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United States Senate

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August 5, 2005

BRAC Commission

The Honorable Anthony Principi
Chairman
Base Realignment and Closure Commission
2521 S. Clark Street, Suite 600
Arlington, Virginia 22202

AUG 10 2005

Received

Dear Chairman Principi:

As the Base Closure and Realignment (BRAC) Commission prepares for its hearing on August 11, 2005, on the recommendations relating to the realignment of Air National Guard aircraft, we urge you to give careful consideration to several points relating to the 130th Airlift Wing of the West Virginia National Guard.

We are aware that the BRAC Commission has voted to consider closing Pope Air Force Base, the facility that would receive the C-130 aircraft from the 130th Airlift Wing under the Secretary of Defense's recommendations. We encourage the BRAC Commission to examine not only the efficiency of Pope Air Force Base, but also the possible benefits to homeland security and the potential for the Air National Guard to strengthen its organic capabilities if this Pope is added to the closure list.

If Pope Air Force Base is closed, the C-130 aircraft currently based there could be relocated to the 130th Airlift Wing and other Air National Guard installations. As you saw during your inspection of Yeager Field on June 24, 2005, the 130th Airlift Wing is immediately capable of supporting operations for twelve C-130 aircraft. There is no requirement for construction of any additional infrastructure to support an additional four aircraft. In fact, the analysis presented to the Commission by Major General Allen Tackett states that the 130th Airlift Wing could expand to support sixteen C-130 aircraft within its existing property boundary for an additional \$2.5 million to \$3 million in construction.

There would be several benefits to increasing the number of aircraft in the 130th Airlift Wing. First, the additional C-130 aircraft would be used by a unit with an outstanding record of performance and efficiency. The 130th Airlift Wing is manned at more than 103 percent of its authorized strength, has a personnel retention rate of 94.9 percent, has the lowest cost per flying hour of any Air National Guard unit that would gain aircraft under recommendations of the Secretary of Defense, and the lowest operations and maintenance

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costs of comparable Air National Guard units. Compare this outstanding record to the recent admission by other members of Congress that a Air Force reserve unit with sixteen aircraft at Pope Air Force base could not handle the airlift needs of Fort Bragg.

Second, the expansion of the 130th Airlift Wing would be a tremendous boost to the readiness and capability of the National Guard to carry out homeland security missions. The West Virginia National Guard is unique in that it has two highly trained units that focus specifically on executing rapid response to the use of weapons of mass destruction (WMD). The 35th Civil Support Team is a joint West Virginia Army and Air National Guard unit that is trained to respond to a WMD event within one and a half hours.

In addition, Charleston is home to the Chemical, Biological, Radiological, Nuclear, High Explosive Enhanced Response Force Package (CERF-P) team. There are only twelve CERF-P teams authorized in the country, and the West Virginia CERF-P team is the only such unit in the United States that is fully certified. This important capability is essential to homeland security missions not only in West Virginia, but also the National Capital Region, as evidenced by the fact that it was the only CERF-P team on call during the 2005 Presidential Inauguration. Providing additional aircraft to the 130th Airlift Wing would support these important homeland security missions.

Finally, we reiterate the importance that the BRAC process be carried out in accordance with all applicable Federal law. While we recognize that the BRAC Commission has not formally endorsed the July 14, 2005, advisory legal opinion by your Deputy General Counsel and that the Commission continues to seek other analyses on the issues raised in that memorandum, we concur with the view that Federal law protects the prerogative of governors to protect National Guard assets that are important to the security of their respective states.

As that memorandum stated, there are provisions of Title 10 and Title 32 that are clearly intended to preserve the role of governors as commanders-in-chief of the National Guard when in service to the state. We anticipate that some may argue in the coming days that the Base Closure Act should be read to waive those provisions of law. However, a reading of the Base Closure Act reveals that Congress acted deliberately in selecting which provisions of Federal law may be waived during a base closure process. For example, the Act explicitly waives sections 2662 and 2687 of Title 10, section 330 of the National Defense Authorization Act for Fiscal Year 1993, the National Environmental Policy Act of 1969, and chapter 146 of Title 10, among other provisions of law.

However, the Base Closure Act does not contain any waiver of the provisions of Title 10 and Title 32 that relate to the authority of governors to protect units of the National Guard

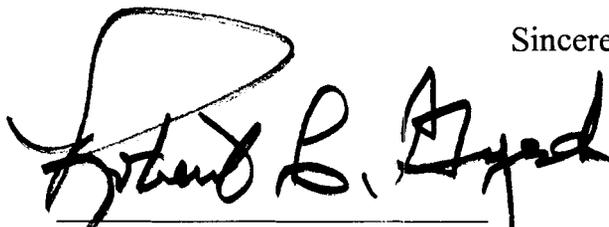
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from an overzealous use of authority by the Federal government. We maintain that, in the 15 years since the passage of the Base Closure Act, Congress would have acted to waive those provisions of law had Congress intended to remove those powers from the governors in the context the BRAC process.

It is important to note that the Pentagon consulted with governors in a mutually satisfactory manner with respect to BRAC recommendations related to the Army National Guard. Unfortunately, the same process did not take place for recommendations relating to the Air National Guard. We urge you to support a BRAC process that reflects a consensus agreement among the Department of Defense and affected governors, and to avoid an outcome that would sow divisions between the states and the Federal government.

We appreciate your consideration of these matters during the upcoming hearing. We also thank you for your service on the BRAC Commission and your thorough and thoughtful review of the Defense Department's recommendations.

Sincerely,



Senator Robert C. Byrd



Senator John D. Rockefeller



Representative Alan B. Mollohan



Representative Shelley Moore Capito



Representative Nick J. Rahall