

113TH CONGRESS
2D SESSION

S. 2295

To establish the National Commission on the Future of the Army, and
for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 6, 2014

Mr. LEAHY (for himself, Mr. GRAHAM, Ms. MIKULSKI, Mr. COCHRAN, Mr. TESTER, Mr. ALEXANDER, Mr. WYDEN, Mr. RISCH, Mr. COONS, Mr. JOHANNES, Mr. WALSH, Mr. CRAPO, Mr. DONNELLY, Mr. LEE, Mr. MARKEY, Mr. ROBERTS, Mr. MANCHIN, Mr. GRASSLEY, and Mr. CARDIN) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To establish the National Commission on the Future of
the Army, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Commission
5 on the Future of the Army Act of 2014”.

1 **SEC. 2. PROHIBITION ON USE OF FISCAL YEAR 2015 FUNDS**
2 **TO REDUCE END STRENGTHS OF ARMY PER-**
3 **SONNEL.**

4 None of the funds authorized to be appropriated or
5 otherwise made available for fiscal year 2015 for the Army
6 may be used to reduce or prepare to reduce personnel of
7 the Army, including any cancellation of training, below the
8 authorized fiscal year end strengths for personnel of the
9 Army as follows:

10 (1) 450,000 for active duty personnel of the
11 Army.

12 (2) 345,000 for the Army National Guard.

13 (3) 195,000 for the Army Reserve.

14 **SEC. 3. LIMITATION ON USE OF FISCAL YEAR 2015 FUNDS**
15 **FOR TRANSFER OR DIVESTMENT OF CERTAIN**
16 **AIRCRAFT ASSIGNED TO THE ARMY NA-**
17 **TIONAL GUARD.**

18 (a) LIMITATION.—

19 (1) AIRCRAFT.—None of the funds authorized
20 to be appropriated or otherwise made available for
21 fiscal year 2015 for the Army may be used to divest,
22 retire, or transfer, or prepare to divest, retire, or
23 transfer, any AH–64 Apache aircraft of the Army
24 assigned to units of the Army National Guard as of
25 January 15, 2014.

1 (2) PERSONNEL.—None of the funds author-
2 ized to be appropriated or otherwise made available
3 for fiscal year 2015 for the Army may be used to
4 reduce personnel related to any AH–64 Apache air-
5 craft of the Army National Guard below the levels
6 of such personnel as of September 30, 2014.

7 (3) READINESS OF AIRCRAFT AND CREWS.—
8 The Secretary of the Army shall ensure the con-
9 tinuing readiness of the AH–64 Apache aircraft re-
10 ferred to in paragraph (1) and the crews of such air-
11 craft during fiscal year 2015, including through the
12 allocation of funds for operation and maintenance
13 and support of such aircraft and for personnel con-
14 nected with such aircraft as described in paragraph
15 (2).

16 (b) SCOPE OF LIMITATION.—Nothing in subsection
17 (a) shall be construed to limit the use of funds described
18 in that subsection for the training of members of the Army
19 National Guard or Army Reserve who are pilots of Apache
20 aircraft on any other aircraft.

21 (c) EXCEPTION.—Notwithstanding subsection (a),
22 funds described in that subsection may be used after the
23 date of the report required by section 5(b)(3) to prepare
24 for the transfer of not more than 72 AH–64 Apache air-
25 craft from the Army National Guard to the regular Army

1 if the Secretary of Defense certifies in writing to the con-
2 gressional defense committees that such a transfer would
3 not—

4 (1) degrade the strategic depth or regeneration
5 capacities of the Army;

6 (2) degrade the Army National Guard in its
7 role as the combat reserve of the Army; and

8 (3) occur before October 1, 2014.

9 **SEC. 4. NATIONAL COMMISSION ON THE FUTURE OF THE**
10 **ARMY.**

11 (a) ESTABLISHMENT.—There is established the Na-
12 tional Commission on the Future of the Army (in this Act
13 referred to as the “Commission”).

14 (b) MEMBERSHIP.—

15 (1) COMPOSITION.—The Commission shall be
16 composed of eight members, of whom—

17 (A) 4 shall be appointed by the President;

18 (B) 1 shall be appointed by the Chairman
19 of the Committee on Armed Services of the
20 Senate;

21 (C) 1 shall be appointed by the Ranking
22 Member of the Committee on Armed Services of
23 the Senate;

1 (D) 1 shall be appointed by the Chairman
2 of the Committee on Armed Services of the
3 House of Representatives; and

4 (E) 1 shall be appointed by the Ranking
5 Member of the Committee on Armed Services of
6 the House of Representatives.

7 (2) APPOINTMENT DATE.—The appointments of
8 the members of the Commission shall be made not
9 later than 90 days after the date of the enactment
10 of this Act.

11 (3) EFFECT OF LACK OF APPOINTMENT BY AP-
12 POINTMENT DATE.—If 1 or more appointments
13 under subparagraph (A) of paragraph (1) is not
14 made by the appointment date specified in para-
15 graph (2), the authority to make such appointment
16 or appointments shall expire, and the number of
17 members of the Commission shall be reduced by the
18 number equal to the number of appointments so not
19 made. If an appointment under subparagraph (B),
20 (C), (D), or (E) of paragraph (1) is not made by the
21 appointment date specified in paragraph (2), the au-
22 thority to make an appointment under such subpara-
23 graph shall expire, and the number of members of
24 the Commission shall be reduced by the number

1 equal to the number otherwise appointable under
2 such subparagraph.

3 (4) EXPERTISE.—In making appointments
4 under this subsection, consideration should be given
5 to individuals with expertise in reserve forces policy.

6 (c) PERIOD OF APPOINTMENT; VACANCIES.—Mem-
7 bers shall be appointed for the life of the Commission. Any
8 vacancy in the Commission shall not affect its powers, but
9 shall be filled in the same manner as the original appoint-
10 ment.

11 (d) CHAIR AND VICE CHAIR.—The Commission shall
12 select a Chair and Vice Chair from among its members.

13 (e) INITIAL MEETING.—Not later than 30 days after
14 the date on which all members of the Commission have
15 been appointed, the Commission shall hold its initial meet-
16 ing.

17 (f) MEETINGS.—The Commission shall meet at the
18 call of the Chair.

19 (g) QUORUM.—A majority of the members of the
20 Commission shall constitute a quorum, but a lesser num-
21 ber of members may hold hearings.

22 (h) ADMINISTRATIVE AND PROCEDURAL AUTHORI-
23 TIES.—The following provisions of law do not apply to the
24 Commission:

25 (1) Section 3161 of title 5, United States Code.

1 (2) The Federal Advisory Committee Act (5
2 U.S.C. App.).

3 **SEC. 5. DUTIES OF THE COMMISSION.**

4 (a) STUDY ON STRUCTURE OF THE ARMY.—

5 (1) IN GENERAL.—The Commission shall un-
6 dertake a comprehensive study of the structure of
7 the Army, and policy assumptions related to the size
8 and force mixture of the Army, in order—

9 (A) to determine the proper size and force
10 mixture of the regular component of the Army
11 and the reserve components of the Army, and

12 (B) to make recommendations on how the
13 structure should be modified to best fulfill cur-
14 rent and anticipated mission requirements for
15 the Army in a manner consistent with available
16 resources and anticipated future resources.

17 (2) CONSIDERATIONS.—In undertaking the
18 study required by subsection (a), the Commission
19 shall give particular consideration to the following:

20 (A) An evaluation and identification of a
21 structure for the Army that—

22 (i) has the depth and scalability to
23 meet current and anticipated requirements
24 of the combatant commands;

1 (ii) achieves a cost-efficiency balance
2 between the regular and reserve compo-
3 nents of the Army, taking advantage of the
4 unique strengths and capabilities of each,
5 with a particular focus on fully burdened
6 and lifecycle cost of Army personnel;

7 (iii) ensures that the regular and re-
8 serve components of the Army have the ca-
9 pacity needed to support current and an-
10 ticipated homeland defense and disaster
11 assistance missions in the United States;

12 (iv) provides for sufficient numbers of
13 regular members of the Army to provide a
14 base of trained personnel from which the
15 personnel of the reserve components of the
16 Army could be recruited; and

17 (v) maximizes and appropriately bal-
18 ances affordability, efficiency, effectiveness,
19 capability, and readiness.

20 (B) An evaluation and identification of
21 force generation policies for the Army with re-
22 spect to size and force mixture in order to best
23 fulfill current and anticipated mission require-
24 ments for the Army in a manner consistent
25 with available resources and anticipated future

1 resources, including policies in connection
2 with—

3 (i) readiness;

4 (ii) training;

5 (iii) equipment;

6 (iv) personnel; and

7 (v) maintenance of the reserve compo-
8 nents in an operational state in order to
9 maintain the level of expertise and experi-
10 ence developed since September 11, 2001.

11 (b) STUDY ON PARTIAL TRANSFER OF CERTAIN AIR-
12 CRAFT.—

13 (1) IN GENERAL.—The Commission shall also
14 conduct a study of the feasibility and advisability of
15 a partial transfer of Army National Guard AH–64
16 Apache aircraft from the Army National Guard to
17 the regular Army.

18 (2) CONSIDERATIONS.—In conducting the study
19 required by paragraph (1), the Commission shall
20 consider the full cost and cost savings of the Army
21 Aviation Restructuring Initiative as proposed for fis-
22 cal year 2015, including costs associated with re-
23 training, rebasing, and remissioning.

24 (3) INTERIM REPORT.—Not later than 90 days
25 after the appointment date for members of the Com-

1 mission specified in section 4(b)(2), the Commission
2 shall submit to the President and the congressional
3 defense committees a report setting forth the results
4 of the study conducted under paragraph (1).

5 (c) FINAL REPORT.—Not later than February 1,
6 2016, the Commission shall submit to the President and
7 the congressional defense committees a report setting
8 forth a detailed statement of the findings and conclusions
9 of the Commission as a result of the study required by
10 subsection (a), together with its recommendations for such
11 legislation and administrative actions as the Commission
12 considers appropriate in light of the results of the study.

13 **SEC. 6. POWERS OF THE COMMISSION.**

14 (a) HEARINGS.—The Commission shall hold such
15 hearings, sit and act at such times and places, take such
16 testimony, and receive such evidence as the Commission
17 considers advisable to carry out its duties under this Act.

18 (b) INFORMATION FROM FEDERAL AGENCIES.—The
19 Commission may secure directly from any Federal depart-
20 ment or agency such information as the Commission con-
21 sidered necessary to carry out its duties under this Act.
22 Upon request of the Chair of the Commission, the head
23 of such department or agency shall furnish such informa-
24 tion to the Commission.

1 (c) POSTAL SERVICES.—The Commission may use
2 the United States mails in the same manner and under
3 the same conditions as other departments and agencies of
4 the Federal Government.

5 (d) GIFTS.—The Commission may accept, use, and
6 dispose of gifts or donations of services or property.

7 **SEC. 7. COMMISSION PERSONNEL MATTERS.**

8 (a) COMPENSATION OF MEMBERS.—Each member of
9 the Commission who is not an officer or employee of the
10 Federal Government shall be compensated at a rate equal
11 to the daily equivalent of the annual rate of basic pay pre-
12 scribed for level IV of the Executive Schedule under sec-
13 tion 5315 of title 5, United States Code, for each day (in-
14 cluding travel time) during which such member is engaged
15 in the performance of the duties of the Commission. All
16 members of the Commission who are officers or employees
17 of the United States shall serve without compensation in
18 addition to that received for their services as officers or
19 employees of the United States.

20 (b) TRAVEL EXPENSES.—The members of the Com-
21 mission shall be allowed travel expenses, including per
22 diem in lieu of subsistence, at rates authorized for employ-
23 ees of agencies under subchapter I of chapter 57 of title
24 5, United States Code, while away from their homes or

1 regular places of business in the performance of services
2 for the Commission.

3 (c) STAFF.—

4 (1) IN GENERAL.—The Chair of the Commis-
5 sion may, without regard to the civil service laws
6 and regulations, appoint and terminate an executive
7 director and such other additional personnel as may
8 be necessary to enable the Commission to perform
9 its duties. The employment of an executive director
10 shall be subject to confirmation by the Commission.

11 (2) COMPENSATION.—The Chair of the Com-
12 mission may fix the compensation of the executive
13 director and other personnel without regard to chap-
14 ter 51 and subchapter III of chapter 53 of title 5,
15 United States Code, relating to classification of posi-
16 tions and General Schedule pay rates, except that
17 the rate of pay for the executive director and other
18 personnel may not exceed the rate payable for level
19 V of the Executive Schedule under section 5316 of
20 such title.

21 (d) DETAIL OF GOVERNMENT EMPLOYEES.—Any
22 Federal Government employee may be detailed to the
23 Commission without reimbursement, and such detail shall
24 be without interruption or loss of civil service status or
25 privilege.

1 (e) **PROCUREMENT OF TEMPORARY AND INTERMIT-**
 2 **TENT SERVICES.**—The Chair of the Commission may pro-
 3 cure temporary and intermittent services under section
 4 3109(b) of title 5, United States Code, at rates for individ-
 5 uals which do not exceed the daily equivalent of the annual
 6 rate of basic pay prescribed for level V of the Executive
 7 Schedule under section 5316 of such title.

8 **SEC. 8. TERMINATION OF THE COMMISSION.**

9 The Commission shall terminate 90 days after the
 10 date on which the Commission submits its final report
 11 under section 5(c).

12 **SEC. 9. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.**

13 In this Act, the term “congressional defense commit-
 14 tees” has the meaning given that term in section
 15 101(a)(16) of title 10, United States Code.

16 **SEC. 10. FUNDING.**

17 Amounts authorized to be appropriated for fiscal year
 18 2015 and available for operation and maintenance for the
 19 Army may be available for the activities of the Commission
 20 under this Act.

