

**STATEMENT OF**

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**BEFORE THE  
HOUSE ARMED SERVICES COMMITTEE  
Tactical Air and Land Subcommittee**

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Chairman Bartlett, Ranking Member Reyes, and Members of the Tactical Air and Land Subcommittee:

Thank you for the opportunity to appear before you today to discuss the Department of Defense's (DoD) Joint Urgent Operational Needs (JUONs) process.

The experience of war has taught us that new enemy weapons and tactics will emerge in times of conflict and that we will not always have existing capability or capacity to adequately counter those new threats. From the "torpedoes" of Mobile Bay and mustard gas in Flanders to the German wolf packs of the North Atlantic and the Air Defense system of North Vietnam, our nation has routinely faced unexpected threats that have required urgent responses. The underlying purpose of the Department's JUONs process is to rapidly provide our warfighters with the capabilities they need to address new and evolving threats and opportunities.

While it is impossible to anticipate every emerging threat on the battlefield, the accelerating pace of technology development and commercial innovation provides DoD with an opportunity to rapidly develop and field new capabilities to counter each threat and ensure that the decision cycle advantage remains with our forces, regardless of whether we were prescient enough to anticipate each emerging threat or each technology opportunity during previous budget cycles.

As is the case for our deliberate requirements and resource allocation processes – the Joint Capabilities Integration and Development System (JCIDS), Planning, Programming, Budgeting and Execution System (PPBES), and acquisition processes – the JUONs process is comprised of three main elements: (1) deciding what you need (requirements); (2) providing adequate resources to buy it (programming and budgeting); and (3) assessing alternatives and executing a solution (acquisition), to include operation and maintenance.

The challenge for the JUONs process is how to execute each element on a much more compressed timeline, often in the absence of well-defined requirements, supporting CONOPS and doctrine, and/or supporting operations and maintenance concepts. As we compress our timelines to satisfy urgent needs, the Department necessarily accepts some higher level of programmatic (cost, schedule, performance) risk in order to reduce the Commander's operational risk. At a time of war, "schedule" often becomes the risk that is least acceptable because the speed at which something can be fielded, even if it is only a mitigating capability, is often the most relevant factor in reducing the Commander's operational risk. Not surprisingly, therefore, the Commander's assessment of his operational risk is where the urgent needs process begins.

As identified in a recent GAO study<sup>1</sup>, there are multiple mechanisms through which a Commander can submit an urgent operational need request. Appropriately, under their Title 10 responsibilities, the Service components have all established processes to facilitate a timely response to identified warfighter

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<sup>1</sup> GAO-10-460 April 2010, Warfighter Support: Improvements to DOD's Urgent Needs Processes Would Enhance Oversight and Expedite Efforts to Meet Critical Warfighter Needs, pg 9.

needs<sup>2</sup>. Additionally, US Special Operations Command (USSOCOM) and the Joint IED Defeat Organization (JIEDDO) have written policies and processes for managing urgent needs<sup>3</sup>. While the Army alone has handled over 10,000 such operational needs statements, all Services have responded to urgent operational needs through their service-specific rapid acquisition processes.

In cases where a Commander identifies the need as joint, the Combatant Commander certifies the requirement and forwards it to the Chairman of the Joint Chiefs of Staff for validation as a Joint Urgent Operational Need (JUON)<sup>4</sup>. There have been more than 300 such needs forwarded by US Central Command (CENTCOM) to the Joint Staff for validation since 2006. The Joint Staff Director for Force Structure, Resources and Assessments (J8) uses its established Functional Capability Boards (FCBs) to assess both the validity and urgency of the requirement. As part of their review, the FCBs consider whether the requirement has already been identified through some other means (Integrated Priority List, JCIDS, etc.), whether funding has been programmed or requested, whether a non-material solution might be sufficient, and whether there may be overlap with other efforts within the Department. Should the Joint Staff J8 Deputy Director for Requirements (DDR) determine that the need is valid and that it is urgent<sup>5</sup>, he passes it to me as the Director of the OSD Joint Rapid Acquisition Cell (JRAC).

The JRAC was established by the Deputy Secretary of Defense in 2004 to facilitate the resolution of immediate warfighter needs. As such, we coordinate with the Service Components, JIEDDO, the Intelligence Surveillance and Reconnaissance (ISR) Task Force, other elements of OSD including the offices of the Assistant Secretary of Defense Research and Engineering (ASD R&E) and Logistics and Material Readiness (ASD L&MR), and various defense agencies to identify potential solutions to the validated requirement and any challenges, or risks, associated with executing that solution. We then formally task the appropriate component with the responsibility to satisfy the need.

As I indicated earlier, there are many challenges associated with compressing the requirements, budgeting and acquisition cycle. While some solutions may be relatively straightforward, such as procuring additional commercially available optics suites, or commercial satellite communications systems, in other cases, they can be more complex, such as a current effort to engineer multiple mature technologies to develop a new weapons system that minimizes collateral effects, or to find a rapid solution to the physics challenge of detecting homemade explosives from a safe stand-off range.

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<sup>2</sup> U.S. Army, *Material Development*, Army Regulation 71-9, December 28, 2009; U.S. Navy, *Dept of the Navy Urgent Needs Process*, SECNAVNOTE 5000, March 12, 2009; USMC, *Marine Corps Expeditionary Force Development System*, MCO 3900.17, October 17, 2008; USAF, *Rapid Response Process*, USAF instruction 63-114, June 12 2008.

<sup>3</sup> USSOCOM, *Special operations Forces Capabilities and Development System*, USSOCOM Directive 71-4 (draft) June 2009. DOD Directive 2000.19 (Joint IED Defeat Organization) February 14, 2006 (under revision).

<sup>4</sup> Joint Urgent Operational Need (JUON) – An urgent operational need identified by a combatant commander involved in an ongoing named operation. A JUON's main purpose is to identify and subsequently gain Joint Staff validation and resourcing solution, usually within days or weeks, to meet a specific high priority combatant commander need. The scope of a combatant commander JUON will be limited to addressing urgent operational needs that: (1) fall outside of the established Service processes; and (2) most importantly, if not addressed immediately, will seriously endanger personnel or pose a major threat to ongoing operations.

<sup>5</sup> The guiding policy for the development, submission and validation of a JUON is contained in CJCS Instruction 3470.1. (currently under revision)

Almost all solutions have complex integration challenges to enable interoperability with existing systems and most require non-standard training, or even doctrinal changes.

Despite these challenges, through our urgent needs processes, the Department has provided our forces with the best force protection, command and control, counter-IED and ISR capabilities available. That is not to say that the Department is satisfied with our processes, with the speed at which we can field new capabilities, at our ability to anticipate the next threat, or with the efficiency with which the whole process works. In the 2010 Quadrennial Defense Review (QDR), the Department recognized a continuing need to build agile, adaptive, and innovative structures capable of quickly identifying emerging gaps and rapidly adjusting program and budgetary priorities to mitigate those gaps<sup>6</sup>. Our urgent processes must provide a means of quickly prioritizing and quantifying requirements and of ensuring that the resources are available to enable rapid fielding of capabilities inside of the Department's PPBES cycle.

The Department has also acknowledged, and largely concurred with, the findings and recommendations of the April 2010 GAO report on DoD's Urgent Needs processes. Contained in that reports are recommendations that DoD implement a comprehensive management framework with better defined accountability to improve our responsiveness to urgent operational needs. Section 804 of the FY 11 National Defense Authorization Act further directs the Department to conduct a complete review of the process for fielding capabilities in response to urgent operational needs to include consideration of earlier GAO reports and a July 2009 congressionally-directed study by the Defense Science Board Task Force on Fulfillment of Urgent Operational Needs. That review is to consider a streamlined and tightly integrated approach to the Department's urgent needs processes, clear definition of the roles and responsibilities within the department for the fulfillment of urgent needs, and the development of an expedited review process to determine which needs are appropriate for a rapid fielding process.

Concurrent with the development of these many reports, the Department has also been adapting its urgent processes in response to our experiences in Iraq and Afghanistan. Beginning in 2009, the President's revised strategy in Afghanistan has served as a catalyst to initiate, if not fully implement, many of the actions recommended in the GAO reports. Among the common findings of many of these reports is the perceived lack of a common management framework and clear senior leadership of our urgent needs processes. Recognizing the need for improved synergies among the multiple organizations that contribute to the counter-IED campaign, the Secretary of Defense established the Counter-IED Senior Integration Group (C-SIG) in November 2009 to leverage the efforts of JIEDDO, the military services, the defense agencies, the MRAP Task Force and the ISR Task Force. Under the leadership of Under Secretary of Defense (AT&L) Ashton Carter, and the Joint Staff Director of Operations (J3) Lt. Gen. Jay Paxton, the C-SIG provided clear priorities and common focus in the Counter-IED fight.

It quickly became clear, however, that counter-IED is not a strictly confined problem set. Multiple capabilities ranging from ISR to force protection contribute to a successful C-IED campaign.

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<sup>6</sup> Quadrennial Defense review report, February 2010, pp 80-81.

Under USD(AT&L) Carter's leadership and with the Secretary's consent, the C-SIG has evolved to include oversight of many of the most critical urgent needs of our operational Commanders. While this evolved role of the C-SIG does not yet enjoy the clarity of a written policy directive, this senior governance board provides Department-wide focus on expediently meeting the urgent needs of our Commanders.

A recent organizational change indicative of this improved senior leader focus was the realignment of my office, the Joint Rapid Acquisition Cell, from the Rapid Fielding Directorate of the Office of the Assistant Secretary of Defense for Research and Engineering (ASD R&E), to a direct report to the USD (AT&L). This organizational change has streamlined the decision process for those urgent needs submitted by the operational Commanders and validated by the Joint Staff. For example, multiple urgent needs that had been identified since the beginning of this fiscal year had been languishing for lack of funding. With his direct involvement in the process, USD(AT&L) Carter was able to quickly bring the issue to the attention of Secretary Gates, who convened a meeting of the Department's leadership and made a decision to immediately fund and execute these urgent needs. Within the authorities available to the Department, \$350M was quickly realigned to support those critical needs that could be executed within 60 days. An additional \$1B of requirements was also quickly sourced, but since the Department did not have the authority to reappropriation these funds, a prior notification reprogramming request was submitted to Congress for approval. While the HASC has yet to act on this request, both appropriation committees have approved all of the requested additions. Unfortunately, due to the Department acting without an FY11 appropriation, the Department lacks an FY11 source to support the requested urgent Operation and Maintenance (O&M) requirements. Nevertheless, this action demonstrates the Department's commitment, at the very highest levels, to quickly make the decisions necessary to respond to warfighter requirements.

Another example of improved focus on urgent needs is the increased use of the Rapid Acquisition Authority provided in section 811 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375) and further amended this year. Use of this authority is identified as an interest item in the HASC Oversight Agenda for the 112<sup>th</sup> Congress, and I would like to take this opportunity to thank the committee for its action in the FY 11 NDAA in expanding this authority to include supplies as well as equipment and, more importantly, for expanding the authority from \$100M to \$200M per fiscal year. The Department has already made use of this expanded authority and used \$116M as part of the aforementioned decision by the Secretary to immediately fund those most urgent and executable needs.

As our management framework continues to evolve, our processes and policies must ensure that all Components place appropriate priority and use all available authorities to deliver timely and effective capabilities to meet the urgent needs of our Operational Commanders. To that end, in March 2010, USD(AT&L) Carter issued a memorandum to the Service components highlighting the flexible authorities provided through the existing acquisition regulations and policy and directing them, should those existing authorities be insufficient to enable a rapid response, to request use of Rapid Acquisition Authority.

Although now separate from the JRAC, ASD (R&E)'s Rapid Fielding Directorate continues to focus on anticipating emerging needs and the rapid demonstration of potential technology solutions. Charged with discovering the best and most relevant technologies from the commercial and public sector, this office is working to better leverage the science and technology community throughout the Department to focus on supporting the current fight through rapid technology demonstrations and rapid prototyping efforts. Among the Rapid Fielding Directorate's many recent contributions are demonstrations of an alternative persistent ground surveillance system, a Vehicle and Dismount Exploitation Radar (VADER), a foliage penetrating Light Detection and Ranging (LIDAR) radar system, and an enhanced mortar targeting system. All of these projects are currently fielded in Afghanistan.

While the Department has enjoyed many successes in rapidly delivering capabilities to the field, there are still challenges to overcome. As I indicated earlier, the most difficult challenge in "rapid acquisition" is not acquisition, but rather prioritizing needs and quickly identifying the resources needed to execute a solution. Congress cannot help us with prioritizing our warfighting needs, but it can help to facilitate their rapid funding. The increase of Rapid Acquisition Authority has helped, but identifying new funding in the year of execution remains a challenge. Since the exhaustion of the Iraqi Freedom Fund (IFF)<sup>7</sup>, the Department has had no appropriation, except for counter-IED and MRAP, dedicated to support urgent needs in the year of execution. Over the past 18 months, this lack of immediately available funds has led to eight requests for reprogramming a total of \$3.4B<sup>8</sup>. While the Department appreciates the support Congress has largely provided on these requests, every day that funding authority is delayed results in a day's delay in fielding the capability. Of interest, the time for Congressional approval of an urgent need reprogramming during this period has ranged from 7 to 72 days with the average being about 40 days. This is exclusive of the 30-day average it takes for the Department to identify the sources and prepare the submission. On average, the Department must expect a reprogramming request to take three months from the decision to fund an urgent need until the funds are authorized. In preparing our troops in contact for an upcoming campaign, a three-month delay in funding can be an unacceptably long period. The Department needs immediate access to the funds needed to initiate actions as soon as a need is validated.

The FY11 budget submission included a \$300M Overseas Contingency Operation (OCO) request and the FY12 President's Budget Request includes \$100M in the base budget and an additional \$100M in the OCO to provide an immediate source of funding for urgent needs. While this money would not fully fund all of the Department's urgent needs, it would allow sufficient funds to initiate actions immediately while additional funds are requested through Congress. Your support of these requests is a critical part of our improved responsiveness.

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<sup>7</sup> From FY 2005 through FY 2008 (between May 2005 and Aug 2008), \$442.5M was made available from FY2005, FY2006, and FY2007 Iraqi Freedom Fund appropriations to support Joint Urgent Operational Needs (JUONs).

<sup>8</sup> Joint Urgent Operational Needs (FY 09-28 PA); Helicopter Survivability (FY 10-02-R2-PA); Joint Urgent Operational Needs (FY 10-03-R-PA); Counter Improvised Explosive Device Requirements (C-SIG) (FY 10-12 PA); Wide Area Surveillance (WAS) Capability (FY 10-16 PA) Urgent Theater Requirements – Group A; (FY 10-23 PA) Urgent Theater Requirements – Group B (FY 10-24 PA); JUONs and ISR TF (FY 11-10 PA).

Over the course of the past 9 ½ years, the Department has continually improved its responsiveness to unanticipated urgent operational needs. As we have evolved our structures and processes, we have recognized the value of many of the findings contained within the reports that your committee has sponsored over the past several years. While we have embraced the need for focused senior leadership – as evidenced through the evolution of the C-SIG – we are cautious not to allow the imperative to establish formal policy and process distract from the continual effort to rapidly field those capabilities identified by the operational Commanders as urgent. The changes made in Section 803 of the FY11 NDAA expanding the authority given to the Secretary are appreciated. I also believe that the review required by Section 804 of the FY11 NDAA will be helpful as we strive to strike the appropriate balance between acceptable levels of programmatic and operational risk. Pending the outcome of that study, the C-SIG will continue to function as the Department’s senior level governance council while we develop and staff the permanent policy that will implement the guidance contained in the recent Quadrennial Defense Review to institutionalize rapid acquisition.

Thank you again for the opportunity to speak with you today. While we still have work to do, I believe the Department is on the path towards developing a more agile and efficient management framework for responding rapidly to urgent needs.

I look forward to your questions.