



Congressman Pedro R. Pierluisi
Written Testimony Before the House Armed Services Committee
Priorities for the Fiscal Year 2013 National Defense Authorization Act
April 17, 2012

Chairman McKeon, Ranking Member Smith, and Members of the Committee: Thank you for the opportunity to testify about my priorities for the FY13 National Defense Authorization Act.

I would like to focus my testimony on two issues of particular significance to Puerto Rico that I hope the Committee will address in this year's NDAA. First, I will discuss the importance of robust funding for Department of Defense drug interdiction and counterdrug activities, particularly for the National Guard Counterdrug Program and the Tethered Aerostat Radar System Program. Later today, I am meeting with the Deputy Assistant Secretary of Defense for Counternarcotics and Global Threats to discuss this matter and to express my grave concern about the inadequacy of DoD funding for counterdrug activities in Puerto Rico.

Second, I will discuss the cleanup of the former military training range on the island of Culebra, Puerto Rico. The FY11 NDAA required a DoD study on this issue, which I understand is nearly completed and which I hope will provide the basis for further action by this Committee.

Department of Defense Drug Interdiction and Counterdrug Activities

Mr. Chairman: Since taking office, I have worked hard to raise awareness in the federal government about drug-related violence in Puerto Rico and the neighboring U.S. Virgin Islands, and to urge the federal government to dedicate the resources and personnel necessary to address this problem.

Violent crime in Puerto Rico and the USVI has been on the rise for over a decade, even as violent crime nationwide has decreased substantially. The homicide rate in each territory is about six times the national average and nearly three times higher than any state. Puerto Rico has nearly the same number of annual murders that Texas does, even though Texas is home to 25 million people and Puerto Rico is home to 3.7 million U.S. citizens.

According to estimates, three-quarters of the homicides in Puerto Rico and the USVI are linked to the international drug trade. As the U.S. government has—quite appropriately—increased resources along the Southwest Border and provided substantial funding to Mexico and Central American nations through the Mérida Initiative and the Central America Regional Security

Initiative, drug trafficking organizations have adapted, turning back to well-established routes in the Caribbean to get their products to market.

This is a problem of national, not merely regional, scope. Seventy to eighty percent of the cocaine that enters Puerto Rico, which has 700 miles of largely-undefended coastline, is then transported to the 50 states. Because Puerto Rico is an American jurisdiction within the U.S. customs zone, once drugs enter the Island, they can easily be delivered to the states on airlines and container ships, without having to clear customs or otherwise undergo heightened scrutiny. And once in the states, those drugs destroy lives and communities, just as they do in Puerto Rico.

In order to reduce drug-related violence in Puerto Rico and the USVI, and to make the territories a less attractive transshipment point for drug trafficking organizations seeking to supply the U.S. market, Puerto Rico Governor Luis Fortuño (a Republican) and I (a Democrat) have jointly proposed that the Administration establish a Caribbean Border Initiative. Our nation has a Southwest Border strategy and a Northern Border strategy. But it has no comprehensive counter-drug strategy when it comes to our maritime border in the Caribbean. The consequences of this non-strategy are crystal clear: the violent deaths of tens of thousands of Americans citizens. Although it pains me to say this, I cannot escape the conclusion that if this level of violence was occurring in any of the 50 states, it would be treated as a national emergency requiring immediate federal action.

Against this backdrop, it is dismaying that DoD has requested \$1.63 billion in FY13 for drug interdiction and counterdrug activities, nearly \$200 million below the FY12 enacted level. I want to discuss two specific ways in which Puerto Rico will be adversely affected if Congress and this Committee do not take steps to avoid such a result.

National Guard Counterdrug Support Program

First, DoD has requested an appropriation of \$105.8 million for the National Guard Counterdrug Support Program, which is \$123.9 million below the FY12 enacted level and \$73.8 million below DoD's FY12 request. This request was made despite the fact that, in last year's Defense Appropriations bill, Congress provided a \$50 million plus-up to this account, stating: "The Department of Defense consistently has failed to provide adequate resources for State plans in its budget requests. Congress repeatedly has demonstrated its recognition of the value that National Guard capabilities bring to counter-drug efforts. . . ."

The news for Puerto Rico is particularly bleak. The National Guard Bureau is implementing a threat-based resource model to determine how to allocate whatever funding it receives for the program among the national guards in 54 jurisdictions. Pursuant to this model, funding will be allocated to states and territories based on the severity of the narcotics threat faced by each jurisdiction, as measured by over 20 specific criteria.

In the abstract, this model makes good sense. But, in practice, it has completely failed for Puerto Rico, because the federal government does not collect statistics to the same degree in the U.S. territories as it does in the states. Currently, the Puerto Rico National Guard receives \$5.5 million annually to provide critical counter-drug support to federal and local law enforcement

agencies. However, under the new threat-based model, the Puerto Rico National Guard is slated to receive less than \$850,000 in FY13—an 85 percent cut. If this cut is realized, it would eviscerate the counterdrug program in the jurisdiction that has among the worst—if not the single worst—drug-related violence problem in the nation. This would be a tragic result—and one contrary to the core purpose of the threat-based model. My office has been working with the NGB to determine precisely where the process broke down, but it is clear that the data collection effort in Puerto Rico was inadequate. Therefore, I respectfully ask the Committee to work with me to ensure that total funding for the National Guard Counterdrug Support Program is increased and, in particular, to ensure that Puerto Rico receives its fair share of funding. One option I hope the Committee will consider is a provision in the NDAA stating that the territory should receive an appropriate portion of any plus-up that the Appropriations Committee provides to this account in FY13.

Tethered Aerostat Radar System Program

The second problem for Puerto Rico involves the Tethered Aerostat Radar System Program, known as TARS, which is managed by the Air Force and is also funded primarily through DoD's interdiction and counterdrug activities budget line.

The TARS program provides detection and monitoring capability in support of federal agencies involved in the nation's drug interdiction program. Primary customers of the intelligence obtained from the TARS program include the U.S. Department of Homeland Security, U.S. Northern Command, U.S. Southern Command, and the North American Aerospace Defense Command.

There are eight TARS operational sites. Six provide coverage along our nation's Southwest border with Mexico, one provides coverage in the Florida Straits, and one—located in Lajas, Puerto Rico—provides coverage in the Caribbean. However, the Lajas aerostat has been non-operational since August 2011, when its radar was destroyed in poor weather conditions. While there are other radars in use in Puerto Rico, the Lajas aerostat has unique capabilities and its loss substantially degrades counter-drug operations in the region.

The Air Force has advised me that the TARS program does not have a spare radar to replace the Lajas radar. I was told that the Air Force assessed the possibility of using spare parts to cobble together a replacement radar, but concluded that this would deplete the inventory of spare parts. I am also informed that the cost of a replacement radar is approximately \$8 million with an 18-month delivery time.

I have written to the Secretary of the Air Force, urging the Department to think creatively about ways to replace the Lajas radar. I have also asked the Defense Appropriations Subcommittee to direct the Air Force to ensure that the TARS program is providing coverage to protect U.S. jurisdictions in the Caribbean.

Mr. Chairman: I would be grateful for the Committee's assistance in this matter, especially since the Committee expressly recognized the importance of the Lajas aerostat in Section 1023 of the conference report accompanying the FY06 NDAA. In particular, I respectfully ask the

Committee to include language in this year's bill that directs DoD to prioritize the replacement of the Lajas radar and to ensure its continued operation going forward. It would also be helpful if the Committee would direct DoD to report back to the Committee on its progress towards achieving this result.

Culebra Cleanup

I also want to raise another matter that I hope the Committee will address in this year's NDAA. Pursuant to the Formerly Used Defense Sites program, the Army Corps of Engineers is currently conducting cleanup operations in limited areas of Culebra Island, Puerto Rico—which was used as a military training range for many decades. However, DoD has taken the position that a 1974 law prohibits the use of federal funds to decontaminate certain land parcels on Culebra that constituted the primary bombardment zone on the island and that are likely to contain unexploded ordnance. These parcels were among those that the Navy conveyed to the government of Puerto Rico via quitclaim deed in 1982. Culebra is considered to be one of the most beautiful islands in the world, and these parcels contain beach areas, camping areas and pedestrian pathways that are heavily used by the public.

According to the Congressional Research Service, of the thousands of defense sites around the country that were decommissioned prior to 1986, these parcels on Culebra are the only sites the federal government claims it is not authorized to decontaminate.

In the FY11 NDAA, Congress directed DoD to conduct a study that estimates the type and amount of UXO on these parcels, estimates the cost of removing the UXO, and assesses the threat to public safety and health posed by the UXO. The study is now nearly three months overdue, although my office has been advised that it is near completion. Mr. Chairman: if the study concludes that these parcels contain UXO that presents a threat to public safety, I hope the Committee will take the next logical step—which is to authorize a narrow exception to the 1974 law so as to authorize federally-funded cleanup on these parcels.

That concludes my testimony. Thank you again for the opportunity to speak.