aircraft mission requirements, and joint operations or development has been minimal. This decentralized structure led to issues with the F-22 several years ago when a component from the F-16 was certified for use despite the fact that it had not been determined how the part would function with the garment and other subsystems.

This engineering failure endangered our pilots and exemplified the growing need for specific DoD-mandated standards for testing and evaluation. Standardization would allow manufacturers and industry partners to have confidence when selecting components that were certified or qualified before, and it would provide our pilots, whether operating new or legacy aircraft, with additional assurances that they are protected by the best and safest egress systems available.

Certainly, the ongoing Air Force study on Ejection Seat Safety and the use of Helmet Mounted Devices, authorized by the FY 2014 NDAA, will help in this process and ensure that aircrew safety concerns with legacy aircraft are addressed for future acquisitions. This study is not nearly enough, however, as we ultimately need a unified testing structure.

For that reason, I respectfully request that the Committee include my proposed language in this year's NDAA that would require the Air Force to set certification requirements for all of its egress systems. Only by establishing these sorts of qualifications and certified standards, test methodology, standardize processes, and risk evaluations can we ensure that our pilots have the safest, most critically tested safety equipment available.

I would again like to thank the Chairman, Ranking Member, and Members of the Committee for the opportunity to address you this morning, and I am happy to address any questions that you may have.

PROPOSED LANGUAGE RE: ARMY AIRCRAFT RESTRUCTURING INITIATIVE

113th CONGRESS
2d Session
H.R. 3930

To establish the National Commission on the Structure of the Army, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

January 27, 2014

Mr. WILSON of South Carolina (for himself, Mrs. HARTZLER, Mr. RAHALL, Mrs. MILLER of Michigan, Mr. PERRY, Mr. BISHOP of Utah, Mr. FRANKS of Arizona, Mr. ENYART, Mr. BARR, Mr. ROTHFUS, Mr. SIMPSON, Mr. COLE, Mr. CHAFFETZ, Mr. RUNYAN, Mr. CRAMER, Mr. MATHESON, and Mr. BARBER) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To establish the National Commission on the Structure of the Army, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'National Commission on the Structure of the Army Act of 2014'.

SEC. 2. LIMITATION ON AVAILABILITY OF FUNDS FOR REDUCTIONS TO THE ARMY NATIONAL GUARD.

- (a) Aircraft- None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2015 for the Army may be used to divest, retire, or transfer, or prepare to divest, retire, or transfer, any aircraft of the Army assigned to units of the Army National Guard as of January 15, 2014.
- (b) Personnel- None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2015 for the Army may be used to reduce personnel below the authorized end strength levels of 350,000 for the Army National Guard as of September 30, 2014.

SEC. 3. NATIONAL COMMISSION ON THE STRUCTURE OF THE ARMY.

(a) Establishment- There is established the National Commission on the Structure of the Army (in this Act referred to as the `Commission').

(b) Membership-

(1) COMPOSITION- The Commission shall be composed of eight members, of whom--

(A) four shall be appointed by the President;

(B) one shall be appointed by the Chairman of the Committee on Armed Services of the Senate;

(C) one shall be appointed by the Ranking Member of the Committee on Armed Services of the Senate;

(D) one shall be appointed by the Chairman of the Committee on Armed Services of the House of Representatives; and

(E) one shall be appointed by the Ranking Member of the Committee on Armed Services of the House of Representatives.

(2) APPOINTMENT DATE- The appointments of the members of the Commission shall be made not later than 90 days after the date of the enactment of this Act.

(3) EFFECT OF LACK OF APPOINTMENT BY APPOINTMENT DATE- If one or more appointments under subparagraph (A) of paragraph (1) is not made by the appointment date specified in paragraph (2), the authority to make such appointment or appointments shall expire, and the number of members of the Commission shall be reduced by the number equal to the number of appointments so not made. If an appointment under subparagraph (B), (C), (D), or (E) of paragraph (1) is not made by the appointment date specified in paragraph (2), the authority to make an appointment under such subparagraph shall expire, and the number of members of the Commission shall be reduced by the number equal to the number otherwise appointable under such subparagraph.

(4) EXPERTISE- In making appointments under this subsection, consideration should be given to individuals with expertise in reserve forces policy.

(c) Period of Appointment; Vacancies- Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) Initial Meeting- Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(e) Meetings- The Commission shall meet at the call of the Chair.

(f) Quorum- A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) Chair and Vice Chair- The Commission shall select a Chair and Vice Chair from among its members.

SEC. 4. DUTIES OF THE COMMISSION.

(a) Study-

(1) IN GENERAL- The Commission shall undertake a comprehensive study of the structure of the Army to determine the proper force mixture of the active component and reserve component, and how the structure should be modified to

best fulfill current and anticipated mission requirements for the Army in a manner consistent with available resources and estimated future resources.

(2) CONSIDERATIONS- In considering the structure of the Army, the Commission shall give particular consideration to evaluating a structure that--

- (A) meets current and anticipated requirements of the combatant commands;
- (B) achieves a cost-efficiency balance between the regular and reserve components of the Army, taking advantage of the unique strengths and capabilities of each, with a particular focus on fully burdened and lifecycle cost of Army personnel;
- (C) ensures that the regular and reserve components of the Army have the capacity needed to support current and anticipated homeland defense and disaster assistance missions in the United States;
- (D) provides for sufficient numbers of regular members of the Army to provide a base of trained personnel from which the personnel of the reserve components of the Army could be recruited;
- (E) maintains a peacetime rotation force to support operational tempo goals of 1:2 for regular members of the Army and 1:5 for members of the reserve components of the Army; and
- (F) maximizes and appropriately balances affordability, efficiency, effectiveness, capability, and readiness.

(b) Report- Not later than February 1, 2016, the Commission shall submit to the President and the congressional defense committees a report which shall contain a detailed statement of the findings and conclusions of the Commission as a result of the study required by subsection (a), together with its recommendations for such legislation and administrative actions it may consider appropriate in light of the results of the study.

SEC. 5. POWERS OF THE COMMISSION.

(a) Hearings- The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this Act.

(b) Information From Federal Agencies- The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this Act. Upon request of the Chair of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) Postal Services- The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) Gifts- The Commission may accept, use, and dispose of gifts or donations of services or property.

SEC. 6. COMMISSION PERSONNEL MATTERS.

(a) Compensation of Members- Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily

equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) Travel Expenses- The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) Staff-

(1) IN GENERAL- The Chair of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION- The Chair of the Commission may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) Detail of Government Employees- Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) Procurement of Temporary and Intermittent Services- The Chair of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 7. TERMINATION OF THE COMMISSION.

The Commission shall terminate 90 days after the date on which the Commission submits its report under section 4.

SEC. 8. FUNDING.

Amounts authorized to be appropriated for fiscal year 2015 and available for operation and maintenance for the Army as specified in the funding table in section 4301 of the fiscal year 2015 National Defense Authorization Act may be available for the activities of the Commission under this Act.

PROPOSED LANGUAGE RE: MILITARY EJECTION SEATS:

STANDARDIZATION OF ESCAPE SYSTEM TESTING & QUALIFICATION

With the advent of 5th generation fighter aircraft technology the challenges to protecting aircrews from injury or death egressing from an aircraft have drastically increased. Increases as a result of an expanded anthropometric range, performance envelope expansion of aircraft, and the continuous upgrading and fielding of helmet mounted display (HMD) technology are now affecting escape system performance. This requires that the military services maintain the highest standards for evaluation and qualification of aircrew safety equipment despite meeting current, constrained budget environment.

To achieve this objective, a defined set of qualification/ certification standards, testing methodologies and number of US Government-conducted standardized tests should be formalized by the Under Secretary of Defense for Acquisition, Technology & Logistics, in conjunction with the Acquisition Executives of the Military Services. The Under Secretary should provide a report to the House and Senate Committees on Armed Services by March 31, 2015 with the results of this effort.