

May 20, 2004- Sanchez Applauds Passage of FY 2005 Defense Authorization Bill

Sanchez Applauds Passage of Fiscal Year 2005 Defense Authorization Bill

WASHINGTON; May 20, 2004—Yesterday, the House of Representatives passed H.R. 4200, the Fiscal Year 2005 Defense Authorization Bill. Rep. Loretta Sanchez and her colleagues on the House Armed Services Committee worked to exercise good government and their Constitutional obligation for military oversight during the debate of H.R.4200. They proposed a number of initiatives concerning operations in Iraq, Colombia, the War on Terrorism and international nuclear non-proliferation efforts, and they engaged their Republican counterparts in active debate on these highly contentious issues.

SANCHEZ LEGISLATIVE LANGUAGE INCLUDED IN THE BILL:

Reservist Pay Gap: Survey and Analysis of Effect of Extended and Frequent Mobilization of Reservists for Active Duty Service on Reservist Income

With a dramatic rise in the extended use Reservists in the current operations in Iraq and Afghanistan, many Reservists have been put under financial stress. This language would require the Secretary of Defense to conduct a detailed study of the loss of income by mobilized reservists who have served on active duty in support of a contingency operation following September 11, 2001. The provision would require the Comptroller General to review the report of the Secretary and report his findings to Congress by March 31, 2006.

Post-Conflict Reconstruction: Joint Training of Military and Civilian Personnel

This language recommends that curricula for joint training of military and civilian personnel continue to be developed and that DoD explore the utility of establishing a center for post-conflict reconstruction operations to pursue the following mission: 1) train key inter-agency personnel in assessment, strategy development, planning and coordination for post-conflict reconstruction; 2) develop and certify a cadre of post-conflict reconstruction experts who could be called to participate in future operations at both the headquarters and field levels; 3) provide pre-deployment training to interagency personnel tapped for specific operations; 4) develop a cadre of rapidly deployable training packages for use in the field; and, 5) conduct after-action reviews of real-world operations to capture lessons learned, best practices and tools and designing mechanisms to feed them back into training and education programs.

Preventing Sexual Assault in the Military

Continuing its commitment to preventing sexual assaults in the military, this language recommends expanding the mission of the Task Force on Sexual Harassment and Violence at the Military Service Academies. The expanded task force, under its new name, the "Defense Task Force on Sexual Assault in the Military Services," would examine sexual assaults in the military and report to Congress within 12 months of its initial meeting on its findings and recommendations. The Secretary of Defense would also be required to provide those committees an assessment of the effectiveness of corrective actions being taken by DoD and the military services.

Improving Prosecution of Sexual Offenses in the Military

Rep. Sanchez fought hard for an amendment that would change the Uniform Code of Military Justice (UCMJ) to reflect a more updated rape law. The language included in this bill requires the Secretary of Defense to provide the House and Senate Armed Services Committee, by March 1, 2005, a proposal for changes regarding sexual offenses in the UCMJ and the rationale for the changes. To ensure appropriate penalties for sexual offenses, the Committee strongly encourages DoD to closely align the UCMJ's language on sexual assault law with the appropriate section of the federal criminal code.

HIGHLIGHTS OF H.R.4200, AT THE FULL COMMITTEE LEVEL

In addition to funding ongoing military operations in Iraq and Afghanistan, H.R.4200 provides additional important funds. One of the key provisions extends the Commanders Emergency Response Program (CERP) Fund. In the battle for the hearts and minds of the Iraqi and Afghan people, the CERP gives commanders on the ground an opportunity to engage with communities and follow through with small "Good Samaritan" projects they notice as they are patrolling their areas, making this an important bipartisan funding priority.

Income Replacement for Reservists

Loretta was instrumental in pushing for a Committee recommendation to pay reservists monthly income replacement payments after they complete 12 continuous months of service on active duty or 18 months on active duty during the previous 60 months, or for any month during a mobilization that occurs within six months of the member's previous active duty tour. Payments would be limited to a minimum of \$50 each month and a maximum of \$3,000 each month.

Private Security Contractors in Iraq

At the same time that the Commander's Fund is a strong bipartisan priority, the issue of private security contractors in Iraq has been one of some contention among committee members. Democrats would like to see more

oversight exercised by the committee into this relatively obscure area, particularly in light of recent occurrences in the Iraqi theater.

The committee adopted a provision offered by Representative Neil Abercrombie (HI) that will require guidance for contractors supporting deployed forces, as well as a report from the Department of Defense on various details surrounding the use of private contractors as security forces.

Iraqi Security Forces

H.R.4200 includes a bipartisan provision initiated by Mr. Skelton that requires the Department of Defense to develop a strategic plan on the status and training of the Iraqi Security Forces and to report to Congress on progress in achieving that plan.

Colombia

The committee adopted a provision, championed by Representative Gene Taylor (MS), that struck a provision from H.R.4200 that would have removed the existing cap on the number of military personnel allowed in Colombia. Mr. Taylor's amendment retains a cap on the number of U.S. civilian personnel but increases the allowable number of military personnel from 400 to 500.

War on Terrorism

An initiative spear-headed by Congressman Jim Turner, from Texas, will provide multi-year authorization for the Department of Defense to budget and make available up to \$25 million per fiscal year to support the fight against terrorism. The provision, good through fiscal year 2007, authorizes the Secretary of Defense to provide resources to secure local support for U.S. Special Operations Forces in the pursuit of military objectives.

Nuclear non-proliferation

H.R.4200 provides nearly full funding for cooperative threat reduction and nuclear non-proliferation efforts in fiscal year 2005. While this is a good start, today's proliferation threats demand a more robust response. Democrats on the House Armed Services Committee believe that counter threat reduction and nuclear non-proliferation should be afforded much higher priority levels, and the accompanying resources, than they are in H.R.4200.

SANCHEZ AMENDMENTS OFFERED BUT NOT INCLUDED IN BILL

Military Sexual Assault Crimes Revision

To repeal Article 120 of the Uniformed Code of Military Justice (UCMJ) and replace it with an improved sexual abuse statute patterned on 18 U.S.C. §§ 2241-2247. The current UCMJ provisions relating to sexual assault crimes were enacted in 1950. Military courts have stretched and modified these laws in an attempt to reflect contemporary jurisprudence on sexual assault offenses. The time has come to adopt a sexual assault statute for the military that is consistent with the U.S. Code and the majority of state sexual assault statutes. This legislation would achieve this positive evolution of the law and adopt a uniform standard for sexual assault offenses in both Title 10 and Title 18.

NFIRE Report Language

The committee notes that the Near Field Infrared Experiment (NFIRE) is a critical risk reduction project for the kinetic energy interceptor program with the objective of collecting near field rocket plume and rocket hard body IR data. The committee is concerned that this experiment may result in an impact between the kill vehicle and the hard body. The committee directs the Secretary to take positive measures to reduce the chance of target impact during this test. The committee further directs the Secretary to submit a report to congressional defense committees by March 1, 2005 on those measures taken to reduce the chance of impact.

Amendment to prohibit funding of space-based platform for Kinetic Energy Interceptor Program

This amendment would direct that the \$75 million in funding cuts the committee has made to the Kinetic Energy Interceptor Program includes the \$10.555 million budgeted for the space-based platform. This program will require a significant ramp-up in spending over the next decade. The program contains \$10.555 million in funding this year for research on a space-based kinetic energy test bed. But the research is to lead to on-orbit testing in the 2010-2011 time frame and may result in a "limited experimental constellation" in 2012. The committee does not yet have a clear projection of long-term costs.

Amendment Offered by Rep. Sanchez and Rep. Israel to Prohibit the Use of Contractor Personnel in Iraq until Submission of Report to Congress

This amendment would have prohibited the DoD from entering into new agreements to use contractor personnel as interrogators in Iraq pending the submission of a report to Congress. This amendment would have required DoD to provide: 1. A specification of the number of contractor employees at detention facilities in Iraq; 2. A list of each company working at detention facilities in Iraq and their relevant contracts with the DoD; 3. The rationale for why contractors were used in interrogation and translation instead of military or civilian personnel; 4. An overview of contractor training, including the Geneva conventions and command expectations for detainees; 5. Supervision and oversight procedures by military and civilian personnel at the detention centers; and 6. Findings and Recommendations of ongoing DoD investigations of prisoner abuse.