



**Legislative Bulletin.....Wednesday, May 16, 2012**

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**H.R. 4310 – Fiscal Year 2013 National Defense Authorization Act**

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**H.R. 4310 – Fiscal Year 2013 National Defense Authorization Act (McKeon, R-CA)**

**Order of Business:** The bill is scheduled to be considered on May 16, 2012, under a structured rule that provides one hour of general debate, equally divided and control by the Chair and ranking minority member of the Committee on Armed Services. The rule waives all points of order against consideration of the bill.

**Summary:** [H.R. 4310](#) authorizes funding for national defense at \$554 billion for the base budget. This is \$3.7 billion above the President’s budget request. Additionally, the bill authorizes \$88.5 billion in overseas contingency operations including Afghanistan.

Highlights of major policy provisions of note are as follows:

➤ **Key policy provisions**

○ **Salary for service members**

- H.R. 4310 authorizes a 1.7% pay increase and extends bonuses and special pay for service Members.

○ **TRICARE**

- Includes a modest increase in TRICARE pharmacy co-pays in 2013 and a cap on pharmacy co-pays beginning in 2014 which will allow fees to rise by no more than the annual retiree COLA. This is offset by a five-year pilot program that requires TRICARE for life recipients to obtain refills of maintenance drugs through the TRICARE mail-order program.
- TRICARE serves 9.3 million beneficiaries, including 5.5 million military retirees.

○ **Limiting troop reductions**

- Caps the number of troops that can be separated from the force in a single year.

o *Guantanamo Bay detainees*

- Prohibits the transfer of detainees from Guantanamo Bay to the United States and prohibits the use of funds to house these detainees in the United States.
- This legislation also contains text addressing the controversy over the detainee language in the FY2012 NDAA:
  - o Nothing in the Authorization for Use of Military Force or the National Defense Authorization Act for Fiscal Year 2012 “shall be construed to deny the availability of the writ of habeas corpus in a court ordained or established by or under Article III of the Constitution for any person who is detained in the United States pursuant to the Authorization for Use of Military Force.”
  - o These provisions are merely Congressional findings, not enactments.
  - o These findings largely include quotations from the *Hamdi* decision. They also explain that the legislation abides by the Constitution.
  - o Some members had issues with this section last year, they should be aware that these Congressional findings do not change that law. All legislation must abide by the Constitution, so this language does nothing to substantively change last year’s provisions.

o *Afghanistan*

- Prohibits the use of private security contractors for force protection of US troops in Afghanistan.
- The President must notify Congress of any planned force reduction before any public announcements. Notification will include an assessment of conditions on the ground that enable such a force reduction, including the relevant security risks associated with the reductions in force levels, and an assessment of the operational capability of the Afghan National Security Forces.
- It is the sense of Congress that we should:
  - o “maintain at least 68,000 troops in Afghanistan through December 31, 2014, unless fewer troops can achieve United States objectives”
  - o “maintain a credible troop presence after December 31, 2014, sufficient to conduct counter-terrorism and train and advise the Afghan National Security Forces. . .”

o *Iran*

- Requires combatant commanders to give assessments of capability gaps against Iran.

- This legislation includes several findings related to Iran, including:
  - “Preventing Iran from acquiring a nuclear weapon is among the most urgent national security challenges facing the United States.”
  - “In order to prevent Iran from developing nuclear weapons, the United States, in cooperation with its allies, must utilize all elements of national power including diplomacy, robust economic sanctions, and credible, visible preparations for a military option.”
- It also finds that:
  - “Declaration of Policy- It shall be the policy of the United States to take all necessary measures, including military action if required, to prevent Iran from threatening the United States, its allies, or Iran's neighbors with a nuclear weapon.”
  - “The President, as Commander in Chief, should augment the presence of the United States Fifth Fleet in the Middle East and to conduct military deployments, exercises, or other visible, concrete military readiness activities to underscore the policy of the United States.

○ *Missile Defense*

- The bill requires planning for a location for the east coast national missile defense site, funding to perform an environmental impact analysis when a favorable location is identified, and requires works to begin to make that site operational by the end 2015.
- The legislation provides \$100 million for this purpose.
  - 2015 is the date when the Department of Defense has said Iran could have a long range missile capable of reaching the U.S.
  - 2015 is also when the previous Administration planned to have an additional layer of defense for the homeland – the European Site in Poland and the Czech Republic – in place.
- The committee explains that claims that an East Coast site would cost \$5 billion are unjustifiable. The Administration, in briefings, has provided estimates that an East Coast site would cost approximately \$1 billion and the interceptors an additional \$1 billion, based on an assumption of 20 GBI interceptors.
- However, the East Coast Site provision in the FY13 NDAA does not require the use of the GBI interceptor, which is used in the Alaska and California bases, if there is a better alternative for national missile defense.

*Background:*

**Robert Zarate's article in the Weekly Standard**

“It’s no accident that the House Armed Service Committee wants to robustly defend the East Coast from missiles by 2015. For over a decade, the intelligence community has [consistently estimated](#) that Iran, with foreign assistance, could develop by that year an intercontinental ballistic missile (ICBM) capable of carrying a nuclear warhead and striking the United States.

What’s worse, the office of the director of national intelligence [reported](#) to Congress last year that “entities” in China, Russia, and North Korea are “almost certainly” supplying Iran with “some key missile components.” On top of that, if Iran hasn’t already made the decision to build nuclear weapons, it is nonetheless [clearly developing](#) the capability to build them on alarmingly short notice. . .

Some Democratic lawmakers who oppose the East Coast missile defenses [like to quote](#) a recent statement by General Charles Jacoby, commander of U.S. Northern Command and North American Aerospace Defense Command, who told Senate lawmakers: “Today’s threats do not require an East Coast missile field and we do not have plans to do so.” Jacoby’s comments are factually accurate: The current missile threat from Iran does not require missile defenses on the East Coast, and the Obama administration doesn’t want to build such defenses there. But what the House Armed Services Committee is worrying about isn’t “today’s threat”—it’s Iran’s potential ICBM missile threat to the homeland in the near future.

Unless House lawmakers want to align themselves with President Obama’s March 2012 claims—that “there is still time and space to pursue a diplomatic solution”—to stop Iran’s march to nuclear weapons making capability, they should start figuring out what else Washington can do, sooner rather than later, to protect American citizens from the prospect that Iran might soon get nuclear weapons and ICBM missiles capable of striking the continental United States. Defending the National Defense Authorization Act’s efforts to build East Coast missile defenses against MAD-men poison-pill amendments wouldn’t be a bad place to start.” (read more [here](#))

*o Israeli Iron Dome program*

- This legislation provides significant support for the Israeli Iron Dome program that is mainly designed for small and medium range missile attacks.
- It would provide \$680 million in funding, which is in addition to nearly \$100 million already provided in assistance for medium and long range missile defense through other foreign aid.
  - This assistance is out of the DoD budget, and is separate from the annual \$3.1 billion in foreign aid to Israel.
- This triples the previous highest allocation was \$205 million for this program, which was made in 2010.

- Because the Iron Dome program is designed to intercept short-range rockets and 155 mm artillery shells with a short-range, it seems unclear whether this technology could be used by the US military (especially considering the US investment in alternative platforms).

*Background:*

Israel has three Iron Dome batteries. This is “enough only to protect the cities closest to Gaza (Ashkelon, Ashdod and Be’er Sheva).” At least three times as many would be needed to shield other population centers, and even with a special grant from Washington only three more are in the pipeline, for a total of six.

This system works up to around 50 miles, and other systems work in concert of other ranges (Magic Wand, David’s Sling, Arrow).

The system reads the arc of incoming missiles to determine which may threaten populated areas.

Militants recently fired some 120 missiles. Iron Dome judged that about two-thirds of those would land far from populated areas, and simply left them alone. Of the 37 that it calculated posed a significant danger to people, the system launched interceptor rockets that, in 32 cases, met the incoming missile and exploded it in mid-air.

*That’s an 86 percent success rate (read more [here](#)).*

○ **Pakistan**

- Freezes security assistance funding until Pakistan reopens vital supply routes to U.S. troops in Afghanistan.
  - After an alleged NATO attack that killed over 20 Pakistani troops, Pakistan has [shut down](#) supply routes to Afghanistan. This has made providing supplies to our troops much more expensive, as previously most supplies for our troops went through Pakistan.
- Places a limitation upon reimbursement to Pakistan contingent upon the Secretary of Defense submitting a report that includes a certification that Pakistan is “committed” to:
  - Supporting counter-terrorism operations against Al Qaeda, its associated movements, the Haqqani Network, and other domestic and foreign terrorist organizations.
  - Dismantling improvised explosive device (IED) networks and interdicting precursor chemicals used in the manufacture of IEDs.
  - Preventing the proliferation of nuclear-related material and expertise.

- Issuing visas in a timely manner for United States Government personnel supporting counterterrorism efforts and assistance programs

○ ***Nuclear Modernization***

- Sponsors of the bill argue that it modernizes and supports DoD's nuclear forces, including intercontinental ballistic missiles and nuclear bombers and the Navy's strategic submarines.
- The legislation strengthens Congressional oversight of the nation's nuclear weapons war plan.
- Reforms the national Nuclear Administration's governance and management.

○ ***Space***

- Provides \$8 billion in funding for national security space programs, approximately \$50 million above the Administration's request (this does not include classified space programs at the National Reconnaissance Office).

○ ***Greater private sector competition and innovation***

- Pilot program to assist in the growth and development of advanced small business concerns.
- The legislation requires the Secretary of Defense to:
  - Report to Congress on areas of risk within the defense industrial base.
  - Develop a national security strategy for the industrial base.
  - Eliminate obstacles to small business competition for Defense Department initiatives.

➤ ***Specific weapons programs***

○ ***Air National Guard aircraft and manpower***

- Preserves C-130 Hercules, C-23 Sherpas, and C-27J Spartan aircraft proposed for early retirement.

○ ***Global Hawk***

- Prohibits the retirement, preparing for retirement, or placing in storage the Global Hawk unmanned aircraft system.
- Additionally it requires the operational capability of 30 Global Hawks at times before December 31, 2014.

○ ***Heavy armor***

- Funds Abrams tanks (\$129 million)
- Bradley fighting vehicles (\$288 million) (a \$140 million increase over the President's request)
- Hercules recovery vehicles (\$169 million) (a \$62 million increase over President's request)

○ ***Aircraft***

- *Fully funds requests for:*
  - 50 AH-64 Apaches
  - 59 UH-60 Blackhawks
  - 44 CH-47 Chinooks
  - 29 F-35 Lightning II aircraft
  - 26 F-18 E/F Super Hornets
  - V-22 aircraft
  - 36 MQ-9 Reaper UAS
- Maintains the option for additional airborne electronic warfare capabilities by supporting advance procurement for the EA-18G.

○ *Naval Vessels*

- Authorizes a multi-year procurement for up to 10 Virginia-class submarines.
- Restores three of the four Navy cruisers proposed for early retirement in Fiscal Year 2013. The committee believes that each of the cruisers has more than a decade of useful service left.
- Authorizes a multi-year procurement for up to 10 DDG-51 Arleigh Burke class destroyers.

○ *Cyber*

- Re-affirms DoD's role in cyber security dealing with international targets and protection of their own assets.
- The Secretary of Defense must provide a quarterly briefing to Congress on all offensive and significant defense military operations in cyberspace.

➤ *Additional provisions*

○ *Base Realignment and Closure (BRAC)*

- There is a prohibition on conducting additional BRAC rounds.

○ *Alternative fuels*

- Limits availability of funds for procurement of alternative fuels if they exceed the cost of traditional fuels.

○ *DoD call centers*

- Prohibits the DoD from locating call centers outside of the US.

○ *Information on Guantanamo detainees*

- Requires information on individuals being detained at Guantanamo.

○ *Missile defense*

- Prohibits the sharing of missile defense technology with the Russian Federation.

○ *Sexual Harassment*

- Requires the inclusion of information regarding substantiated reports of sexual harassment to be on a service member's official service record.

- Given some of the incidents and reporting of sexual assaults in the military in the past two years, this legislation creates new regulations and procedures for combating and prosecuting sexual assault within the military.

➤ **Key Values Provisions**

○ **Conscience Clause Protection for Military Chaplains and Members of the Armed Services:**

- The Armed Forces shall “accommodate the conscientious and sincerely held moral principles and religious beliefs,” by its service members and chaplains, regarding human sexuality.
- The Armed Forces shall not use such “conscience, principles, or beliefs as the basis of any adverse personnel action” such as denying promotion.
- No member of the Armed Forces may direct, order or require a chaplain to perform a duty, ritual or ceremony that is contrary to his conscience, moral principles or religious beliefs.

*Background:*

Since the repeal of Don’t Ask, Don’t Tell, there have been increasing reports of military chaplains facing censorship based on their religious or moral concerns with homosexuality. As a result chaplains and all service-members face potential recriminations based solely on their sincerely held religious beliefs.

Many conservatives do not believe that a chaplain or any service-member should face recrimination or persecution in the military for their religious. The conscience language protects the religious liberty of military chaplains and all service-members, and it protects the religious and moral views of any service-member and chaplain, whatever their views on sexuality may be.

However, this conscience clause does not exempt service-members from behaving responsibly, and any violations of the UCMJ can still be prosecuted to the fullest extent of the law.

○ **Prohibition on same-sex marriages or “marriage like ceremonies” on a military installation or property used by the Department of Defense (DoD).**

- “A military installation or other property owned or rented by, or otherwise under the jurisdiction or control of, the Department of Defense may not be used to officiate, solemnize, or perform a marriage or marriage-like ceremony involving anything other than the union of one man with one woman.”



*Background:*

In September 2011, the Department of Defense issued two memos that attacked traditional marriage. The first, from the Office of Legal Counsel, required that all DOD facilities be made available for private functions on a “sexual-orientation neutral basis”. In practical terms, this means that any military facility can be used to perform same-sex marriages. The second memo was issued by the DOD Office of Personnel Management, and allows chaplains to participate in “any private ceremony.” While this does not explicitly state that it is referring to same-sex marriages, Chief Counsel Jeh Johnson has said that is exactly what is intended with this wording.

To address this problem, language was taken from the Military Religious Freedom Protection Act. The first section provides protections and rights of conscience for any member of the military. There is currently no protection for anyone expressing religious opposition to homosexuality, outside of a sermon provided by a chaplain. The language provides protection for such statements. The language also brings the DOD back into compliance with both the letter and spirit of the Defense of Marriage Act (DOMA). It specifies that military facilities can be used for heterosexual union ceremonies only. DOMA was intended to limit the federal recognition of marriage to that of one man and one woman, and this would help preserve that original intent by preventing federally controlled facilities from being used for, as Jeh Johnson stated, same-sex marriages.

➤ ***Procedure for killing American citizen terrorists.***

The legislation does not change the current process in regard to the procedures for killing an American citizen who is involved in a terrorist group.

It is widely believed that Mr. Awlaki was killed by U.S. Hellfire missiles on September 30, 2011. Mr. Awlaki was an American citizen and was not charged with any crime by the United States government. Attorney General Holder argued that the AUMF gave the President authority to kill American citizens in Yemen. (read more [here](#))

What is the process for these decisions?

➤ ***Limiting unilateral executive power to initiate wars that are not vital to American national security.***

The legislation does not change the current process in regard the President’s power to unilaterally engage in a humanitarian war without Congressional approval.

In 2011, President Obama initiated hostilities in Libya in Operation Odyssey Dawn as a humanitarian mission. This action appeared to directly violate the War Powers Resolution. While he consulted with the United Nations, he never consulted with the Congress.

The [War Powers Resolution](#) requires that the President notify Congress within 48 hours of engagement and forbids armed forces from remaining there beyond 60 days, with another 30 day withdrawal period, without an authorization of the use of military force or a declaration of war.

Despite this law, President Obama kept troops in Libya beyond this 90 day deadline without any authorization. President Obama's Attorney General provided the legal [explanation](#) for how the President had the constitutional authority to use force in Libya on the sole basis that "he could reasonably determine that such use of force was in the national interest."

The administration's rationale partially rested on the fact that hostilities in Libya did not amount to a "war" in the eyes of the administration, despite the overwhelming use of airpower and naval assets. The danger of this analysis is that in future engagements, with the use of UAV's and other technologies, boots on the ground engagements are likely to be much less likely. Major kinetic operations are still military engagements.

Under questioning for Senator Sessions at a Senate Armed Service Committee hearing in March, Defense Secretary Leon Panetta and Joint Chiefs of Staff Chairman General Martin Dempsey, [indicated](#) that "international permission," rather than Congressional approval, provided a "legal basis" for military action by the United States.

The legislation does not contain any provisions to limit Presidential ability to unilaterally initiate a humanitarian war that is not necessary to protect American national security.

➤ ***Cyber-security***

Vice JCS Winnefeld mentioned the other day at a symposium the lack of clear cyber-security policy, authorities, etc. which would be tremendously helpful to protecting us from the cyber threat. He mentioned the ability to be active defenders rather than reactionary defenders, i.e., stopping Pearl Harbor before it happens rather than responding once the damage is done.

Some conservatives argue that this legislation could do more to explain and delineate who does what in the cyber realm, such as what is the role of the NSA vs. the Navy and Air Force.

➤ *Authorization Levels (charts provided by House Armed Services Committee)*  
**Division A: Department of Defense Authorizations**

<b>Title I - Procurement</b>			
Aircraft Procurement, Army	5,853,729		5,853,729
Missile Procurement, Army	1,302,689	60,000	1,362,689
Weapons & Tracked Combat Vehicles, Army	1,501,706	382,494	1,884,200
Procurement of Ammunition, Army	1,739,706	-107,800	1,631,906
Other Procurement, Army	6,326,245	-80,000	6,246,245
Joint Improvised Explosive Device Defeat Fund	227,414	-227,414	0
Aircraft Procurement, Navy	17,129,296	99,000	17,228,296
Weapons Procurement, Navy	3,117,578	55,631	3,173,209
Shipbuilding & Conversion, Navy	13,579,845	893,000	14,472,845
Procurement of Ammunition, Navy & Marine Corps	759,539	-12,547	746,992
Other Procurement, Navy	6,169,378	102,653	6,272,031
Procurement, Marine Corps	1,622,955	-140,900	1,482,055
Aircraft Procurement, Air Force	11,002,999	313,700	11,316,699
Procurement of Ammunition, Air Force	599,194		599,194
Missile Procurement, Air Force	5,491,846	15,000	5,506,846
Other Procurement, Air Force	16,720,848		16,720,848
Procurement, Defense-Wide	4,187,935	436,200	4,624,135
Joint Urgent Operational Needs Fund	99,477	-99,477	0
<b>Subtotal, Title I - Procurement</b>	<b>97,432,379</b>	<b>1,689,540</b>	<b>99,121,919</b>

<b>Title II - Research, Development, Test and Evaluation</b>			
Research, Development, Test & Evaluation, Army	8,929,415	-472,111	8,457,304
Research, Development, Test & Evaluation, Navy	16,882,877	835,525	17,718,402
Research, Development, Test & Evaluation, Air Force	25,428,046	84,950	25,512,996
Research, Development, Test & Evaluation, Defense-Wide	17,982,161	496,125	18,478,286
Operational Test & Evaluation, Defense	185,268	35,000	220,268
<b>Subtotal, Title II - Research, Development, Test and Evaluation</b>	<b>69,407,767</b>	<b>979,489</b>	<b>70,387,256</b>

<b>Title III - Operation and Maintenance</b>			
Operation & Maintenance, Army	36,608,592	-160,147	36,448,445
Operation & Maintenance, Navy	41,606,943	-474,378	41,132,565
Operation & Maintenance, Marine Corps	5,983,163	8,900	5,992,063
Operation & Maintenance, Air Force	35,435,360	304,800	35,740,160
Operation & Maintenance, Defense-Wide	31,993,013	-10,700	31,982,313
Operation & Maintenance, Army Reserve	3,162,008	21,800	3,183,808
Operation & Maintenance, Navy Reserve	1,246,982		1,246,982
Operation & Maintenance, Marine Corps Reserve	272,285		272,285
Operation & Maintenance, Air Force Reserve	3,166,482	168,317	3,334,799
Operation & Maintenance, Army National Guard	7,108,612	-30,300	7,078,312
Operation & Maintenance, Air National Guard	6,015,455	315,005	6,330,460
US Court of Appeals for the Armed Forces, Defense	13,516		13,516
Overseas Humanitarian, Disaster and Civic Aid	108,759		108,759
Cooperative Threat Reduction	519,111		519,111
Defense Acquisition Development Workforce Fund	274,198		274,198
Environmental Restoration, Army	335,921		335,921
Environmental Restoration, Navy	310,594		310,594
Environmental Restoration, Air Force	529,263		529,263
Environmental Restoration, Defense	11,133		11,133
Environmental Restoration, Formerly Used Sites	237,543		237,543
<b>Subtotal, Title III - Operation and Maintenance</b>	<b>174,938,933</b>	<b>143,297</b>	<b>175,082,230</b>
<b>Title IV - Military Personnel</b>			
Military Personnel Appropriations	135,111,799	615,056	135,726,855
<b>Subtotal, Title IV - Military Personnel</b>	<b>135,111,799</b>	<b>615,056</b>	<b>135,726,855</b>

<b>Title XIV - Other Authorizations</b>			
Working Capital Fund, Army	60,037		60,037
Working Capital Fund, Air Force	45,452		45,452
Working Capital Fund, Defense-Wide	39,135		39,135
Working Capital Fund, DECA	1,371,560		1,371,560
National Defense Sealift Fund	608,136		608,136
Defense Health Program	32,528,718	229,900	32,758,618
Chemical Agents & Munitions Destruction	1,301,786		1,301,786
Drug Interdiction and Counter Drug Activities	999,363		999,363
Office of the Inspector General	273,821		273,821
<b>Subtotal, Title XIV - Other Authorizations</b>	<b>37,228,008</b>	<b>229,900</b>	<b>37,457,908</b>
<b>Subtotal, Division A: Department of Defense Authorizations</b>	<b>514,118,886</b>	<b>3,657,282</b>	<b>517,776,168</b>

## Division B: Military Construction Authorization:

<b>Division B: Military Construction Authorizations</b>			
<b>Military Construction</b>			
Military Construction, Army	1,923,323		1,923,323
Military Construction, Navy	1,701,985	-152,821	1,549,164
Military Construction, Air Force	388,200		388,200
Milcon,Def-Wide	3,654,623	-85,000	3,569,623
Chemical Demilitarization Construction, Defense	151,000		151,000
NATO Security Investment Program	254,163		254,163
Military Construction, Army National Guard	613,799		613,799
Military Construction, Army Reserve	305,846		305,846
Military Construction, Naval Reserve	49,532		49,532
Military Construction, Air National Guard	42,386		42,386
Military Construction, Air Force Reserve	10,979		10,979
<b>Subtotal, Military Construction</b>	<b>9,095,836</b>	<b>-237,821</b>	<b>8,858,015</b>
<b>Family Housing</b>			
Fam Hsg Const,A	4,641		4,641
Fam Hsg Op&Dt,A	530,051		530,051
Fam Hsg Const,N	102,182		102,182
Fam Hsg Op&Dt,N	378,230		378,230
Fam Hs Op&Dt,AF	497,829		497,829
Fam Hsg Con,AF	83,824		83,824
Fam Hsg Op&Dt,D-W	52,238		52,238
DOD Family Housing Improvement Fund	1,786		1,786
<b>Subtotal, Family Housing</b>	<b>1,650,781</b>		<b>1,650,781</b>
<b>Base Realignment and Closure</b>			
BRAC - Air Force	2,268		2,268
BRAC - Army	106,219		106,219
BRAC - Navy	18,210		18,210
BRAC, A	79,893		79,893
BRAC, AF	122,552		122,552
BRAC, N	146,951		146,951
<b>Subtotal, Base Realignment and Closure</b>	<b>476,093</b>		<b>476,093</b>
<b>Undistributed Adjustments</b>			
Prior Year Savings	0	-146,697	-146,697
<b>Subtotal, Undistributed Adjustments</b>	<b>0</b>	<b>-146,697</b>	<b>-146,697</b>
<b>Subtotal, Division B: Military Construction Authorizations</b>	<b>11,222,710</b>	<b>-384,518</b>	<b>10,838,192</b>
<b>Subtotal, 051, Department of Defense-Military</b>	<b>525,341,596</b>	<b>3,272,764</b>	<b>528,614,360</b>
<b>Function 053, Atomic Energy Defense Activities</b>			

## Division C: Department of Energy National Security Authorization and Other Authorizations:

<b>Environmental and Other Defense Activities</b>			
Electricity delivery and energy reliability	6,000	0	6,000
Weapons Activities	7,577,341	323,638	7,900,979
Defense Nuclear Nonproliferation	2,458,631	27,000	2,485,631
Naval Reactors	1,088,635	99,000	1,187,635
Office of the Administrator	411,279	-48,000	363,279
Defense Environmental Cleanup	5,472,001	10,000	5,482,001
Other Defense Activities	735,702	-50,000	685,702
<b>Subtotal, Environmental and Other Defense Activities</b>	<b>17,749,589</b>	<b>361,638</b>	<b>18,111,227</b>
<b>Independent Federal Agency Authorization</b>			
Defense Nuclear Facilities Safety Board	29,415	2,000	31,415
<b>Subtotal, Independent Federal Agency Authorization</b>	<b>29,415</b>	<b>2,000</b>	<b>31,415</b>
<b>Subtotal, Division C: Department of Energy National Security Authorizatio</b>	<b>17,779,004</b>	<b>363,638</b>	<b>18,142,642</b>

## Total National Defense Funding:

<b>Total, National Defense Funding, Base Budget Request</b>	<b>543,166,400</b>	<b>3,661,402</b>	<b>546,827,802</b>
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## Overseas Contingency Operations:

<b>Overseas Contingency Operations</b>			
<b>Procurement</b>			
Aircraft Procurement, Army	486,200		486,200
Missile Procurement, Army	49,653		49,653
Weapons & Tracked Combat Vehicles, Army	15,422		15,422
Procurement of Ammunition, Army	357,493	-19,000	338,493
Other Procurement, Army	2,015,907	-38,000	1,977,907
Joint Improvised Explosive Device Defeat Fund	1,675,400	227,400	1,902,800
Aircraft Procurement, Navy	164,582		164,582
Weapons Procurement, Navy	23,500		23,500
Procurement of Ammunition, Navy & Marine Corps	285,747		285,747
Other Procurement, Navy	98,882		98,882
Procurement, Marine Corps	943,683		943,683
Aircraft Procurement, Air Force	305,600		305,600
Procurement of Ammunition, Air Force	116,203		116,203
Missile Procurement, Air Force	34,350		34,350
Other Procurement, Air Force	2,818,270		2,818,270
Procurement, Defense-Wide	196,349		196,349
Joint Urgent Operational Needs Fund	100,000	-50,000	50,000
National Guard & Reserve Equipment	0	500,000	500,000
<b>Subtotal, Procurement</b>	<b>9,687,241</b>	<b>620,400</b>	<b>10,307,641</b>
<b>Research, Development, Test and Evaluation</b>			
Research, Development, Test & Evaluation, Army	19,860		19,860
Research, Development, Test & Evaluation, Navy	60,119		60,119
Research, Development, Test & Evaluation, Air Force	53,150		53,150
Research, Development, Test & Evaluation, Defense-Wide	112,387	915,000	1,027,387
<b>Subtotal, Research, Development, Test and Evaluation</b>	<b>245,516</b>	<b>915,000</b>	<b>1,160,516</b>

<b>Operation and Maintenance</b>			
Operation & Maintenance, Army	28,591,441	-758,700	27,832,741
Operation & Maintenance, Navy	5,880,395	-22,100	5,858,295
Operation & Maintenance, Marine Corps	4,066,340	-15,600	4,050,740
Operation & Maintenance, Air Force	9,241,613	-34,700	9,206,913
Operation & Maintenance, Defense-Wide	7,824,579	-679,300	7,145,279
Operation & Maintenance, Army Reserve	154,537		154,537
Operation & Maintenance, Navy Reserve	55,924		55,924
Operation & Maintenance, Marine Corps Reserve	25,477		25,477
Operation & Maintenance, Air Force Reserve	120,618		120,618
Operation & Maintenance, Army National Guard	382,448		382,448
Operation & Maintenance, Air National Guard	19,975		19,975
Afghanistan Security Forces Fund	5,749,167		5,749,167
Afghanistan Infrastructure Fund	400,000	-25,000	375,000
<b>Subtotal, Operation and Maintenance</b>	<b>62,512,514</b>	<b>-1,535,400</b>	<b>60,977,114</b>
<b>Military Personnel</b>			
Military Personnel Appropriations	14,060,094		14,060,094
<b>Subtotal, Military Personnel</b>	<b>14,060,094</b>		<b>14,060,094</b>
<b>Other Authorizations</b>			
Working Capital Fund, Army	42,600		42,600
Working Capital Fund, Air Force	240,400		240,400
Working Capital Fund, Defense-Wide	220,364		220,364
Defense Health Program	993,898		993,898
Drug Interdiction and Counter Drug Activities	469,025		469,025
Office of the Inspector General	10,766		10,766
<b>Subtotal, Other Authorizations</b>	<b>1,977,053</b>		<b>1,977,053</b>
<b>Military Construction</b>			
Military Construction, Navy	0	150,768	150,768
Prior Year Savings	0	-150,768	-150,768
<b>Subtotal, Military Construction</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Subtotal, Overseas Contingency Operations</b>	<b>88,482,418</b>	<b>0</b>	<b>88,482,418</b>

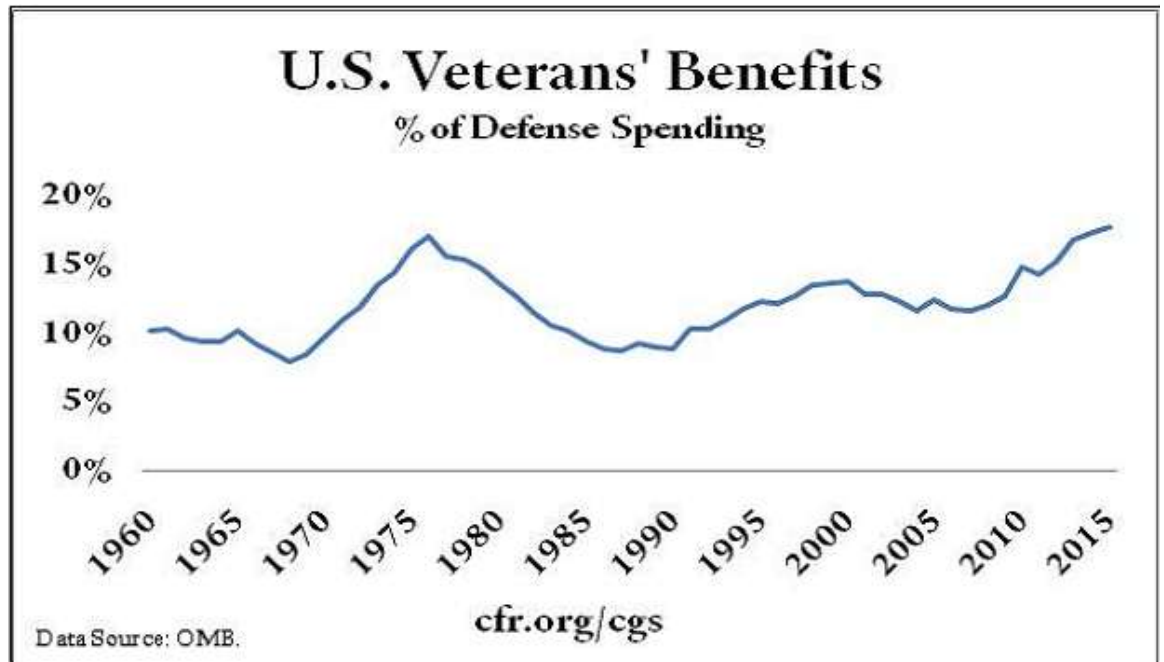
### Overall Budget Request for National Defense:

<b>Total, National Defense</b>	<b>631,648,818</b>	<b>3,661,402</b>	<b>635,310,220</b>
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### Background on Defense Spending:

#### ➤ *Veterans benefits*

TRICARE is a government run insurance program that serves 9.3 million beneficiaries, including 5.5 million military retirees. This program has been, at times, extremely expensive and vastly inefficient, the back-log for veterans' benefits is extremely long, and these benefits represent a significant part of overall defense spending:



- About 1/6 of the defense budget is spent on benefits for veterans.
- The cost of veterans' benefits is increasing and projected to increase further, given current commitments.
  - Former Air Force Chief of Staff Ronald Fogelman has said that rising health care costs, retirement costs and a handsome array of benefits mean the Pentagon is "now a center of entitlements. . .They have been untouchable." (at a CSIS event, read [here](#)).
- "Health care is eating the department alive", Defense Secretary Robert Gates has said, [pointing](#) to soaring costs that have grown from \$19 billion in 2001 to \$52.5 billion in 2011.
- The Heritage Foundation's Baker Spring has provided substantive analysis on reforming the Tricare system (read [here](#)). He argues:
  - On a gradual basis, military health care coverage programs under TRICARE should be converted from the existing defined-benefit structure to a defined-contribution structure. Under this approach, a portion of the reductions in benefits can be offset by increasing the level of basic pay provided to the troops. Additionally, military service members, retirees, and their dependents may be provided tax advantages they carry with them for the rest of their lives.

#### ➤ **Cutting Pentagon Bureaucracy**

Some conservatives believe that policies should be advanced to increase the so-called "[tooth to tail ratio](#)" by decreasing the number of Pentagon bureaucrats in favor of more active troop strength. Below is a copy of Secretary of Defense's speech on military bureaucracy that provides significant perspective on dealing with the overhead at the Pentagon.

“The topic today is an adversary that poses a threat, a serious threat, to the security of the United States of America. This adversary is one of the world's last bastions of central planning. It governs by dictating five-year plans. From a single capital, it attempts to impose its demands across time zones, continents, oceans and beyond. With brutal consistency, it stifles free thought and crushes new ideas. It disrupts the defense of the United States and places the lives of men and women in uniform at risk.

Perhaps this adversary sounds like the former Soviet Union, but that enemy is gone: our foes are more subtle and implacable today. You may think I'm describing one of the last decrepit dictators of the world. But their day, too, is almost past, and they cannot match the strength and size of this adversary.

The adversary's closer to home. It's the Pentagon bureaucracy. Not the people, but the processes. Not the civilians, but the systems. Not the men and women in uniform, but the uniformity of thought and action that we too often impose on them. . .

Our challenge is to transform not just the way we deter and defend, but the way we conduct our daily business. Let's make no mistake: The modernization of the Department of Defense is a matter of some urgency. In fact, it could be said that it's a matter of life and death, ultimately, every American's.

A new idea ignored may be the next threat overlooked. A person employed in a redundant task is one who could be countering terrorism or nuclear proliferation. Every dollar squandered on waste is one denied to the warfighter. That's why we're here today challenging us all to wage an all-out campaign to shift Pentagon's resources from bureaucracy to the battlefield, from tail to the tooth.

We know the adversary. We know the threat. And with the same firmness of purpose that any effort against a determined adversary demands, we must get at it and stay at it. Some might ask, how in the world could the Secretary of Defense attack the Pentagon in front of its people? To them I reply, I have no desire to attack the Pentagon; I want to liberate it. We need to save it from itself.”

[Secretary of Defense Donald H. Rumsfeld](#)

➤ ***New reporting requirements***

H.R. 4310 includes a large number of new reporting requirements. A quick check estimated these at around 124 new reports (there may be duplicates in the provided list but it provides a perspective).

These reporting requirements, which may not be a definitive list because it doesn't include all types of reports, creates a large burden upon the DoD in compliance costs. Each report has to be signed off by leadership at the DoD, and the reports sometimes require legal guidance and accounting work. Some of these assessments also require field investigations.



These reporting requirements build from year to year, as some of these reports never sunset and continue on perpetually. It can be argued that these massive reporting requirements have multiple perverse effects:

- A. It creates too many reports to the point that most may never be read.
- B. Entire new bureaucracies have to exist at the Pentagon to deal with these new reporting requirements.
- C. Some of the reports create an incentive to act in certain manner to “look better in the reporting data” that in effect may be incentivizing the wrong type of behavior.
- D. It distracts our military from assisting soldiers in the field.

(see attached policy brief for 2013 NDAA reporting requirements)

➤ *Keeping the military budget strong or increasing the military budget*

“The DOD budget has borne a disproportionate 50% share of deficit reduction cuts despite comprising only 20% of the overall federal budget.” ([House Armed Services Committee](#)).

**American Enterprise Institute:**

“Next-generation programs like the F-22, Future Combat Systems, and the DDG-1000 now appear out of reach. Perhaps even more disturbingly, since many of our cutting-edge investments were thrown out, now the Pentagon is going after the lower-tier but still critical innovative programs like the Joint Strike Fighter (a program only made more important after the dramatically reduced purchase of its air superiority counterpart, the F-22). Considering the large amount of resistance to current “next-generation” systems, who honestly believes we will be able to one day field the generation *after* next?”

The reality is the Congress and White House should not be debating whether to buy fewer fifth-gen Joint Strike Fighters, but instead discussing how to pay for research and development of a sixth-generation fighter. Washington should also be prioritizing dwindling defense dollars to buy a next-generation surface combatant; low-observable capabilities beyond stealth; more capable anti-ship, land attack, and air-to-air missiles; satellite recapitalization; directed energy and electromagnetic weapons; underwater weapons, including an unmanned underwater vehicle; nanotechnology and solid-state and fiber lasers; biotechnologies; and advanced cyber technologies.

The sad but simple fact is that the Pentagon and military services can no longer build new programs. Between budget cuts, cost overruns, overweight and risk-averse bureaucracy, ever-growing red tape and regulations, and changing requirements, designs and acquisition strategies, the arsenal of democracy has become a bureaucratic and organizational nightmare.” (read rest [here](#), and access [AEI’s slide presentation](#))

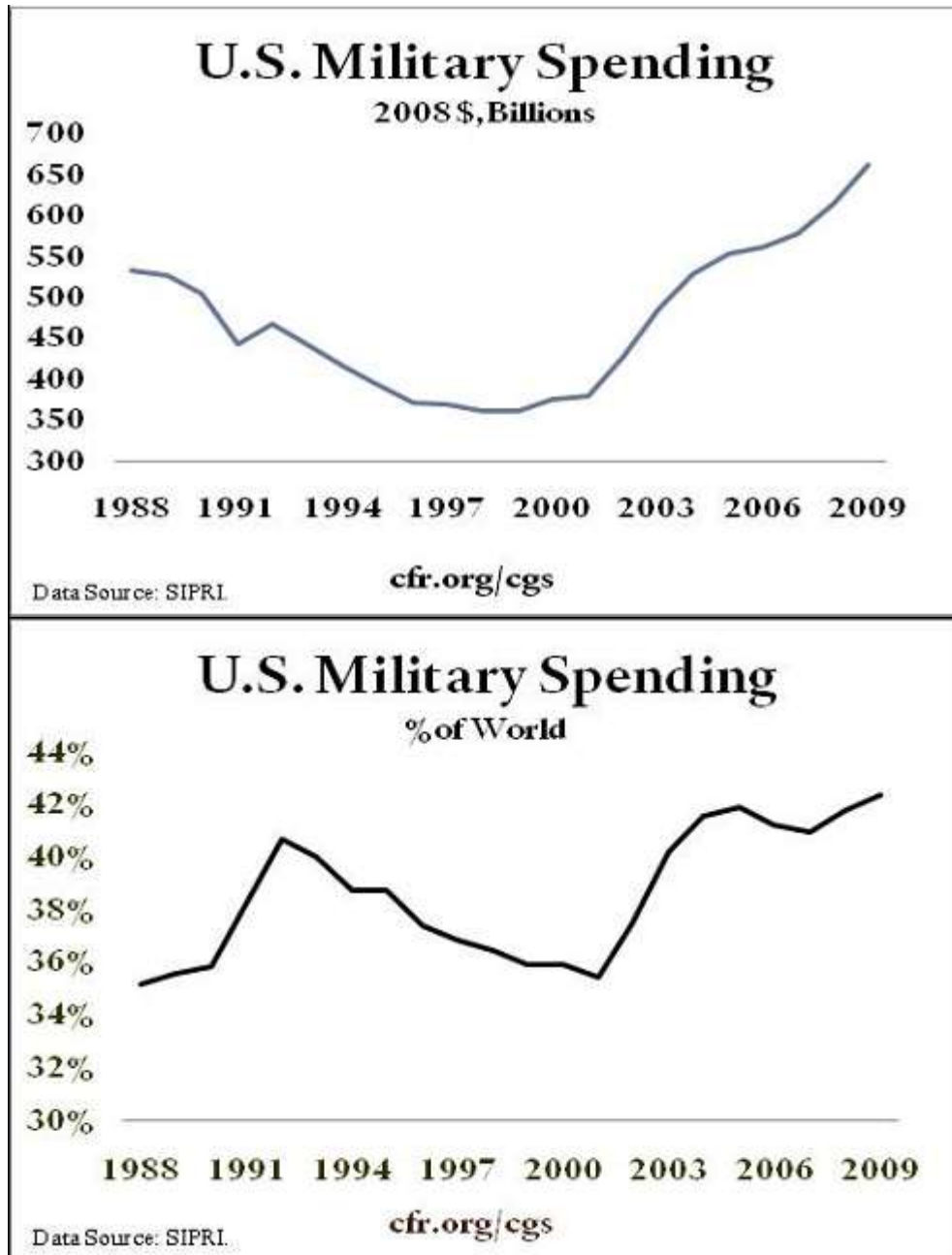
**The Heritage Foundation:**

“On average, major U.S. military platforms are now more than 25 years old and are wearing out much more quickly than planned. The combat vehicle fleet of Abrams tanks is largely based on technology from the 1980s and earlier. Many of today’s tanker and bomber pilots are flying in airplanes first used by their grandfathers. The U.S. Navy fleet contains the smallest number of ships since 1916. Yet the Navy is being tasked with more responsibilities than ever, such as securing vital sea-lanes of commerce around the world worth over \$14 trillion annually.

Today, America is asking all of its military forces to do more. U.S. soldiers are under stress. They have been strained by 10 years of combat in Iraq and Afghanistan. The 1990s “procurement holiday” has left the military with outdated and decrepit weapons and equipment. These circumstances have taken their toll on both people and equipment. The bipartisan Quadrennial Defense Review (QDR) Independent Panel concluded in 2010 that “the aging of the inventories and equipment used by the services, the decline in the size of the Navy, escalating personnel entitlements, overhead and procurement costs, and the growing stress on the force means that a train wreck is coming in the areas of personnel, acquisition, and force structure.” This “train wreck” is here, and it threatens to undermine America’s ability to defend itself and protect its vital national interests at a time when threats to its security are increasing.” (read rest [here](#)).

➤ ***Other perspectives on the defense budget***

- Former Chair of the Joint Chiefs of Staff Admiral Michael Mullen stated before the Congress: "The most significant threat to our national security is our debt."
- In 2000, Admiral Mike Mullen [stated](#) that “We've lost our ability to prioritize, to make hard decisions, to do tough analysis, to make trades."
- Some conservatives argue that the military should not be a ‘sacred cow,’ and that if we are serious about balancing the federal budget, then we must also cut the military budget
- Cato’s Christopher Preble [finds](#) that the national defense base budget constitutes 52 percent of discretionary spending, separate from the war account. Since 2000, it has risen by 90 percent in nominal terms and 42 percent in real terms. “If Washington is serious about addressing the nation’s massive fiscal challenge, many programs will have to be cut or reformed. The Pentagon should not be expected to bear all of the costs; other departments and agencies will also have to contribute. But there has not yet been a significant decline in the Pentagon’s base budget, [contrary to what some have claimed](#).”
- The defense budget has doubled in real terms since 2001:



- **Waste, fraud and abuse**
  - Between \$31 and \$60 billion were lost to waste and fraud related to the wars in Iraq and Afghanistan, according to the [Congressionally appointed Commission on Wartime Contracting](#).
  
- **Bases aboard**
  - The U.S. station around 135,000 active troops on based and ships in and around Europe and Asia (not deployed in theatre). Reducing the number assigned to overseas bases by 25% would [save](#) \$80 billion over the next ten years.

- This is expensive because it drives up the force structure requirements.
- *Narrowly define the military mission for our Armed Forces*
  - Right now the US military is used for a wide variety of problems, and that adds to its overall costs.
  - “Far bigger savings are possible if the Pentagon is recast as a true defense agency rather than one aimed at something far more ambitious. And cuts would force U.S. officials to prioritize. For starters, they would have to recognize that the U.S. military is currently structured to exercise power abroad, not provide self-defense. The U.S. Navy patrols the globe in the name of protecting global commerce, even though markets easily adapt to supply disruptions and other states have good reason to protect their own shipments. Washington maintains enormous ground forces in order to conduct nation-building missions abroad -- despite the fact that such missions generally fail at great cost. Garrisons in Germany and South Korea have become subsidies that allow Cold War-era allies to avoid self-reliance.” ([Cato’s Benjamin Friedman in Foreign Affairs Magazine](#)).
  - Cato’s Christopher Preble argues for a complete reassessment of our overall global foreign policy strategy. He [argues](#) that a less interventionist foreign policy will save a large amount money and ultimately make us safer.
  - Some have argued that constant intervention by the US military, and an off-shore presence of American resources in various theaters has actually resulted in less security rather than more security by creating perverse incentives for countries to free-load and not invest in their own defense and use these resources to pay for a lavish welfare state for their own citizens.
    - What good, exactly, are thousands of American soldiers south of the Korean DMZ? Many believe that in the event of a North Korean invasion, the overwhelming artillery capability of the North would quickly obliterate everything in its range, and potentially even the entire city of Seoul itself.
      - Perhaps the most tactical use for American force in this theater is in their second strike capability, the ability to strike back with overwhelming force by sea, air or through a land invasion if necessary.
    - American presence in these overseas military bases are extremely expensive, and ultimately take force strength off the table for potential engagements in other theatres. Additionally, it puts American soldier’s lives in potentially needless jeopardy.

- South Korea is a rich country and can afford to defend itself, and to some extent, some conservatives argue, that the balance of power has tipped to the South's favor, making our forces there redundant or counter-productive.
- Cato's most recent article on cutting defense can be found [here](#). Cato's Christopher Preble's top five recommendations are:
  1. **Military personnel in Europe:** Remove additional 10,000 military personnel by end of FY 2013; save \$100 million in FY 2013 and \$188 million per year once complete
  2. **Active-component military personnel:** Reduce end-strength by an additional 10,000 personnel; save \$400 million in FY 2013 and \$860 million recurring annual savings once complete
  3. **Missile Defense:** Focus on procurement and end-stage development on systems with proven, reliable, cost-effective capability (see report for details); save \$2.5 billion in FY 2013
  4. **F-35 Joint Strike Fighter:** Cancel USMC variant; buy equivalent numbers F/A-18 E/F; save \$1.8 billion in FY 2013
  5. **Littoral Combat Ship (LCS):** End procurement at 10 and seek alternative; save \$2 billion in FY 2013
- Cato put out a plan on cutting defense spending, while it is now almost two years old, it provides [perspective](#) on where they believe savings could be found. They explain each in more depth on their [website](#):

<b>Department of Defense Proposed Spending Cuts</b>	
Program	10-Year Savings (\$ billion)
Strategic Capabilities	
1. Cut the nuclear weapons arsenal	\$87
Army and Marine Corps	
2. Reduce the size of the Army	\$220
3. Reduce the size of the Marine Corps	\$67
4. Reduce Marine Corps expeditionary strike groups	\$7
Navy and Air Force	
5. Build/operate fewer aircraft carriers and naval aircraft	\$40
6. Build/operate fewer tactical submarines	\$32
7. Build/operate fewer destroyers	\$34
8. Terminate the Littoral Combat Ship	\$14
9. Build/operate fewer Air Force fighters	\$89
Other Weapon Systems	

10. Terminate the Expeditionary Fighting Vehicle	\$11
11. Terminate the V-22 Osprey	\$15
12. Realign the missile defense program	\$60
Workforce and Compensation	
13. Cut the Pentagon's civilian workforce	\$105
14. Reform military compensation	\$115
Infrastructure and Administration	
15. Reform maintenance and supply systems	\$13
16. Cut military construction and housing	\$30
17. Reform command, support, and infrastructure	\$100
Other Savings	
18. Reduce intelligence spending	\$112
19. Reduce research, development, testing, and evaluation	\$73
Total proposed cuts (FY2011-FY2020)	\$1,224
Total department outlays (FY2011-FY2020)	\$6,864

**Conservative Support:** This legislation is widely supported by conservative groups.

Heritage Foundation’s Baker Spring and Steven Bucci have written a [paper](#) in support of many of the provisions in H.R. 4310. That paper states in part:

“By following the House Armed Services Committee’s (HASC) lead in raising the top-line budget for defense over the President’s fiscal year 2013 request, Congress can sustain this momentum. This will enable depleted military assets such as the Navy’s fleet to modernize and grow. While legislators should strive to find efficiencies within defense, they should also reinvest savings into national security programs in need, such as the Navy’s perennially underfunded shipbuilding budget.”

➤ *Afghanistan policy*

**Congressman Howard “Buck” McKeon (R-CA), Chairman of the House Armed Services Committee:** “I remain very concerned about the President’s decision last summer to speed up withdrawal of the surge troops from Afghanistan, as well as his original announcement in his speech at West Point for a date certain in 2014 to withdraw all U.S. combat forces. These decisions by the President have made it increasingly difficult to build up trust and confidence with the Afghan institutions that will ultimately ensure that the security and political gains by U.S. and NATO efforts are sustained into the future. Moreover, with our eyes at the exits, I’m uncertain whether we will be able to achieve the key tenets of the President’s own strategy due to the constraints that the President himself has put in place.” (watch [here](#))

**Secretary of Defense Leon Panetta:** “[W]e just celebrated the tenth anniversary of September 11. We were attacked. This country was attacked and a lot of people died as a result of that attack. We had a responsibility to respond to that. What we have to do now is to make sure that places like Afghanistan and Pakistan don’t become safe havens so that al-Qaeda can again plan those kinds of attacks against the United States, particularly with regards to Afghanistan.” (watch [here](#))

*Heritage Foundation on staying the course in Afghanistan:*

***Mike Brownfield: The Debate over the War in Afghanistan:***

“The killing of Osama bin Laden was a hard-won victory for the United States, but the gains made in pursuit of that day of justice and in waging the war in Afghanistan—including putting al-Qaeda on its heels—could be squandered if the Obama Administration continues its plotted course. When Republican presidential candidates lay out their foreign policy agendas in next Tuesday’s [debate hosted by The Heritage Foundation](#) and the American Enterprise Institute on CNN, they should pay significant attention to this seminal war that is so crucial to America’s struggle against terrorism.

In June, President Barack Obama announced his [decision](#) to bring home 10,000 troops by the end of this year and a total of 33,000 troops by next summer—despite requests from the Pentagon and General David Petraeus to limit the initial withdrawal to 3,000 to 4,000, as the [Los Angeles Times reported](#). That decision, as *The Washington Post* [wrote](#), wasn’t based in a ‘convincing military or strategic rationale.’ Rather, it was “at odds with the strategy adopted by NATO, which aims to turn over the war to the Afghan army by the end of 2014.’

At the time, Heritage’s Lisa Curtis [wrote](#) that, apart from denying his military commanders flexibility to determine the pace and scope of withdrawal based on conditions on the ground, the President ‘also risks upending the major achievement of eliminating Osama bin Laden across the border in Pakistan.’ Curtis also [noted](#) that the decision would ‘further discourage Pakistan from cracking down on the Taliban leadership that finds sanctuary on its soil’ and ‘reinforce Islamabad’s calculation that the U.S. is losing resolve in the fight in Afghanistan and thus encourage Pakistani military leaders to continue to hedge on support to the Taliban to protect their own national security interests.’” (read [here](#))

***Ed Feulner: Heritage Foundation Statement on Afghanistan***

“The artificial Afghanistan withdrawal deadline has obviously caused some of our military leaders to question our strategy in Afghanistan. That deadline, which President Barack Obama announced to the American people, the military, our allies and our enemies on December 1, 2009, has provoked many — including the government in Kabul, the Afghan people, the military in Pakistan, and our enemies the terrorists – to question America’s resolve to win the War in Afghanistan.

More disconcerting for the American people is that the timeline appears to be putting tremendous unnecessary pressure on our armed forces to accomplish their task: victory on the ground. We don't need an artificial timeline for withdrawal. We need a strategy for victory. Though the president can't pretend he never set a timeline, he can now exercise his authority as commander in chief to make things right.

He should start by eliminating the timeline and making it clear that winning the war is his top priority. He can do that by giving our military leaders whatever additional forces or resources they need to get the job done. Together with Afghan forces and NATO, the United States must weaken the Taliban on the battlefield before engaging in serious negotiations with Taliban members who break ties with al-Qaeda. And the president must press Pakistan to deal firmly and unambiguously with all terrorists.” (read [here](#))

*American Enterprise Institute on staying the course in Afghanistan:*

### **Ahmad Majidyar: Stay the course in Afghanistan**

“A major reduction in troop numbers, however, would not only endanger these gains, but also prevent the coalition and Afghan forces from eliminating insurgents' safe havens in eastern Afghanistan. The Haqqani network and Hizb-e Islami militants are still actively operating in areas surrounding Kabul and eastern provinces along the Pakistani border.

The most dangerous terrorist group in South Asia, the Haqqanis are closely associated with al-Qaeda, Punjabi Taliban groups, Tehrik-e Taliban Pakistan (TTP) and other terrorist groups with regional and global agendas. Defeating the Haqqani network and clearing its entrenched safe havens is not possible without a sufficient number of US and allied forces. The Afghan forces are not yet ready for the task.

Counter-terrorism alone is also not a viable alternative. Much of the success of counter-terrorism operations in Afghanistan and drone strikes in Pakistan hinges upon human intelligence. In the absence of conventional forces to provide adequate security and cultivate ties with local population, the special forces will lose local support and be unable to function effectively. . .

A premature withdrawal will not just undo the achievements of the past years, but will plunge the country into ethnic and civil war, and help the Taliban and al-Qaeda to re-establish safe havens in parts of the country from where they could plot attacks against Europe and the United States.” (read [here](#))

### **Frederick Kagan: The Case for Continuing the Counterinsurgency Campaign in Afghanistan**

“U.S. and allied forces have made great progress in Afghanistan since the start of the counterinsurgency campaign in early 2010. But critical military tasks remain -- and these can only be accomplished by a substantial deployment of U.S. troops. Last May, U.S.



President Barack Obama announced that he would be withdrawing 10,000 U.S. troops before the end of 2011 and the remaining 20,000 surge troops by September 2012, leaving a total of 68,000 in the country. He tabled further decisions on force levels prior to 2014, at which time Afghanistan will take full responsibility for its own security, according to the framework that NATO and Afghanistan established in Lisbon last November. The rapid dialing back of the surge is a risky strategy, though if executed correctly, and not rushed, it is workable.

Some members of the Obama administration, along with experts such as retired General David Barno and the journalist Linda Robinson, have recommended that Obama end the counterinsurgency mission next year and refocus U.S. troops on supporting the Afghan security forces. But that is a recipe for failure. Accelerating the drawdown and ending the counterinsurgency mission sooner than planned would not only squander the valuable gains made over the last two years but prevent both U.S. and Afghan forces from engaging decisively against insurgent and terrorist groups that threaten the security of Afghanistan, Pakistan, and the United States.” (read [here](#), and [here](#))

**Potential Conservative Concerns:** The following are some *potential* conservative concerns:

***Requiring Domestic DoD Call Centers:*** Some conservatives are against prohibiting the DoD from locating call centers outside of the U.S. if it would save money for the taxpayer.

***BRAC:*** Some conservatives believe that further BRAC rounds may be necessary, and prohibiting further BRAC rounds, when they believe that we have too many military bases, is the wrong direction to go. Many conservatives want to get rid of the waste of the military budget, like excess bases, and invest that money in next generation weapons systems.

***Iran Provision:*** Some conservatives believe that the Iran language is problematic because it may open the door to military action, and potentially sacrifice Congressional prerogatives to authorize military force. Other conservatives support the provision because it clearly explains that we will not allow Iran to develop a nuclear weapon. They argue that this provision provides a clear demonstration to Iran of our intentions to use military action if necessary.

➤ ***Afghanistan policy***

This legislation states, in Section 1216, that it is the sense of Congress that the President “should maintain at least 68,000 troops in Afghanistan through December 31, 2014, unless fewer troops can achieve United States objectives”; and that we should maintain a credible troop presence after December 31, 2014, sufficient to conduct counter-terrorism and train and advise the Afghan National Security Forces. . .”

The primary mechanism that Congress has to control our policies in war is through the power of the purse. Ultimately Congress has the ability to shut off funding for a war of which it does not approve, or to limit the implementation of allocated funds for specific purposes.

This legislation specifically authorizes \$88.5 billion in “overseas contingency operations” including in Afghanistan, *thereby effectively authorizing another year of the continued strategy from last year in the war in Afghanistan.*

[418](#) US soldiers were killed in Afghanistan last year, bringing the total number of fatalities in combat there to [1,971](#) since 2001 (including [378](#) fatalities after the Bin Laden raid). Last year was the second deadliest year in the war in Afghanistan, now the [longest war](#) in American history.

Some conservatives argue for a different path in Afghanistan rather than what is expressed as the sense of the Congress in this bill to “maintain a credible troop presence after December 31, 2014.”

#### ***Defining the mission***

- Some conservatives argue that our continued presence in Afghanistan is an expensive use of manpower, resources and capability.
- Some conservatives argue that it remains unclear what the mission is in Afghanistan.
  - Some conservatives argue that we should only deploy American troops with (1) a clear mission that can be accomplished, (2) that is realistic, (3) that is vital to American national security, where (4) there is no alternative method that is more effective, (5) there is sufficient/overwhelming resources to accomplish that mission, and (6) a system of benchmarks for success and reassessment:

*Their arguments can be broken down as follows (A-E correlates through each argument):*

#### **1. Is there a clear mission in Afghanistan?**

Is the mission:

- a. To establish a democracy?
- b. Modernize their society?
- c. Remove Al-Qaeda?
- d. Remove the Taliban?
- e. Deny sanctuary/safe havens for future terrorist groups?

#### **2. Is it realistic?**

- a. Establishing a democracy in Afghanistan appears to be very difficult, and thus far unsuccessful.
- b. We may never be able to modernize Afghanistan, that’s a choice to be made by their society.

- c. We have already largely removed Al-Qaeda. For a long time, U.S. intelligence officials have [testified](#) before congressional committees that there are probably fewer than 100 al Qaeda terrorists remaining in Afghanistan. They have suggested that there are many more al Qaeda members in other countries, including Pakistan, Yemen and Somalia.
- d. Completely removing the Taliban appears unlikely. Pashtuns are the largest ethnic group in the country, around 42% of the population, and traditionally their main political party was the Taliban. Hamid Karzai does not have overwhelming support from all Pashtuns, and many Pashtuns still support the Taliban. We may remove the Mullah Omar leadership structure of the Taliban, but removing an entire “political party” that represents the misguided interests of large number of Afghanistans is a tall order.
- e. There is no precedent on how one goes about denying safe havens for future terrorist groups; this is very unclear. *Further, the hope that Afghan security forces can take over for American troops (in a similar transition to that in Iraq) may be [unlikely](#):*
  - i. Afghan security forces are [estimated](#) to cost \$5 billion to sustain.
  - ii. Afghani government [revenues](#) are \$1.58 billion.
  - iii. This means that maintaining the current force would require nearly triple the current revenue that Afghanistan receives, if it spends every dollar on defense (and this isn't including many large military projects currently picked up by the US).
  - iv. Furthermore, the Afghan National Army is [plagued](#) by desertion. Thousands of recruits simply disappear.
  - v. Afghan soldiers are under-equipped and underpaid; according to some [reports](#), some 15% of them are thought to be drug addicts. Dominated by Tajik troops from the north of the country, the "national" army has little or no credibility in the southern, Pashtun areas of Afghanistan, where the Taliban mainly operate, and from where they draw ethnic support.

### **3. Is it vital to American National Security?**

- a. Establishing a democracy in Afghanistan is arguably not vital to American national security.

- b. Modernizing Afghanistan is arguably not vital to American national security.
- c. Removing Al-Qaeda has largely been accomplished.
- d. While Mullah Omar allied himself with Al-Qaeda, one can imagine a situation where the two could be separated (read here for one [study](#) on such a separation).
- e. The War on Terror is vital for American national security, but we have limited resources. There are decisions to be made on how to allocate those resources with many states with terrorist cells. Many other nations have more terrorists cells, and more Al-Qaeda fighters, yet we deal with those nations without a sustained ground presence.

**4. Is there an alternative method to accomplish these goals?**

- a. No.
- b. No.
- c. The United States decimated Al-Qaeda in 2001 through the use of CIA assets, a few hundred Special Forces, precision missile strikes and air support. There appears to be little evidence that having thousands of deployed service members is better than Special Forces assets in a counter-terrorism mission. If Al-Qaeda sets up training camps in Afghanistan post-withdrawal of boots on the ground, airstrikes and precision missiles can easily destroy these visible assets. Destroying the remaining assets of Al-Qaeda require involvement in the countries where they are located in large numbers (Somalia, Yemen and Pakistan) and will require a massive investment in human operatives to infiltrate these organizations.
- d. Removing the Taliban would likely require an overwhelming presence for the foreseeable future and shutting down Afghanistan's border.
- e. Denying a safe haven for future terrorist groups may require an overwhelming presence for the foreseeable future.

**5. Do we have sufficient resources to accomplish the mission?**

- a. We likely do not have sufficient resources to establish a functional democracy in Afghanistan.
- b. We likely do not have sufficient resources to modernize Afghanistan.
- c. We have sufficient resources to continue to minimize the presence of Al-Qaeda.
- d. We do not have sufficient resources to root out the Taliban, or to destroy an insurgency campaign.

- i. The Army field manual emphasizes the importance of "troop density," or the ratio of security forces to inhabitants: "20 counter-insurgents per 1,000 residents [or 1:50] is often considered the minimum troop density required for effective Coin operations."
- ii. The CIA's World Factbook [estimates](#) Afghanistan's population, as of July 2012, to be roughly 30.4 million. Thus, going by the 1:50 ratio, the size of the US-led coalition force would need to be approximately 608,000 troops.
- iii. The US military commitment to Afghanistan stands at [roughly](#) 70,000. Even with NATO's troops, and even if we were to count the Afghanistani troop strength, we would still be vastly under the 608,000 figure for counter-insurgency.
- e. We likely do not have sufficient resources (similar to COIN strategy above) to prevent Afghanistan from ever becoming a safe haven for future terrorist groups.

**Do we have a sufficient system of benchmarks for success and re-assessment?**

This remains unclear. It is unclear what metrics we have for success. What is our Afghanistan plan after 2014? What presence will we have after then?

Some conservatives argue that the goal in Afghanistan appears to be establish a functional national Afghan state, but that this goal may be [unachievable](#). Until we shut down the Afghani border, all our gains may be transitory.

The argument for continuing to keep large numbers of US forces in Afghanistan depends on the idea that absent our ground presence we will return to a 1990's situation, a pre-9/11 situation, where the Taliban hosts terrorists that can attack American soil.

*But some conservatives argue that two major things have changed since then:*

1. There is now bipartisan agreement and strong political will to attack training camps and Al-Qaeda elements with airstrikes and special operations wherever we find them.
2. Since the 1990's we have several new military innovations – including the armed predator drone – that makes terrorist havens far less possible.

**Committee Action:** The legislation was introduced on March 29, 2012 and was approved by the Armed Services committee by a 56-5 vote on May 9, 2012. The amended version was reported out on May 11, 2012 ([H. Rept. 112-479](#)).

**Administration Position:** “While there are a number of areas of agreement with the Committee, the Administration has serious concerns with provisions that: (1) depart from the President's fiscal year (FY) 2013 Budget request – in particular, increases to the topline request for the base budget; (2) constrain the ability of the Armed Forces to carry

out their missions consistent with the new defense strategy; or (3) impede the ability of the Secretary of Defense and the Secretary of Energy to make and implement management decisions that eliminate unnecessary overhead or programs to ensure scarce resources are directed to the highest priorities for the national security. The overall funding level supported by H.R. 4310 would violate the Budget Control Act of 2011, the bipartisan agreement reached between the Congress and the President to put the Nation on a sustainable fiscal course. If the cumulative effects of the bill impede the ability of the Administration to execute the new defense strategy and to properly direct scarce resources, the President's senior advisors would recommend to the President that he veto the bill.” (read rest [here](#)).

**Cost to Taxpayers:** CBO estimates that H.R. 4310 would decrease net direct spending by \$33 million in 2013, \$554 million over the 2013-2017 period, and \$44 million over the 2013-2022 period. “The largest cost over that 10-year period results from a provision that would limit the ability of the Department of Defense to increase the copayments charged to beneficiaries who use the TRICARE pharmacy program. Those costs would be offset by savings from a provision that would require certain TRICARE beneficiaries to obtain refills of maintenance medications through TRICARE’s national mail-order pharmacy.”

**Does the Bill Expand the Size and Scope of the Federal Government?:** The legislation keeps the size of the federal government roughly the same, although the authorized spending levels would be above levels assuming the Budget Control Act sequestration occurs, which House republicans voted to replace last week with reconciliation.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No. [House Report 112-479](#) states that H.R. 4310 “contains no federal mandates with respect to state, local, and tribal governments, nor with respect to the private sector. Similarly, the bill provides no federal intergovernmental mandates.”

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** Yes. [House Report 112-479](#) states that H.R. 4310 “does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the Rules of the House of Representatives.

**Constitutional Authority:** [According](#) to its sponsor, Rep. McKeon: “Congress has the power to enact this legislation pursuant to the following: The constitutional authority on which this bill rests is the power of Congress ``to provide for the common Defence", ``to raise and support Armies", ``to provide and maintain a Navy" and ``to make Rules for the Government and Regulation of the land and naval Forces" as enumerated in Article I, Section 8 of the United States Constitution.”

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