

Congressman Rick Crawford

**Testimony before the House Armed Services Committee:
EOD Priorities for the FY2014 NDAA**

Good morning Chairman McKeon, Ranking Member Smith, and distinguished members of the Committee. Thank you for the work you do to preserve the security of our great nation and for allowing me to testify before the full committee regarding Explosive Ordnance Disposal priorities for the Fiscal Year 2014 National Defense Authorization Act. I served in the Army as an EOD tech and I am proud to be a co-founder, along with Committee member Susan Davis, of the House EOD Caucus.

Explosive Ordnance Disposal Soldiers, Sailors, Airmen and Marines are the military's preeminent team of explosive experts. They are trained and equipped to identify and neutralize explosives used by terrorist networks across the globe. The military's EOD mission is to defeat globally emerging threats using explosive. EOD techs protect their fellow military personnel and innocent civilians from these threats while providing support across a wide range of military and civilian national security operations.

EOD forces have proven to be game changers in attacking and dismantling terrorist cells and associated networks. These forces will continue to be indispensable assets for the foreseeable future, supporting counterterrorism operations, building the capacity of partner nations and protecting the homeland through providing support to civilian law enforcement agencies at federal, state and local levels.

Thank you for the Committee's support of the EOD, beginning with the Fiscal Year 2008 NDAA that inquired into the health and viability of the EOD force. I am especially appreciative of the Committee's direction to the Secretary of Defense in the last three NDAA's to provide reports to the Committee to develop a better understanding of the Services' plans for EOD force structure and funding. It is critical that the EOD is provided with adequate levels of funding for procurement; research, development, test and evaluation; and operations and maintenance to carry out their mission. A GAO Report from last month concluded that the DOD needs better resource planning and joint guidance to manage the EOD. The report also reveals that the Army and the Marine Corps still have not established a Program Element for their respective EOD force since the Committee's initial inquiry in the 2008 NDAA.

The Boston bombings serve as a stark reminder of the threat of the terrorist detonation of explosives in the United States and have revealed gaps in the Nation's ability to defeat a sustained bombing campaign in the homeland. Following the attacks, the Army Forces Command issued guidance that the local Staff Judge Advocate must review every civil authority request for emergency EOD response prior to sending aid to ensure that the support does not violate the Posse Comitatus Act of 1878. In addition, the guidance requires that a general officer must then approve each of these EOD immediate responses and must ensure that civil authorities will reimburse the Army as a condition of immediate response.

There is an estimated 66,000 “call outs” annually across the United States on explosive ordnance by interagency, military EOD and public safety bomb squads. Army EOD units responding under immediate response authority have historically departed their home station installation within 30 minutes of notification during duty hours and within 60 minutes of notification after duty hours, 365 days a year. On these civil support missions, the EOD has provided support to civilian law enforcement agencies but they do not perform law enforcement activities.

In one of the most significant examples of the EOD civil support missions, the 387th Ordnance Company from Camp Edwards, Massachusetts, responded to 64 “call outs” during the Boston bombing. This support was critical in the aftermath of the attack. I understand the need to ensure that the EOD is compliant with the Posse Comitatus Act in any of its civil support missions, but it is vital that we do not overcorrect for a non-existent violation and negatively impact the ability of our EOD forces to provide increasingly needed and immediate support to our civilian law enforcement agencies.

We must also ensure that our EOD units, like the 387th out of Massachusetts, are properly equipped to respond to explosive threats in cities and towns throughout the U.S. Mine-Resistant Ambush Protected vehicles, or MRAPS, are critically needed vehicles for EOD operations in Afghanistan, but I feel that Army National Guard EOD units, comprising one third of the Army EOD Force, need response vehicles like those used by WMD-Civil Support Teams. These units also need portable containment magazines to safely store explosives as well as communications

capable of integrating with the civilian law enforcement agencies that they're supporting. These National Guard units should also receive Training Readiness Oversight and active duty Soldier support from FORSCOM / 20th Support Command. Most importantly, they need to receive funding from an Army Program Element for EOD.

I feel that there are a number of issues that we can address in this year's NDAA that can help strengthen our preeminent explosive experts. As you draft the NDAA, please consider including language to:

1. Direct the Secretary of Defense to Establish a Program Element on "Emerging Threats – Explosive Ordnance" under the OSD Combating Terrorism Technical Support Office.
2. Clarify that the EOD's immediate response authority saves lives and protects property and is not viewed as a law enforcement activity under the Posse Comitatus Act.
3. Emphasize that the Commander of U.S. Northern Command's Joint Force Land Component Command and U.S. Army North must work closely with the Army Forces Command's 20th Support Command (CBRNE) and the 52d, 71st and 111th Ordnance Groups (EOD) on EOD activities in coordination with the Department of Justice Joint Terrorism Task Forces.
4. Direct the Secretary of the Army to Establish a Program Element on "Army EOD Program", managed by the Headquarters Department of the Army G-38, to consolidate functions and

achieve savings for EOD procurement, research, development, test and evaluation, and operations and maintenance.

5. Direct the Secretary of the Navy to Establish a Program Element on “Marine Corps EOD Program”, managed by the Headquarters, Marine Corps, Logistics Plans and Operations, to consolidate functions and achieve savings for EOD procurement, research, development, test and evaluation, and operations and maintenance.

Thank you again for the opportunity to present my testimony today. I look forward to working with the Committee in the near future to craft legislation that supports the critical Joint Explosive Ordnance Disposal Forces in their mission to defend the homeland and our interests aboard. I remain available to the Committee for further assistance on EOD matters, and I thank you for your consideration.