BRAC Commission Hearing Testimony
Daniel Else

[Slide 1]
Good morning, Commissioners. I am Daniel Else, a specialist in national defense in the Foreign Affairs, Defense, and Trade Division of the Congressional Research Service.

The Congressional Research Service is part of the Library of Congress and the research arm of the United States Congress. A sister agency to the Government Accountability Office and the Congressional Budget Office, the CRS consists of approximately 700 analysts and research and administrative support staff and is located in the Madison Building of the Library of Congress near the Capitol Building in Washington, D.C. The role of the CRS is to provide Members and committees of Congress with authoritative, objective, nonpartisan, in-depth research to support the Congress in its consideration and crafting of legislation.

Speaking personally, I wish to congratulate you on your appointments. I and my colleague, Mr. Barry Holman of the Government Accountability Office, will spend the next hour acquainting you with the process in which you are about to engage. Our aim is to help you understand what BRAC was and is, so that you will be better able to carry out the mandate laid out for you in law. We look forward to answering any questions that you may have on the subject.

[Slide 2]
My task is to establish a general context for you, to briefly describe the history of base realignments and closures over the past several decades, and to explain the process by which the Department of Defense is creating the list of recommended actions that will be forwarded to you within the next several weeks. Mr. Holman will provide more details on several of the more important BRAC-related topics, such as job regeneration, that the GAO has recently investigated.

Until the late 1980s, base closures were accomplished by Executive Order. Congressionally-authorized closures and realignments of military installations began in the late 1980s.

[Slide 3]
Therefore, to begin, it may be useful to compare the size of the DOD footprint, or base structure, in 1986 with that existing in 2003. In 1986, the Department of Defense employed 3,161,000 uniformed and civilian personnel and exercised jurisdiction over 26½ million acres of land, of which 24½ million were located within the United States and its possessions, and just over 2 million were located on foreign soil. In 2003, the Department of Defense employed just over 2 million uniformed and civilian personnel who worked on more than 29 million acres. 28½ million acres were located within the United States and its possessions and just over 700,000 acres lay on foreign soil. In the broadest possible terms, this is the structure with which you have been asked to contend.

[Slide 4]
You are involved in what has been referred to as a BRAC round. A complete BRAC round consists of seven distinct steps. First, Congress authorizes the Department of Defense to engage in a round of realignments and closures within a finite period of time.

The Department then conducts an examination of its military forces and installations and creates a list of recommended BRAC actions. An independent BRAC Commission, you, then reviews the recommended list, amends it, and forwards it to the President. The President, after approving it, submits it to the Congress. The list will be considered enacted unless Congress passes a joint resolution that disapproves the list and sustains it over a potential presidential veto. Within a specified window, usually six years, the realignment and closing actions must be completed. Thereafter, the Department of Defense engages in a process of environmental remediation, which can extend over numerous years, to enable the conveyance of surplus federal land to other entities.

[Slide 5]
By law, section 2687 of Title 10 of the United States Code, the BRAC process applies to the closure of any military installation at which at least 300 civilian personnel are authorized to be employed or the realignment of any military installation in which at least 300 civilian personnel are authorized to be employed and at which it is intended to reduce the work force by more than 1000 or by more than 50% of the number of civilian personnel authorized to be employed at the installation.

[Slide 6]
The BRAC law defines three terms that serve to establish the boundaries of its applicability. A military installation is defined as a facility under the jurisdiction of the Department of Defense, including leased facilities, located within the several states, the District of Columbia, Puerto Rico, American Samoa, the Virgin Islands, or Guam. It does not apply to any of the many civil works established and maintained by the Army Corps of Engineers, such as river or harbor projects, or flood control projects.

Civilian personnel are defined as direct-hire, permanent Department of Defense employees. This does not include contractors, part-time employees, or other indirect employees of the Department of Defense.

A realignment is any action that both reduces and relocates functions and civilian personnel positions, but not reductions in force due to workload adjustments, reduced personnel or funding levels, skill imbalances, or other similar causes. Closure indicates that all operations have ceased and that all operational DOD personnel have been relocated.

[Slide 7]
The history of the congressionally mandated base realignment and closure process can be traced to the early 1960s. Up to and including that time, the creation, maintenance, and closure of military bases were within the purview of the Secretary of Defense. Nevertheless, because of events that will be described in a moment, that began to change in 1963. By the late 1970s, though the Secretary of Defense continued to decide which bases to close or realign, he did so within limitations imposed by Congress. During 1978, restrictions included in new legislation effectively halted base closings.

In 1988, after negotiation between the executive and legislative branches, the Secretary

of Defense chartered, and Congress eventually authorized, a special commission that recommended bases for full or partial closure. In 1990, Congress created the current process.

[Slide 8]
The process began as early as February 20, 1961, when Secretary of Defense Robert McNamara informed President Kennedy that he was examining the contraction of domestic and foreign bases and installations. In a statement to the Senate Armed Services Committee on April 4, 1961, he stated that installations failing the "test of true need only encumber the national security effort and waste resources." Within ten weeks of assuming office, he had identified 73 installations that in his opinion could be immediately discontinued.

Early on, full and partial base closures were portrayed as economy measures. In 1963, McNamara announced closure of 33 bases, 14 of which were in the United States.

He added 95 bases to this list in 1965, with 34 of them within the United States. Congress responded by passing legislation that required the Secretary to submit all future base closure plans to Congress for review. President Johnson vetoed the bill, and during the December congressional recess, Secretary McNamara added another 123 domestic and 23 overseas bases.

After it returned, Congress stipulated that closures of bases had to be submitted for a 30 day review before they could be put into effect.

Nevertheless, the Secretary of Defense continued to enjoy success in adjusting defense infrastructure throughout the 1960s and into the 1970s, but the Secretary found it increasingly difficult to do so as Congress moved to regulate the process and limit or deny base-closing funds.

Finally, in 1976, Congress passed a military construction authorization bill that prohibited the closure or reduction of an installation with more than 250 civilian Department of Defense employees before Congress could be notified, the personnel and economic impacts of the closure had been assessed, National Environmental Policy Act studies (commonly known as environmental impact studies) had been completed, and the Department had waited an additional nine months. President Ford vetoed the legislation.

President Carter, however, accepted a bill the next year that allowed the closure or realignment of installations with more than 300 Department civilian employees after Congress had been notified of the intention, necessary environmental impact statements had been completed, and notification of a final decision and justification for the decision had been supplied to Congress. The subsequent wait was reduced from nine months to 60 days. This law became Section 2687 of Title 10, United States Code, which still forms the basic Base Realignment and Closure Law. For a decade thereafter, no major bases were closed.

During the first Reagan Administration, the President's Private Sector Survey on Cost Control, the Grace Commission, included base-closure as part of its study. That Commission suggested that a nonpartisan, independent commission be established to study the issue. Secretary of Defense Frank Carlucci appeared before the Senate Committee on Armed Services in 1984 to discuss the potential closure of 22 major installations, but the initiative made no headway.

[Slide 9]
Finally, during May of 1988, Secretary Carlucci chartered the Commission on Base Realignment and Closure. These 12 commissioners, assisted by a staff of 47, examined military installations within the United States, its commonwealths, territories, and possessions, and recommended closing 86 bases and realigning 59 others. Congress endorsed the Commission by passing the Defense Authorization Amendments and Base Closure and Realignment Act, signed into law on October 24, 1988. That Act waived some statutory provisions and put in place the basic framework for closure and realignment implementation that survives to this day.

Secretary of Defense Richard Cheney proposed closing 36 bases in January 1990. The congressional response replicated that of the late 1970s and 1980s, and nothing came of the list. This experience resulted in the passage and enactment of the Defense Base Closure and Realignment Act of 1990. This Act created the organizational structure and process that continued through three subsequent BRAC rounds and, with amendment, has authorized you to be seated here today.

[Slide 10]
The Department of Defense conducted four rounds between 1988 and 1995, the round immediately preceding this one. As a result, 97 major installations have been closed or realigned out of a total of 451 recommendations accepted or created by BRAC Commissions.

[Slide 11]
I will explain how the previous rounds were conducted, and then explain the changes that have been instituted for this round.

During the 1991, 1993, and 1995 BRAC rounds, the Secretary of Defense was required to submit a Force Structure Plan upon which the eventual list of recommendations would be based. Each of these plans was grounded in the Secretary's assessment of probable threats to national security during the subsequent six-year period.

The Force Structure Plan could not make reference to any military installation within the United States that might be closed or realigned. It did, however, contain a description of the anticipated threat, a description of the anticipated force structure for each military department and its forward-based units, and a description of the implementation of the force structure plan.

Installation selection was based on criteria published by the Secretary in the Federal

Register. These eight criteria were subject to public comment before being finalized. In the event, the same selection criteria were used for each of the rounds.

The list of recommended actions created by the Secretary was published in the Federal Register and transmitted to the congressional defense committees (Appropriations and Armed Services) and the Commission, along with a summary of the selection process and justification for each of the recommendations. All of the information used by the Secretary was made available to Congress, the Commission, and the Comptroller General of the United States. Each person involved in the preparation and submission of BRAC information and recommendations was required by law to certify that such information was accurate and complete to the best of their knowledge. This is the origin of so-called certified data.

[Slide 12]
The BRAC Commission consisted of eight Commissioners who were supported by between 67 and 75 staff. The staff was built around a core of 15 professionals who provided continuity between BRAC rounds. The Commission expired at the end of 1995, when the staff was disbanded and records were entrusted to the Records Manager in the Office of the Secretary of Defense. Statute required that all meetings be open to the public, except for those portions where classified information was discussed. All proceedings were open to certain identified Members of Congress.

[Slide 13]
The Commission was required to hold public hearings on the Secretary's recommendations and forward to the President a report containing its findings and conclusions based on its review and analysis of those recommendations, together with the Commission's own recommendations for closures and realignments. The Commission could change any recommendation if the Commissioners judged that the Secretary had deviated substantially from the established Force Structure Plan and final criteria.

If the Commission intended to add an installation for closure or realignment or increase the extent of an installation's realignment, it could do so only if it made the required determination, determined that its own change was consistent with the Force Structure Plan and final criteria, published a notice of the proposed change in the Federal Register not less than 30 days before submitting its recommendations to the President, and conducted public hearings on the proposed change.

[Slide 14]
The Commission submitted its recommendations to the President. If the President approved the list, he reported that to the Commission and the Congress. If he did not, he reported the reasons for doing so. The Commission would then send a revised list to the President. If the President approved the revised list, he would so certify and transmit a copy of the revised recommendations to Congress. If he did not submit recommendations before an established deadline, the BRAC process would terminate.

[Slide 15]

The Secretary of Defense would carry out the recommendations unless Congress, within 45 days or before it adjourned sine die, passed a joint resolution disapproving them.

[Slide 16]
Much has happened in the field of national defense since the BRAC Commission last convened. Of particular importance was the publication of the 2001 Quadrennial Defense Review, or QDR.

Previous BRAC rounds were carried out in an environment that reflected the Cold War. Previous BRACs adjusted defense infrastructure to support military forces whose concepts of operation were based on countering a very specific and defined threat. Those forces were specialized to fight their counterparts from the Soviet Union on a potentially nuclear battlefield that would be located in central Germany. Those were forces centered on armored divisions, carrier battle groups, and missile, bomber, and tactical fighter wings.

[Slide 17]
BRAC 2005 is being carried out in a very different strategic and tactical environment. BRAC 2005 is intended to adjust defense infrastructure to support military forces that are in the process of transformation. The 2001 QDR acknowledged that the threat for which our military services had been built no longer existed. It recommended that we move to operational concepts based more on needed military capabilities than on clear and present threats, and that the forces become more adaptable, flexible, and generalized in order to anticipate or quickly react to evolving, as yet unknown new threats. Over the course of the past decade, we have seen this evolution begin with the creation of a lighter, brigade-based ground force and the appearance of so-called expeditionary strike groups and expeditionary aerospace forces.

[Slide 18]
An amendment to the 1990 law authorized a 2005 BRAC round and somewhat modified the rules under which it is to be carried out.

For the 2005 round, the Secretary of Defense was required to create a Force Structure Plan that extended 20 years instead of six. The 1990 Act had expressed the sense of Congress that the closure of overseas bases should be at the discretion of the Secretary of Defense, but the December 2001 amendment required the Secretary of Defense to create a worldwide inventory of military bases as part of the BRAC process. In determining excess infrastructure, the Secretary must consider the anticipated continuing need for and availability of military installations outside the United States and the potential for future prohibitions or restrictions on their use. The Secretary is also required to consider efficiencies from the joint use of any installation by more than one military service.

The Secretary of Defense was required to certify the need for a new BRAC round, which he did. He again is using published selection criteria in creating his list of recommendations, though this time the selection criteria have been slightly modified from those used in previous rounds, as will be seen shortly. The law specifies that

"military value" will be his primary consideration, and he must consider the impact on other agencies by any closure or realignment when he assesses the cost.

The 2001 amendment to the BRAC law authorized the Secretary to inactivate bases rather than close them.

Finally, the amended law permits the Secretary to undertake a so-called privatization-in-place, in other words, the federal closure and immediate reopening as private enterprise of an installation, but only if the Commission report specifies it as a method of closure or realignment and determines that it is the most cost-effective method of doing so.

[Slide 19]
As before, there are eight selection criteria being used by the Department of Defense. They are similar to those used in prior rounds, save for the added text, seen here in italics. The first four criteria constitute measures of military value, which the statute states must be given primary consideration.

[Slide 20]
The remaining selection criteria are listed on the slide.

[Slide 21]
The 2005 BRAC Commission consists of nine Commissioners and approximately 90 staff. The term of the Commission will expire on April 15, 2006.

[Slide 22]
In addition to the requirements in the existing law, the 2001 amendment added several tasks before the Commission can make changes to the Secretary's recommendations.

In order to add an installation to the closure or realignment list, the Commission must provide the Secretary of Defense 15 days to explain why the installation was not included. Also, seven of the nine Commissioners must support the addition.

In order to make any changes to the list, the Commission must invite the Secretary to testify at the appropriate hearing.

[Slide 23]
Since authorizing the new round, Congress has further amended the law.

In the Defense Authorization Act for Fiscal Year 2004, Congress now requires the Secretary of Defense to consult with the Governor of the state and heads of local governments concerned if an installation closure or realignment might affect the availability of a public access road.

The Secretary is also required to assess probable threats to national security and determine the potential surge requirements to meet those threats, including these in the making of his list of recommended actions.

Congress again amended the statute in the National Defense Authorization Act for Fiscal Year 2005, specifying that the Force Structure Plan and base inventory used in the 2005 BRAC round could not be updated after March 15, 2005. The Act also placed into statutory language the BRAC selection criteria and repealed the authority of the Secretary to place installations into an inactive status.

Congress also has stipulated that the Commission may not consider changing the recommendations that would close, realign, or expand a realignment unless at least two Commissioners visit the installation and the decision is supported by seven of the nine.

[Slide 24]
I would like to now quickly outline the organization and process by which the Department of Defense is creating the list of recommended actions.

The principal actors in the process include the Infrastructure Executive Council, the three military departments, seven temporary specialist analytical teams called Joint Cross-Service Groups, as well as the Government Accountability Office.

The three military departments are performing functions similar to those performed during previous BRAC rounds – assessing the value of each installation to that service's anticipated military operations.

Each of the Joint Cross-Service Groups is composed of experts in the relevant subject area and is headed by a senior uniformed officer or civilian official. On this slide, colored boxes indicate the groups headed by military officers – the medical team's Surgeon General of the Air Force, for example, while the education and training team is chaired by the Principal Deputy Under Secretary of Defense for Personnel and Readiness. These Joint Cross-Service Groups focus on the "business functions," such as technical research and development or the industrial base, that support all of the military services, rating installations according to their ability to support that function.

The final important actor is the Government Accountability Office. Throughout, a GAO team, directed by Mr. Holman, has been tasked by Congress with reviewing DOD's BRAC process and recommendations. The GAO will provide its evaluation of the process in a report to Congress due on July 1.

As in the 1991, 1993, and 1995 BRAC rounds, the military departments have been responsible for submitting to the Secretary of Defense their recommendations for BRAC actions. The Joint Cross-Service Groups were created for the 1995 round. Then, six groups dedicated to depot maintenance, military medical treatment facilities, test and evaluation, undergraduate pilot training, laboratories, and economic impact provided their analyses to the military departments for consideration in their deliberations.

In the 2005 round, the Joint Cross-Service Groups you see here conduct their own analyses and provide them directly to the Infrastructure Executive Council, as do the military departments.

[Slide 25]
The Infrastructure Executive Council acts as a final deliberative body in the creation of the list recommended to the Secretary of Defense. It is chaired by the Deputy Secretary of Defense and includes the secretaries of the military departments, the Joint Chiefs of Staff, including its chairman, and the Under Secretary of Defense for Acquisition, Technology, and Logistics.

[Slide 26]
The information upon which all DOD analysis is based has been generated in what are called "data calls." A typical data call would originate within the Joint Cross-Service Groups, and be transmitted through the military departments to military installations. There, a designated individual would be responsible for gathering the requested information, certifying it for accuracy, and returning it through the military department to the Joint Cross-Service Groups. This process creates the certified data that the Department of Defense has stated constitutes the only input to its analysis for this BRAC round.

[Slide 27]
Three basic computer modeling or simulation packages are used by DOD in its analysis. The Optimization Methodology has been the responsibility of the Navy to create and adapt, and has been subcontracted to the Center For Naval Analyses. Its primary use has been to estimate military value.

COBRA, or Cost of Base Realignment Actions, is an Army update of a program used during prior rounds to estimate the cost, savings, and return on investment of actions contemplated for BRAC.

The Installation Visualization Tool has been created by the Air Force for use in land planning. This computer tool overlays geospatial digital maps and elevations with imagery and other geographic data such as wetlands and explosive arcs to enable the easy visualization of current and potential land use at installations.

[Slide 28]
The documentation that the Department of Defense will release to the Commission by May 16 will include what you see listed here. It appears that the Department of Defense will simultaneously open reading rooms on the House and Senate sides of Capitol Hill that will contain copies of this information. The Department has also stated that it will post its list of recommended actions and the supporting documentation on the World Wide Web. The DOD BRAC website is located at www.defenselink.mil/brac.

[Slide 29]
I would like to describe for you in general terms how the 1995 BRAC Commission and its staff operated.

During the previous series of BRAC rounds, the BRAC Commission staff contained small press and congressional liaison and administration sections. By far the largest

contingent of staff was devoted to the analysis of Department of Defense and outside information accepted for consideration by the Commission at their hearings in the District of Columbia and in the field.

An Executive Secretary within the administration section maintained a BRAC library of paper documents and computer files that was open to the general public. For the 2005 round, however, this is to be supplemented by a virtual BRAC library. Information submitted to the Commission this time will have to be in a digital format that can be uploaded and made available to the public via the World Wide Web.

[Slide 30]
In 1995, the Commission and its staff:

Received Department of Defense supporting data and documentation along with the list of recommended actions;

Began a continuous process of analysis of this data that continued throughout the Commission's review and creation of recommendations;

Conducted a series of hearings in Washington and around the country;

Visited installations;

Received representations from outside groups;

At a specific time, began deliberations and markup of its own recommendations to the President; and

Submitted these recommendations to the President.

The Commission passed out of existence on December 31, 1995. The current Commission will expire on April 15, 2006.

[Slide 31]
In order to give you a feeling for the level of activity experienced by prior BRAC Commissions, I have prepared this table showing the number of hearings, both in the District of Columbia and in the field, and installation visits undertaken by your predecessors.

[Slide 32]
The 2005 BRAC round has already passed the milestones depicted here. The law includes provision for the cessation of the BRAC process if certain of these milestones, as indicated on this and the subsequent slide, are not accomplished by specific dates.

[Slide 33]
These are the BRAC actions yet to come. The only remaining action, or lack of action,

that will automatically terminate the BRAC process would be the failure of the President to forward his approval of the recommended list to Congress by November 7, 2005. Once approved, BRAC actions will be carried out between 2006 and 2011.

[Slide 34]
Congress does have the option of passing a joint resolution disapproving the President's list. During each of the three prior rounds, such a joint resolution has been introduced in one chamber or the other. Nevertheless, none of these resolutions has been passed by the chamber into which it was introduced. Being a joint resolution, if passed by both chambers, it would be subject to a presidential veto.

Thank you for your attention, and I look forward to answering any questions you may have. I now turn the forum over to my colleague, Mr. Holman.

Statement of Daniel H. Else
Specialist in National Defense
Foreign Affairs, Defense, and Trade Division
Congressional Research Service

Statement to the Defense Base Closure and Realignment Commission

May 3, 2005

Mr. Chairman and distinguished Commissioners, thank you for the opportunity to discuss the history, the law, the lessons learned from the past, and the issues facing us at the present regarding potential closure and realignment within the military installation infrastructure of the United States.

We are in the midst of the fifth round of military base realignments and closures to have been endorsed by Congress since 1988, and the fourth round conducted under the current law, the Defense Base Realignment and Closure Act of 1990. The main need to conduct this fifth round is to further reduce excess defense infrastructure within the United States, its commonwealths, territories, and possessions, thereby reducing costs to the Department of Defense (DOD) and helping the Department to realign its capabilities as it goes through a period of transformation.

This fifth round of closures and realignments was authorized when Congress passed the National Defense Authorization Act for Fiscal Year 2002, which was signed into law December 28, 2001. Since then, the Secretary of Defense has finalized and published criteria that will govern his selection of installations for both closure and realignment. DOD has developed a Force Structure Plan that looks 20 years into the future and has compiled a worldwide installation inventory. The Department is in the final stages of creating a list of recommended actions that is to be submitted to you not later than May 16, 2005.

The Defense Base Closure and Realignment (BRAC) Commission is required by law to review this list and forward its own recommendations to the President during September 2005. If the President approves these recommendations and forwards them to Congress, the Secretary of Defense is to carry them out over the following six years unless Congress passes a joint resolution disapproving the recommendations.

This process stands in marked contrast to the traditional practice prior to the late 1980s, when base closures were accomplished by Executive Order. The technique of using an independent Commission to first create a list of base closures and later to review a list created by the Secretary of Defense came only after many years of deadlock between the executive and legislative branches of government.

Congressionally authorized closures and realignments of military installations began only in the late 1980s. Therefore, it may be useful to compare the size of the Department of Defense footprint, or base structure, in the 1980s with that existing as recently as 2003.

In 1986, the Department of Defense employed 3,161,000 uniformed and civilian personnel and exercised its jurisdiction over 26½ million acres of land, of which 24½ million were located within the United States and its possessions and just over 2 million were located on foreign soil. In 2003, after four BRAC rounds that resulted in 97 major, and a total of 451, installations being closed or realigned, the Department employed just over 2 million uniformed and civilian personnel who worked on more than 29 million acres. About 28½ million acres were located within the United States and its possessions, and just over 700,000 acres lay on foreign soil. In broad terms, this is the structure you have been asked to address.

The BRAC Process, 1991-1995

During the 1991, 1993, and 1995 BRAC rounds, the Secretary of Defense was required to submit a Force Structure Plan upon which the eventual list of recommendations would be based. Each of these Force Structure Plans was grounded in the Secretary's assessment of probable threats to national security during the subsequent six-year period.

Each BRAC round followed other specific procedures:

First, installation selection was based on criteria published by the Secretary in the Federal Register. These eight criteria were subject to public comment before being finalized. In fact, the same selection criteria were used for each of the rounds.

Second, the list of recommended actions created by the Secretary was published in the Federal Register and transmitted to the congressional defense committees (Appropriations and Armed Services) and the BRAC Commission, along with a summary of the selection process and justification for each of the recommendations.

Third, each BRAC Commission consisted of eight Commissioners who were supported by between 67 and 75 staff. The staff was built around a core of 15 professionals who provided continuity between BRAC rounds. The Commission passed out of existence at the end of 1995, when the staff was disbanded.

Fourth, the Commission was required to hold public hearings on the Secretary's recommendations and forward to the President a report containing its findings and conclusions based on its review and analysis of those recommendations, together with the Commission's own recommendations for closures and realignments. The Commission was empowered to change any recommendation if the Commissioners determined that the Secretary had deviated substantially from the established Force Structure Plan and final criteria.

Fifth, if the Commission intended to add an installation for closure or realignment or increase the extent of an installation's realignment, it could do so only if it made the required determination, determined that its own change was consistent with the Force Structure Plan and final criteria, published a notice of the proposed change in the Federal

Register not less than 30 days before submitting its recommendations to the President, and conducted public hearings on the proposed change.

Sixth, the Commission then submitted its recommendations to the President. If the President approved the list, he reported that to the Commission and Congress. If he did not, he reported the reasons for doing so. The Commission would then revise its recommendations and resubmit them to the President. If the President approved the revised list, he would so certify and transmit a copy of the revised recommendations to Congress. If he did not forward approved recommendations before an established deadline, the BRAC process would terminate.

And seventh, the Secretary of Defense then carried out the recommendations unless Congress, within 45 days or before it adjourned sine die, passed a joint resolution disapproving them.

The Changed Environment Since 1995

Much has happened since a BRAC Commission last convened. Of particular importance was the publication of the 2001 Quadrennial Defense Review, or QDR.

Previous BRAC rounds were carried out in an environment that reflected the Cold War. Previous BRACs adjusted defense infrastructure to support military forces whose concepts of operation were based on countering a very specific and defined threat. Those forces were specialized to fight their counterparts from the Soviet Union on a potentially nuclear battlefield that was expected to be located in central Germany. Those were forces centered on armored divisions, carrier battle groups, and missile, bomber, and tactical fighter wings.

BRAC 2005 is being carried out in a very different strategic and tactical environment. BRAC 2005 is intended to adjust defense infrastructure to support military forces that are in the process of transformation. The 2001 QDR acknowledged that the principal threats for which our military services had been built had changed. It recommended that we move to operational concepts based more on needed military capabilities than on clear and present threats, and that the forces become more adaptable, flexible, and generalized in order to anticipate or quickly react to evolving, as yet unknown, new threats. Over the course of the past decade, we have seen our own evolution begin with the creation of a lighter, brigade-based ground force and the appearance of so-called expeditionary strike groups and expeditionary aerospace forces.

The 2005 BRAC Round

The amendment to the 1990 law enacted in 2001 that authorized the current BRAC round also modified some of the rules under which it will be carried out. Later additional amendments made further adjustments.

The 2001 Amendment. In its original amendment to the 1990 law, Congress required the Secretary of Defense to create a Force Structure Plan that extended 20 years instead of six. The 1990 Act had expressed the sense of Congress that the closure of overseas bases should be at the discretion of the Secretary of Defense, but the December 2001 amendment required the Secretary of Defense to create a worldwide inventory of military bases as part of the BRAC process. In determining excess infrastructure, the Secretary must consider the anticipated continuing need for and availability of military installations outside the United States and the potential for future prohibitions or restrictions on their use. The Secretary is also required to consider efficiencies from the joint use of any installation by more than one military service.

The Secretary of Defense was also required to certify the need for a new BRAC round, which he did. He is again using published selection criteria in creating his list of recommendations, though this time the selection criteria have been slightly modified from those used in previous rounds. The law specified that "military value" would be his primary consideration, and that he must consider the impact on other agencies by any closure or realignment when he assesses cost.

The 2001 amendment to the BRAC law also authorized the Secretary to place bases in an inactive status, retaining them in federal custody rather than closing them.

Finally, the amended law permitted the Secretary to undertake a so-called privatization-in-place, or the federal closure and immediate reopening as private enterprise, of an installation, but only if the BRAC Commission report specifies it as a method of closure or realignment and determines that it is the most cost-effective method of doing so.

The 2005 BRAC Commission. The amendment created the 2005 BRAC Commission as nine Commissioners, vice the original eight. The term of the Commission will expire on April 15, 2006.

In addition to the requirements already existing in the law, the 2001 amendment added several new tasks before the Commission can make changes to the Secretary's recommendations.

In order to add an installation to the closure or realignment list, the Commission must provide the Secretary of Defense 15 days to explain why the installation was not included. Also, seven of the nine Commissioners must support the addition.

In order to make any changes to the list, the Commission must now invite the Secretary to testify at the appropriate hearing.

Subsequent Amendments. Since authorizing the new round, Congress has further amended the law.

53
-19
34

In the National Defense Authorization Act for Fiscal Year 2004, Congress requires the Secretary of Defense to consult with the Governor of the state and heads of local governments concerned if an installation closure or realignment might affect the availability of a public access road.

The Secretary is also required to assess probable threats to national security and determine the potential surge requirements to meet those threats, including these in the making of his list of recommended actions.

Congress again amended the statute in the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, specifying that the Force Structure Plan and base inventory used in the 2005 BRAC round could not be updated after March 15, 2005. The Act also placed into statutory language the BRAC selection criteria and repealed the authority of the Secretary to place installations into an inactive status.

Congress also has stipulated that the Commission may not consider changing recommendations that would close, realign, or expand a realignment unless at least two Commissioners visit the installation and the decision is supported by seven of the nine members.

The Department of Defense BRAC Organization and Process

The principal actors in the process include the Infrastructure Executive Council, the three military departments, seven temporary specialist analytical teams called Joint Cross-Service Groups, and the Government Accountability Office (GAO).

The three military departments are performing functions similar to those performed during previous BRAC rounds – assessing the value of each installation to that service's anticipated military operations.

Each of the Joint Cross-Service Groups is composed of experts in the relevant subject area and is headed by a senior uniformed officer or civilian official. The medical team is headed by the Surgeon General of the Air Force, for example, while the education and training team is chaired by the Principal Deputy Under Secretary of Defense for Personnel and Readiness. These Joint Cross-Service Groups focus on the "business functions," such as technical research and development or the industrial base, that support all of the military services, rating installations according to their ability to support that function.

The final important actor is the Government Accountability Office. A GAO team, directed by Mr. Barry Holman, has been charged by Congress with reviewing DOD's BRAC process and recommendations. GAO will provide the evaluation of the process in a report to Congress due on July 1.

As in the 1991, 1993, and 1995 BRAC rounds, the military departments have been responsible for submitting to the Secretary of Defense their recommendations for

BRAC actions. The Joint Cross-Service Groups were created for the 1995 round. Then, six groups dedicated to depot maintenance, military medical treatment facilities, test and evaluation, undergraduate pilot training, laboratories, and economic impact provided their analyses to the military departments for consideration in their deliberations.

In the 2005 round, seven Joint Cross-Service Groups are conducting their own analyses, providing them directly to the Infrastructure Executive Council, as do the military departments.

The Infrastructure Executive Council acts as a final deliberative body in the creation of the list recommended to the Secretary of Defense. It is chaired by the Deputy Secretary of Defense and includes the secretaries of the military departments, the Joint Chiefs of Staff, including its chairman, and the Under Secretary of Defense for Acquisition, Technology, and Logistics.

The information upon which all DOD analysis is based has been generated in what are called "data calls." A typical data call would originate within the Joint Cross-Service Groups, and be transmitted through the military departments to military installations. There, a designated individual would be responsible for gathering the requested information, certifying it for accuracy, and returning it through the military department to the Joint Cross-Service Groups. This process creates the certified data that the Department of Defense has stated constitutes the only input to its analysis for this BRAC round.

Three basic computer modeling or simulation packages are being used by DOD in its analysis. The Optimization Methodology has been the responsibility of the Navy to create and adapt, and has been subcontracted to the Center For Naval Analyses. Its primary use has been to estimate military value.

COBRA, or Cost of Base Realignment Actions, is an Army update of a program used during prior rounds to estimate the cost, savings, and return on investment of actions contemplated for BRAC.

The Installation Visualization Tool has been created by the Air Force for use in land planning. This computer tool overlays geospatial digital maps and elevations with imagery and other geographic data such as wetlands and explosive arcs to enable the easy visualization of current and potential land use at installations.

The Department of Defense is to release all of the supporting documentation to the Commission along with its list of recommended actions. The Department is to simultaneously open reading rooms on the House and Senate sides of Capitol Hill that will contain copies of this information.

I thank you for your attention, and I look forward to answering any questions you may have.

Defense Base Closure and Realignment Commission 2005

Daniel Else
Specialist in National Defense

Congressional Research Service

DCN: 12265

M'NAMARA WARNS OF NEW CUTBACKS AT DEFENSE BASES

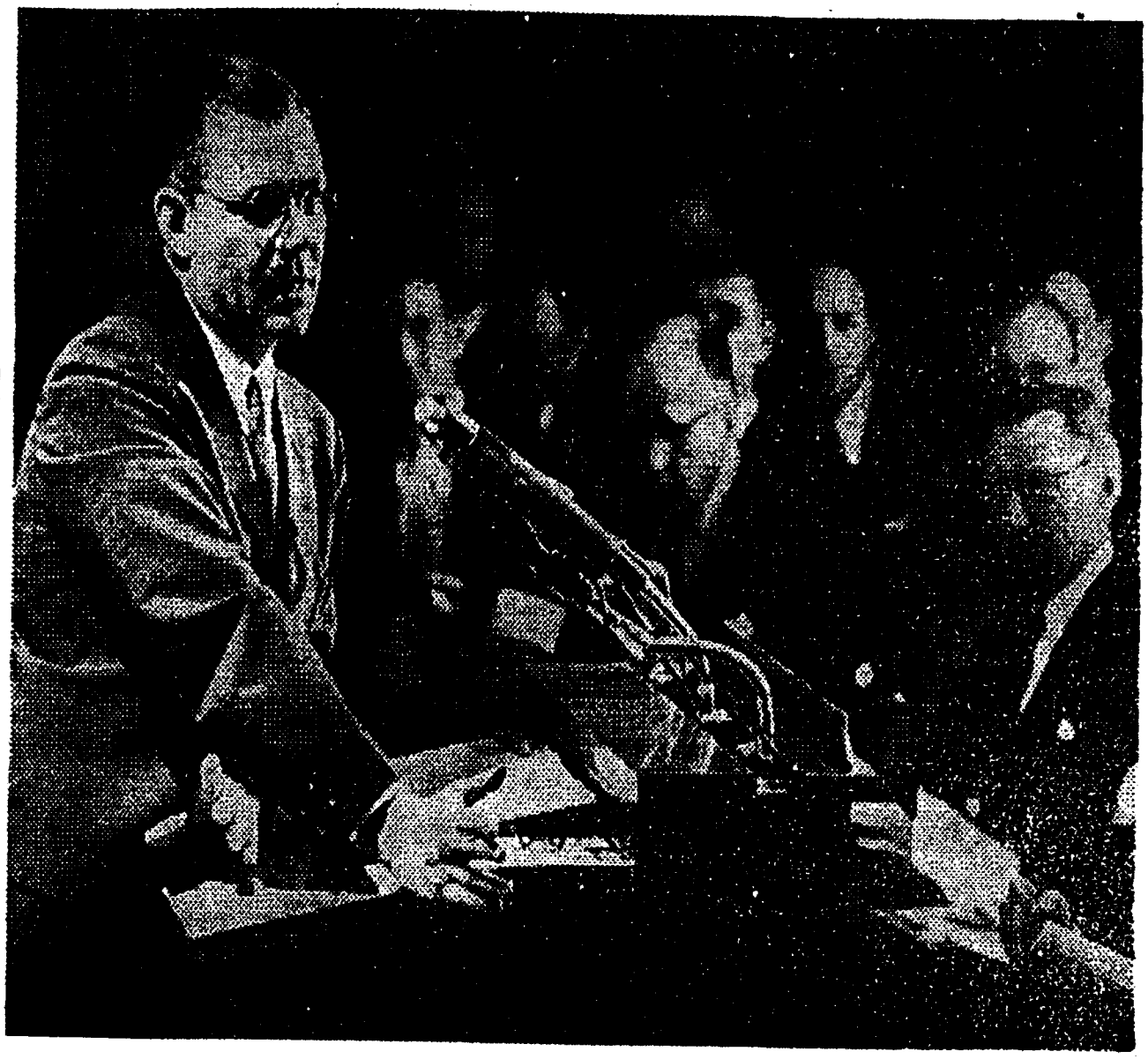
Pentagon's Chief Confirms Reductions Are Planned at 33 Military Installations

List of military installations affected is on Page 18.

By JACK RAYMOND
Special to The New York Times

WASHINGTON, Dec. 12—In the face of widespread protests, Secretary of Defense Robert S. McNamara announced today plans to close or reduce operations at 33 military installations. Twenty-six are in the United States and seven are overseas.

The Secretary also warned of further cuts "in the coming months." He said that sometime



Associated Press Wirephoto

DISCUSSES CLOSING OF BASES: Defense Secretary Robert S. McNamara at his news conference in the Pentagon. He told of plan to close 33 bases in U.S. and abroad.

DCN: 12265

DoD Base Structure

1986	Acres (000)	Pers (000)
US	24,512	2,571
Foreign	2,070	590
Total	26,582	3,161
2003		
US	28,491	1,775
Foreign	709	295
Total	29,200	2,069

Source: Department of Defense

DCN: 12265

BRAC Round

A complete BRAC cycle activity, consisting of several steps:

1. Enactment authorizing the Department of Defense to alter the functions of or close installations within a specified time;
2. Department examination of existing military forces and installations, creation of recommended BRAC actions list;
3. Independent BRAC Commission review of the recommended list; then forwarded to the President;
4. Presidential submission of the list to Congress;
5. Potential passage of a disapproving joint resolution;
6. Completion of the actions recommended, usually over a period of six years; and
7. Continuing, indefinite process of environmental remediation to enable the conveyance of surplus federal land to local redevelopment authorities.

DCN: 12265

BRAC Applies to:

Closure of any military installation at which at least 300 civilian personnel are authorized to be employed; or

Realignment with respect to any military installation at which at least 300 civilian personnel are authorized to be employed involving a reduction by more than 1,000, or by more than 50 percent, in the number of civilian personnel authorized to be employed at such military installation.

DCN: 12265

BRAC Definitions

Military Installation: Base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of DOD, including leased, in States, District of Columbia, Puerto Rico, American Samoa, the Virgin Islands, or Guam. NOT civil works, rivers and harbors projects, or flood control projects.

Civilian Personnel: Direct-hire, permanent DOD employees.

Realignment: Any action that BOTH reduces and relocates functions and civilian personnel positions, but NOT reductions in force due to workload adjustments, reduced personnel or funding levels, skill imbalances, or other similar causes.

DCN: 12265

Base Closures – How They Have Been Done

1960s – Secretary of Defense Decision

Late 1970s – Secretary of Defense Decision with Congressional Oversight

1988 – Commission on Base Realignment and Closure

1990 – Congressional Authorization, Secretary of Defense Recommendation, Commission Review

DCN: 12265

Pre-BRAC Closures

1963: McNamara announces closure of 33 bases, 14 in US.

1965: McNamara cut 95 bases, 34 in US. Congress requires SecDef to submit all future plans for review – Johnson vetoes. During December recess, SecDef adds 123 US and 23 overseas bases to list.

1966: Congress stipulates closures must be submitted for 30-day review.

1976: Congress prohibits closure or reduction of more than 250 civilian employees until Congress notified, personnel and economic impacts assessed, National Environmental Policy Act studies completed, and nine-month wait completed – Ford vetoes.

1977: Carter accepts bill prohibiting closure or realignment of more than 300 civilian employees unless Congress notified of intention, National Environmental Protection Act complied with, decision and justification supplied, and 60-day wait completed.

DCN: 12265

BRAC Legislation

1988: Defense Authorization Amendments and Base Closure and Realignment Act (P.L. 100-526)

1990: Defense Base Closure and Realignment Act of 1990 (P.L. 101-510), Title XXX

1991 – 2005: Amendments of 1990 Law

DCN: 12265

First Four BRAC Rounds

1988

1991

1993

1995

97 Major Military Installations Closed or Realigned

451 Recommendations for Closure or Realignment in toto

DCN: 12265

1991-95: Secretary of Defense

Force Structure Plan (6 yrs) & anticipated funding

Publish Selection Criteria

List of Recommended Actions and supporting report to defense committees, Commission, and Comptroller General

Use certified data

DCN: 12265

1991-95: BRAC Commission

8 Commissioners, 75 staff (15 permanent)

Commission expired December 31, 1995

Meetings open (except classified)

All meetings open to certain Members of Congress

Hearings open after list published

DCN: 12265

1991-95: BRAC Report

Contained review and analysis, findings and conclusions, and recommendations

May change any recommendation if find Secretary of Defense deviated substantially from FSP and final selection criteria

To add or increase:

1. Make determination
2. Remain consistent with FSP and selection criteria
3. Publish notice in Federal Register 30 days prior to submission
4. Conduct public hearings on the proposed change

DCN: 12265

Post-Commission

- President approval – Report sent to Commission and Congress
- President disapproval – Report on reasons sent to Commission and Congress
- Commission send revised list
- President send certification of approval
- Deadline or termination

DCN: 12265

Congress

- Take no action
- Pass Joint Resolution within 45 days or before session adjournment *sine die*

DCN: 12265

Defense Transformation
Cold War

- Threat-based
- Soviet-focused
- Germany-centric
- Specialized forces
  - Armored division
  - Carrier battle group
  - ICBM, bomber & tactical fighter wing

DCN: 12265

Defense Transformation
Transformed

- Capability-based
- Adaptable
- Flexible
- Generalized forces
  - Lighter brigade
  - Expeditionary strike group
  - Expeditionary aerospace force

DCN: 12265

2005: Secretary of Defense

Force Structure Plan (20 yrs), global inventory of bases

In determining excess, assess continued need for overseas bases, and likely access

Certification of need for BRAC

Publish Selection Criteria

Use military value as primary consideration

Include effect on other agencies in cost assessment

Authorized to inactivate bases

Privatization-in-place only if Commission report specifies cost-effective

DCN: 12265

Military Value Selection Criteria

1. The current and future mission capabilities and the impact on operational readiness of the total force of the Department of Defense, *including the impact on joint warfighting, training, and readiness.*

2. The availability and condition of land, facilities, and associated airspace *(including training areas suitable for maneuver by ground, naval, or air forces throughout a diversity of climate and terrain areas and staging areas for the use of the Armed Forces in homeland defense missions)* at both existing and potential receiving locations.

3. The ability to accommodate contingency, mobilization, and future total force requirements at both the existing and potential receiving locations.

4. The cost of operations and manpower implications.

DCN: 12265

Other Selection Criteria

5. The extent and timing of potential costs and savings, including the number of years, beginning with the date of completion of the closure or realignment, for the savings to exceed the costs.

6. The economic impact on communities.

7. The ability of both the existing and potential receiving communities' infrastructure to support forces, missions and personnel.

8. The environmental impact.

DCN: 12265

2005: BRAC Commission

9 Commissioners, 90 staff

Commission expires April 15, 2006

DCN: 12265

2005: BRAC Report

To add:

1. Provide Secretary 15 days to explain why installation not on list.
2. 7 of 9 Commissioners support.

To make any changes:

1. Invite Secretary to testify at hearing.

DCN: 12265

Congressional Amendments

FY 2004

Public Access Roads

Surge Requirements

FY 2005

Update of Force Structure Plan and Base Inventory due March 15, 2005

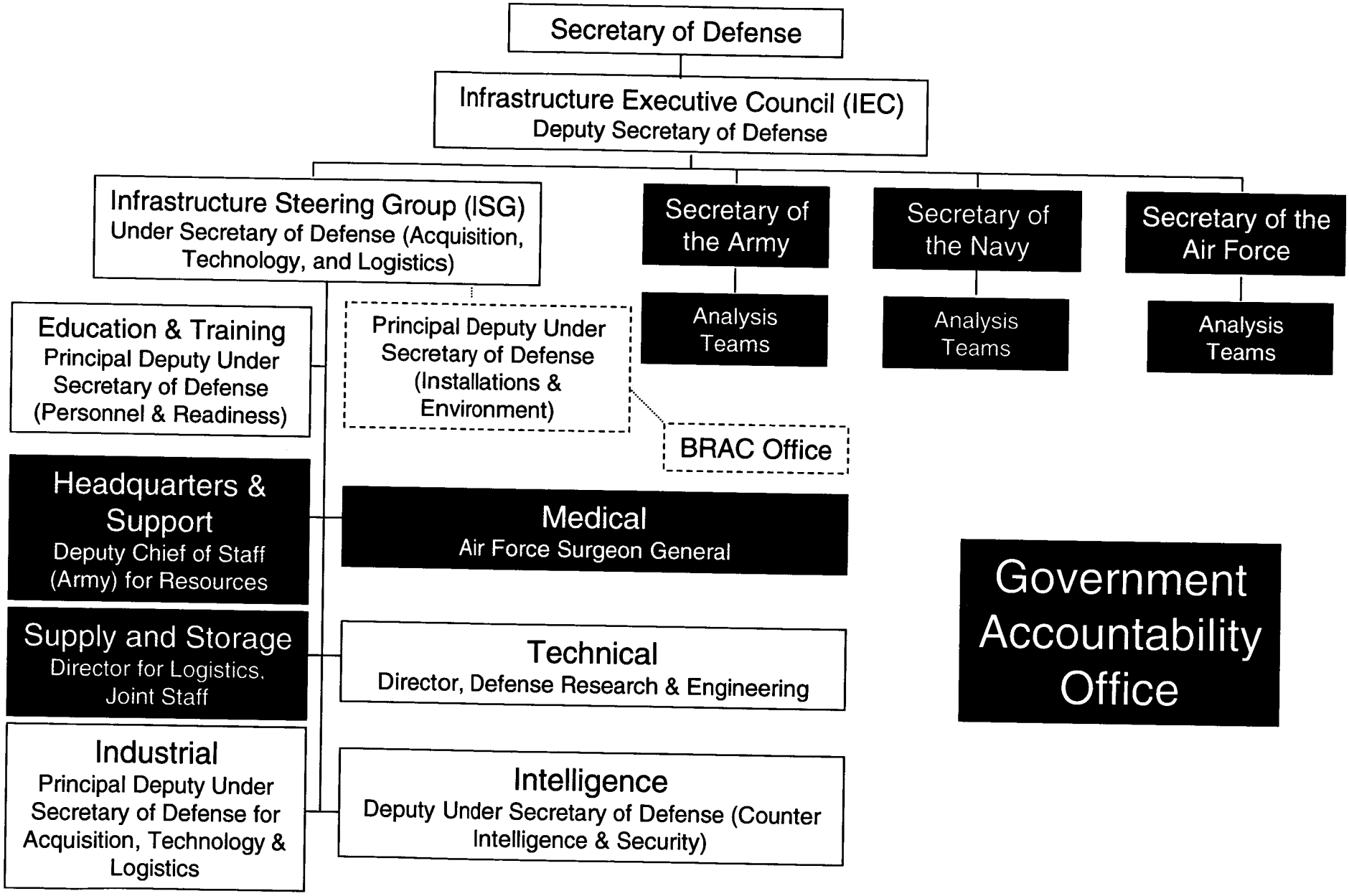
Placed Selection Criteria into statute

Repealed authority to place installations into inactive status

Commission may not consider changing recommendation that would close, realign, or expand realignment unless at least 2 commissioners visit & decision supported by 7 of 9

DCN: 12265

DOD BRAC Organization



DCN: 12265

Infrastructure Executive Council (IEC)

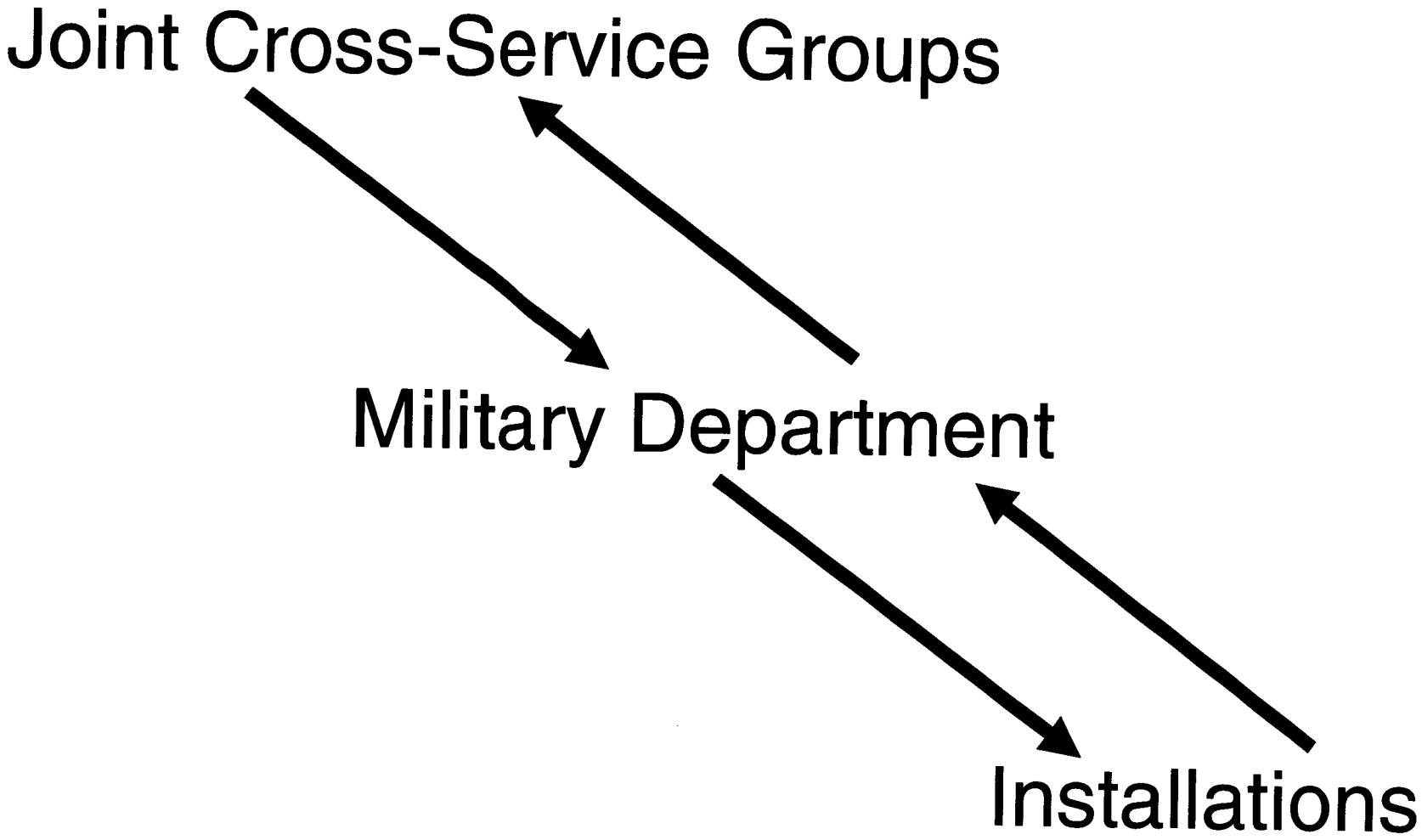
Deputy Secretary of Defense
Dr. Paul Wolfowitz #

Under Secretary of Defense (Acquisition, Technology & Logistics)	Michael W. Wynne #
Secretary of the Army	Dr. Francis J. Harvey #
Secretary of the Navy	Gordon R. England #
Secretary of the Air Force	Michael L. Dominguez (Acting) #
Chairman of the Joint Chiefs of Staff	Gen. Richard B. Myers #
Army Chief of Staff	Gen. Peter J. Schoomaker
Chief of Naval Operations	Adm. Vern Clark #
Commandant of the Marine Corps	Gen. Michael W. Hagee
Chief of Staff of the Air Force	Gen. John P. Jumper #

#: Recent accession/Replacement nominated

DCN: 12265

Data Calls



DCN: 12265

Analysis

Optimization Methodology - Navy (Center for Naval Analyses) responsibility, computer models for estimating military value

COBRA (Cost of Base Realignment Actions) - Army update, cost, savings, and return on investment of actions, updated for 2005 round

Installation Visualization - Air Force creation, for use during land use planning

DCN: 12265

Documentation

Descriptions of policies, analyses, and recommendations

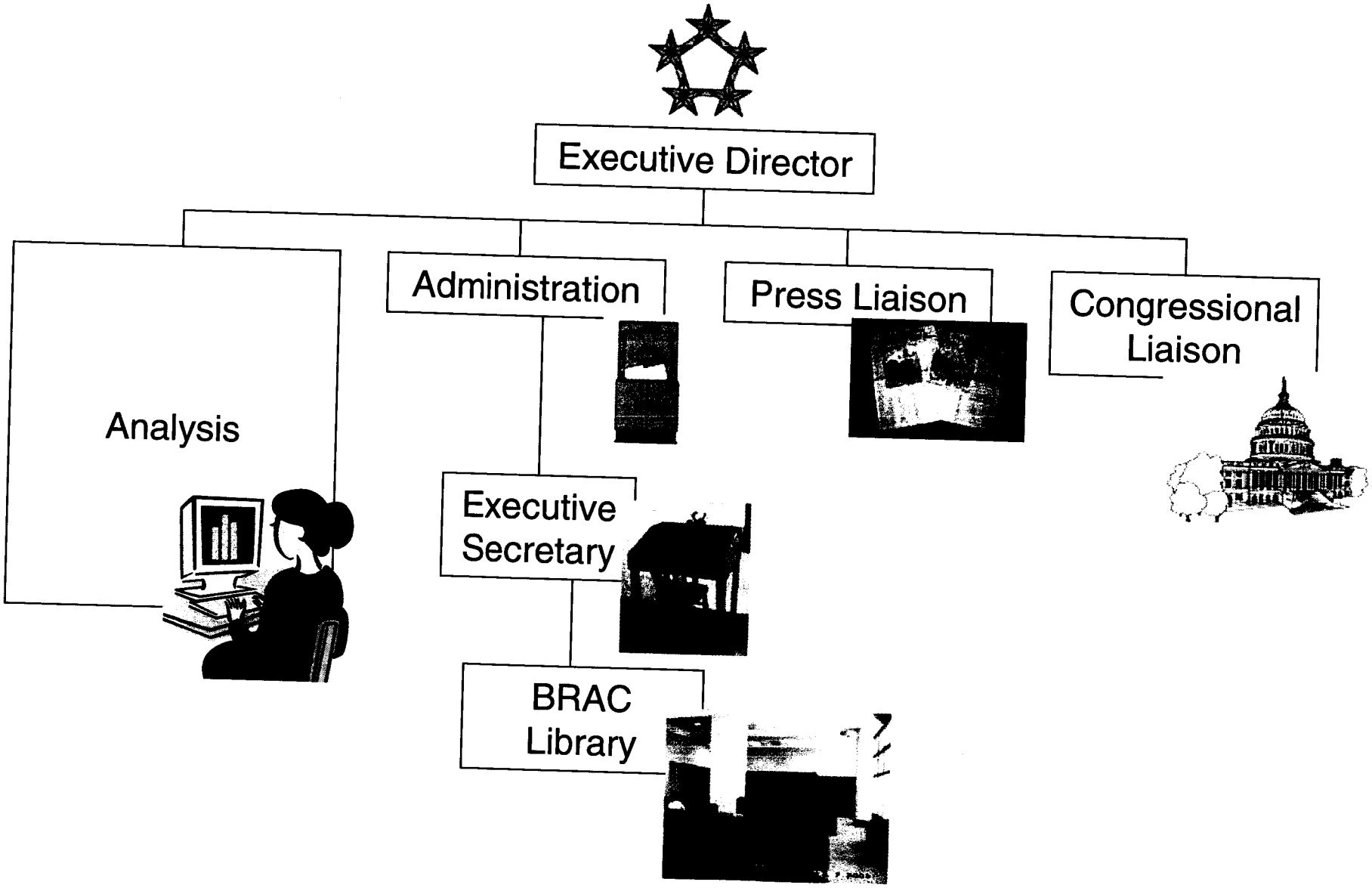
Policy, data, information, and analyses considered

Descriptions of how recommendations meet BRAC selection criteria and follow the FSP and current base inventory

Documentation of each recommendation

All this will be released to the BRAC Commission with the list of recommended actions

BRAC Commission Staff



DCN: 12265

BRAC Commission Process

Accept Department of Defense Data

Ongoing Analysis

Hearings – Washington and Regions

Installation Visits

Representations from Outside Groups

Deliberations and Markup

Submission to President

Stand Down

DCN: 12265

Commission Activity

Round	Hearings DC	Hearings Field	Visits
1988			44
1991	14	14	47
1993	7	17	125
1995	13	16	167

DCN: 12265

The BRAC Schedule

Actions Completed

December 2003	Initial base selection criteria
February 2004	Final base selection criteria
March 2004	Force Structure Plan, Base Inventory, and BRAC requirement certification #
May 2004	GAO certification evaluation
March 2005	Commission nominations sent to Senate #

: Failure to submit terminates BRAC process

DCN: 12265

The BRAC Schedule

Actions to Come

May 2005	DOD-recommended actions list due to Commission
July 2005	GAO report on DOD list
September 2005	Commission actions list to President
September 2005	Presidential review complete
October 2005	Revised Commission actions list to President (if needed)
November 2005	Presidential actions list to Congress, potential joint resolution of disapproval #
April 2006	Commission terminates
2006-2011	BRAC actions carried out

DCN: 12265

Joint Resolutions

Round	Resolution	Yea-Nay
1991	H.J. Res 308	60-364
1993	S.J. Res. 114	12-83
1995	H.J. Res 102	75-343

DCN: 12265

Defense Base Closure and Realignment Commission

FORCE STRUCTURE

	FY05	FY07	FY09	FY11
Army UEx				
Active	6	11	13	13
Reserve	1	5	8	8
Army Divisions				
Active	5			
Reserve	7	3		
Aircraft Carriers	12	11	11	11
Carrier Air Wings				
Active	10	10	10	10
Reserve	1	1	1	1
Battle Force Ships	324	325	337	342
Air Force AEFs	10	10	10	10
USMC Divisions				
Active	3	3	3	3
Reserve	1	1	1	1

Defense Base Closure and Realignment Commission

SPECIAL PROCEDURES FOR 2005

- Before adding a base for consideration, Commission required to provide the Secretary of Defense with at least a 15-day period in which to submit an explanation of the reasons why the installation was not included on the closure or realignment list
- After considering the Secretary's input, the Commissioners vote at the Adds Hearing on the proposed additions
- Seven Commissioners must vote in favor of adding a base for Commission consideration
- The Commission must publish a notice of proposed additions in the *Federal Register* not less than 45 days before transmitting its recommendations to the President in order to inform potentially impacted communities and DoD of any additions
- At least two Commissioners must conduct base visits and public hearings on proposed additions

Defense Base Closure and Realignment Commission

COST OF BASE REALIGNMENT ACTIONS "COBRA"

- CALCULATES COSTS AND SAVINGS OF USER DEFINED SCENARIOS
- A COMPARATIVE TOOL, NOT AN OPTIMIZER
- NO COSTS OR SAVINGS FROM FORCE-STRUCTURE CHANGES
- CONSTRUCTION SUPPORTS REALIGNING ACTIVITIES ONLY
- ENVIRONMENTAL CLEAN-UP COSTS NOT CAPTURED
- OVERSEAS SAVINGS NOT CAPTURED

Defense Base Closure and Realignment Commission

BASE CLOSURE AND REALIGNMENT RECOMMENDATIONS

	DoD Recommended	Commission Approved	Commission Added
1991	71	59 (83%)	1
1993	181	152 (84%)	17
1995	146	123 (84%)	9

Defense Base Closure and Realignment Commission

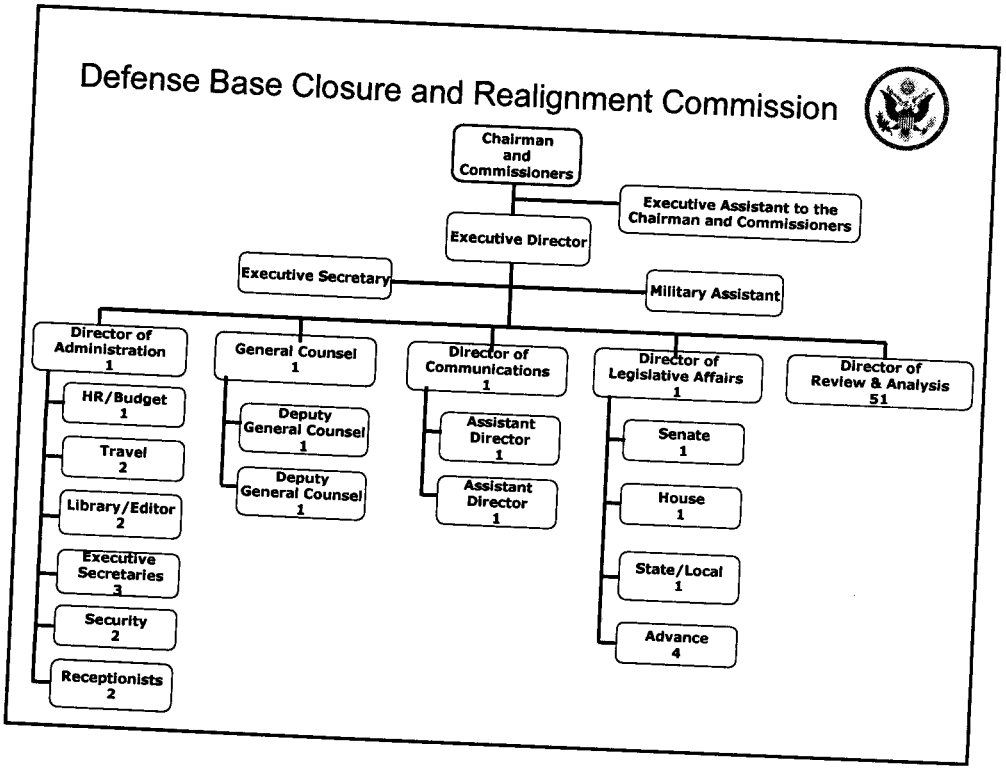
COMMISSION ADDS

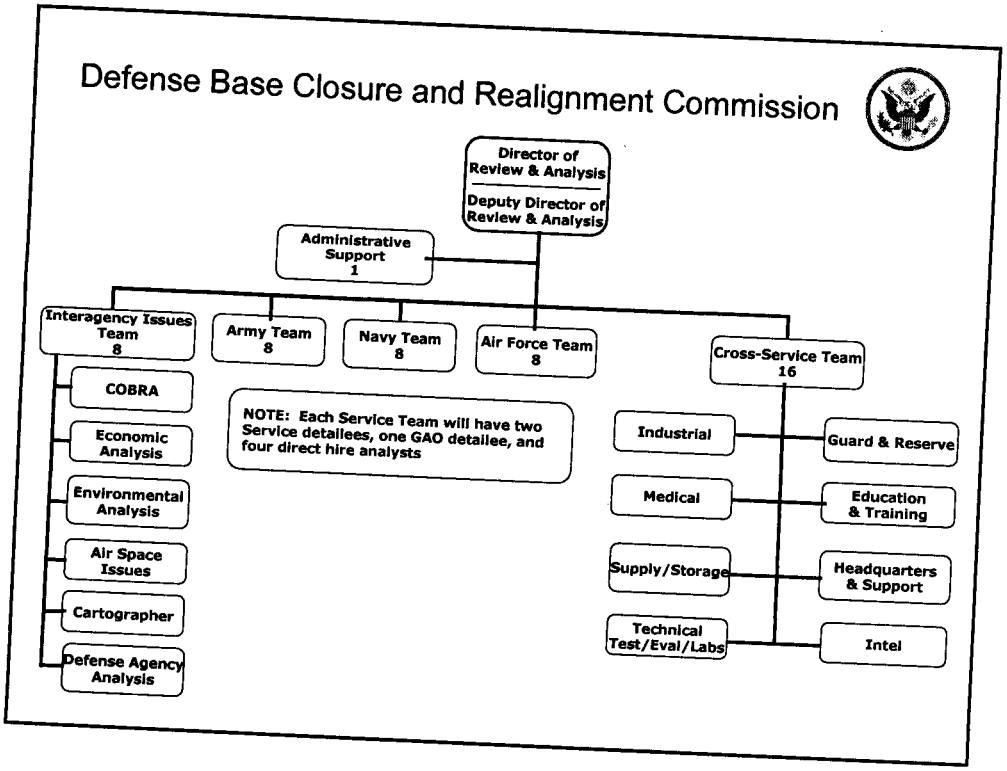
	Added	Approved
1991	35	1
1993	72	17
1995	36	9

Defense Base Closure and Realignment Commission

Military Activity Visits and Regional Hearings

	1991	1993	1995
DoD Recommendations	71	181	146
Washington DC Hearings	9	11	14
Initial Regional Hearings	14	9	11
Installations Added for Consideration	35	72	36
Post Add Regional Hearings	0	8	5
Total Military Activity Visits	47	138	206
Total Regional Hearings	14	17	16
Total Hearings	23	28	30


Defense Base Closure and Realignment Commission
Chairman and Commissioners
Executive Assistant to the Chairman and Commissioners
Executive Director
Executive Secretary
Military Assistant
Director of Administration 1
HR/Budget 1
Travel 2
Library/Editor 2
Executive Secretaries 3
Security 2
Receptionists 2
General Counsel 1
Deputy General Counsel 1
Deputy General Counsel 1
Director of Communications 1
Assistant Director 1
Assistant Director 1
Director of Legislative Affairs 1
Senate 1
House 1
State/Local 1
Advance 4
Director of Review & Analysis 51


Defense Base Closure and Realignment Commission
Director of Review & Analysis
Deputy Director of Review & Analysis
Administrative Support 1
Interagency Issues Team 8
COBRA
Economic Analysis
Environmental Analysis
Air Space Issues
Cartographer
Defense Agency Analysis
Army Team 8
Navy Team 8
Air Force Team 8
NOTE: Each Service Team will have two Service detailees, one GAO detailee, and four direct hire analysts
Cross-Service Team 16
Industrial
Medical
Supply/Storage
Technical Test/Eval/Labs
Guard & Reserve
Education & Training
Headquarters & Support
Intel

Defense Base Closure and Realignment Commission

OPPORTUNITIES FOR COMMUNITY INTERACTION

- ORIENTATION MEETINGS WITH COMMISSION STAFF
- REVIEW COMMISSION LIBRARY
- ADDITIONAL MEETINGS WITH COMMISSION STAFF UPON REQUEST -- **IF** YOU HAVE **NEW** INFORMATION
- REGIONAL HEARINGS -- **KEY** ON MILITARY VALUE
- FOLLOW-UP MEETINGS WITH STAFF AND COMMISSIONERS PRIOR TO FINAL DELIBERATIONS -- **NEW** INFORMATION **ONLY**
- SOLID, WELL-DEVELOPED COMMUNITY PITCH IS KEY

Defense Base Closure and Realignment Commission

Comparing BRAC Rounds

	Major Base Closure	Major Base Realignments	Minor Closures and Realignments	Costs (TY $B)	Annual Recurring Savings (FY05 $B)
BRAC 88	16	4	23	2.7	0.9
BRAC 91	26	17	32	5.2	2.0
BRAC 93	28	12	123	7.6	2.6
BRAC 95	27	22	57	6.5	1.7
Total	97	55	235	22.0	7.3
BRAC 05	33	29	775	24.4	5.5

THE 2005 DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION PROCESS

Defense Base Closure and Realignment Commission

HISTORY OF BASE CLOSURES

- 1977 LEGISLATION, 10 U.S.C. 2687
  - STOPPED CLOSURES FOR A DECADE
- 1988 LEGISLATION, PUBLIC LAW 100-526
  - CONGRESS CODIFIED COMMISSION CHARTERED BY SECDEF
  - 86 CLOSURES AND 13 REALIGNMENTS
  - SUCCESSFUL PROCESS BUT HAD DEFICIENCIES
- 1990 -- SECDEF ANNOUNCED INTENT TO CLOSE ADDITIONAL BASES
  - CONGRESS ENACTED NEW LEGISLATION
- 1990 LEGISLATION: DEFENSE BASE CLOSURE AND REALIGNMENT ACT OF 1990
  - CREATED COMMISSIONS IN 1991, 1993, AND 1995
- FY 05 DEFENSE AUTHORIZATION ACT AMENDED 1990 ACT AND ESTABLISHED 2005 COMMISSION

Defense Base Closure and Realignment Commission

DEFENSE BASE CLOSURE AND REALIGNMENT ACT OF 1990, AS AMENDED

"TO PROVIDE A FAIR PROCESS THAT WILL RESULT IN THE TIMELY CLOSURE AND REALIGNMENT OF MILITARY INSTALLATIONS INSIDE THE UNITED STATES."
[Section 2901(b]

Defense Base Closure and Realignment Commission

DEFENSE BASE CLOSURE AND REALIGNMENT ACT OF 1990, AS AMENDED

THE PLAYERS

- NINE MEMBERS, APPOINTED BY PRESIDENT, CONFIRMED BY SENATE
- GAO:
  - PROVIDE DIRECT AUDIT ASSISTANCE TO COMMISSION
  - REPORT ON PROCESS AND RECOMMENDATIONS BY JULY 1

Defense Base Closure and Realignment Commission

COMMISSIONERS

- **The Honorable Anthony J. Principi (Chairman)**
- **The Honorable James H. Bilbray**
- **The Honorable Philip E. Coyle, III**
- **Admiral Harold W. Gehman Jr., USN (Ret)**
- **The Honorable James V. Hansen**
- **General James T. Hill, USA (Ret)**
- **General Lloyd W. Newton, USAF (Ret)**
- **The Honorable Samuel K. Skinner**
- **Brigadier General Sue E. Turner, USAF (Ret)**

Defense Base Closure and Realignment Commission

DEFENSE BASE CLOSURE AND REALIGNMENT ACT OF 1990, AS AMENDED

THE METHOD

- SECDEF PUBLISHES CRITERIA AND FORCE STRUCTURE PLAN USED IN DEVELOPING BASE CLOSURE AND REALIGNMENT RECOMMENDATIONS
- COMMISSION REVIEWS SECDEF RECOMMENDATIONS TO ENSURE CONSISTENCY WITH CRITERIA AND FORCE STRUCTURE PLAN
- CERTIFICATION OF DATA
- TESTIMONY BEFORE COMMISSION UNDER OATH
- COMMISSION CAN CHANGE DOD RECOMMENDATIONS IF IT FINDS SECRETARY OF DEFENSE "DEVIATED SUBSTANTIALLY" FROM SELECTION CRITERIA OR FORCE STRUCTURE PLAN

Defense Base Closure and Realignment Commission

COMMISSION PROCESS

- INVESTIGATIVE HEARINGS **MAY**
- GAO REPORT **JULY 1**
- BASE VISITS/REGIONAL HEARINGS **MAY - JULY**
- ADDS/SUBSTITUTIONS HEARING **MID-JULY**
- CONGRESSIONAL TESTIMONY **LATE JULY**
- FINAL DELIBERATION HEARING **LATE-AUGUST**
- REPORT TO THE PRESIDENT **SEPTEMBER 8**

Defense Base Closure and Realignment Commission

COMMISSION RESPONSIBILITIES

- **ENSURE FAIRNESS:**
  - "IN CONSIDERING INSTALLATIONS FOR CLOSURE OR REALIGNMENT, THE SECRETARY SHALL CONSIDER ALL MILITARY INSTALLATIONS INSIDE THE UNITED STATES EQUALLY WITHOUT REGARD TO WHETHER THE INSTALLATION HAS BEEN PREVIOUSLY CONSIDERED OR PROPOSED FOR CLOSURE OR REALIGNMENT BY THE DEPARTMENT."

    [Section 2903(c)(3), Public Law 101-510]
- **ENSURE OPENNESS:**
  - "EACH MEETING OF THE COMMISSION, OTHER THAN MEETINGS IN WHICH CLASSIFIED INFORMATION IS TO BE DISCUSSED, SHALL BE OPEN TO THE PUBLIC."

    [Section 2902(e)(2)(A), Public Law 101-510]

Defense Base Closure and Realignment Commission

COMMISSION POLICIES

- EVERY MAJOR BASE UNDER CONSIDERATION VISITED BY AT LEAST ONE COMMISSIONER
- REGIONAL HEARINGS GIVE COMMUNITIES A CHANCE TO TESTIFY
- ALL DOCUMENTATION USED IN DELIBERATIONS AVAILABLE TO GENERAL PUBLIC
- ALL COMMISSION ACTIVITIES OPEN TO THE PRESS AND THE PUBLIC
- EVERY AFFECTED COMMUNITY WILL BE HEARD

Defense Base Closure and Realignment Commission

BASE CLOSURE CRITERIA

MILITARY VALUE CRITERIA:

1. The current and future mission capabilities and the impact on operational readiness of the total force of the Department of Defense, including the impact on joint warfighting, training, and readiness.
2. The availability and condition of land, facilities, and associated airspace (including training areas suitable for maneuver by ground, naval, or air forces throughout a diversity of climate and terrain areas and staging areas for the use of the Armed Forces in homeland defense missions) at both existing and potential receiving locations.
3. The ability to accommodate contingency, mobilization, surge, and future total force requirements at both existing and potential receiving locations to support operations and training.
4. The cost of operations and the manpower implications.

OTHER CRITIERA:

5. The extent and timing of potential costs and savings, including the number of years, beginning with the date of completion of the closure or realignment, for the savings to exceed the costs.
6. The economic impact on existing communities in the vicinity of military installations.
7. The ability of the infrastructure of both the existing and potential receiving communities to support forces, missions, and personnel.
8. The environmental impact, including the impact of costs related to potential environmental restoration, waste management, and environmental compliance activities.

GAO

Accountability * Integrity * Reliability

DCN: 12265

OBSERVATIONS ON PRIOR AND CURRENT BRAC ROUNDS

Statement Before the Defense Base Closure and Realignment Commission
May 3, 2005

by
Barry W. Holman, Director
Defense Capabilities and Management, GAO

DCN: 12265

Issues for Discussion

- Implementation Of Prior BRAC Round Recommendations
- DOD's Expectations For The 2005 BRAC Round (and issues related to defining excess capacity)
- Historic Analytical Framework For BRAC That Continues in 2005

DCN: 12265

Implementation Of Prior BRAC Round Recommendations

- Implementing Actions Completed
- Property Transfers
- Savings
- Economic Recovery From Prior Rounds
  - Economic Impact On Gaining Communities in 2005 Round

DOD's Expectations For The 2005 BRAC Round

- Traditional Emphasis On Reducing Excess Capacity And Achieving Savings
- Furthering Transformation Including Supporting Overseas Rebasing Actions, And Increasing Emphasis on Jointness
- DOD's Pre-BRAC Assessment Of Excess Capacity And Its Impact on Expectations For The 2005 BRAC Round

Historic Analytical Framework For BRAC That Continues in 2005

- Elements Designed To Ensure Fairness And Integrity Of The Process
- Selection Criteria Follows Historic Pattern With Specificity Added In Selected Areas For 2005
- Expected Changes For 2005 Based On Lessons Learned From Prior Rounds

Historic Analytical Framework For BRAC That Continues in 2005

- Elements Designed To Ensure Fairness And Integrity Of The Process
  - Selection criteria with emphasis on military value
  - Requirement for certified data
  - Independent BRAC Commission
  - Specific timeframes for BRAC actions
  - All or nothing acceptance of recommendations by the President and the Congress
- Selection Criteria Follows Historic Pattern With Specificity Added In Selected Areas For 2005

GAO
Accountability * Integrity * Reliability

Historic Analytical Framework For BRAC That Continues in 2005

Criteria for 2005 BRAC round

Military value

1. The current and future mission capabilities and the impact on operational readiness of the Defense Department's total force, **including the impact on joint warfighting, training, and readiness.**
2. The availability and condition of land, facilities, and associated airspace (**including training areas suitable for maneuver by ground, naval, or air forces throughout diversity of climate and terrain areas and staging areas for the use of the Armed Forces in homeland defense missions)** at both existing and potential receiving locations.
3. The ability to accommodate contingency, mobilization, **surge**, and future total force requirements at both existing and potential receiving locations **to support operations and training**.
4. The cost **of operations** and the manpower implications.

Other considerations

5. The extent and timing of potential costs and savings, including the number of years, beginning with the date of completion of the closure or realignment, for the savings to exceed the costs.
6. The economic impact on **existing** communities **in the vicinity of military installations**.
7. The ability of the infrastructure of both the existing and potential receiving communities to support forces, missions, and personnel.
8. The environmental impact, **including the impact of costs related to potential environmental restoration, waste management, and environmental compliance activities.**

Expected Changes For 2005 Based On Lessons Learned From Prior Rounds

- Privatization In Place Limited
- Total Costs To The Government Must Be Considered
- Reserve Enclaves Need Greater Specificity
- Strengthened Role For BRAC Cross-Service Teams

CHAPTER 4: ENVIRONMENTAL REMEDIATION AND INSTALLATION REUSE

Determining Environmental Impact

1. Approach and process used to assess the environmental impact
    a. Policy
    b. Environmental Resource Impacts
        i. Air Quality
        ii. Cultural/Archeological/Tribal Resources
        iii. Dredging
        iv. Land Use Constraints/Sensitive Resource Areas
        v. Marine Mammal/Marine Resources/Marine Sanctuaries
        vi. Noise
        vii. Threatened and Endangered Species/Critical Habitat
        viii. Waste Management
        ix. Water Resources
        x. Wetlands
    c. Impact of Potential Environmental Restoration Costs
    d. Impact of Potential Waste Management and Environmental Compliance Cost
    e. Implementation by Military Departments and Joint Cross Service Groups
2. Impacts or Environmental Restoration on Reuse
    a. Site Specific Examples
3. GAO Report
4. Encroachment Issues

Approach and Process Used to Assess the Environmental Impact

Policy

Selection Criteria 8 requires the Department of Defensive to consider the "environmental impact, including the impact of costs related to potential environmental restoration waste management, and environmental compliance activities." To assist the Military Departments and Joint Cross Service Groups (JCSGs) in assessing these impacts, Joint Process Action Team (JPAT) 8 was created to develop procedures, analytical tools, and databases to facilitate a common analytical approach to the environmental selection criteria. JPAT 8, Environmental Impact was chaired by the Navy.

It is important to note that the criterion 8 process is not an Environmental Assessment or Impact Study under National Environmental Policy Act of 1969 (42 USC 4321 et seq.) (NEPA). Under the BRAC statute (Section 2905(c) of the Defense Base Closure and Realignment Act of 1990, as amended through the FY05 Authorization Act), the NEPA process is not triggered until the implementation of the BRAC recommendations. Rather, the environmental part of the BRAC process was an effort to efficiently package and analyze the certified environmental data, thus making it easily accessible to the Military Departments and JCSGs for integration into their analytical processes.

JPAT 8 obtained environmental data from all DOD installations and provided procedural instructions on a range of environmental assessment issues. To facilitate the use of the data, three templates were developed: 1) Installation Environmental Profiles; 2) Summary of Scenario Environmental Impacts; and 3) Summary of Cumulative Scenarios' Environmental Impacts.

The Installation Environmental Profiles were completed for all facilities from the certified data call responses to the environmental questions. The Summary of Scenario Environmental Impacts was only required for viable scenarios. The Summary is based upon the impacted installations Profiles and provides an overview, limited in scope, highlighting pertinent information, apparent potential impacts and /or potential problems. The Summary of Cumulative Scenarios' documents consideration of the cumulative environmental impacts of the final group of scenarios (formal recommendations) on a particular gaining installation.

Environmental Resources Impact

To assess and consider the environmental resource impacts of different scenarios, 10 environmental resource areas were considered: air quality; cultural/archeological/tribal resources; dredging; land use constraints/sensitive resource areas; marine mammals/marine resources/marine sanctuaries; noise; threatened and endangered species/critical habitat; waste management; water resources; and wetlands. The ten

environmental resource areas represent the primary environmental media areas that are regulated under federal environmental law. They also encompass the important aspects of environmental restoration, waste management, and environmental compliance.

Air Quality:

The Clean Air Act (CAA) establishes health-based standards for air quality and all areas of the country are monitored to determine if they meet the standards. A major limiting factor is whether the installation is in an area designated nonattainment or maintenance (air quality is not meeting the standard) and is therefore subject to more stringent requirements, including the CAA General Conformity Rule. Conformity requires that any new emissions from military sources brought into the area must be offset by credits or accounted for in the State Implementation Plan (SIP) emissions budget. The criteria pollutants of concern include: CO, O3 (1 hour & 8 Hour), and PM (PM10, and PM2.5). Installations in attainment areas are not restricted, while activities for installations in non-attainment areas may be restricted. Non-attainment areas are classified as to the degree of non-attainment: Marginal, Moderate, Serious, and in the case of O3, Severe and Extreme. SIP Growth Allowances and Emission Reduction Credits are tools that can be used to accommodate increased emissions in a manner that conforms to a state's SIP. All areas of the country require operating permits if emissions from stationary sources exceed certain threshold amounts. Major sources already exceed the amount and are subject to permit requirements. Synthetic minor means the base has accepted legal limits to its emissions to stay under the major source threshold. Natural or true minor means the actual and potential emissions are below the threshold.

Cultural/Archeological/Tribal Resources:

Many installations have historical, archeological, cultural and Tribal sites of interest. These sites and access to them often must be maintained, or consultation is typically required before changes can be made. The sites and any buffers surrounding them may reduce the quantity or quality of land or airspace available for training and maneuvers or even construction of new facilities. The presence of such sites needs to be recognized, but the fact that restrictions actually occur is the overriding factor the data call is trying to identify. A programmatic agreement with the State Historic Preservation Office facilitates management of these sites.

Dredging:

Dredging allows for free navigation of vessels through ports, channels, and rivers. Identification of sites with remaining capacity for the proper disposal of dredge spoil is the primary focus of the profile. However, the presence of unexploded ordnance or any other impediment that restricts the ability to dredge is also a consideration.

Land Use Constraints/Sensitive Resource Areas:

Land use can be encroached from both internal and external pressures. This resource area combines several different types of possible constraints. It captures the variety of constraints not otherwise covered by other areas that could restrict operations or development. The areas include electromagnetic radiation or emissions, environmental restoration sites (on and off installation), military munitions response areas, explosive safety quantity distance arcs, treaties, underground storage tanks, sensitive resource areas, as well as policies, rules, regulations, and activities of other federal, state, tribal and local agencies. This area also captures other constraining factors from animals and wildlife that are not endangered but cause operational restrictions. This resource area specifically includes information on known environmental restoration costs through FY03 and the projected cost-to-complete the restoration.

Marine Mammal/Marine Resources/Marine Sanctuaires:

This area captures the extent of any restrictions on near shore or open water testing, training or operations as a result of laws protecting Marine Mammals, Essential Fish Habitat, and other related marine resources.

Noise:

Military operations, particularly aircraft operations and weapons firing, may generate noise that can impact property outside of the installation. Installations with significant noise will typically generate maps that predict noise levels. These maps may then be used to identify whether the noise levels are compatible with land uses in these noise-impacted areas. Installations will often publish noise abatement procedures to mitigate these noise impacts.

Threatened and Endangered Species/Critical Habitat:

The presence of threatened and endangered species (TES) can result in restrictions on training, testing and operations. They serve to reduce buildable acres and maneuver space. The data in this section reflects listed TES as well as candidate species, designated critical habitat as well as proposed habitat, and restrictions from Biological Opinions. The legally binding conditions in Biological Opinions are designed to protect TES, and critical habitat. The data call seeks to identify the presence of the resource, TES, candidate or critical habitat, even if they don't result in restrictions, as well places where restrictions do exist.

Waste Management:

This resource area identifies whether the installation has existing waste treatment and/or disposal capabilities, whether there is additional capacity, and in some case whether the waste facility can accept off-site waste. This area includes

Resource Conservation and Recovery Act (RCRA) Treatment, Storage and Disposal facilities, solid waste disposal facilities, RCRA Subpart X (open/burning/open detonation) and operations.

Water Resources:

This resource area asks about the condition of ground and surface water, and the legal status of water rights. Water is essential for installation operations and plays a vital role in the proper functioning of the surrounding ecosystems. Contamination of ground or surface waters can result in restrictions on training and operations and require funding to study and remediate. Federal clean water laws require states to identify impaired waters and to restrict the discharge of certain pollutants into those waters. Federal safe drinking water laws can require alternative sources of water and restrict activities above groundwater supplies particularly sole source aquifers. Water resources are also affected by the McCarran Amendment (1952), where Congress returned substantial power to the states with respect to the management of water. The amendment requires that the Federal government waive its sovereign immunity in cases involving the general adjudication of water rights. On the other hand existence of Federal Reserve Water Rights can provide more ability to the government to use water on federal lands.

Wetlands:

The existence of jurisdictional wetlands poses restraints on the use of land for training, testing or operations. In the data call the installations were asked to report the presence of jurisdictional wetlands and compare the percent of restricted acres to the total acres. The presence of jurisdictional wetlands may reduce the ability of an installation to assume new or different missions, even if they do not presently pose restrictions, by limiting the availability of land.

Impact of Potential Environmental Restoration Costs

The impact of costs related to potential environmental restoration is considered through the review of certified data of pre-existing, known environmental restoration projects at installations that are identified during scenario development as candidates for closure or realignment. Environmental Restoration Costs are not included in the Cost of Base Realignment Actions (COBRA) estimates.

In this regard, the certified data considered by decision makers only included the FY03 current estimate of costs to complete of Installation Restoration (IR) sites managed and reported under the Defense Environmental Restoration Account (DERA). It is important to note that under DERA, the costs are calculated on a "clean-to-current-use" clean-up standard. The presence of DERA-managed sites, however, was considered as a land use

constraint for installations receiving missions as a result of a potential realignment decision.

Decision makers should also be aware that although the remediation of munitions contamination is a form of environmental restoration, the costs of remediating munitions contamination on operational ranges are not captured in the existing estimated cost to complete IR sites. Additionally, estimates of such costs are not available in an auditable or certifiable form without site survey and preliminary analysis of contamination, which is not attainable within the BRAC analytical timeframe. Experience to date has shown that the cost to remediate ranges varies from small to very significant amounts depending on the type, quantity, and location of potential munitions used over the entire life of the range, potential other uses of the range such as open burn, open detonation and burial sites, potential future land-use use of the range and the lack of an agreed upon process for identifying and removing such hazards. In order to consider the impact of these costs in the absence of credible estimates, scenario summaries that involve a closure of an operational range will identify the potential impact of closing an operational range where the extent of financial liability is uncertain. For example, "Decision makers should be aware that the closure decision, contemplated in this scenario, would necessitate the closure of X ranges and the remediation of any munitions contaminants on the ranges. The cost and time required to remediate the ranges is uncertain and may be significant, potentially limiting near-term reuse of the range portion of the facility."

Since the Department is legally obligated to perform environmental restoration whether a base is closed, realigned, or remains open, proponents did not consider environmental restoration costs in their payback calculations. Moreover the consideration of such costs could provide a perverse incentive that would reward (through retention) polluted sites and close clean sites. This approach was consistent with procedures used in prior BRAC rounds and responds to the Government Accountability Office (GAO) concerns. The GAO has stated that determining final restoration costs could be problematic before a closure decision, since neither reuse plans nor studies to identify related restoration requirements would have been initiated.

Although the cost of environmental restoration did not dictate any installation closure decision, it is noted in the installation environmental profile, the summary of scenario environmental impacts, and the summary of cumulative scenarios' environmental impact.

Impact of Potential Waste Management and Environmental Compliance Cost

Recurring and non-recurring environmental compliance and waste management costs are captured in Criterion 5 using the COBRA estimates generated for each scenario being evaluated as part of the scenario analysis process. These costs are captured as part of the Base Operating Support costs. Any one-time waste management and compliance costs associated with closing a facility (e.g., costs generated as the result of operation permit termination requirements) or similar one-time costs associated with realignment actions (expanding treatment or compliance operation permits) were also identified for inclusion

in the payback calculations. The impact of these costs is noted in the Summary of Scenario Environmental Impact under the process developed for Criterion 8.

Implementation by Military Departments and Joint Cross Service Groups

When analysts from the Military Departments or JCSGs produced a viable proposal, the Department environmental analyst used the templates developed by the Criterion 8 JPAT and the profile information and other certified data to generate a Summary of Scenario Environmental Impacts. This Summary addresses all 10 resource areas for both losing and gaining installations. If appropriate, a Summary of Cumulative Environmental Impacts is later generated for each installation that is affected by more than one scenario.

Impacts of Environmental Restoration on Reuse

For those installations that are closing environmental restoration can have a tremendous impact on the reuse and redevelopment of the former installations. As such the Department of Defense has indicated the intent to transfer BRAC property expeditiously for reuse. However, the Department will comply with the National Environmental Policy Act (NEPA), which requires all Federal agencies to identify and consider possible environmental impacts of proposed reuse activities before transferring any real property. This analysis will also include the potential impacts on historical and cultural resources. While NEPA does not apply to the BRAC decisions themselves, the Act does require an environmental analysis for each installation receiving additional functions. Any mitigation that may be required will be identified and considered for implementation.

The Military Departments are responsible for environmental remediation of closing installations. Early in the implementation process, the Military Departments will assess and document the environmental condition of all transferable property in terms of the extent of contamination and the current phase of any remedial or corrective action. If no remedial action on the installation is required, surplus real estate may be transferred. If remediation is required, the Military Department may complete the work before the transfer, or alternatively, with agreement from the affected community, the remediation to current use standards may be completed after transfer. Some property transfer negotiations have the new owner managing cleanup as a part of the redevelopment process. With regulatory concurrence, remediation and redevelopment activities may be integrated, potentially saving time and money. An ideal candidate for this type of transfer is property that has manageable environmental contamination, is readily marketable, and has community and regulator support.

As noted earlier, under DERA, the costs are calculated on a "clean-to-current-use" clean-up standard. In other words this would close a maintenance site to industrial standards. If the local community wishes to use the closed and transferred installation for some

other purpose this could impact reuse or redevelopment. This will require working with the local communities to determine the best reuse of the closed installations.

Also these costs do not include the cost to close any ranges, this includes small arms ranges to major bombing ranges. The potential reuse ranges will be limited for a number of years and could be restricted from reuse depending on the cleanup levels the services are able to achieve.

The costs to complete environmental restoration at only the installations closing and transferring, equals $**********

Discussion of specific closure examples and potential environmental impacts to reuse

GAO Report

Encroachment Issues