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COMMITTEES:
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SPECIAL COMMITTEE ON AGING
JOINT ECONOMIC

United States Senate

WASHINGTON, DC 20510

May 27, 2015

The Honorable Thad Cochran
Chairman
Senate Committee on Appropriations
Room S 128, The Capitol
Washington, DC 20510

The Honorable Thad Cochran
Chairman
Subcommittee on Defense
S-Dirksen 122
Washington, DC 20510

The Honorable Barbara Mikulski
Vice Chairwoman
Senate Committee on Appropriations
Room S 146A, The Capitol
Washington, DC 20510

The Honorable Richard Durbin
Vice Chairman
Subcommittee on Defense
S-Dirksen 122
Washington, DC 20510

Dear Chairman, Vice Chairwoman, and Vice Chairman:

As the Committee is preparing to consider of the FY 2016 Defense Appropriations Bill, I write to respectfully request your consideration of an additional priority. As you know, the Army Aviation Restructuring Initiative (ARI) proposes to transfer all AH-64 Apache helicopters from the Army National Guard into the Active Component.

In last year's defense authorization bill, the Congress established the National Commission on the Future of the Army. Forty-nine Senators cosponsored S. 2295, demonstrating their clear support for a comprehensive and independent study of the proper size, force mixture, and force generation requirements for the Army going forward. One element of the Commission's mandate is to review the Apache transfer portion of the ARI. As you know, the Commission is required by law to report on its findings in February 2016.

I supported the establishment of the Commission because I believe a comprehensive assessment is needed to ensure that taxpayer dollars are being used effectively to protect our national security interests and promote our homeland security. Members of Congress should have the opportunity to carefully review and legislate in response to the Commission's recommendations before any further action is taken. I believe it could be far more costly to the taxpayers to reverse the transfer of more than 48 AH-64 Apaches from the National Guard than to delay any further divestment from the National Guard by a reasonable amount of time so that Congress can consider the Commission's recommendations.

Further, I ask for your assistance in ensuring that no more than forty-eight aircraft are transferred from the National Guard fleet until Congress has had the opportunity to consider the Commission's findings. It is important to clarify our intent that the AH-64s, which our National

Guard units have already transferred for remanufacturing, are included in the total number of Apaches authorized for transfer in the FY15 National Defense Authorization Act. Again, once taken, these divestment actions can be difficult and costly to reverse.

As such, I ask that you consider the inclusion of the following General Provision bill language in the FY 2016 Defense Appropriations bill.

LANGUAGE: Prohibition on use of funds for transfer of attack helicopters

Item/Project Name: Prohibition on use of funds for transfer more than 48 attack helicopters

Proposed Text:

SEC. ____ . (a) LIMITATION ON USE OF FUNDS TO TRANSFER AH-64 APACHE HELICOPTERS.—Amounts appropriated or otherwise made available to the Army by this Act may be used to transfer not more than 48 AH-64 Apache helicopter aircraft from the Army National Guard to the regular Army until:

- 1) Date of enactment of appropriations for the Department of Defense for Fiscal Year 2017; or
- 2) 180 days after the date of the submission to Congress the report of the National Commission on the Structure of the Army, pursuant to Section 1703 of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291).

(b) TREATMENT OF CERTAIN PREVIOUSLY TRANSFERRED HELICOPTERS AS COUNTING AGAINST NUMBER TRANSFERRABLE.—The Secretary of the Army shall treat the AH-64D Apache helicopters that, as of the date of the enactment of this Act, have been transferred from the Army National Guard to the original equipment manufacturer for the purpose of remanufacture to the AH-64E Apache helicopter variant as counting against the total number of AH-64 Apache helicopters transferrable using amounts available as described in subsection (a).

Sincerely,



Robert P. Casey, Jr.
United States Senator