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**DEFENSE BASE REALIGNMENT AND CLOSURE  
MEMORANDUM**

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**TO: COMMISSIONER JAMES T. HILL**  
**FROM: CHARLES BATTAGLIA, EXECUTIVE DIRECTOR**  
**SUBJECT: THE PATH TO FINAL DELIBERATIONS**  
**DATE: AUGUST 4, 2005**

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This memo sets out a proposal for actions the Commission needs to take in order to prepare for final deliberations which commence on August, 24, 2005, just three short weeks away. The period for public input, base visits and hearings is coming to a close. Now we must establish a process to create a dialogue to ensure that each Commissioner enters final deliberations fully informed and ready to consider the Secretary's BRAC recommendations and that the Commission staff have advance notification of those issues important to individual Commissioners.

The enclosed checklist is the first step in this process to collect your feedback and guidance. The enclosed checklist contains the individual elements of the Secretary's recommendations and allows you to identify which recommendations contain issues that will require further dialogue between you and the staff. The checklist is not a vehicle to record your position on a recommendation.

Please take the time to review the entire list and check those with which you have serious concerns or need more details. At the two remaining regional hearings (D.C. & Monterey), the R&A staff will review the checklist with each Commissioner on an individual basis. The sole purpose is to assist with the collection of feedback and provide any additional information you may require.

In addition, I am asking for five intensive days of informal consultative sessions between individual Commissioners and the staff at the Commission office between August 18 and August 23, 2005. At these sessions, specific issues of concern will be discussed to better assure you are fully informed of all issues. During the August 18<sup>th</sup>-23<sup>rd</sup> timeframe, a copy of the Secretary's recommendations in a legislative format for the final deliberation and a summary of the analysis of each recommendation will be provided to each Commissioner.

The good news is that the President has stated publicly that "the position of the BRAC Commission will stand, as far as I am concerned."

**TIMELINE**

**August 8, Monterey Regional Hearing**

**August 10, D.C. Regional Hearing**

**August 11, Hearing on Environmental Stewardship of Installations  
Recommended for Closure or Realignment**

**August 11, Hearing on Recommendation Impacts on Homeland  
Security/Defense and on Units of the Air National Guard**

**August 18, Commissioner-staff Interaction**

**August 19, Commissioner-staff Interaction**

**August 20, Hearing with SecDef/JCS, Service Secretaries and Service Chiefs**

**August 21, Commissioner-staff Interaction**

**August 22, Commissioner-staff Interaction**

**August 23, Commissioner-staff Interaction**

**August 24, Final Deliberations**

**August 25, Final Deliberations**

**August 26, Final Deliberations**

**August 27, Final Deliberations**

**September 8, Report Due to the President**

DCN: 11582  
**Recommendation Checklist**

\*\*\*Closures and Realignment only

Item	Recommendation	Lead Analyst	Concerns/Comments
<b>1</b>	<b>Army - 5</b> Fort Wainwright, AK	Dean Rhody	Do you have a concern with this item? <input type="checkbox"/> Yes
	(Action) (Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
	Realign Fort Greely		<input type="checkbox"/> Yes
	Realign Fort Wainwright		<input type="checkbox"/> Yes
<b>2</b>	<b>Army - 6</b> Fort Gillem, GA	Don Manuel	Do you have a concern with this item? <input type="checkbox"/> Yes
	(Action) (Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
	Closure Fort Gillem	B	<input type="checkbox"/> Yes
	Realign Undistributed or Overseas Reductions		<input type="checkbox"/> Yes
	Gainer Fort Benning		<input type="checkbox"/> Yes
	Gainer Fort Campbell		<input type="checkbox"/> Yes
	Gainer Pope Air Force Base	G, Hi	<input type="checkbox"/> Yes
	Gainer Redstone Arsenal		<input type="checkbox"/> Yes
	Gainer Rock Island Arsenal	S	<input type="checkbox"/> Yes
	Gainer Shaw Air Force Base		<input type="checkbox"/> Yes
<b>3</b>	<b>Army - 8</b> Fort McPherson, GA	Don Manuel	Do you have a concern with this item? <input type="checkbox"/> Yes
	(Action) (Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
	Closure Fort McPherson	Hi	<input type="checkbox"/> Yes
	Closure Peachtree Leases Atlanta		<input type="checkbox"/> Yes
	Realign Undistributed or Overseas Reductions		<input type="checkbox"/> Yes
	Gainer Fort Eustis	P, N	<input type="checkbox"/> Yes
	Gainer Fort Sam Houston		<input type="checkbox"/> Yes
	Gainer Pope Air Force Base	G, Hi	<input type="checkbox"/> Yes
	Gainer Shaw Air Force Base		<input type="checkbox"/> Yes
<b>4</b>	<b>Army - 10</b> Fort Bragg, NC	Kevin Felix	Do you have a concern with this item? <input type="checkbox"/> Yes
	(Action) (Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
	Realign Undistributed or Overseas Reductions		<input type="checkbox"/> Yes
	Gainer Eglin Air Force Base		<input type="checkbox"/> Yes
	Gainer Fort Bragg		<input type="checkbox"/> Yes
<b>5</b>	<b>Army - 11</b> Fort Monmouth, NJ	Wes Hood	Do you have a concern with this item? <input type="checkbox"/> Yes
	(Action) (Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
	Closure Fort Monmouth	P, N	<input type="checkbox"/> Yes
	Realign CRYSTAL CITY LEASE, VA		<input type="checkbox"/> Yes
	Realign Fort Belvoir	C	<input type="checkbox"/> Yes
	Realign Fort Knox	T, S	<input type="checkbox"/> Yes
	Realign Redstone Arsenal		<input type="checkbox"/> Yes
	Realign Undistributed or Overseas Reductions		<input type="checkbox"/> Yes
	Gainer Aberdeen Proving Ground		<input type="checkbox"/> Yes
	Gainer Defense Supply Center Columbus	S, N	<input type="checkbox"/> Yes
	Gainer Fort Meade		<input type="checkbox"/> Yes
	Gainer United States Military Academy		<input type="checkbox"/> Yes
<b>6</b>	<b>Army - 15</b> Fort Hood, TX	Kevin Felix	Do you have a concern with this item? <input type="checkbox"/> Yes
	(Action) (Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
	Realign Undistributed or Overseas Reductions		<input type="checkbox"/> Yes
	Gainer Fort Carson		<input type="checkbox"/> Yes
	Gainer Fort Hood	Hi, T	<input type="checkbox"/> Yes
<b>7</b>	<b>Army - 16</b> Red River Army Depot	Liz Bieri	Do you have a concern with this item? <input type="checkbox"/> Yes
	(Action) (Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
	Closure Red River Army Depot	Hi, T, P	<input type="checkbox"/> Yes
	Realign Undistributed or Overseas Reductions		<input type="checkbox"/> Yes
	Gainer Anniston Army Depot		<input type="checkbox"/> Yes
	Gainer Letterkenny Army Depot		<input type="checkbox"/> Yes
	Gainer Marine Corps Logistics Base Albany		<input type="checkbox"/> Yes

Item	Recommendation	Lead Analyst	Concerns/Comments
17	Army - 39 RC Transformation, GA	Tim Abrell	Do you have a concern with this item? <input type="checkbox"/> Yes
	(Action) (Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
	Closure Fort Benning Bldg 15		<input type="checkbox"/> Yes
	Closure U.S. Army Reserve Center Columbus		<input type="checkbox"/> Yes
18	Army - 40 RC Transformation, HI	Tim Abrell	Do you have a concern with this item? <input type="checkbox"/> Yes
	(Action) (Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
	Closure Army National Guard Reserve Center Honokaa		<input type="checkbox"/> Yes
19	Army - 42 RC Transformation, IL	Tim Abrell	Do you have a concern with this item? <input type="checkbox"/> Yes
	(Action) (Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
	Closure Army National Guard Reserve Center Carbondale		<input type="checkbox"/> Yes
20	Army - 44 RC Transformation, IN	Tim Abrell	Do you have a concern with this item? <input type="checkbox"/> Yes
	(Action) (Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
	Closure U.S. Army Reserve Center Lafayette		<input type="checkbox"/> Yes
	Closure U.S. Army Reserve Center Seston		<input type="checkbox"/> Yes
21	Army - 46 RC Transformation, IA	Tim Abrell	Do you have a concern with this item? <input checked="" type="checkbox"/> Yes
	(Action) (Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
	Realign Army National Guard Reserve Center Camp Dodge		<input type="checkbox"/> Yes
22	Army - 48 RC Transformation, KY	Tim Abrell	Do you have a concern with this item? <input type="checkbox"/> Yes
	(Action) (Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
	Closure Army National Guard Reserve Center Paducah		<input type="checkbox"/> Yes
	Closure U.S. Army Reserve Center Maysville		<input type="checkbox"/> Yes
23	Army - 50 RC Transformation, LA	Tim Abrell	Do you have a concern with this item? <input type="checkbox"/> Yes
	(Action) (Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
	Closure Baton Rouge Army National Guard Reserve Center		<input type="checkbox"/> Yes
	Closure Roberts U.S. Army Reserve Center, Baton Rouge		<input type="checkbox"/> Yes
24	Army - 52 RC Transformation, MD	Tim Abrell	Do you have a concern with this item? <input type="checkbox"/> Yes
	(Action) (Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
	Closure PFC Flair U.S. Army Reserve Center, Frederick		<input type="checkbox"/> Yes
25	Army - 54 RC Transformation, MA	Tim Abrell	Do you have a concern with this item? <input type="checkbox"/> Yes
	(Action) (Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
	Closure Army National Guard Combined Support Maintenance Sho		<input type="checkbox"/> Yes
	Closure Army National Guard Reserve Center Ayer		<input type="checkbox"/> Yes
	Closure Fort Devens, 323d Maintenance Facility		<input type="checkbox"/> Yes
	Closure Regional Training Site Maintenance (98), U.S. Army Reser		<input type="checkbox"/> Yes
	Closure U.S. Army Reserve Ayer Area 3713		<input type="checkbox"/> Yes
	Closure U.S. Army Reserve ECS 65 Ayers		<input type="checkbox"/> Yes
	Realign Armed Forces Reserve Center Ayers		<input type="checkbox"/> Yes
26	Army - 55 RC Transformation, MI	Tim Abrell	Do you have a concern with this item? <input type="checkbox"/> Yes
	(Action) (Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
	Closure Parisan U.S. Army Reserve Center, Lansing		<input type="checkbox"/> Yes
27	Army - 57 RC Transformation, MN	Tim Abrell	Do you have a concern with this item? <input type="checkbox"/> Yes
	(Action) (Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
	Closure Army National Guard Cambridge		<input type="checkbox"/> Yes
	Closure Army National Guard Faribault		<input type="checkbox"/> Yes
	Closure U.S. Army Reserve Cambridge		<input type="checkbox"/> Yes
	Closure U.S. Army Reserve Faribault		<input type="checkbox"/> Yes
	Realign Armed Forces Reserve Center New Cambridge		<input type="checkbox"/> Yes
	Realign Armed Forces Reserve Center New Faribault		<input type="checkbox"/> Yes
28	Army - 58 RC Transformation, MO	Tim Abrell	Do you have a concern with this item? <input type="checkbox"/> Yes
	(Action) (Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
	Closure Army National Guard Reserve Center Jefferson Barracks		<input type="checkbox"/> Yes

Item	Recommendation	Lead Analyst	Concerns/Comments
40	Army - 82 RC Transformation, PA	Tim Abrell	Do you have a concern with this item? <input type="checkbox"/> Yes
	(Action) (Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
	Closure Bristol U.S. Army Reserve Center, Philadelphia		<input type="checkbox"/> Yes
	Closure North Penn U.S. Army Reserve Center, Norristown		<input type="checkbox"/> Yes
	Closure Serrenti U.S. Army Reserve Center, Scranton		<input type="checkbox"/> Yes
	Closure U.S. Army Reserve Center Bloomsburg		<input type="checkbox"/> Yes
	Closure U.S. Army Reserve Center Lewisburg		<input type="checkbox"/> Yes
	Closure U.S. Army Reserve Williamsport		<input type="checkbox"/> Yes
	Closure W. Reese U.S. Army Reserve Center/OMS, Chester		<input type="checkbox"/> Yes
41	Army - 85 RC Transformation, PR	Tim Abrell	Do you have a concern with this item? <input type="checkbox"/> Yes
	(Action) (Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
	Closure Army National Guard Reserve Center Humacao		<input type="checkbox"/> Yes
	Closure Lavergne U.S. Army Reserve Center Bayamon		<input type="checkbox"/> Yes
	Realign Aguadilla-Ramey U.S. Army Reserve Center/BMA-126		<input type="checkbox"/> Yes
	Realign Camp Euripedes Rubio, Puerto Nuevo		<input type="checkbox"/> Yes
42	Army - 87 RC Transformation, RI	Tim Abrell	Do you have a concern with this item? <input type="checkbox"/> Yes
	(Action) (Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
	Closure Bristol U.S. Army Reserve Center		<input type="checkbox"/> Yes
	Closure Harwood U.S. Army Reserve Center, Providence		<input type="checkbox"/> Yes
43	Army - 89 RC Transformation, TN	Tim Abrell	Do you have a concern with this item? <input type="checkbox"/> Yes
	(Action) (Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
	Closure U.S. Army Reserve Area Maintenance Support Facility Kir		<input type="checkbox"/> Yes
44	Army - 91 RC Transformation, TX	Tim Abrell	Do you have a concern with this item? <input type="checkbox"/> Yes
	(Action) (Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
	Closure Army National Guard Reserve Center # 2 Dallas		<input type="checkbox"/> Yes
	Closure Army National Guard Reserve Center (Hondo Pass) El Pas		<input type="checkbox"/> Yes
	Closure Army National Guard Reserve Center California Crossing		<input type="checkbox"/> Yes
	Closure Army National Guard Reserve Center Ellington		<input type="checkbox"/> Yes
	Closure Army National Guard Reserve Center Marshall		<input type="checkbox"/> Yes
	Closure Army National Guard Reserve Center New Braunfels		<input type="checkbox"/> Yes
	Closure U.S. Army Reserve Center # 2 Houston		<input type="checkbox"/> Yes
	Closure U.S. Army Reserve Center Lufkin		<input type="checkbox"/> Yes
45	Army - 95 RC Transformation, VT	Tim Abrell	Do you have a concern with this item? <input type="checkbox"/> Yes
	(Action) (Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
	Closure Army National Guard Reserve Center Ludlow		<input type="checkbox"/> Yes
	Closure Army National Guard Reserve Center North Springfield		<input type="checkbox"/> Yes
	Closure Army National Guard Reserve Center Rutland		<input type="checkbox"/> Yes
	Closure Army National Guard Reserve Center Windsor		<input type="checkbox"/> Yes
	Closure Courcelle Brothers U.S. Army Reserve Center, Rutland		<input type="checkbox"/> Yes
	Closure U.S. Army Reserve Area Maintenance Support Facility #16		<input type="checkbox"/> Yes
	Closure U.S. Army Reserve Center Berlin		<input type="checkbox"/> Yes
	Closure U.S. Army Reserve Center Chester		<input type="checkbox"/> Yes
	Realign Armed Forces Reserve Center New Rutland		<input type="checkbox"/> Yes
	Realign Armed Forces Reserve Center White River Jct		<input type="checkbox"/> Yes
46	Army - 97 RC Transformation, WA	Tim Abrell	Do you have a concern with this item? <input type="checkbox"/> Yes
	(Action) (Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
	Closure 1LT Richard H. Walker U.S. Army Reserve Center		<input type="checkbox"/> Yes
	Closure Army National Guard Reserve Center Everett		<input type="checkbox"/> Yes
47	Army - 99 RC Transformation, WV	Tim Abrell	Do you have a concern with this item? <input type="checkbox"/> Yes
	(Action) (Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
	Closure Bias U.S. Army Reserve Center, Huntington		<input type="checkbox"/> Yes
	Closure Fairmont U.S. Army National Guard Reserve Center		<input type="checkbox"/> Yes

Item	Recommendation	Lead Analyst	Concerns/Comments
Gainer	Armed Forces Reserve Center Moffett Field		<input type="checkbox"/> Yes
Gainer	Fort Hunter Liggett		<input type="checkbox"/> Yes
Gainer	Fort Sill		<input type="checkbox"/> Yes
<b>57</b>	<b>DoN - 6</b> Marine Corps Logistics Base, Barstow, CA	Valerie Mills	Do you have a concern with this item? <input type="checkbox"/> Yes
(Action)	(Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
<b>Realign</b>	Marine Corps Logistics Base Barstow	B	<input type="checkbox"/> Yes
Gainer	Anniston Army Depot		<input type="checkbox"/> Yes
Gainer	Letterkenny Army Depot		<input type="checkbox"/> Yes
Gainer	Marine Corps Logistics Base Albany		<input type="checkbox"/> Yes
Gainer	Tobyhanna Army Depot		<input type="checkbox"/> Yes
<b>58</b>	<b>DoN - 7</b> Naval Support Activity Corona, CA	David Epstein	Do you have a concern with this item? <input type="checkbox"/> Yes
(Action)	(Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
<b>Closure</b>	Naval Support Activity Corona	B, C	<input type="checkbox"/> Yes
Gainer	Naval Base Ventura County	B, C	<input type="checkbox"/> Yes
<b>59</b>	<b>DoN - 9</b> Naval Weapons Station Seal Beach Detachment, Concord, CA	David Epstein	Do you have a concern with this item? <input type="checkbox"/> Yes
(Action)	(Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
<b>Closure</b>	Naval Weapons Station Seal Beach Det Concord		<input type="checkbox"/> Yes
<b>60</b>	<b>DoN - 10</b> Submarine Base New London, CT	Hal Tickle	Do you have a concern with this item? <input type="checkbox"/> Yes
(Action)	(Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
<b>Closure</b>	Submarine Base New London	P, N, C, B, T	<input type="checkbox"/> Yes
Gainer	Fort Sam Houston		<input type="checkbox"/> Yes
Gainer	Naval Air Station Pensacola	G	<input type="checkbox"/> Yes
Gainer	Naval Medical Center Portsmouth	P, N	<input type="checkbox"/> Yes
Gainer	Naval Shipyard Norfolk		<input type="checkbox"/> Yes
Gainer	Naval Station Newport		<input type="checkbox"/> Yes
Gainer	Naval Station Norfolk	P, N	<input type="checkbox"/> Yes
Gainer	Naval Weapons Station Earle		<input type="checkbox"/> Yes
Gainer	Submarine Base Kings Bay		<input type="checkbox"/> Yes
Gainer	Walter Reed Army Medical Center	P, N	<input type="checkbox"/> Yes
Gainer	Westover Air Force Base		<input type="checkbox"/> Yes
<b>61</b>	<b>DoN - 12</b> Officer Training Command, Pensacola, FL	Joe Barrett	Do you have a concern with this item? <input type="checkbox"/> Yes
(Action)	(Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
<b>Realign</b>	Naval Air Station Pensacola	G	<input type="checkbox"/> Yes
Gainer	Naval Station Newport		<input type="checkbox"/> Yes
<b>62</b>	<b>DoN - 13</b> Naval Air Station Atlanta, GA	Bill Fetzer	Do you have a concern with this item? <input type="checkbox"/> Yes
(Action)	(Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
<b>Closure</b>	Naval Air Station Atlanta	G	<input type="checkbox"/> Yes
Gainer	Dobbins Air Reserve Base		<input type="checkbox"/> Yes
Gainer	Fort Gillem	B	<input type="checkbox"/> Yes
Gainer	Naval Air Station Joint Reserve Base Ft. Worth		<input type="checkbox"/> Yes
Gainer	Naval Air Station New Orleans		<input type="checkbox"/> Yes
Gainer	Robins Air Force Base		<input type="checkbox"/> Yes
<b>63</b>	<b>DoN - 14</b> Navy Supply Corps School Athens, GA	David Epstein	Do you have a concern with this item? <input type="checkbox"/> Yes
(Action)	(Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
<b>Closure</b>	Naval Supply Corps School Athens	G	<input type="checkbox"/> Yes
<b>Realign</b>	Undistributed or Overseas Reductions		<input type="checkbox"/> Yes
Gainer	Naval Station Newport		<input type="checkbox"/> Yes
<b>64</b>	<b>DoN - 15</b> Naval Support Activity New Orleans, LA	Joe Barrett	Do you have a concern with this item? <input type="checkbox"/> Yes
(Action)	(Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
<b>Closure</b>	Naval Support Activity New Orleans	T	<input type="checkbox"/> Yes
Gainer	Naval Air Station Joint Reserve Base Ft. Worth		<input type="checkbox"/> Yes
Gainer	Naval Air Station New Orleans		<input type="checkbox"/> Yes
Gainer	Naval Support Activity Mid South		<input type="checkbox"/> Yes

Item	Recommendation	Lead Analyst	Concerns/Comments
Closure	Inspector/Instructor Rome GA		<input type="checkbox"/> Yes
Closure	Navy Reserve Center La Crosse		<input type="checkbox"/> Yes
Closure	Navy-Marine Corps Reserve Center Akron		<input type="checkbox"/> Yes
Closure	Navy-Marine Corps Reserve Center Baton Rouge		<input type="checkbox"/> Yes
Closure	Navy-Marine Corps Reserve Center Cleveland		<input type="checkbox"/> Yes
Closure	Navy-Marine Corps Reserve Center Dubuque		<input type="checkbox"/> Yes
Closure	Navy-Marine Corps Reserve Center Madison		<input type="checkbox"/> Yes
Closure	Navy-Marine Corps Reserve Center Moundsville		<input type="checkbox"/> Yes
Closure	Navy-Marine Corps Reserve Center Reading		<input type="checkbox"/> Yes
Closure	Navy-Marine Corps Reserve Center Tulsa		<input type="checkbox"/> Yes
Closure	Navy-Marine Corps Reserve Center, Encino		<input type="checkbox"/> Yes
Closure	Navy-Marine Corps Reserve Center, Los Angeles		<input type="checkbox"/> Yes
Closure	Navy-Marine Corps Reserve Center, Mobile AL		<input type="checkbox"/> Yes
Realign	Undistributed or Overseas Reductions		<input type="checkbox"/> Yes
Gainer	Armed Forces Reserve Center Akron		<input type="checkbox"/> Yes
Gainer	Armed Forces Reserve Center Bell		<input type="checkbox"/> Yes
Gainer	Armed Forces Reserve Center Broken Arrow		<input type="checkbox"/> Yes
Gainer	Armed Forces Reserve Center Madison		<input type="checkbox"/> Yes
Gainer	Armed Forces Reserve Center Mobile		<input type="checkbox"/> Yes
Gainer	Baton Rouge Army National Guard Reserve Center		<input type="checkbox"/> Yes
Gainer	Dobbins Air Reserve Base		<input type="checkbox"/> Yes
Gainer	Fort Dix		<input type="checkbox"/> Yes
Gainer	Marine Corps Reserve Center Pasadena CA		<input type="checkbox"/> Yes
Gainer	Navy-Marine Corps Reserve Center Lehigh		<input type="checkbox"/> Yes
Gainer	Navy-Marine Corps Reserve Center Pittsburgh		<input type="checkbox"/> Yes
<b>74</b>	<b>DoN - 34</b>	<b>Navy Recruiting Districts</b>	Joe Barrett <i>Do you have a concern with this item?</i> <input type="checkbox"/> Yes
	<i>(Action)</i>	<i>(Affected Base)</i>	<i>(Visiting Commissioners)</i> <i>(Do you have a concern with this specific action?)</i>
Closure	Naval Recruiting District Headquarters Omaha		<input type="checkbox"/> Yes
Closure	Naval Recruiting District Headquarters Buffalo		<input type="checkbox"/> Yes
Closure	Naval Recruiting District Headquarters Indianapolis		<input type="checkbox"/> Yes
Closure	Naval Recruiting District Headquarters Kansas		<input type="checkbox"/> Yes
Closure	Naval Recruiting District Headquarters Montgomery		<input type="checkbox"/> Yes
<b>75</b>	<b>DoN - 35</b>	<b>Navy Regions</b>	C. W. Furlow <i>Do you have a concern with this item?</i> <input type="checkbox"/> Yes
	<i>(Action)</i>	<i>(Affected Base)</i>	<i>(Visiting Commissioners)</i> <i>(Do you have a concern with this specific action?)</i>
Realign	Naval Air Station Corpus Christi	Hi	<input type="checkbox"/> Yes
Realign	Naval Air Station Pensacola	G	<input type="checkbox"/> Yes
Gainer	Naval Air Station Jacksonville		<input type="checkbox"/> Yes
Gainer	Naval Station Great Lakes	S	<input type="checkbox"/> Yes
<b>76</b>	<b>DoN - 37</b>	<b>Navy Reserve Centers** (Roll up)</b>	Colleen Turner <i>Do you have a concern with this item?</i> <input type="checkbox"/> Yes
	<i>(Action)</i>	<i>(Affected Base)</i>	<i>(Visiting Commissioners)</i> <i>(Do you have a concern with this specific action?)</i>
Closure	Naval Reserve Center, Bangor		<input type="checkbox"/> Yes
Closure	Navy Marine Corps Reserve Center Grissom Air Reserve B		<input type="checkbox"/> Yes
Closure	Navy Reserve Center Adelphi		<input type="checkbox"/> Yes
Closure	Navy Reserve Center Asheville		<input type="checkbox"/> Yes
Closure	Navy Reserve Center Cape Girardeau		<input type="checkbox"/> Yes
Closure	Navy Reserve Center Cedar Rapids		<input type="checkbox"/> Yes
Closure	Navy Reserve Center Central Point		<input type="checkbox"/> Yes
Closure	Navy Reserve Center Duluth		<input type="checkbox"/> Yes
Closure	Navy Reserve Center Evansville		<input type="checkbox"/> Yes
Closure	Navy Reserve Center Forest Park		<input type="checkbox"/> Yes
Closure	Navy Reserve Center Glenn Falls		<input type="checkbox"/> Yes
Closure	Navy Reserve Center Horsehead		<input type="checkbox"/> Yes
Closure	Navy Reserve Center Lexington		<input type="checkbox"/> Yes
Closure	Navy Reserve Center Lincoln		<input type="checkbox"/> Yes
Closure	Navy Reserve Center Lubbock, TX		<input type="checkbox"/> Yes
Closure	Navy Reserve Center Marquette		<input type="checkbox"/> Yes

**Item DCN 11582 Recommendation**

**Lead Analyst Concerns/Comments**

	<b>Realign</b>	March Air Reserve Base		<input type="checkbox"/> Yes
	<b>Gainer</b>	Armed Forces Reserve Center Pease Air Force Base		<input type="checkbox"/> Yes
	<b>Gainer</b>	McConnell Air Force Base		<input type="checkbox"/> Yes
	<b>Gainer</b>	McGee Tyson APT Air Guard Station		<input type="checkbox"/> Yes
<b>84</b>	<b>Air Force - 12</b>	<b>Onizuka Air Force Station, CA</b>	Craig Hall	Do you have a concern with this item? <input type="checkbox"/> Yes
	<i>(Action)</i>	<i>(Affected Base)</i>	<i>(Visiting Commissioners)</i>	<i>(Do you have a concern with this specific action?)</i>
	<b>Closure</b>	Onizuka Air Force Station		<input type="checkbox"/> Yes
	<b>Realign</b>	Undistributed or Overseas Reductions		<input type="checkbox"/> Yes
	<b>Gainer</b>	Vandenburg Air Force Base		<input type="checkbox"/> Yes
<b>85</b>	<b>Air Force - 14</b>	<b>Bradley International Airport Air Guard Station, CT, Barnes Air Guard Station, MA, Selfridge Air National Guard Base, MI, Shaw Air Force Base, SC, and Martine State Air Guard Station, MD</b>	Brad McRee	Do you have a concern with this item? <input type="checkbox"/> Yes
	<i>(Action)</i>	<i>(Affected Base)</i>	<i>(Visiting Commissioners)</i>	<i>(Do you have a concern with this specific action?)</i>
	<b>Realign</b>	Bradley International Airport Air Guard Station		<input type="checkbox"/> Yes
	<b>Realign</b>	Martin State Airport Air Guard Station		<input type="checkbox"/> Yes
	<b>Realign</b>	Selfridge Air National Guard Base		<input type="checkbox"/> Yes
	<b>Realign</b>	Shaw Air Force Base		<input type="checkbox"/> Yes
	<b>Gainer</b>	Barnes Municipal Airport Air Guard Station		<input type="checkbox"/> Yes
<b>86</b>	<b>Air Force - 15</b>	<b>New Castle Airport Air Guard Station, DE</b>	Jim Hanna	Do you have a concern with this item? <input type="checkbox"/> Yes
	<i>(Action)</i>	<i>(Affected Base)</i>	<i>(Visiting Commissioners)</i>	<i>(Do you have a concern with this specific action?)</i>
	<b>Realign</b>	New Castle County Airport Air Guard Station		<input type="checkbox"/> Yes
	<b>Gainer</b>	Charlotte/Douglas International Airport		<input type="checkbox"/> Yes
	<b>Gainer</b>	Dover Air Force Base		<input type="checkbox"/> Yes
	<b>Gainer</b>	McGuire Air Force Base		<input type="checkbox"/> Yes
	<b>Gainer</b>	Savannah International Airport Air Guard Station		<input type="checkbox"/> Yes
<b>87</b>	<b>Air Force - 16</b>	<b>Robins Air Force Base, GA</b>	Tim MacGregor	Do you have a concern with this item? <input type="checkbox"/> Yes
	<i>(Action)</i>	<i>(Affected Base)</i>	<i>(Visiting Commissioners)</i>	<i>(Do you have a concern with this specific action?)</i>
	<b>Realign</b>	Robins Air Force Base		<input type="checkbox"/> Yes
	<b>Gainer</b>	McConnell Air Force Base		<input type="checkbox"/> Yes
<b>88</b>	<b>Air Force - 17</b>	<b>Boise Air Terminal Air Guard Station, ID</b>	Brad McRee	Do you have a concern with this item? <input type="checkbox"/> Yes
	<i>(Action)</i>	<i>(Affected Base)</i>	<i>(Visiting Commissioners)</i>	<i>(Do you have a concern with this specific action?)</i>
	<b>Realign</b>	Boise Air Terminal Air Guard Station		<input type="checkbox"/> Yes
	<b>Gainer</b>	Cheyenne Airport Air Guard Station		<input type="checkbox"/> Yes
<b>89</b>	<b>Air Force - 18</b>	<b>Mountain Home Air Force, ID, Nellis Air Force Base, NV, and Elmendorf Air Force Base</b>	Tanya Cruz	Do you have a concern with this item? <input type="checkbox"/> Yes
	<i>(Action)</i>	<i>(Affected Base)</i>	<i>(Visiting Commissioners)</i>	<i>(Do you have a concern with this specific action?)</i>
	<b>Realign</b>	Elmendorf Air Force Base	P, Ha, C	<input type="checkbox"/> Yes
	<b>Realign</b>	Mountain Home Air Force Base	Ha	<input type="checkbox"/> Yes
	<b>Gainer</b>	Fresno Air Terminal		<input type="checkbox"/> Yes
	<b>Gainer</b>	Jacksonville International Airport Air Guard Station		<input type="checkbox"/> Yes
	<b>Gainer</b>	McEntire Air Guard Station		<input type="checkbox"/> Yes
	<b>Gainer</b>	Nellis Air Force Base		<input type="checkbox"/> Yes
	<b>Gainer</b>	Shaw Air Force Base		<input type="checkbox"/> Yes
	<b>Gainer</b>	Tulsa International Airport Air Guard Station		<input type="checkbox"/> Yes
<b>90</b>	<b>Air Force - 20</b>	<b>Capital Air Guard Station, IL, and Hulman Regional Airport Air Guard Station, IN</b>	Brad McRee	Do you have a concern with this item? <input type="checkbox"/> Yes
	<i>(Action)</i>	<i>(Affected Base)</i>	<i>(Visiting Commissioners)</i>	<i>(Do you have a concern with this specific action?)</i>
	<b>Realign</b>	Capital Airport Air Guard Station	S	<input type="checkbox"/> Yes
	<b>Realign</b>	Dane County Airport		<input type="checkbox"/> Yes
	<b>Realign</b>	Des Moines International Airport Air Guard Station		<input type="checkbox"/> Yes
	<b>Realign</b>	Hulman Regional Airport Air Guard Station		<input type="checkbox"/> Yes
	<b>Realign</b>	Joe Foss Field Air Guard Station		<input type="checkbox"/> Yes
	<b>Realign</b>	Lackland Air Force Base	Hi	<input type="checkbox"/> Yes
	<b>Gainer</b>	Fort Wayne International Airport Air Guard Station		<input type="checkbox"/> Yes

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	Gainer	Des Moines International Airport Air Guard Station			<input type="checkbox"/> Yes
99	Air Force - 31	Reno-Tahoe International Airport Air Guard Station, NV		Colleen Turner	Do you have a concern with this item? <input type="checkbox"/> Yes
	(Action)	(Affected Base)		(Visiting Commissioners)	(Do you have a concern with this specific action?)
	Realign	Reno-Tahoe International Airport Air Guard Station			<input type="checkbox"/> Yes
	Gainer	Channel Islands Air Guard Station			<input type="checkbox"/> Yes
	Gainer	Fresno Air Terminal			<input type="checkbox"/> Yes
	Gainer	Little Rock Air Force Base			<input type="checkbox"/> Yes
100	Air Force - 32	Cannon Air Force Base, NM		David Combs	Do you have a concern with this item? <input type="checkbox"/> Yes
	(Action)	(Affected Base)		(Visiting Commissioners)	(Do you have a concern with this specific action?)
	Closure	Cannon Air Force Base	T, Hi, Ha, P		<input type="checkbox"/> Yes
	Realign	Undistributed or Overseas Reductions			<input type="checkbox"/> Yes
	Gainer	Andrews Air Force Base			<input type="checkbox"/> Yes
	Gainer	Dane County Airport			<input type="checkbox"/> Yes
	Gainer	Hill Air Force Base	Ha, C, N		<input type="checkbox"/> Yes
	Gainer	Joe Foss Field Air Guard Station			<input type="checkbox"/> Yes
	Gainer	Kirtland Air Force Base			<input type="checkbox"/> Yes
	Gainer	Nellis Air Force Base			<input type="checkbox"/> Yes
101	Air Force - 33	Niagara Falls Air Reserve Station, NY		Mike Flinn	Do you have a concern with this item? <input type="checkbox"/> Yes
	(Action)	(Affected Base)		(Visiting Commissioners)	(Do you have a concern with this specific action?)
	Closure	Niagara Falls International Airport Air Guard Station	P, N, T, B		<input type="checkbox"/> Yes
	Gainer	Bangor International Airport Air Guard Station			<input type="checkbox"/> Yes
	Gainer	Lackland Air Force Base	Hi		<input type="checkbox"/> Yes
	Gainer	Langley Air Force Base			<input type="checkbox"/> Yes
	Gainer	Little Rock Air Force Base			<input type="checkbox"/> Yes
	Gainer	Schriever Air Force Base			<input type="checkbox"/> Yes
102	Air Force - 34	Schenectady County Airport Air Guard Station		Mike Flinn	Do you have a concern with this item? <input type="checkbox"/> Yes
	(Action)	(Affected Base)		(Visiting Commissioners)	(Do you have a concern with this specific action?)
	Realign	Schenectady County Air Guard Station			<input type="checkbox"/> Yes
	Gainer	Little Rock Air Force Base			<input type="checkbox"/> Yes
103	Air Force - 35	Pope Air Force Base, NC, Pittsburgh International Airport Air Reserve Station, PA, Yeager Air Guard Station, WV		Mike Flinn, Brad McRee	Do you have a concern with this item? <input type="checkbox"/> Yes
	(Action)	(Affected Base)		(Visiting Commissioners)	(Do you have a concern with this specific action?)
	Closure	Pittsburgh International Airport Air Reserve Station	N		<input type="checkbox"/> Yes
	Realign	Pope Air Force Base	G, Hi		<input type="checkbox"/> Yes
	Realign	Sheppard Air Force Base	T, Hi		<input type="checkbox"/> Yes
	Realign	Yeager Airport Air Guard Station	P		<input type="checkbox"/> Yes
	Gainer	Channel Islands Air Guard Station			<input type="checkbox"/> Yes
	Gainer	Columbus Air Force Base			<input type="checkbox"/> Yes
	Gainer	Eastern West Virginia Regional Airport Sheppard Air Guar			<input type="checkbox"/> Yes
	Gainer	Fort Bragg			<input type="checkbox"/> Yes
	Gainer	Laughlin Air Force Base			<input type="checkbox"/> Yes
	Gainer	Little Rock Air Force Base			<input type="checkbox"/> Yes
	Gainer	Moody Air Force Base			<input type="checkbox"/> Yes
	Gainer	Offutt Air Force Base			<input type="checkbox"/> Yes
	Gainer	Quonset State Airport Air Guard Station			<input type="checkbox"/> Yes
	Gainer	Randolph Air Force Base			<input type="checkbox"/> Yes
	Gainer	Vance Air Force Base			<input type="checkbox"/> Yes
	Gainer	Youngstown-Warren Regional Airport			<input type="checkbox"/> Yes
104	Air Force - 37	Grand Forks Air Force Base, ND		Tim MacGregor	Do you have a concern with this item? <input type="checkbox"/> Yes
	(Action)	(Affected Base)		(Visiting Commissioners)	(Do you have a concern with this specific action?)
	Realign	Grand Forks Air Force Base	C, S, B		<input type="checkbox"/> Yes
	Realign	Undistributed or Overseas Reductions			<input type="checkbox"/> Yes
	Gainer	Forbes Field Air Guard Station			<input type="checkbox"/> Yes

Recommendation			Lead Analyst	Concerns/Comments
112	Air Force - 46	Lackland Air Force Base, TX	Art Beauchamp, David Combs, Tanya Cruz	Do you have a concern with this item? <input type="checkbox"/> Yes
<i>(Action)</i>		<i>(Affected Base)</i>	<i>(Visiting Commissioners)</i>	<i>(Do you have a concern with this specific action?)</i>
Realign	Lackland Air Force Base		Hi	<input type="checkbox"/> Yes
Gainer	McCconnell Air Force Base			<input type="checkbox"/> Yes
113	Air Force - 47	Hill Air Force Base, UT, Edwards Air Force Base, CA, Mountain Home Air Force Base, ID, Luke Air Force Base, AZ, Nellis Air Force Base, NV	Art Beauchamp, David Combs, Tanya Cruz	Do you have a concern with this item? <input type="checkbox"/> Yes
<i>(Action)</i>		<i>(Affected Base)</i>	<i>(Visiting Commissioners)</i>	<i>(Do you have a concern with this specific action?)</i>
Realign	Edwards Air Force Base			<input type="checkbox"/> Yes
Realign	Hill Air Force Base		Ha, C, N	<input type="checkbox"/> Yes
Realign	Luke Air Force Base			<input type="checkbox"/> Yes
Realign	Mountain Home Air Force Base		Ha	<input type="checkbox"/> Yes
Realign	Nellis Air Force Base			<input type="checkbox"/> Yes
Gainer	Carswell ARS, Naval Air Station Fort Worth			<input type="checkbox"/> Yes
Gainer	Homestead Air Reserve Station			<input type="checkbox"/> Yes
Gainer	Langley Air Force Base			<input type="checkbox"/> Yes
Gainer	Shaw Air Force Base			<input type="checkbox"/> Yes
114	Air Force - 49	Langley Air Force Base, VA	Art Beauchamp	Do you have a concern with this item? <input type="checkbox"/> Yes
<i>(Action)</i>		<i>(Affected Base)</i>	<i>(Visiting Commissioners)</i>	<i>(Do you have a concern with this specific action?)</i>
Realign	Langley Air Force Base			<input type="checkbox"/> Yes
Gainer	Tyndall Air Force Base			<input type="checkbox"/> Yes
115	Air Force - 50	Richmond Air Guard Station, VA, Des Moines International Airport Air Guard Station, IA	Brad McRee	Do you have a concern with this item? <input type="checkbox"/> Yes
<i>(Action)</i>		<i>(Affected Base)</i>	<i>(Visiting Commissioners)</i>	<i>(Do you have a concern with this specific action?)</i>
Realign	Des Moines International Airport Air Guard Station			<input type="checkbox"/> Yes
Realign	Richmond International Airport Air Guard Station			<input type="checkbox"/> Yes
Gainer	Homestead Air Reserve Station			<input type="checkbox"/> Yes
Gainer	Toledo Express Airport Air Guard Station			<input type="checkbox"/> Yes
Gainer	Tulsa International Airport Air Guard Station			<input type="checkbox"/> Yes
116	Air Force - 51	Fairchild Air Force Base, WA	Tim MacGregor	Do you have a concern with this item? <input type="checkbox"/> Yes
<i>(Action)</i>		<i>(Affected Base)</i>	<i>(Visiting Commissioners)</i>	<i>(Do you have a concern with this specific action?)</i>
Realign	Fairchild Air Force Base			<input type="checkbox"/> Yes
Gainer	Sioux Gateway Airport Air Guard			<input type="checkbox"/> Yes
117	Air Force - 52	General Mitchell Air Reserve Station, WI	Tanya Cruz	Do you have a concern with this item? <input type="checkbox"/> Yes
<i>(Action)</i>		<i>(Affected Base)</i>	<i>(Visiting Commissioners)</i>	<i>(Do you have a concern with this specific action?)</i>
Closure	Gen Mitchell International Airport ARS		S	<input type="checkbox"/> Yes
Gainer	Dobbins Air Reserve Base			<input type="checkbox"/> Yes
Gainer	Little Rock Air Force Base			<input type="checkbox"/> Yes
Gainer	Pope Air Force Base		G, Hi	<input type="checkbox"/> Yes
118	Air Force - 53	Air Force Logistics Support Centers	Art Beauchamp	Do you have a concern with this item? <input type="checkbox"/> Yes
<i>(Action)</i>		<i>(Affected Base)</i>	<i>(Visiting Commissioners)</i>	<i>(Do you have a concern with this specific action?)</i>
Realign	Altus Air Force Base			<input type="checkbox"/> Yes
Realign	Hickam Air Force Base			<input type="checkbox"/> Yes
Realign	Hurlburt Field			<input type="checkbox"/> Yes
Realign	Little Rock Air Force Base			<input type="checkbox"/> Yes
Realign	Luke Air Force Base			<input type="checkbox"/> Yes
Gainer	Langley Air Force Base			<input type="checkbox"/> Yes
Gainer	Scott Air Force Base			<input type="checkbox"/> Yes
119	Air Force - 55	F-100 Engine Centralized Intermediate Repair Facilities	Art Beauchamp	Do you have a concern with this item? <input type="checkbox"/> Yes
<i>(Action)</i>		<i>(Affected Base)</i>	<i>(Visiting Commissioners)</i>	<i>(Do you have a concern with this specific action?)</i>
Realign	Jacksonville International Airport Air Guard Station			<input type="checkbox"/> Yes
Realign	Langley Air Force Base			<input type="checkbox"/> Yes
Realign	Tyndall Air Force Base			<input type="checkbox"/> Yes

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129	H&SA - 3	Co-locate Miscellaneous Air Force Leased Locations and National Guard Headquarters Leased Locations	Tim Abrell	Do you have a concern with this item? <input type="checkbox"/> Yes
(Action)	(Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)	
Realign	CRYSTAL CITY LEASE, VA		<input type="checkbox"/>	Yes
Realign	Leased Space - VA		<input type="checkbox"/>	Yes
Gainer	Andrews Air Force Base		<input type="checkbox"/>	Yes
Gainer	Headquarters Battalion, Headquarters Marine Corps, Hende		<input type="checkbox"/>	Yes
130	H&SA - 5	Co-locate Defense Military Department Adjudication Activities	Carol Schmidt	Do you have a concern with this item? <input type="checkbox"/> Yes
(Action)	(Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)	
Closure	Leased Space - AZ		<input type="checkbox"/>	Yes
Closure	Leased Space - CA		<input type="checkbox"/>	Yes
Closure	Leased Space - MD		<input type="checkbox"/>	Yes
Closure	Leased Space - OH		<input type="checkbox"/>	Yes
Closure	Leased Space - VA		<input type="checkbox"/>	Yes
Realign	Bolling Air Force Base	P, T	<input type="checkbox"/>	Yes
Realign	Natick Soldier Systems Center		<input type="checkbox"/>	Yes
Realign	Naval District Washington		<input type="checkbox"/>	Yes
Gainer	Fort Meade		<input type="checkbox"/>	Yes
131	H&SA - 8	Co-locate Military Department Investigation Agencies with DoD Counterintelligence and Security Agency	Jim Durso	Do you have a concern with this item? <input type="checkbox"/> Yes
(Action)	(Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)	
Closure	Leased Space - CA		<input type="checkbox"/>	Yes
Closure	Leased Space - CO		<input type="checkbox"/>	Yes
Closure	Leased Space - GA		<input type="checkbox"/>	Yes
Closure	Leased Space - MD		<input type="checkbox"/>	Yes
Closure	Leased Space - OH		<input type="checkbox"/>	Yes
Closure	Leased Space - VA		<input type="checkbox"/>	Yes
Realign	Andrews Air Force Base		<input type="checkbox"/>	Yes
Realign	Fort Belvoir	C	<input type="checkbox"/>	Yes
Realign	Naval District Washington		<input type="checkbox"/>	Yes
Gainer	Marine Corps Base Quantico		<input type="checkbox"/>	Yes
Gainer	Peterson Air Force Base		<input type="checkbox"/>	Yes
132	H&SA - 10	Co-locate Miscellaneous Army Leased Locations	Tim Abrell	Do you have a concern with this item? <input type="checkbox"/> Yes
(Action)	(Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)	
Realign	BAILEY'S CROSSROADS, VA	P, T	<input type="checkbox"/>	Yes
Realign	BALSTON LEASE, VA		<input type="checkbox"/>	Yes
Realign	CRYSTAL CITY LEASE, VA		<input type="checkbox"/>	Yes
Realign	HOFFMAN LEASE, VA		<input type="checkbox"/>	Yes
Realign	ROSSLYN LEASE, VA		<input type="checkbox"/>	Yes
Gainer	Fort Belvoir	C	<input type="checkbox"/>	Yes
133	H&SA - 12	Co-locate Miscellaneous OSD, Defense Agency, and Field Activity Leased Locations	Carol Schmidt	Do you have a concern with this item? <input type="checkbox"/> Yes
(Action)	(Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)	
Realign	Leased Space - VA		<input type="checkbox"/>	Yes
Gainer	Fort Belvoir	C	<input type="checkbox"/>	Yes
Gainer	Fort Lee		<input type="checkbox"/>	Yes
134	H&SA - 15	Co-locate Missile and Space Defense Agencies	Jim Durso	Do you have a concern with this item? <input type="checkbox"/> Yes
(Action)	(Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)	
Realign	Leased Space - VA		<input type="checkbox"/>	Yes
Gainer	Fort Belvoir	C	<input type="checkbox"/>	Yes
Gainer	Redstone Arsenal		<input type="checkbox"/>	Yes
135	H&SA - 17	Co-locate Navy Education and Training Command and Navy Education and Training Professional Development & Technology Center	Carol Schmidt	Do you have a concern with this item? <input type="checkbox"/> Yes
(Action)	(Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)	

Item	Recommendation	Lead Analyst	Concerns/Comments
	Gainer Fort Lee		<input type="checkbox"/> Yes
140	H&SA - 27 Consolidate Defense Information Systems Agency and Establish Joint C4ISR Capability	Ethan Saxon	Do you have a concern with this item? <input type="checkbox"/> Yes
(Action)	(Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
Realign	Arlington Service Center	P	<input type="checkbox"/> Yes
Realign	Leased Space - Slidell		<input type="checkbox"/> Yes
Realign	Leased Space - VA		<input type="checkbox"/> Yes
Realign	Naval Support Activity Panama City		<input type="checkbox"/> Yes
Gainer	Fort Meade		<input type="checkbox"/> Yes
141	H&SA - 30 Consolidate Media Organizations into a New Agency for Media and Publications	Michael Delaney	Do you have a concern with this item? <input type="checkbox"/> Yes
(Action)	(Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
Realign	Fort Belvoir	C	<input type="checkbox"/> Yes
Realign	Leased Space - DC		<input type="checkbox"/> Yes
Realign	Leased Space - TX		<input type="checkbox"/> Yes
Realign	Leased Space - VA		<input type="checkbox"/> Yes
Gainer	Fort Meade		<input type="checkbox"/> Yes
142	H&SA - 31 Consolidate Transportation Command Components	Jim Durso	Do you have a concern with this item? <input type="checkbox"/> Yes
(Action)	(Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
Realign	Fort Eustis	P, N	<input type="checkbox"/> Yes
Realign	Leased Space - VA		<input type="checkbox"/> Yes
Realign	Naval Station Norfolk	P, N	<input type="checkbox"/> Yes
Gainer	Scott Air Force Base		<input type="checkbox"/> Yes
143	H&SA - 33 Consolidate/Co-locate Active and Reserve Personnel & Recruiting Centers for Army and Air Force	Colleen Turner	Do you have a concern with this item? <input type="checkbox"/> Yes
(Action)	(Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
Realign	Air Reserve Personnel Center	N, C	<input type="checkbox"/> Yes
Realign	HOFFMAN LEASE, VA		<input type="checkbox"/> Yes
Realign	Leased Space - IN		<input type="checkbox"/> Yes
Realign	Leased Space - MO	T	<input type="checkbox"/> Yes
Gainer	Fort Knox	T, S	<input type="checkbox"/> Yes
Gainer	Randolph Air Force Base		<input type="checkbox"/> Yes
Gainer	Robins Air Force Base		<input type="checkbox"/> Yes
144	H&SA - 35 Create Joint Mobilization Sites	Colleen Turner	Do you have a concern with this item? <input type="checkbox"/> Yes
(Action)	(Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
Realign	Fort Eustis	P, N	<input type="checkbox"/> Yes
Realign	Fort Jackson		<input type="checkbox"/> Yes
Realign	Submarine Base New London	P, N, C, B, T	<input type="checkbox"/> Yes
Gainer	Fort Dix		<input type="checkbox"/> Yes
145	H&SA - 37 Defense Finance and Accounting Service	Marilyn Waleski	Do you have a concern with this item? <input type="checkbox"/> Yes
(Action)	(Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
Closure	Defense Finance and Accounting Service, Charleston	Hi	<input type="checkbox"/> Yes
Closure	Defense Finance and Accounting Service, Dayton		<input type="checkbox"/> Yes
Closure	Defense Finance and Accounting Service, Kansas City	T	<input type="checkbox"/> Yes
Closure	Defense Finance and Accounting Service, Lexington		<input type="checkbox"/> Yes
Closure	Defense Finance and Accounting Service, Limestone	N	<input type="checkbox"/> Yes
Closure	Defense Finance and Accounting Service, Oakland		<input type="checkbox"/> Yes
Closure	Defense Finance and Accounting Service, Orlando		<input type="checkbox"/> Yes
Closure	Defense Finance and Accounting Service, Patuxent River		<input type="checkbox"/> Yes
Closure	Defense Finance and Accounting Service, Rome	N	<input type="checkbox"/> Yes
Closure	Defense Finance and Accounting Service, San Antonio	Hi	<input type="checkbox"/> Yes
Closure	Defense Finance and Accounting Service, San Bernardino		<input type="checkbox"/> Yes
Closure	Defense Finance and Accounting Service, San Diego		<input type="checkbox"/> Yes
Closure	Defense Finance and Accounting Service, Seaside		<input type="checkbox"/> Yes
Closure	Defense Finance and Accounting Service, St. Louis	T	<input type="checkbox"/> Yes

Item	Recommendation	Lead Analyst	Concerns/Comments
150	Ind - 4 Naval Weapons Station Seal beach, CA	David Epstein	Do you have a concern with this item? <input type="checkbox"/> Yes
	(Action) (Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
	Realign Naval Weapons Station Seal Beach		<input type="checkbox"/> Yes
	Gainer Anniston Army Depot		<input type="checkbox"/> Yes
	Gainer Letterkenny Army Depot		<input type="checkbox"/> Yes
	Gainer Marine Corps Logistics Base Albany		<input type="checkbox"/> Yes
	Gainer Tobyhanna Army Depot		<input type="checkbox"/> Yes
151	Ind - 5 Riverbank Army Ammunition Plant, CA	George Delgado	Do you have a concern with this item? <input type="checkbox"/> Yes
	(Action) (Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
	Closure Riverbank Army Ammunition Plant		<input type="checkbox"/> Yes
152	Ind - 6 Sierra Army Depot, CA	George Delgado	Do you have a concern with this item? <input type="checkbox"/> Yes
	(Action) (Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
	Realign Crane Army Ammunition Plant		<input type="checkbox"/> Yes
	Realign McAlester Army Ammunition Plant		<input type="checkbox"/> Yes
	Realign Sierra Army Depot		<input type="checkbox"/> Yes
	Realign Tooele Army Depot		<input type="checkbox"/> Yes
153	Ind - 7 Rock Island Arsenal, IL	Valerie Mills	Do you have a concern with this item? <input type="checkbox"/> Yes
	(Action) (Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
	Realign Rock Island Arsenal S		<input type="checkbox"/> Yes
	Gainer Anniston Army Depot		<input type="checkbox"/> Yes
	Gainer Letterkenny Army Depot		<input type="checkbox"/> Yes
154	Ind - 8 Newport Chemical Depot, IN	George Delgado	Do you have a concern with this item? <input type="checkbox"/> Yes
	(Action) (Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
	Closure Newport Chemical Depot S		<input type="checkbox"/> Yes
	Realign Undistributed or Overseas Reductions		<input type="checkbox"/> Yes
155	Ind - 9 Kansas Army Ammunition Plant, KS	George Delgado	Do you have a concern with this item? <input type="checkbox"/> Yes
	(Action) (Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
	Closure Kansas Army Ammunition Plant		<input type="checkbox"/> Yes
156	Ind - 10 Lima Tank Plant, OH	George Delgado	Do you have a concern with this item? <input type="checkbox"/> Yes
	(Action) (Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
	Realign Fort Lewis		<input type="checkbox"/> Yes
157	Ind - 11 Mississippi Army Ammunition Plant, MS	George Delgado	Do you have a concern with this item? <input type="checkbox"/> Yes
	(Action) (Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
	Closure Mississippi Army Ammunition Plant		<input type="checkbox"/> Yes
	Realign Undistributed or Overseas Reductions		<input type="checkbox"/> Yes
158	Ind - 12 Hawthorne Army Depot, NV	George Delgado	Do you have a concern with this item? <input type="checkbox"/> Yes
	(Action) (Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
	Tooele Army Depot		<input type="checkbox"/> Yes
	Closure Hawthorne Army Depot C, P		<input type="checkbox"/> Yes
	Realign Undistributed or Overseas Reductions		<input type="checkbox"/> Yes
159	Ind - 13 Watervliet Arsenal, NY	George Delgado	Do you have a concern with this item? <input type="checkbox"/> Yes
	(Action) (Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
	Realign Watervliet Arsenal		<input type="checkbox"/> Yes
160	Ind - 14 Umatilla Chemical Depot, OR	George Delgado	Do you have a concern with this item? <input type="checkbox"/> Yes
	(Action) (Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
	Closure Umatilla Army Depot C, B		<input type="checkbox"/> Yes
161	Ind - 15 Lackland Air Force Base, TX	Tom Pantelides	Do you have a concern with this item? <input type="checkbox"/> Yes
	(Action) (Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
	Realign Lackland Air Force Base Hi		<input type="checkbox"/> Yes
	Gainer Tobyhanna Army Depot		<input checked="" type="checkbox"/> Yes

Item	Recommendation	Lead Analyst	Concerns/Comments
	<b>Realign</b> Walter Reed Army Medical Center	P, N	<input type="checkbox"/> Yes
	<b>Gainer</b> Aberdeen Proving Ground		<input type="checkbox"/> Yes
	<b>Gainer</b> Dover Air Force Base		<input type="checkbox"/> Yes
	<b>Gainer</b> Fort Belvoir	C	<input type="checkbox"/> Yes
	<b>Gainer</b> Fort Detrick		<input type="checkbox"/> Yes
	<b>Gainer</b> Fort Sam Houston		<input type="checkbox"/> Yes
	<b>Gainer</b> National Naval Medical Center Bethesda		<input type="checkbox"/> Yes
<b>170</b>	<b>Med - 6</b> Brooks City Base, TX	Lesia Mandzia	Do you have a concern with this item? <input type="checkbox"/> Yes
	<i>(Action)</i> <i>(Affected Base)</i>	<i>(Visiting Commissioners)</i>	<i>(Do you have a concern with this specific action?)</i>
	<b>Closure</b> Brooks City-Base	Hi	<input type="checkbox"/> Yes
	<b>Realign</b> Holloman Air Force Base		<input type="checkbox"/> Yes
	<b>Gainer</b> Aberdeen Proving Ground		<input type="checkbox"/> Yes
	<b>Gainer</b> Fort Sam Houston		<input type="checkbox"/> Yes
	<b>Gainer</b> Lackland Air Force Base	Hi	<input type="checkbox"/> Yes
	<b>Gainer</b> Randolph Air Force Base		<input type="checkbox"/> Yes
	<b>Gainer</b> Wright Patterson Air Force Base	N, S	<input type="checkbox"/> Yes
<b>171</b>	<b>Med - 9</b> McChord Air Force Base, WA	Lesia Mandzia	Do you have a concern with this item? <input type="checkbox"/> Yes
	<i>(Action)</i> <i>(Affected Base)</i>	<i>(Visiting Commissioners)</i>	<i>(Do you have a concern with this specific action?)</i>
	<b>Realign</b> McChord Air Force Base	C, B	<input type="checkbox"/> Yes
	<b>Gainer</b> Fort Lewis		<input type="checkbox"/> Yes
<b>172</b>	<b>Med - 10</b> San Antonio Regional Medical Center, TX	Lesia Mandzia	Do you have a concern with this item? <input type="checkbox"/> Yes
	<i>(Action)</i> <i>(Affected Base)</i>	<i>(Visiting Commissioners)</i>	<i>(Do you have a concern with this specific action?)</i>
	<b>Realign</b> Lackland Air Force Base	Hi	<input type="checkbox"/> Yes
	<b>Realign</b> Naval Medical Center Portsmouth	P, N	<input type="checkbox"/> Yes
	<b>Realign</b> Naval Medical Center San Diego	P	<input type="checkbox"/> Yes
	<b>Realign</b> Naval Station Great Lakes	S	<input type="checkbox"/> Yes
	<b>Realign</b> Sheppard Air Force Base	T, Hi	<input type="checkbox"/> Yes
	<b>Gainer</b> Fort Sam Houston		<input type="checkbox"/> Yes
<b>173</b>	<b>Med - 12</b> Convert Inpatient Services to Clinics	Lesia Mandzia	Do you have a concern with this item? <input type="checkbox"/> Yes
	<i>(Action)</i> <i>(Affected Base)</i>	<i>(Visiting Commissioners)</i>	<i>(Do you have a concern with this specific action?)</i>
	<b>Realign</b> Andrews Air Force Base		<input type="checkbox"/> Yes
	<b>Realign</b> Fort Eustis	P, N	<input type="checkbox"/> Yes
	<b>Realign</b> Fort Knox	T, S	<input type="checkbox"/> Yes
	<b>Realign</b> Keesler Air Force Base	G	<input type="checkbox"/> Yes
	<b>Realign</b> MacDill Air Force Base		<input type="checkbox"/> Yes
	<b>Realign</b> Marine Corps Air Station Cherry Point		<input type="checkbox"/> Yes
	<b>Realign</b> Naval Station Great Lakes	S	<input type="checkbox"/> Yes
	<b>Realign</b> Scott Air Force Base		<input type="checkbox"/> Yes
	<b>Realign</b> United States Air Force Academy		<input type="checkbox"/> Yes
	<b>Gainer</b> Fort Carson		<input type="checkbox"/> Yes
<b>174</b>	<b>Med - 15</b> Joint Centers of Excellence for Chemical, Biologist, and Medical Research and Development and Acquisitions	Jim Durso	Do you have a concern with this item? <input type="checkbox"/> Yes
	<i>(Action)</i> <i>(Affected Base)</i>	<i>(Visiting Commissioners)</i>	<i>(Do you have a concern with this specific action?)</i>
	<b>Realign</b> BAILEY'S CROSSROADS, VA	P, T	<input type="checkbox"/> Yes
	<b>Realign</b> Bethesda/Chevy Chase		<input type="checkbox"/> Yes
	<b>Realign</b> Fort Belvoir	C	<input type="checkbox"/> Yes
	<b>Realign</b> Leased Space - MD		<input type="checkbox"/> Yes
	<b>Realign</b> Naval Air Station Pensacola	G	<input type="checkbox"/> Yes
	<b>Realign</b> Naval Station Great Lakes	S	<input type="checkbox"/> Yes
	<b>Realign</b> Naval Support Activity Crane	S	<input type="checkbox"/> Yes
	<b>Realign</b> Naval Surface Warfare Center Dahlgren	P	<input type="checkbox"/> Yes
	<b>Realign</b> Potomac Annex	P, T	<input type="checkbox"/> Yes
	<b>Realign</b> Tyndall Air Force Base		<input type="checkbox"/> Yes
	<b>Gainer</b> Aberdeen Proving Ground		<input type="checkbox"/> Yes
	<b>Gainer</b> Fort Detrick		<input type="checkbox"/> Yes

Item	Recommendation	Lead Analyst	Concerns/Comments
	Realign BALSTON LEASE, VA		<input type="checkbox"/> Yes
	Realign Center for Naval Research		<input type="checkbox"/> Yes
	Realign Fort Belvoir C		<input type="checkbox"/> Yes
	Realign Leased Space - VA		<input type="checkbox"/> Yes
	Gainer National Naval Medical Center Bethesda		<input type="checkbox"/> Yes
179	Tech - 6 Consolidate Air and Space C4ISR Research, Development, Acquisition, Test & Evaluation	Les Farrington	Do you have a concern with this item? <input type="checkbox"/> Yes
	(Action) (Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
	Realign Eglin Air Force Base		<input type="checkbox"/> Yes
	Realign Lackland Air Force Base Hi		<input type="checkbox"/> Yes
	Realign Maxwell Air Force Base G		<input type="checkbox"/> Yes
	Realign Wright Patterson Air Force Base N, S		<input type="checkbox"/> Yes
	Gainer Edwards Air Force Base		<input type="checkbox"/> Yes
	Gainer Hanscom Air Force Base		<input type="checkbox"/> Yes
180	Tech - 7 Consolidate Ground Vehicle Development & Acquisition in a Joint Center	Les Farrington	Do you have a concern with this item? <input type="checkbox"/> Yes
	(Action) (Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
	Realign Redstone Arsenal		<input type="checkbox"/> Yes
	Realign U.S. Marine Corps Direct Reporting Program Manager Ad		<input type="checkbox"/> Yes
	Gainer Detroit Arsenal S		<input type="checkbox"/> Yes
181	Tech - 9 Consolidate Maritime C4ISR Research, Development & Acquisition, Test & Evaluation	David Epstein	Do you have a concern with this item? <input type="checkbox"/> Yes
	(Action) (Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
	Realign Naval Air Station Jacksonville		<input type="checkbox"/> Yes
	Realign Naval Air Station Patuxent River		<input type="checkbox"/> Yes
	Realign Naval Air Station Pensacola G		<input type="checkbox"/> Yes
	Realign Naval Base Ventura County B, C		<input type="checkbox"/> Yes
	Realign Naval District Washington		<input type="checkbox"/> Yes
	Realign Naval Weapons Station Charleston		<input type="checkbox"/> Yes
	Realign Naval Weapons Station Yorktown		<input type="checkbox"/> Yes
	Gainer Naval Amphibious Base Little Creek		<input checked="" type="checkbox"/> Yes
	Gainer Naval Base Point Loma		<input type="checkbox"/> Yes
	Gainer Naval Station Newport		<input type="checkbox"/> Yes
	Gainer Naval Station Norfolk P, N		<input type="checkbox"/> Yes
	Gainer Naval Surface Warfare Center Dahlgren P		<input type="checkbox"/> Yes
182	Tech - 12 Consolidate Navy Strategic Test and Evaluation	Les Farrington	Do you have a concern with this item? <input type="checkbox"/> Yes
	(Action) (Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
	Realign Patrick Air Force Base B		<input checked="" type="checkbox"/> Yes
	Gainer Submarine Base Kings Bay		<input type="checkbox"/> Yes
183	Tech - 13 Consolidate Sea Vehicle Development & Acquisition	Les Farrington	Do you have a concern with this item? <input type="checkbox"/> Yes
	(Action) (Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
	Realign Detroit Arsenal S		<input type="checkbox"/> Yes
	Gainer Naval District Washington		<input type="checkbox"/> Yes
	Gainer Naval Surface Weapons Station Carderock		<input type="checkbox"/> Yes
184	Tech - 15 Create a Naval Integrated Weapons & Armaments Research, Development & Acquisition, Test and Evaluation Center	David Epstein	Do you have a concern with this item? <input type="checkbox"/> Yes
	(Action) (Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
	Realign Naval Air Station Patuxent River		<input type="checkbox"/> Yes
	Realign Naval Base Point Loma		<input type="checkbox"/> Yes
	Realign Naval Base Ventura County B, C		<input type="checkbox"/> Yes
	Realign Naval Support Activity Crane S		<input type="checkbox"/> Yes
	Realign Naval Surface Warfare Center Dahlgren P		<input type="checkbox"/> Yes
	Realign Naval Surface Warfare Center Indian Head		<input type="checkbox"/> Yes
	Realign Naval Weapons Station Seal Beach		<input type="checkbox"/> Yes
	Realign Naval Weapons Station Yorktown		<input type="checkbox"/> Yes

Item	Recommendation	Lead Analyst	Concerns/Comments
	Closure Naval Air Station Brunswick	P, N, C, B, T, S	<input type="checkbox"/> Yes
192	Add 2 Close or Realign Broadway Complex San Diego, CA	Brian McDaniel	Do you have a concern with this item? <input type="checkbox"/> Yes
	(Action) (Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
	Closure Broadway Complex San Diego	Ha, P, C, B	<input type="checkbox"/> Yes
193	Add 3 Close or Further Realign Master Jet Base Oceana, VA	Bill Fetzer	Do you have a concern with this item? <input type="checkbox"/> Yes
	(Action) (Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
	Closure Naval Air Station Oceana	P, G, Hi, S	<input type="checkbox"/> Yes
194	Add 4 Close or Further Realign Pope AFB, NC	Mike Flynn	Do you have a concern with this item? <input type="checkbox"/> Yes
	(Action) (Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
	Closure Pope Air Force Base	G, Hi	<input type="checkbox"/> Yes
195	Add 5 Close or Further Realign Galena Airport FOL, AK	Craig Hall	Do you have a concern with this item? <input type="checkbox"/> Yes
	(Action) (Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
	Closure Galena Airport Forward Operating Location	C, B	<input type="checkbox"/> Yes
196	Add 6 Close or Realign Defense Finance and Accounting Service	Marilyn Wasteski	Do you have a concern with this item? <input type="checkbox"/> Yes
	(Action) (Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
	Realign Air Reserve Personnel Center	N, C	<input type="checkbox"/> Yes
	Realign Defense Finance and Accounting Service, Indianapolis	N, T,	<input type="checkbox"/> Yes
	Realign Defense Supply Center Columbus	S, N	<input type="checkbox"/> Yes
197	Add 7 Close or Realign Professional Development Education	Syd Carroll	Do you have a concern with this item? <input type="checkbox"/> Yes
	(Action) (Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
	Realign NAVPGSCOL MONTEREY, CA	P, Ha, G	<input type="checkbox"/> Yes
	Realign Wright Patterson Air Force Base	N, S	<input type="checkbox"/> Yes
198	Add 8 Close or Realign Joint Medical Command HQs	Ethan Saxon	Do you have a concern with this item? <input type="checkbox"/> Yes
	(Action) (Affected Base)	(Visiting Commissioners)	(Do you have a concern with this specific action?)
	Closure BAILEY'S CROSSROADS, VA	P, T	<input type="checkbox"/> Yes
	Closure Potomac Annex	P, T	<input type="checkbox"/> Yes
	Realign Bolling Air Force Base	P, T	<input type="checkbox"/> Yes

July 26, 2005

MEMORANDUM FOR THE CHAIRMAN AND COMMISSIONERS  
DEFENSE BASE CLOSURE AND REALIGNMENT ACT

From: GENERAL COUNSEL

Subj: REVIEW OF 1995 BRAC RECOMMENDATIONS; ENCLAVES, ANG CLOSURES;  
CONDITIONAL AND "BELOW THE THRESHOLD" ACTIONS; ETC

1. The rapid approach of final deliberations provides a timely opportunity to review the 1995 BRAC Commission Report and glean from it information that will be useful to future review, analysis, deliberations, and voting. The 140 base closure and realignment decisions made by the 1995 Commission have been carefully scrutinized. Highlights of the process are reflected below.

2. Overview of 1995 BRAC Report (chapter 1)

Army:	47 recommendations (by DoD and additions by Commission) 17 substantial deviations (36%) 2 additions
Navy:	52 recommendations (by DoD and additions by Commission) 15 substantial deviations (29%) 2 additions
Air Force:	29 recommendations (by DoD and additions by Commission) 14 substantial deviations (48%) 3 additions
Defense Logistics Agency (DLA)	11 recommendations (by DoD and additions by Commission) 2 substantial deviations (18%) 2 additions
Defense Investigative Service (DIS)	1 recommendation (by DoD) 0 substantial deviations 0 additions

3. DoD recommended actions: 65 close, 19 realign, 34 redirect, 15 disestablish, 1 relocate.

Army:	31 closures, 12 realignments, 1 redirect, 1 disestablish
Navy:	21 closures, 1 realignment, 19 redirects, 8 disestablish, 1 relocate to leased space
Air Force:	10 closures, 3 realignments, 11 redirects, 2 disestablish
DLA	2 closures, 3 redirects, 4 disestablish
DIS	1 relocate

#### 4. Definitions and examples

a. Enclave -- A section of a military installation that remains intact from that part which is closed or realigned and which will continue with its current role and functions subject to specific modifications. Thirteen enclaves were either recommended by DoD and approved by the Commission or established by the Commission in 1995. Twelve of the enclaves were on Army installations; one was on a DLA installation (Pages 1-122/3/4 of the 1995 BRAC Report). The enclaves were for the Reserve Component, National Guard, and ammo or other storage.

b. Closure -- defined by DoD as "All missions of the installation have ceased or have been relocated; personnel positions (military, civilian and contractor) have either been eliminated or relocated, except for personnel required for caretaking, conducting any ongoing environmental cleanup, and disposal of the base, or personnel remaining in authorized enclaves." In a closure, all missions carried out at a base either cease or relocate.

c. Realignment -- defined in the BRAC statute as "includes any action which both reduces and relocates functions and civilian personnel positions but does not include a reduction in force resulting from workload adjustments, reduced personnel or funding levels, or skill imbalances." In realignment, a base remains open but loses and sometimes gains mission.

d. Relocate -- this term used to describe the movement of missions, units, or activities from a closing or realigning installation to another installation. Units do not realign from a closing or a realigning installation to another installation, they relocate.

e. Redirection refers to cases in which the BRAC Commission changes the recommendation of a previous commission. (Redirections are unlikely in 2005, since the last commission was 10 years ago and most actions directed at that time have been completed.) Two examples of 1995 redirections containing language that may be useful to effect desired results in 2005 follow:

In the case of MCAS, El Toro, the Commission recommendation was: "*Change the receiving sites from [those designated by DoD] to other air stations consistent with operational requirements.*" Pages 1-40/1 of 1995 BRAC Report.

In the case of Naval Activities, Guam, DoD recommended: "Relocate all ammunition vessels and associated personnel and support to Naval Magazine, Lualualei, Hawaii. Relocate all other combat logistics force ships . . ." The Commission, having found substantial deviation from criterion 1, recommended: "*Locate all Military Sealift Command assets and related personnel and support at available DoD activities or in rented facilities as required to support operational commitments.*" Pages 1-54/5 of 1995 BRAC Report.

f. Inactivate, disestablish -- terms used to describe actions which directly affect missions, units, or activities. E.g., fighter wings are inactivated (disestablished); bases are closed. Both, however, cease operations.

g. Thresholds actions -- The 300/1000-50% rule. Title 10 U.S.Code, Section 2687 BASE CLOSURES AND REALIGNMENTS, states that "no action may be taken to effect or implement the closure of (1) any military installation at which at least 300 civilian personnel are authorized to be employed, or (2) any realignment with respect to any military installation referred to in paragraph (1) involving a reduction by more that 1000, or by more than 50%, in the number of civilian personnel authorized to be employed as such military installation . . ."

Numerous recommendations by DoD in 1995 that were approved by the Commission fell below the 300/1000-50% threshold. The value and importance of closures and realignments under BRAC, including those that fall below the 300/1000-50% threshold, is that they are significantly expedited and otherwise facilitated.

Numerous DoD recommendations that included the movement of aircraft were also approved by the Commission in 1995. However, all aircraft movement involved "*squadrons and related activities*" or "*[specified squadron] with its associated aircraft.*"

h. 1995 Commission changes DoD recommendation from a closure to a realignment. A good example of such an action is Red River Army Depot, Texas. DoD recommended: "Close Red River Army Depot, Texas. Transfer the ammunition storage mission, intern training center, and civilian training education to Lone Star Army Ammunition Plant. Transfer the light combat vehicle maintenance mission to Anniston Army Depot. Transfer the Rubber Production Facility to Lone Star." After finding substantial deviation from criterion 1, the 1995 Commission recommended: "*Realign Red River Army Depot, Texas by moving all maintenance missions, except for that related to the Bradley Fighting Vehicle Series, to other depot maintenance activities, including the private sector. Retain conventional ammunition storage, intern training center, Rubber Production Facility, and civilian training education at Red River.*" Pages 1-33/4 of 1995 BRAC Report.

#### 4. Examples of typical 1995 Commission findings

*The Commission finds the Secretary of Defense did not deviate substantially from the force-structure plan and final criteria. Therefore, the Commission recommends the following: [restatement of DoD's recommendation].* There were 91 such findings, 65% of the 140 recommendations.

*The Commission finds the Secretary of Defense deviated substantially from final criteria [criteria listed -- e.g., 1, 2, and 4]. Therefore, the Commission recommends the following: [recommended action].* There were 49 such findings, 35% of the 140 recommendations.

#### **1995 BRAC Final Selection Criteria (military value given overall priority consideration)** (Significant 2005 changes to criteria are indicated with bold text.)

1. The current and future mission ~~requirements~~ **capabilities** and the impact on operational readiness of DoD's total force, **including the impact of joint warfighting, training, and readiness.** DoD substantially deviated from this criterion 37 times.

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 use of the Armed Forces in homeland defense missions**) at both the existing and potential receiving locations. DoD substantially deviated from this criterion 15 times.

3. The ability to accommodate contingency, mobilization, **surge**, and future total force requirements at both the existing and potential receiving locations **to support operations and training**. DoD substantially deviated from this criterion 6 times.

4. The cost of **operations** and **the** manpower implications. DoD substantially deviated from this criterion 22 times.

Return on Investment

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 cost. DoD substantially deviated from this criterion 19 times.

Impacts

6. The economic impact on **existing communities in the vicinity of military installations**. DoD substantially deviated from this criterion 1 time.

7. The ability of both the existing and potential receiving communities' infrastructure to support forces, missions, and personnel. DoD did not substantially deviate from this criterion.

8. The environmental impact, **including the impact of costs related to potential environmental restoration, waste management, and environmental compliance activities**. DoD substantially deviated from this criterion 1 time.

5. Other examples of Commission findings

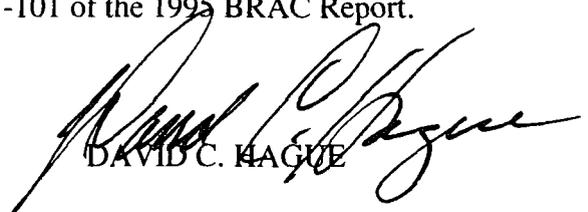
With regard to the Bayonne Military Ocean Terminal in New Jersey, the 1995 Commission found substantial deviation from criteria 1 and 3, but agreed with the DoD recommendation to close the installation. However, instead of relocating units to specific locations as recommended by DoD, the 1995 Commission recommended the units be relocated "*to a location to be determined.*" Pages 1-22/3 of the 1995 BRAC Report.

DoD recommended redirection of Griffiss Air Force Base, NY, 485<sup>th</sup> Engineering Installation Group from very specific locations identified by the 1993 Commission to "*Transfer its engineering and installation functions as operational requirements dictate in accordance with Department of the Air Force policy.*" Pages 1-97/8 of the 1995 BRAC Report.

6. Actions taken in 1995 impacting Air Guard installations

DoD recommended closure of Moffett Federal Airfield Air Guard Station, CA; North Highlands Air Guard Station, CA; and Springfield-Berkley Municipal Airport Air Guard Station, Ohio. The 1995 Commission found substantial deviation in all three instances and kept the installations open. Pages 1-85/6, 1-86/7, and 1-103/4 respectively of the 1995 BRAC Report.

The 1995 Commission agreed with the DoD recommendation to close Ontario International Airport Air Guard Station, CA. Pages 1-88/9 of the 1995 BRAC Report. After finding that DoD had deviated substantially from criteria 4 and 5, the 1995 Commission agreed to conditionally close Roslyn Air Guard Station, NY, "*if the Roslyn Air Guard Station can be sold for its fair market value.*" Page 1-101 of the 1995 BRAC Report.



DAVID C. HAGUE

July 26, 2005

MEMORANDUM FOR CHAIRMAN AND COMMISSIONERS  
DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

From: GENERAL COUNSEL

Subj: WEIGHING EVIDENCE IN PREPARATION FOR FINAL DELIBERATIONS OF  
THE 2005 DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

This memorandum provides guidance on weighing the various types of evidence that are available to the 2005 Defense Base Closure and Realignment Commission (Commission). It suggests an approach that is consistent with past practice but does not purport to be binding instructions to the Commissioners.

The importance Congress attaches to the free flow of information is revealed by the application in the BRAC statute of the Military Whistleblowers Act with respect to communications with the Commission. The act prohibits any person from restricting a member of the armed forces from communicating with the Commission. An additional consideration with regard to communications with members in the armed forces is that they are required under the Uniform Code of Military Justice to be truthful when making official statements in the line of duty, which includes communications with the Commission.

In light of the upcoming final deliberations to be undertaken by the Commissioners in making recommendations to the President, a review of the types of evidence available to the Commission, and the weight they should be accorded are discussed below. The following categories of evidentiary submissions (both testimonial and documentary) will be considered:

- A) certified data submitted by the Department of Defense (DoD),
- B) sworn testimony and documentary submissions at hearings before the Commission,
- C) communications from federal, state, and municipal officials,
- D) communications from the general public, both individuals and organizations, and
- E) personal knowledge and observations.

CATEGORY A: CERTIFIED DATA PROVIDED BY THE DOD

Section 2903(c)(5)(A) of the Defense Base Closure and Realignment Act of 1990, as amended, (BRAC statute), provides that each person:

when submitting information to the Secretary of Defense or the [BRAC] Commission concerning the closure or realignment of a military installation, shall certify that such information is accurate and complete to the best of that persons knowledge and belief. [Certify means to confirm formally as true or accurate; an oath serves that purpose with testimony.]

Persons include: (i) the Secretaries of the military departments; (ii) the heads of the defense agencies; and (iii) each person who is in a position whose duties include personal and substantial involvement in the preparation and submission of information and recommendations concerning the closure or realignment of military installations. . . ." (See Section 2903(c)(5)(B)) of the BRAC statute.)

Accordingly, DoD personnel have provided certified data to the Secretary of Defense in support of making recommendations for closures and realignments. Based on this certified data, the Secretary has made his final recommendations to the Commission. Moreover, pursuant to Section 2912(b) of the BRAC statute, the Secretary has also certified that there is a need for the closure and realignment of military installations, and has additionally certified that such closures and realignments will result in annual net savings for each of the military departments beginning no later than fiscal year 2011.

DoD personnel (in the categories described above), when responding to questions submitted by Commission personnel to the DoD clearinghouse, have a duty to provide the Commission with certified data. All data received from the clearinghouse is thus considered to be certified.

**CATEGORY B: SWORN TESTIMONY AND DOCUMENTARY SUBMISSIONS AT  
HEARINGS BEFORE THE BRAC COMMISSION**

Section 2903 (d)(1) of the BRAC statute provides that after receiving the Secretary's recommendations for closures and realignments of military installations, the Commission shall hold public hearings. Further, this statutory provision directs that "[a]ll testimony before the Commission at a public hearing . . . shall be presented under oath."

The oath administered to witnesses testifying before the Commission states as follows:

Do you swear or affirm that the testimony you are about to give, and any evidence that you may provide, are complete and accurate to the best of your knowledge and belief, so help you God?

This language parallels the certification requirement set forth in Section 2903 of the BRAC statute. Moreover, the oath covers not only the sworn testimony of the witnesses appearing before the Commission but also the documentary evidence (e.g., PowerPoint presentations, hand-outs, memoranda) that is submitted to the Commission by a witness during the course of a hearing.

In weighing the credibility of the witnesses, each Commissioner must individually determine for him or herself the believability of each witness. In evaluating this matter, each Commissioner must consider the witness's sincerity, truthfulness, persuasiveness, knowledgeableness on the subject-matter presented, and whether the witness is supported or contradicted by other evidence. The possibility of bias in terms of how the witness may be impacted by the decision-making of the Commission may also (but not necessarily) factor into the process of according the appropriate weight to such a witness's testimony and any documentary evidence he/she may provide. In making this determination, it is important to remain as objective and impartial as

possible, realizing that each Commissioner is also moved by his or her own life and professional experiences, biases, and judgments.

CATEGORY C: COMMUNICATIONS FROM FEDERAL STATE, AND  
MUNICIPAL OFFICIALS

The Commission has been in frequent contact with numerous elected and appointed federal, state, and municipal officials. Where such officials have been corresponding or otherwise communicating in person or by telephone without formally testifying before the Commission, such communications should also be given appropriate weight. Commissioners have come into contact with many such officials during the course of hearings, base site visits, meetings, receptions, and other events.

Since the nature of these communications are not sworn to or otherwise certified as truthful and accurate, less weight needs to be accorded to them. Nevertheless, there may be circumstances in which a particular Commissioner may feel that a certain unsworn, non-certified communication is particularly influential or persuasive. This is again a matter of weighing the credibility and believability of such a person, and the context of that communication which necessarily includes the nature of the Commissioner's relationship with that person.

CATEGORY D: COMMUNICATIONS FROM THE GENERAL PUBLIC

The Commission has received thousands of pieces of correspondence from individuals, civic and community organizations, veterans groups, schools, and numerous other organizations. These communications are not sworn or certified. However, the same caveat mentioned above applies here where an individual Commissioner may feel that a certain public submission has great persuasive value. This is a judgment call, and each Commissioner has been vested with the public trust and authority to make such a determination.

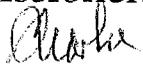
CATEGORY E: PERSONAL KNOWLEDGE AND OBSERVATIONS

Commissioners and staff members are chosen for their experience and expertise and are expected to use their knowledge and special insights in evaluating information received from all sources. They acquire important information first-hand through site visits, which provide opportunities to speak with a wide variety of people and see the condition of infrastructure, extent of encroachment, and other conditions and circumstances relevant to proposed BRAC actions. They also properly receive relevant and material information from the popular press, television, and other news sources. The significance and value of such information are once again determinations to be made by individual Commissioners.

  
DAVID C. HAGUE

DCN: 11582

*Memorandum for Commissioners*

*From: Charlie Battaglia* 

*Subj: Legal Opinion on the Authority of the Secretary of Defense to Recommend Changes to the ANG and NG Units and Installations Pursuant to the BRAC Act of 1990, as Amended.*

*Date: AUG 4, 2005*

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*The attached is forwarded for your information. It is an internal working document and therefore not intended for public release nor is it intended to represent the position of the Commission.*

*It is a legal opinion on the subject prepared by the law firm of Wiley, Rein and Fielding LLP at the request of Chairman Principi to provide the Department of Justice another view in addition to the one prepared by our Office of General Counsel. DOJ intends to issue its own legal opinion.*



Wiley Rein & Fielding LLP

MEMORANDUM

ATTORNEY CLIENT PRIVILEGED - CONFIDENTIAL

**TO:** The Honorable Anthony J. Principi  
Chairman, Defense Base Closure and Realignment Commission

**FROM:** Fred F. Fielding

**DATE:** August 3, 2005

**RE:** Apparent Legal Authority of the Secretary of Defense to Recommend Changes to Air National Guard and National Guard Units and Installations Pursuant to the Defense Base Closure and Realignment Act of 1990, as Amended

**I. Introduction.**

The Defense Base Closure and Realignment Act ("BRAC statute") of 1990, as amended, governs the 2005 round of base realignment and closure decisions.<sup>1</sup> Pursuant to the BRAC statute, the Secretary of Defense ("Secretary") presented a force-structure plan and infrastructure inventory to Congress and the Defense Base Closure and Realignment Commission ("BRAC Commission") and published final selection criteria for use in making base closure and realignment recommendations.<sup>2</sup> Subsequently, the Secretary transmitted to Congress and the BRAC Commission a list of military installations that the Secretary recommends for closure or realignment based on the force-structure plan and the final selection criteria.<sup>3</sup> The final selection criteria are "the only criteria to be used, along with the force-structure plan and infrastructure inventory" in making base closure and realignment recommendations in 2005.<sup>4</sup>

Among the actions recommended by the Secretary are: (1) the closure of certain installations on which Army National Guard or Air National Guard ("National Guard") units are

<sup>1</sup> Defense Base Closure & Realignment Act of 1990, as amended, Pub. L. No. 101-510, §§ 2901-11, 104 Stat. 1808 (codified at 10 U.S.C. § 2687 note (§§ 2901-14)).

<sup>2</sup> 10 U.S.C. § 2687 note (§§ 2912(a), 2913).

<sup>3</sup> *Id.* § 2687 note (§ 2914(a)).

<sup>4</sup> *Id.* § 2687 note (§ 2913(f)).

located and the associated relocation or change to equipment, headquarters, units, and/or missions; and (2) the realignment of certain installations on which National Guard units are located and the associated relocation or change to equipment, headquarters, units, and/or missions.<sup>5</sup> Pursuant to your instruction, we enclose herewith our analysis of issues related to these recommendations.

## **II. Presentation of Issues.**

The question is whether the Secretary may recommend the above actions involving military installations on which National Guard units exist without obtaining gubernatorial consent in each state in which such units are located. This question presents at least three subsidiary questions. First, do the proposed actions impacting National Guard equipment, headquarters, units, and/or missions fall within the parameters of the BRAC statute? Second, do the proposed actions impacting National Guard equipment, headquarters, units, and/or missions implicate other statutory schemes and, if so, does the BRAC statute override these schemes? Third, even if the proposed actions implicate other statutory schemes, may the BRAC Commission change recommendations based on this legal presumption and, relatedly, could a cause of action lie against the Secretary or the BRAC Commission for making or failing to reject such recommended actions?

## **III. The Secretary's Proposed Actions Fall Within the Parameters of the BRAC Statute.**

### **A. The Purpose of the BRAC Statute Is to Provide an Expedited and Politically Neutral Base Closure Process.**

A review of the evolution of the current BRAC process from prior statutory mechanisms for closing or realigning military installations is instructive for two reasons. First, it illustrates that the codified BRAC process was intended to be a comprehensive review of the United States military base structure without regard to partisan interests or local intervention. Second, and relatedly, it supports the plain language of the BRAC statute, which currently provides that BRAC is the "exclusive authority for selecting for closure or realignment, or for carrying out any closure or realignment of, a military installation inside the United States."<sup>6</sup>

#### **1. The Pre-BRAC Statute Base Closure and Realignment Process.**

In the early 1960s, President Kennedy directed Secretary McNamara to implement an extensive base closure and realignment program aimed at reducing the sizeable base structure developed during World War II and the Korean conflict.<sup>7</sup> With minimal consultation with

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<sup>5</sup> It is not our opinion, based on the limited information we have to date, that the members of a State's Guard, outside of their federal reserve capacity, assigned to a headquarters or unit, may themselves be relocated or moved outside the State pursuant to a BRAC recommendation.

<sup>6</sup> 10 U.S.C. § 2687 note (§ 2909(a)).

<sup>7</sup> Defense Base Closure and Realignment Commission: Report to the President, 1995 ("1995 BRAC Commission Report"), ch. 4, at 4-1; Report of the Defense Secretary's Commission, 1988 ("1988 Secretary's Commission Report"), ch. 1, at 8.

Congress or the military services, Secretary McNamara closed or realigned hundreds of bases.<sup>8</sup> In 1965, suspicious that politics had played a role in the selection of bases for closure or realignment, members of Congress responded by enacting legislation that established reporting requirements for base closures.<sup>9</sup> President Johnson promptly vetoed the legislation, setting off a decade-long struggle between the branches over base closures.<sup>10</sup>

In 1977, Congress succeeded in curtailing the Secretary's ability to close or realign military bases.<sup>11</sup> Tucked into the fiscal year 1978 military construction bill signed by President Carter was a provision requiring the Secretary to undertake extensive notification, reporting, environmental, and layover requirements prior to closing or realigning a military installation.<sup>12</sup> The provision subsequently was codified at § 2687 of title 10, U.S. Code.<sup>13</sup>

As enacted, § 2687 barred the Secretary from closing or realigning an installation at which at least 500 civilian personnel were authorized to be employed, or realigning an installation if the realignment involved a reduction of more than 1,000 (or 50 percent of) personnel authorized to be employed, unless the Secretary took certain steps.<sup>14</sup> Specifically, the Secretary was to notify Congressional armed services committees of the proposed closure or realignment, comply with environmental law, submit his final decision to the committees accompanied by a detailed justification evaluating its possible consequences, and wait 60 days before implementing the decision.<sup>15</sup> However, the statute removed § 2687's procedural hurdles for closures or realignments above the numeric thresholds that the President certified as necessary for reasons of national security or a military emergency.<sup>16</sup> Section 2687 later was amended to lower the number of authorized civilian personnel from 500 to 300, require committee notification as part of the Secretary's annual authorization request, and extend the waiting period to the longer of 30 legislative days or 60 calendar days.<sup>17</sup>

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<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> Military Construction Authorization Act ("MilCon Act"), Pub. L. No. 95-82, tit. VI, § 612, 91 Stat. 358 (1977); *see also* S. REP. NO. 95-125 (1977); H. REP. NO. 95-494 (1977) (Conf. Rep.).

<sup>13</sup> 10 U.S.C. § 2687.

<sup>14</sup> MilCon Act § 612(a), (b).

<sup>15</sup> *Id.*

<sup>16</sup> *Id.* § 612(c).

<sup>17</sup> 10 U.S.C. § 2687; Department of Defense Authorization Act, Pub. L. No. 99-145, tit. XII, § 1202(a), 99 Stat. 716 (1985).

Following the enactment of § 2687, virtually no closures took place over the next decade.<sup>18</sup> In 1988, faced with a declining Department of Defense (“DOD”) budget, Secretary Carlucci worked with Congress to develop a two-part base closure approach, under which the Secretary would establish an executive-branch commission (“Secretary’s Commission”) to review the military base structure, and Congress would draft legislation to implement the Secretary’s Commission’s recommendations.<sup>19</sup> The objective of this approach was to streamline base closure and realignment procedures by removing existing bureaucratic and legislative roadblocks.<sup>20</sup>

Accordingly, the Secretary established a 12-member commission charged with determining the best process for identifying bases for closure or realignment, reviewing the military base structure, and reporting its recommendations to the Secretary by December 1988.<sup>21</sup> For its part, Congress enacted a BRAC statute (“1988 statute”) that attempted to address the key impediments to DOD’s ability to close or realign unneeded military installations.<sup>22</sup> At the outset, the 1988 statute was structured to address the “very political problem” of asking members of Congress to put aside parochial concerns and evaluate base closure recommendations objectively.<sup>23</sup> By codifying the Secretary’s Commission and its mission, the 1988 statute

<sup>18</sup> 1988 Secretary’s Commission Report, ch. 1, at 9 (noting that “[s]ince passage of [§ 2687] over a decade ago, there has not been a single major base closure [as a]ll attempts at closing major installations have met with failure, and even proposed movements of small military units have been frustrated”); 134 CONG. REC. S15554-04 (daily ed. Oct. 12, 1988) (statement of Sen. Boschwitz) (asserting that “for more than a decade Congress has kept the military from closing any unneeded bases”).

<sup>19</sup> 134 CONG. REC. S15554-04 (daily ed. Oct. 12, 1988) (statement of Armed Services Committee Ranking Member Warner) (describing how President Reagan and Secretary Carlucci “seized the initiative and approached the senior members of both the House and Senate Armed Services Committees [and together] devised this legislation”).

<sup>20</sup> *Id.* (statement of Armed Services Committee Chairman Nunn) (explaining that “[t]he key to making the military installation structure more efficient and effective is to remove the current bureaucratic and legislative roadblocks to closing or realigning bases”); H. REP. NO. 100-735, pt. I (1988) (reporting that “[t]he purpose of [the bill] would be to streamline procedures on a one-time basis to expedite the realignment and closure of unneeded military installations”).

<sup>21</sup> 1988 Charter: Defense Secretary’s Commission on Base Realignment and Closure, The Pentagon (May 3, 1988).

<sup>22</sup> Defense Authorization Amendments & Base Closure & Realignment Act, Pub. L. No. 100-526, tit. II, §§ 201-09, 102 Stat. 2623 (1988) (codified at 10 U.S.C. § 2687 note (§§ 201-09)).

<sup>23</sup> 134 CONG. REC. S16882-01 (daily ed. Oct. 19, 1988) (statement of Ranking Member Warner) (also acknowledging that “[n]o Senators or Congressmen want to see jobs lost in their States or districts”); *see also id.* S15554-04 (daily ed. Oct. 12, 1988) (statement of Chairman Nunn) (noting that “[w]e also understand the reality and the sensitivity in the communities of America that are so dependent in some cases on these bases at least in the short run and we know that that reflects itself here in the Congress”); *id.* S15554-04 (statement of Ranking Member Warner) (recognizing “the apprehension of the Members of Congress [who may] say ‘We are closing bases and we may close out my career in the Congress of the United States’”); *id.* S15554-04 (statement of Sen. Boschwitz) (indicating that although members “agree in principle that some military bases should be closed . . . this general consensus breaks down when it comes to specifics, when Members put up obstacles . . . to stop base closings in their home States”); *id.* H10033-01 (daily ed. Oct. 12, 1988) (statement of Rep. Dickinson) (emphasizing that “[h]istorically, we have been unable to [put in place a base-closing vehicle], at least for 12 years, because of political

“remove[d] Congress from micromanaging each and every proposal to close a military base.”<sup>24</sup> At the same time, the 1988 statute also waived certain key statutes – including § 2687 – that the Secretary had identified as impediments to base closures.<sup>25</sup>

The 1988 statute produced immediate effects. In December 1988, the Secretary’s Commission recommended closing or realigning 145 bases, and in May 1989, after the Congressional review period expired without a resolution of disapproval, the recommendations went into effect.<sup>26</sup>

## 2. The Post-BRAC Statute Base Closure and Realignment Process.

Because the 1988 statute provided streamlined base closure and realignment authority on a “one-time basis,” the legal and political impediments to base closure returned upon its expiration at the end of 1988.<sup>27</sup> In early 1990, Secretary Cheney nonetheless issued a list of recommended closures and realignments, but the list met with Congressional opposition.<sup>28</sup>

Congress recognized that further reductions in installations were necessary, however, and in late 1990 enacted the BRAC statute as “the right way to close bases.”<sup>29</sup> The BRAC statute

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considerations or whatever”); *id.* H10033-01 (daily ed. Oct. 12, 1988) (statement of Rep. Arme) (indicating that “[t]his [legislation] has been a difficult fight [and i]n the beginning, few thought that Congress would accept a bill that strikes so directly at pork barrel spending”).

<sup>24</sup> 134 CONG. REC. S15554-04 (daily ed. Oct. 12, 1988) (statement of Sen. Boschwitz).

<sup>25</sup> H. REP. NO. 100-735, pt. I (reporting that the Secretary “stated that [DOD] is unable to close or realign unneeded military installations because of impediments, restrictions, and delays imposed by provisions of current law”); H. REP. NO. 100-735, pt. II (1988) (indicating that “[t]he Department contends . . . that a 1977 law (codified at 10 U.S.C. section 2687) created impediments to closure of unneeded facilities”); 134 CONG. REC. S16882 (daily ed. Oct. 19, 1988) (statement of Ranking Member Warner) (noting that the Secretary “requested that Congress enact legislation to remove the various impediments in law that prevent timely closure of military bases”).

<sup>26</sup> 1995 BRAC Commission Report, ch. 4, at 4-2.

<sup>27</sup> H. REP. NO. 100-735, pt. I.

<sup>28</sup> 1995 BRAC Commission Report, ch. 4, at 4-3; *see, e.g.*, 136 CONG. REC. H7429-03 (daily ed. Sept. 12, 1990) (statement of Rep. Fazio) (arguing that “[t]here is very strong evidence to indicate that Secretary Cheney’s base closing announcements are politically motivated”); *id.* H7429-03 (statement of Rep. Brown) (explaining that “the long list of base closures and realignments proposed by Secretary of Defense Cheney in January 1990 is not, in my opinion, either fair or forward-looking”); *id.* H7429-03 (statement of Rep. Schroeder) (urging Congress to “reject[] the back of the envelope, partisan base closure efforts used by Secretary Cheney so far”).

<sup>29</sup> H. REP. NO. 101-665 (1990) (stating that “[t]he last two years have provided examples of both the right way and the wrong way to close bases[; t]he establishment of the Defense Secretary’s Commission on Base Realignment and Closure in 1988 is an example of the right way to close bases . . . [while] Secretary Cheney’s announcement of candidates for base closure on January 29, 1990, was an example of the wrong way to close bases”).

built upon and made various improvements to the 1988 statute.<sup>30</sup> First, the BRAC statute authorized a bipartisan commission, with members to be appointed by the President and confirmed by the Senate.<sup>31</sup> Second, the BRAC statute established a multi-step process, subject to strict time limits, for making closure and realignment recommendations in 1991, 1993, and 1995, respectively.<sup>32</sup> It directed the Secretary to submit a force-structure plan to Congress, develop and publish criteria for selecting installations for closure or realignment, and formulate a list of recommendations based upon the force-structure plan and final selection criteria.<sup>33</sup> Upon receipt of DOD's recommendations, and with the assistance of the Government Accountability Office ("GAO"), the BRAC Commission was to conduct public hearings and review the recommendations to determine whether the Secretary had "deviated substantially" from the force-structure plan and final selection criteria.<sup>34</sup> The BRAC Commission then was to report to the President with its own recommendations, accompanied by explanations and justifications.<sup>35</sup> If the President approved the BRAC Commission's recommendations, he was to transmit them to Congress; if not, he was to return them to the BRAC Commission for revision and resubmittal.<sup>36</sup> Barring a joint resolution of disapproval by Congress, the recommended closures and realignments were to be carried out by the Secretary within a six-year period.<sup>37</sup>

The BRAC statute provided the Secretary with special authorities to implement closure and realignment recommendations.<sup>38</sup> Under the law, the Secretary could "take such actions as may be necessary" to close or realign an installation, manage and dispose of property, carry out environmental restoration and mitigation, and provide assistance to affected communities and employees.<sup>39</sup> In addition, the BRAC statute specified that it was to serve as "the exclusive authority" for base closures and realignments, with the exception of closures and realignments (1) that were implemented under the 1988 statute, or (2) to which § 2687 is not applicable,

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<sup>30</sup> S. REP. NO. 101-384 (1990) (describing the BRAC statute's adoption of the 1988 procedures with certain improvements).

<sup>31</sup> Pub. L. No. 101-510, § 2902.

<sup>32</sup> *Id.* § 2903.

<sup>33</sup> *Id.* § 2903(a)-(c).

<sup>34</sup> *Id.* § 2903(d).

<sup>35</sup> *Id.*

<sup>36</sup> *Id.* § 2903(e). If the President did not transmit an approved list of recommendations, the process was to be terminated. *Id.*

<sup>37</sup> *Id.* §§ 2904, 2908.

<sup>38</sup> *Id.* §§ 2905, 2909.

<sup>39</sup> *Id.* § 2905(a)-(b).

including those carried out for reasons of national security or military emergency.<sup>40</sup> To expedite the process even further, the BRAC statute also waived § 2687, along with certain property, environmental, and appropriations statutes, so that § 2687 could not impede the Secretary's ability to close or realign installations.<sup>41</sup>

Pursuant to the BRAC statute, three rounds of closures and realignments took place in 1991, 1993, and 1995, resulting in the closure or realignment of hundreds of installations.<sup>42</sup>

It was not until 2001 that Congress again turned its attention to the need to reduce excess military infrastructure.<sup>43</sup> After extensive debate, Congress approved legislation ("2001 amendments") amending the BRAC statute to authorize a 2005 round.<sup>44</sup> The 2001 amendments modified the BRAC statute to require the Secretary to submit, in addition to the force-structure plan, a comprehensive infrastructure inventory of every type of military installation for active

<sup>40</sup> *Id.* §§ 2905, 2909.

<sup>41</sup> *Id.* § 2905(c)-(d). The 1990 waiver thus constituted a more comprehensive repeal of § 2687 than the 1988 version, which had merely authorized closures and realignments without regard to the "procedures set forth in" § 2687. Pub. L. No. 100-526, § 205(2); *see also* S. REP. NO. 101-384 (explaining that DOD should "reap the benefit of certain waivers [applied in 1988 to] permit a more rapid closure of installations[ and] realization of the attendant savings[, and] expedite the disposal of the property and the development of local economic revitalization plans").

<sup>42</sup> DEP'T OF DEFENSE, REPORT REQUIRED BY SECTION 2912 OF THE DEFENSE BASE CLOSURE AND REALIGNMENT ACT OF 1990 ("Section 2912 Report"), app. C (2004). The process established by the BRAC statute withstood constitutional challenges under the non-delegation or separation of powers doctrines. *See Nat'l Fed'n of Fed. Employees v. United States*, 905 F.2d 400, 404-05 (D.C. Cir. 1990).

<sup>43</sup> The House of Representatives was more resistant than the Senate to authorizing an additional round. *E.g.*, 147 CONG. REC. H10069-01 (daily ed. Dec. 13, 2001) (statement of Rep. Baldacci) (noting that "this House has continually stood up and voted against any additional base closure commissions"). In 2001, the Senate approved defense authorization legislation providing comprehensive authority for a new BRAC round after narrowly defeating an amendment to strike that authority. 147 CONG. REC. S9763-07 (daily ed. Sept. 25, 2001); *see also* S. REP. NO. 107-62 (2001) (minority views of Sen. Bunning). By contrast, the House legislation provided only for limited authority relating to lease-back of base closure property. *Compare, e.g.*, S. 1416 and S. 1238 (providing comprehensive authority for a new BRAC round) with H.R. 2586 (providing only for limited authority for lease back of base closure property). Ultimately, the House acquiesced to the Senate proposal, modified to delay the next round from 2003 to 2005. H. REP. NO. 107-333 (2001) (Conf. Rep.); 147 CONG. REC. H10069-01 (statement of Armed Services Committee Chairman Stump) (explaining that "[o]ver the strong reservation of many House Members, including myself, we have agreed to authorize a round of base closures, but not until 2005"); *id.* H10069-01 (statement of Rep. Pomeroy) (stating that "I believe that . . . the Armed Services Committee correctly decided not to authorize additional base closures in the House bill [and] am disappointed that they were forced under the threat of a presidential veto to accept a provision authorizing a new round in 2005").

<sup>44</sup> National Defense Authorization Act for Fiscal Year 2002, Pub. L. No. 107-107, div. B, tit. XXX, §§ 3001-08, 115 Stat. 112 (codified at 10 U.S.C. § 2687 note (§§ 2904(a), 2905(b), 2906A, 2912-14)); H. REP. NO. 107-333 (Conf. Rep.); *e.g.*, 147 CONG. REC. S9763-07 (daily ed. Sept. 25, 2001) (statement of Armed Services Committee Chairman Levin) (stating that "[i]t seems to me, at a minimum, we ought to be willing now to set aside our own back-home concerns and do what is essential in order to have the efficient use of resources [especially] when we are asking our troops to go into combat") *id.* S10027-07 (daily ed. Oct. 2, 2001) (statement of Sen. McCain) (arguing that "[w]e cannot, in this national emergency, let our parochial concerns override the needs of the military").

and reserve forces, and, based on these documents, certify whether a need existed for further closures and realignments.<sup>45</sup> The 2001 amendments also set forth specific selection criteria for the Secretary to use in making recommendations.<sup>46</sup> Moreover, while the 2001 amendments directed the Secretary to *consider* “any notice received from a local government in the vicinity of a military installation that the government would approve of the closure or realignment of the installation,” they instructed him to make recommendations for closure or realignment based on “the force-structure plan, infrastructure inventory, and final selection criteria otherwise applicable[.]”<sup>47</sup> Finally, the 2001 amendments made other changes relating to the commission structure and disposal of property.<sup>48</sup>

In 2004, when preparations for the 2005 round were well underway, Congress debated proposals to delay the 2005 round for two years, until 2007.<sup>49</sup> Ultimately, however, Congress “put the good of the Department of Defense over parochial interests and protected the upcoming BRAC round” by rejecting the proposals.<sup>50</sup> Instead, Congress approved legislation (“2004 amendments”) making certain modifications to the BRAC statute.<sup>51</sup>

**B. The BRAC Statute Authorizes the Closure and Realignment of Military Installations On Which National Guard Units Are Located As Well As the Associated Relocation, Change or Retirement of National Guard Missions, Units, and Equipment.**

A review of the text, history, and application of the BRAC statute confirms that its scope includes installations relating to the National Guard, and that it authorizes not only the closure and realignment of such installations but the associated relocation or change to National Guard equipment, headquarters, units, and/or missions.

<sup>45</sup> Pub. L. No. 107-107, § 3001 (amending 10 U.S.C. § 2687 note to add § 2912). The 2001 amendments directed GAO to evaluate the Secretary’s force-structure plan, infrastructure inventory, and need for closure or realignment. *Id.*

<sup>46</sup> *Id.* § 3002 (amending 10 U.S.C. § 2687 note to add § 2913).

<sup>47</sup> *Id.* § 3003 (amending 10 U.S.C. § 2687 note to add § 2914(b)(2)).

<sup>48</sup> *Id.* §§ 3003-07 (amending 10 U.S.C. § 2687 note to add §§ 2914, 2906A and amend §§ 2902, 2904-05, 2908-10).

<sup>49</sup> 150 CONG. REC. S5569-01, S5767-01 (daily eds. May 18-19, 2004) (debating the Lott et al. amendment to delay the 2005 round for domestic installations until 2007); 150 CONG. REC. H3406-02 (daily ed. May 20, 2004) (debating the Kennedy-Snyder amendment to delete legislative language delaying the 2005 round until 2007).

<sup>50</sup> 150 CONG. REC. S10945-01 (daily ed. Oct. 9, 2004) (statement of Sen. McCain) (noting that the Senate defeated the Lott amendment “aimed at crippling the upcoming BRAC round”).

<sup>51</sup> Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, Pub. L. No. 108-375, div. B, tit. XXVIII, subtit. C, §§ 2831-34, 118 Stat. 1811 (codified at 10 U.S.C. § 2687 note (§§ 2912-14)).

The BRAC statute defines “military installation” as “a base, camp, post, station yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility.”<sup>52</sup> While the BRAC statute does not define “closure,” DOD defines the term in pertinent part to mean that “[a]ll missions of the installation have ceased or have been relocated; personnel positions (military civilian and contractor) have either been eliminated or relocated.”<sup>53</sup> In a closure, all missions carried out at a military installation either cease or relocate.<sup>54</sup> The BRAC statute defines “realignment” as “any action which both reduces and relocates functions and civilian personnel positions but does not include a reduction in force resulting from workload adjustments, reduced personnel or funding levels, or skill imbalances.”<sup>55</sup> In a realignment, a military installation remains open but loses and sometimes gains functions.<sup>56</sup> Although the BRAC statute does not define “function,” DOD’s definition of the term includes “the appropriate or assigned duties, responsibilities, missions, or tasks of an individual, office, or organization.”<sup>57</sup>

At the outset, the history and application of the BRAC statute confirm that the term “military installations” applies to installations on which National Guard units are located. The history of the BRAC statutory process makes clear that the executive branch and Congress regarded the BRAC process as comprehensive, covering “every” military installation.<sup>58</sup> Nowhere in the legislative history is there mention of any exemption for installations involving the National Guard.<sup>59</sup> To the contrary, the legislative history indicates that Congress specifically

<sup>52</sup> 10 U.S.C. § 2687 note (§ 2910(4)).

<sup>53</sup> BRAC 2005 Definitions, available at <http://www.defenselink.mil/brac/docs/definitions012004.pdf>.

<sup>54</sup> U.S. General Accounting Office, Report No. GAO 02-433 (“GAO 2002 Report”), *Military Base Closures: Progress in Completing Actions from Prior Realignments and Closures*, Apr. 2002, at 5 n.6.

<sup>55</sup> 10 U.S.C. § 2687 note (§ 2910(5)).

<sup>56</sup> GAO 2002 Report, at 5 n.6.

<sup>57</sup> Department of Defense Dictionary of Military and Associated Terms (“DOD Dictionary”), available at <http://www.dtic.mil/doctrine/jel/doddict/>.

<sup>58</sup> Letter from the Chairman, Joint Chiefs of Staff, to the Chairman, Senate Armed Services Committee, May 18, 2004 (concluding that “BRAC has proven to be the only comprehensive, fair, and effective process for accomplishing this imperative”); H. REP. NO. 100-735, pt. II (noting that the new procedure set up by the 1988 statute would direct the Secretary to “*all* military installations in the United States”) (emphasis added); H. REP. NO. 107-333 (Conf. Rep.) (expressing the conferees’ view that the Secretary must “review *every* type of installation”) (emphasis added); *see also* 147 CONG. REC. S9763-07 (daily ed. Sept. 25, 2001) (statement of Sen. Dorgan) (noting that the BRAC commissions “say[] to *every* military installation in the country, by the way, we are going to look at you for potential closure” and that “*every* military installation is at risk of closure”) (emphasis added); *id.* S9763-07 (statement of Sen. Lott) (asserting that “*every* base, every community, every State is going to be affected by” the 2005 round) (emphasis added). *Cf.* H. REP. NO. 101-665 (stating that “[t]he committee has assiduously protected the 1988 base closure process in the face of numerous attempts to undermine it” by carving out exceptions thereto).

<sup>59</sup> *See, e.g.*, S. REP. NO. 101-384; S. REP. NO. 107-62; S. REP. NO. 108-260 (2004); H. REP. NO. 100-735, pts. 1-IV; H. REP. NO. 101-665; H. REP. NO. 107-94 (2001); H. REP. NO. 108-491 (2004); H. REP. NO. 100-1071 (1988)

understood that “National Guard facilities will . . . be included in this process.”<sup>60</sup> Toward that end, past BRAC rounds have recommended the closure or realignment of installations relating to the National Guard,<sup>61</sup> and the Secretary’s infrastructure inventory submitted for the 2005 BRAC round lists thousands of National Guard installations.<sup>62</sup> Accordingly, installations on which National Guard units are located may be closed or realigned.<sup>63</sup>

Moreover, with regard to such installations, the terms of the BRAC statute authorize the associated relocation, change, or merger of National Guard missions, units, and equipment. Implicit in the statute’s definition of realignment as “any action which both reduces and relocates functions and civilian personnel positions” is the common sense notion that when a military installation is *realigned* pursuant to a national plan, something other than the property or

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(Conf. Rep.); H. REP. NO. 101-923 (1990) (Conf. Rep.); H. REP. NO. 107-333 (Conf. Rep.); H. REP. NO. 108-767 (2004) (Conf. Rep.); 134 CONG. REC. S15554-04, S16882-01, H10033-01 (daily eds. Oct. 12, 19, 26, 1988); 136 CONG. REC. E3511-02, H7297-05 (daily eds. Sept. 11, Oct. 26, 1990); 147 CONG. REC. S9565-01, S9763-07, S10027-07, S13118-01, H10069-01 (daily eds. Sept. 21, 25, Oct. 2, Dec. 13, 2001); 150 CONG. REC. S5515-01, S5569-01, S5767-01, S7277-01, S10945-01, H3260-02, H3406-02, H3445-01, (daily eds. May 17-19, 20, June 17, Oct. 9, 2004).

<sup>60</sup> 147 CONG. REC. S5569-01 (daily ed. May 18, 2004) (statement of Sen. Lott) (warning that senators should “[k]eep this in mind[; t]he next BRAC round will include National Guard”); *see also* 147 CONG. REC. S9763-07 (daily ed. Sept. 25, 2001) (statement of Sen. Lott) (arguing that the U.S. should not say to the National Guard and others being called up that “[b]y the way, we are going to look at closing your base”); 150 CONG. REC. H3406-02 (daily ed. May 20, 2004) (statement of Rep. Ortiz) (arguing that “[w]e have now begun to rely so much on the National Guard and Reserve . . . [that it is] time to step back and look at what is happening” and delay the 2005 round); 150 CONG. REC. H3406-02 (daily ed. May 20, 2004) (statement of Rep. Kolbe) (noting that he supported a 2005 BRAC round even though “the 162nd Fighter Wing of the Arizona Air National Guard which is the largest air guard unit in the United States” was in his district).

<sup>61</sup> *See, e.g.*, 1988 Secretary’s Commission Report (recommending closure of Pease Air Force Base in New Hampshire and directing that the 132nd Air Refueling Squadron (ANG) be relocated should local authorities decide against operating the facility as an airport); Defense Base Closure and Realignment Commission: Report to the President, 1991 (“1991 BRAC Commission Report”) (recommending closure of Rickenbacker Air Guard Base (“Rickenbacker”) in Ohio and transfer of the 160th Air Refueling Group (ANG) to Wright-Patterson AFB in Ohio); Defense Base Closure and Realignment Commission: Report to the President, 1993 (“1993 BRAC Commission Report”) (recommending that the 1991 recommendation regarding Rickenbacker be modified to move the 160th Air Refueling Group (ANG) and the 121<sup>st</sup> Air Refueling Wing (ANG) to a cantonment area at Rickenbacker); 1995 BRAC Commission Report (recommending closure of Ontario International Airport Air Guard Station in California, Roslyn Air Guard Station in New York, and Chicago O’Hare IAP Air Reserve Station in Illinois with relocation of the 126th Air Refueling Wing (ANG) to Scott AFR in Illinois and relocations of other ANG units to locations acceptable to the secretary of the Air Force).

<sup>62</sup> Section 2912 Report, at 25-35.

<sup>63</sup> A series of related provisions enacted as part of the same legislation as the 1990 statute reinforce the notion that Congress intended to utilize the National Guard as part of a complete and efficient military force. Pub. L. No. 101-510, § 1431(a). Specifically, Congress indicated that DOD “should shift a greater share of force structure and budgetary resources to the reserve components of the Armed Forces.” *Id.* § 1431(a)(4). Congress also found that “[t]he reserve components of the Armed Forces are an essential element of the national security establishment of the United States” and that national and world events “require the United States to increase use of the reserve components of the Armed Forces.” *Id.* § 1431(a)(1)-(2).

installation itself is at issue. Units and headquarters have duties, responsibilities, missions and tasks, and it is those that will cease, be reorganized or be relocated to support the force-structure plan, in accordance with the final selection criteria. Supporting this understanding is the sole judicial interpretation of “realignment,” which specifies that the Secretary may take “any action which . . . involves the positioning of one group of functions *or* personnel relative to another group.”<sup>64</sup>

The BRAC statutory scheme itself supports this view, as it provides that the Secretary may “take such actions as may be necessary to close or realign any military installation, including the acquisition of such land, the construction of such replacement facilities, the performance of such activities, and the conduct of such advance planning and design *as may be required to transfer functions from a military installation being closed or realigned to another military installation.*”<sup>65</sup> Consequently, with respect to both the realignment and closure of bases, the statute contemplates that functions – “assigned duties, responsibilities, missions, or tasks of an individual, office, or organization” – may be relocated from one military installation to another.<sup>66</sup> Hence, the BRAC statute authorizes the Secretary to recommend and take any action necessary to terminate operations or reduce and relocate National Guard equipment, headquarters, units, and/or missions at any “base, camp, post, station yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility.”<sup>67</sup> Because the BRAC statute applies in the first instance to military installations on which National Guard units are located, it necessarily also applies to National Guard units, missions, and equipment associated with those installations

Finally, the BRAC statute covers both real and personal property.<sup>68</sup> The statute authorizes the Secretary to transfer real property from a closed or realigned installation to another military department.<sup>69</sup> The statute also empowers the Secretary to move any personal property located at such an installation if the property: “(i) is required for the operation of a unit,

<sup>64</sup> *County of Seneca v. Cheney*, 12 F.3d 8, 11 (2d Cir. 1993) (contrasting realignment, or the transfer or regrouping of functions and personnel, with the mere elimination of a particular function or RIF at an Army depot in New York) (emphasis added).

<sup>65</sup> 10 U.S.C. § 2687 note (§ 2905(a)) (emphasis added).

<sup>66</sup> DOD Dictionary, available at <http://www.dtic.mil/doctrine/jel/doddict/>.

<sup>67</sup> 10 U.S.C. § 2687 note (§ 2910(4)).

<sup>68</sup> *Id.* (§ 2905(b)) (granting the Secretary authority over “real property, facilities, and personal property located at a closed or realigned military installation”). “Real property” consists of “lands, buildings, structures, utilities systems, improvements, and appurtenances thereto. Includes equipment attached to and made part of buildings and structures (such as heating systems) but not movable equipment (such as plant equipment).” DOD Dictionary, available at <http://www.dtic.mil/doctrine/jel/doddict/>. “Personal property” includes “[p]roperty of any kind or any interest therein, except real property, records of the Federal Government, and naval vessels of the following categories: surface combatants, support ships, and submarines.” *Id.*

<sup>69</sup> 10 U.S.C. § 2687 note (§ 2905(b)(2)(C)).

function, component, weapon, or weapons system at another location; (ii) is uniquely military in character, and is likely to have no civilian use[;] (iii) is not required for the reutilization or redevelopment of the installation (as jointly determined by the Secretary and the redevelopment authority); (iv) is stored at the installation for purposes of distribution (including spare parts or stock items); or (v) meets known requirements of another Federal department.”<sup>70</sup> Accordingly, there is no statutory basis for limiting the Secretary’s authority solely to transfers of real estate: equipment may be relocated without apparent limitation, and the relocation of headquarters, units, or missions between one military installation and another in conjunction with a closure or realignment is permitted. However, the BRAC statute itself appears to provide no authority for the retirement of equipment, as opposed to transfer or relocation of equipment, whether such retirement is otherwise permissible. Again, common sense supports the statutory language: given the coordinated, comprehensive, and non-partisan review of military installations that the BRAC process represents, it seems highly dubious that the closure and realignment of military installations was intended to take place without concomitant changes to, and relocation of, equipment, headquarters, units, and/or missions.<sup>71</sup>

#### **IV. The BRAC Statute Is the Exclusive Authority for Closure and Realignment of Military Installations.**

Notwithstanding the breadth of the BRAC statute, it has been argued that two statutes would prohibit the closure or realignment of military installations to the extent that the closure or realignment implicates relocation or retirement of National Guard equipment, units, or missions: 10 U.S.C. § 18238 and 32 U.S.C. § 104(c). In determining whether those statutes qualify the authority under the BRAC statute, the most sustainable conclusion is that neither statute limits the ability of the Secretary or the BRAC Commission to recommend the closure or realignment of military installations, even where the closure or realignment implicates associated relocation or changes to National Guard equipment, headquarters, units, and/or missions.

<sup>70</sup> *Id.* (§ 2905)b(3)(E)). Even where such disposition involves personal property – such as planes or equipment – issued by the United States to the National Guard unit of a particular State pursuant to a Congressional earmark requiring that property to be located in that state, the BRAC statute’s grant of authority contains no restrictions on disposition of planes or other equipment. *See generally id.* (§§ 2901-2914). In any event, “[a]ll military property issued by the United States to the National Guard remains the property of the United States.” 32 U.S.C. § 710(a).

<sup>71</sup> A 1995 General Accounting Office report confirms this reading of the BRAC process, noting that:

[t]he term base closure often conjures up the image of a larger facility being closed than may actually be the case. Military installations are rather diversified and can include a base, camp, post, station, yard, center, home-port, or leased facility. Further, more than one mission or function may be housed on a given installation[. Thus] an individual [BRAC] recommendation may actually affect a variety of activities and functions without fully closing an installation. Full closures, to the extent they occur, may involve relatively small facilities, rather than the stereotypically large military base.

U.S. General Accounting Office, Report No. GAO/NSIAD-95-133 (“GAO 1995 Report”), *Military Bases: Analysis of DOD’s 1995 Process and Recommendations for Closure and Realignment*, Apr. 1995, at 19-20.

**A. 10 U.S.C. § 18238.**

Originally enacted as part of the National Defense Facilities Act of 1950 (“NDFA”), § 18238 of title 10, U.S. Code, provides that:

[a] unit of the Army National Guard of the United States or the Air National Guard of the United States *may not be relocated or withdrawn under this chapter* without the consent of the governor of the State or, in the case of the District of Columbia, the commanding general of the National Guard of the District of Columbia.<sup>72</sup>

Enactment of the NDFA was spurred by Congressional concern about the lack of facilities in the post-World War II era for the greatly expanded National Guard.<sup>73</sup> Congress therefore authorized the Secretary to acquire and equip facilities as necessary to support reserve components, including the National Guard.<sup>74</sup> Because reserve units had encountered difficulties sustaining their units in communities with insufficient manpower, Congress directed the Secretary to determine whether the number of units located in an area exceeded the area’s manpower.<sup>75</sup> Toward that end, Congress granted the Secretary “final authority” to disband or remove a unit from an area, but directed him to consult with the governor about a National Guard unit before making a final decision.<sup>76</sup> In 1958, during a routine recodification of title 10, the consultation requirement transformed into the “consent” requirement now found in the current version of the statute.<sup>77</sup>

Although the objectives of the NDFA and BRAC are disparate, § 18238 appears to require gubernatorial consent before a unit of the National Guard may be relocated or withdrawn. Notably, however, § 18238 governs only those relocations or withdrawals “under this chapter,” a phrase that consistently has been interpreted as relating to the provisions of the chapter in which the limitation or definition exists.<sup>78</sup> The chapter under which § 18238 falls – chapter 1803 –

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<sup>72</sup> 10 U.S.C. § 18238 (emphasis added).

<sup>73</sup> H.R. REP. NO. 81-2174 (1950); S. REP. NO. 81-1785 (1950).

<sup>74</sup> National Defense Facilities Act, Pub. L. No. 81-783, §§ 2-8 (1950); S. REP. NO. 81-1785. Since its enactment, § 18238 has been amended on four occasions to remove surplusage and redesignate sections. Act of Aug. 10, 1956 (70A Stat. 123); Pub. L. No. 85-861 (1958); Pub. L. No. 97-214 (1982); Pub. L. No. 103-377 (1994).

<sup>75</sup> Pub. L. No. 81-783, § 4(a)(1); S. REP. NO. 81-1785.

<sup>76</sup> S. REP. NO. 81-1785; Pub. L. No. 81-783, § 4(b). As enacted, § 18238 required simply that “the governor . . . shall have been consulted with regard to such withdrawal or change of location.” *Id.*; see S. Hrg. on S. 960 (1949) (discussing whether the consultation requirement should be converted to a consent requirement or deleted altogether).

<sup>77</sup> Pub. L. No. 85-861, §; S. REP. NO. 85-2095 (1958). Neither the legislation nor its legislative history provide an explanation for this transformation. *Id.*

<sup>78</sup> *Portland Golf Club v. C.I.R.*, 497 U.S. 154, 164-65 (1990) (holding that the phrase “allowed by this chapter” cannot be rendered superfluous); *Green v. Brantley*, 981 F.2d 514, 518-19 (11th Cir. 1993) (holding that a Federal Aviation Administration repeal of a pilot certificate constituted action “under this chapter” within the meaning of a

addresses “Facilities for Reserve Components,” and neither cross-references nor mentions BRAC, which is contained in chapter 159. Consequently, we conclude that the relocation or withdrawal of National Guard units associated with a closure or realignment pursuant to the BRAC statute does not require gubernatorial consent under § 18238.<sup>79</sup>

**B. 32 U.S.C. § 104(c).**

Section 104 of title 32, U.S. Code, sets forth the location, organization, and command of National Guard units. Subsection (c) states that

[t]o secure a force the units of which when combined will form complete higher tactical units, the President may designate the units of the National Guard, by branch of the Army or organization of the Air Force, to be maintained in each State and Territory, Puerto Rico, and the District of Columbia. However, *no change in the branch, organization, or allotment of a unit located entirely within a State may be made without the approval of its governor.*<sup>80</sup>

As originally incorporated in the National Defense Act of 1916 (“NDA”), § 104(c) focused solely on the President’s power to designate National Guard units, and did not include the prohibition barring changes in the branch, organization, or allotment of certain units absent gubernatorial approval.<sup>81</sup>

In 1933, Congress amended the NDA to authorize the President to order the National Guard into federal service upon a Congressional declaration of emergency, rather than via draft.<sup>82</sup> Congress also undertook certain unrelated modifications to the NDA, among them the addition of a proviso to § 104 requiring a governor’s approval prior to a “change in the allotment, branch, or arm” of certain National Guard units.<sup>83</sup> In explaining the reasoning for this addition,

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statute providing exclusive jurisdiction over review of orders issued under Chapter 20 of Federal Aviation Act); *see also Nat’l Cable & Telecomm. Ass’n v. Brand X Internet Servs.*, 125 S. Ct. 2688, 2718 (2005) (Scalia, J. dissenting) (acknowledging that the Federal Communications Commission could not use its Title I powers to impose common-carrier-like requirements, since the statute provided that a “telecommunications carrier shall be treated as a common carrier under this chapter *only to the extent that it is engaged in providing telecommunications services*” (emphasis added), and ‘this chapter’ includes Titles I and II.” (emphasis in original)).

<sup>79</sup> Although we conclude that neither § 18238 nor § 104(c) *requires* gubernatorial consent before a National Guard unit or base may be realigned or closed, nothing prevents the Secretary or his representative from consulting with state governors and reaching mutually-satisfactory agreements, so long as the Secretary’s *recommendations* are based on the statutory criteria. The discretion to decide whether to consult with the governors, however, *lies with the Secretary*.

<sup>80</sup> 32 U.S.C. 104(c) (emphasis added).

<sup>81</sup> H.R. REP. NO. 73-141 (1933).

<sup>82</sup> *Id.*; S. REP. NO. 73-135 (1933); Pub. L. No. 73-64, § 18 (1933).

<sup>83</sup> Pub. L. No. 73-64, § 6; H.R. REP. NO. 73-141. In 1956, during the revision of title 32 and without explanation, the proviso was rewritten as a separate sentence. Pub. L. No. 84-1028 (1956); S. REP. NO. 84-2484 (1956).

the House Committee on Military Affairs stated that “that where a State has gone to considerable expense and trouble in organizing and housing a unit of a branch of the service, [the] State should not *arbitrarily* be compelled to accept a change in such allotment[.]”<sup>84</sup>

Although the statute does not define “branch, organization or allotment,” these terms likely refer to the mission, structure, or location of a National Guard unit.<sup>85</sup> On its face, § 104(c) requires gubernatorial consent before a “change in the branch, organization, or allotment of a [National Guard] unit located entirely within a State may be made.”<sup>86</sup> At the same time, a wide range of recommended changes to the mission, structure, or location of a National Guard unit on a military installation falls under BRAC authority, as the BRAC statute authorizes relocation or change to National Guard equipment, headquarters, units, and/or missions corollary to the closure or realignment of military installations.<sup>87</sup> Some of those proposed changes also alter the branch, organization, or allotment of a National Guard unit as provided in 32 U.S.C. § 104(c).

Consequently, one may argue that a conflict appears to exist between § 104(c), which requires gubernatorial approval prior to a change in the “branch, organization, or allotment of a [National Guard] unit located entirely within a State,”<sup>88</sup> and the BRAC statute, which neither contains nor contemplates gubernatorial approval.<sup>89</sup> An analysis of the text, purpose, and legislative history of the BRAC statute indicates that the National Guard is not exempt from its exclusive and plenary authority. Therefore, to the extent that there is a conflict, BRAC controls.<sup>90</sup>

### C. 10 U.S.C. § 2687.

Section 2909(a) of the BRAC statute, entitled “Restriction on Other Base Closure Authority,” flatly states that “during the period beginning on November 5, 1990, and ending on April 15, 2006, *this part shall be the exclusive authority* for selecting for closure or realignment, or for carrying out *any* closure or realignment of, a military installation inside the United States.”<sup>91</sup> Section 2905(a)(1)(A) provides broad authority to the Secretary: “In closing or

<sup>84</sup> H.R. REP. NO. 73-141 (emphasis added).

<sup>85</sup> Notably, none of these terms lends itself to a definition that includes “equipment,” “personal property,” or planes; § 104 does not appear to require gubernatorial approval for changes to same, whether under the BRAC statute or otherwise.

<sup>86</sup> 32 U.S.C. § 104(c).

<sup>87</sup> See part III, *supra*.

<sup>88</sup> 32 U.S.C. § 104(c).

<sup>89</sup> 10 U.S.C. § 2687 note (§§ 2901-2914). The BRAC statute contains no state or local approval requirements whatsoever. See *generally id.*

<sup>90</sup> See part III, *supra*.

<sup>91</sup> *Id.* (§ 2909(a)) (emphasis added).

realigning *any* military installation under this part, the Secretary may take such actions as may be necessary to close or realign[.]” Nothing in the BRAC statute or the 2001 and 2004 amendments pertaining to the 2005 Round appears to limit application of the BRAC process to closures or realignments of a certain size and impact. Indeed, the statute explicitly provides that the Secretary may close or realign military installations “without regard to section[] 2687.”<sup>92</sup> Therefore, the threshold requirements contained in § 2687(a) cannot be used to impede closures and realignments made under BRAC authority.<sup>93</sup>

Congress made clear in the BRAC statute that the BRAC process is not required for actions taken for reasons of national security and military emergency.<sup>94</sup> Because of the BRAC statute’s waiver of “sections” of § 2687,<sup>95</sup> the Secretary no longer has to certify such justifications to Congress and BRAC is not a restriction on that other base closure authority.<sup>96</sup> The waiver provision, which states that the Secretary “may close or realign military installations under this part without regard to . . . sections” of § 2687,<sup>97</sup> seems designed to ensure that neither the laborious notification and layover procedures under § 2687(b) and (d), nor the size thresholds outlined in § 2687(a), preclude the Secretary from utilizing the BRAC process to close or realign installations. What is less clear is whether the exceptions to BRAC’s exclusivity under § 2909 for “closures and realignments to which section 2687 of title 10, United States Code [this section], is not applicable” means that the BRAC process is only *mandatory* for those closures that affect an installation where at least 300 civilian personnel are authorized to be employed or realignments that involve reductions by more than 1,000, or 50%, of authorized civilian personnel.<sup>98</sup>

Reading the BRAC statute’s waiver provision in conjunction with the “exclusivity” provision,<sup>99</sup> one possible rendering is that the BRAC process is the sole mechanism for closing and realigning military installations regardless of the size of the impact, and that the exception in § 2909(c)(2) is designed solely to ensure that the waiver provision does not unintentionally

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<sup>92</sup> *Id.* (§ 2905(d)).

<sup>93</sup> To the extent that § 2687 applies, however, § 2687(a) contains strong language indicating that closures may only proceed according to BRAC and its related statutes: “Notwithstanding any other provision of law . . .” Hence, any action which: (a) closes an installation at which at least 300 civilian personnel are authorized to be employed, or (b) realigns an installation that meets the § 2687(a) threshold via the transfer of functions and personnel, including those of the National Guard, proceeds irrespective of other provisions of law, such as 32 U.S.C. § 104(c).

<sup>94</sup> 10 U.S.C. § 2687 note (§ 2909(c)(2)).

<sup>95</sup> *Id.* (§ 2905(d)).

<sup>96</sup> *See* 10 U.S.C. § 2687(c).

<sup>97</sup> *Id.* § 2687 note (§ 2905(d)(2)).

<sup>98</sup> *Id.* § 2687(a).

<sup>99</sup> *Id.* § 2687 note (§ 2909).

preclude the President from carrying out closures and realignments for national security and military emergency reasons outside the BRAC process. This reading makes the most sense, given the broad definition of military installation, the absence of any referent to numeric thresholds under “this part,” and the comprehensive nature of the BRAC statute and process.<sup>100</sup>

Another possible reading, however, is that the waiver provision merely ensures that the Secretary is not precluded from making closures and realignments by any subsection of § 2687 and that the exception to exclusivity in § 2909(c)(2) for closures and realignments “to which section 2687 . . . is not applicable” leaves discretion not only for national security purposes, but for recommending closures and realignments that would not have required compliance with the prior statutory scheme under § 2687(a).

The view that the BRAC statute is less exclusive for actions that affect less than the numerical thresholds of civilian personnel contained in § 2687(a) appears to be erroneous for two reasons. First, the BRAC statute supplants § 2687. Second, such a view reads the exception to exclusivity clause in § 2909(c)(2) so as to utilize § 2687(a) as a *restriction* of the Secretary’s authority to close or realign installations under BRAC, along with related relocations of, and changes to equipment, headquarters, units and/or missions, instead of a *preservation* of the Secretary’s authority for recommending closures and realignments that would not have required compliance with the prior statutory scheme, such as national security movements.<sup>101</sup> The BRAC statute specifically waived any encumbrances from “sections 2662 and 2687 of title 10” in the Secretary’s execution of closures and realignments.<sup>102</sup>

Resolution of the above conflict does not impact the analysis with respect to § 18238. Nor does it extend the limitations contained in § 104(c) to recommendations for closure or realignment that transfer military property. However, if it were determined that BRAC is not the exclusive mechanism for closure or realignment of military installations below the numeric thresholds contained in § 2687(a), in those instances where other mechanisms for closure or realignment exist, there is no apparent authority for utilizing a discretionary statute to evade other legal limitations.<sup>103</sup>

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<sup>100</sup> See part III, *supra*.

<sup>101</sup> See Part III.B, *supra*.

<sup>102</sup> 10 U.S.C. § 2687 note (§ 2905(d)(2)).

<sup>103</sup> This would not hold true if the BRAC statute implicitly repealed these other provisions. While federal courts make an effort to harmonize potentially conflicting statutes, the Supreme Court has recognized repeals by implication “if there is an irreconcilable conflict between the two provisions or if the later Act was clearly intended to ‘cove[r] the whole subject of the earlier one.’” *Branch v. Smith*, 538 U.S. 254, 256-57 (2003) (Stevens, J., concurring) (internal citation omitted). The comprehensive nature of the BRAC statutory scheme, combined with the legislative history indicating express intent to limit the influence of local politics and include National Guard functions, equipment, and units in the 2005 round, lend strong support to the notion that Congress intended to occupy the field of closures and realignments with this legislation.

**D. BRAC's Statutory Scheme Envisions Limited Involvement by State or Local Government In Recommendations to Close or Realign Military Installations.**

There are additional reasons for interpreting the BRAC process as the exclusive mechanism for closure or realignment of bases, with no requirement for gubernatorial consent even with respect to recommendations for military installations below the numeric threshold contained in § 2687(a).

Congress created the BRAC process to reduce parochial political obstacles to realignment and closure. Prior to enactment of the BRAC statute, the Secretary noted that "the Department of Defense is unable to close or realign unneeded military installations because of impediments, restrictions, and delays imposed by provisions of law."<sup>104</sup> Senator Warner similarly related that the Secretary "requested that Congress enact legislation to remove the various impediments in law that prevent timely closure of military bases."<sup>105</sup> Senator Boschwitz also characterized an earlier version of the BRAC statute as an effort to "remove[] Congress from micromanaging each and every proposal to close a military base."<sup>106</sup> Subsequent to the BRAC statute's passage, Congress has rejected attempts to overturn the BRAC Commission's recommendations for closure and realignment and has rejected allowing "parochial concerns [to] override the needs of the military."<sup>107</sup> Thus, in passing the BRAC statute, Congress sought to eliminate the interference of localized interests in the efficient operation and realignment of the national military structure.

Accordingly, the BRAC statute requires gubernatorial *consultation* only for the limited purposes of disposing of "surplus real property or facilit[ies]," and considering the availability of public access roads, *subsequent* to any BRAC closure or realignment.<sup>108</sup> BRAC itself thus eliminates the need to consult governors in matters realigning National Guard installations and affected personnel, equipment, and functions, except for these residual matters.

**E. The BRAC Statute Is the More Recent and Comprehensive Statute.**

Moreover, to say an existing legal restriction like § 104(c) controls whenever it conflicts with a legitimate exercise of BRAC authority reverses the well-settled principle of statutory

<sup>104</sup> H. REP. NO. 100-735, pt. I.

<sup>105</sup> 134 CONG. REC. S16882-01 (daily ed. Oct. 19, 1988) (statement of Ranking Member Warner).

<sup>106</sup> 134 CONG. REC. S15554-04 (daily ed. Oct. 12, 1988) (statement of Sen. Boschwitz).

<sup>107</sup> 147 CONG. REC. S10027-07 (daily ed. Oct. 2, 2001) (statement of Sen. McCain).

<sup>108</sup> 10 U.S.C. § 2687 (§ 2905(b)(2)(D)-(E)). The Secretary must also inventory and identify any leftover "personal property" six months *after* any Presidential approval of a closure and realignment, and then consult with the local redevelopment authority, local government, or designated state agency to discuss the use of such property in the redevelopment plan of the vacated or condensed installation. *Id.* § 2905(b). *See supra* note 68.

construction: “To the extent there is a conflict, the *most recently passed* statute or rule prevails.”<sup>109</sup>

Congress originally passed § 104(c) in 1916. Its last action on the statute was a technical amendment in 1988.<sup>110</sup> Meanwhile, Congress enacted the BRAC statute in 1990 and authorized the current BRAC round in 2001 and 2004. These latest authorizations included significant amendments to the BRAC statute, including § 2914 (“Special Procedures for Making Recommendations for Realignments and Closures for 2005 Round”), which requires the Secretary to “consider any notice received from a local government . . . [that] would approve of the closure or realignment of the installation,” but permits the Secretary to make the recommendations “[n]otwithstanding” this input “based on the force-structure plan, infrastructure inventory, and final selection criteria otherwise applicable to such recommendations.”<sup>111</sup> These more recent, specific provisions in the BRAC statute trump those of earlier, more general statutes.<sup>112</sup>

Congress is presumed to have knowledge of prior statutes<sup>113</sup> and precedents<sup>114</sup> when it enacts legislation, and with this understanding in mind, it made the BRAC statute “the exclusive authority” for closing and realigning military facilities and functions. Earlier statutes that address the same topic have no force.

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<sup>109</sup> *Farmer v. McDaniel*, 98 F.3d 1548, 1556 (9th Cir. 1996) (quoting *Boudette v. Barnette*, 923 F.2d 754, 757 (9th Cir. 1991)) (emphasis added); *Internat’l Union, United Auto., Aerospace & Agric. Implement Workers, Local 737 v. Auto Glass Employees Fed. Credit Union*, 72 F.3d 1243, 1248-1249 (6th Cir. 1996). The Supreme Court has similarly commented in the context of conflicting statutes and treaties that “when a statute which is subsequent in time is inconsistent with a treaty, the statute to the extent of conflict renders the treaty null.” *Breard v. Greene*, 523 U.S. 371, 376 (1998) (quoting *Reid v. Covert*, 354 U.S. 1, 18 (1957)).

<sup>110</sup> This analysis pertains equally to § 18238.

<sup>111</sup> 10 U.S.C. 2687 note (§ 2914). The Secretary is also required to explain its decision to accept or reject the local government input in its recommendation. *Id.* (§ 2914(b)(2)(C)).

<sup>112</sup> *United States v. Estate of Romani*, 523 U.S. 517, 530-33 (1998) (holding that a later, specific statute trumps an earlier, more general statute).

<sup>113</sup> *E.g.*, *Reno v. Koray*, 515 U.S. 50, 56 (1995) (“It is not uncommon to refer to other, related legislative enactments when interpreting specialized statutory terms, since Congress is presumed to have ‘legislated with reference to’ those terms.”) (quoting *Gozlon-Peretz v. United States*, 498 U.S. 395, 407-408 (1991)).

<sup>114</sup> *E.g.*, *Cannon v. Univ. of Chicago*, 441 U.S. 677, 699 (1979) (“In sum, it is not only appropriate but also realistic to presume that Congress was thoroughly familiar with these unusually important precedents from this and other federal courts and that it expected its enactment to be interpreted in conformity with them.”).

**V. Challenges to the 2005 BRAC Closures and Realignment.**

**A. The BRAC Commission May Only Make Changes to Recommendations That Substantially Deviate From the Force-Structure Plan and Final Criteria.**

The Secretary's discretion in making recommendations is delimited by statute to compliance with the selection criteria, force-structure plan, and infrastructure inventory for the Armed Forces and military installations worldwide. Similarly, the BRAC Commission plays an integral but defined role in reviewing the Secretary's recommendations. In making its own recommendations to the President, the BRAC Commission is only granted statutory authority to make changes to the Secretary's recommendations "if the Commission determines that the Secretary deviated substantially from the force-structure plan" based on the Secretary's assessments of national security and anticipated funding, and "final criteria" outlined in § 2913.<sup>115</sup>

For example, in making its recommendations, the BRAC Commission *may not* take into account for any purpose any advance conversion planning undertaken by an affected community with respect to the anticipated closure or realignment of a military installation.<sup>116</sup> The final selection criteria specified in § 2913 "shall be the only criteria to be used, along with the force-structure plan and infrastructure inventory . . . in making recommendations for the closure or realignment of military installations inside the United States under this part in 2005."<sup>117</sup> Hence, even if the BRAC Commission believed that other law conflicts with the Secretary's recommendations under exclusive BRAC authority, the statute does not appear to either require or permit the BRAC Commission to delist recommendations on this basis.

**B. There Is No Judicial Review Available for Challenges to BRAC.**

Even if § 18238 or § 104(c) required gubernatorial consent or approval for BRAC's realignment of military installations that impact National Guard functions, there appears to be no cause of action or judicial review available for the failure to obtain such consent or approval.

**1. The Statutes Do Not Provide a Right of Action.**

As the Supreme Court has established, "private rights of action to enforce federal law must be created by Congress."<sup>118</sup> However, nothing in the text of the BRAC statute, § 18238, or

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<sup>115</sup> 10 U.S.C. § 2687 note (§§ 2903(d)(2)(B), 2913).

<sup>116</sup> *Id.* (§ 2903(d)(2)(E)).

<sup>117</sup> *Id.* (§ 2913(f)). Although Congress added the infrastructure inventory to §§ 2912 and 2913(f) in later amendments, it did not add it to the Commission's directives in § 2903(d)(2)(B). *Id.* (§§ 2903(d)(2)(B), 2912(a)(1), 2913(f)).

<sup>118</sup> *Alexander v. Sandoval*, 532 U.S. 275, 286 (2001).

§ 104(c) explicitly provides for a right of action.<sup>119</sup> Without a potential cause of action, a party cannot file even a declaratory judgment suit. As the Declaratory Judgment Act is “procedural only,”<sup>120</sup> a party must refer to an actual cause of action to gain jurisdiction under the statute.<sup>121</sup>

Moreover, it is unlikely that a court would find an implied right of action in the BRAC statute, § 18238, or § 104(c). In analyzing whether a statute creates a private right of action, the Supreme Court recently confirmed that, where an explicit cause of action is absent, a party bears a heavy burden to establish that Congress nonetheless intended to authorize remedies for private litigants.<sup>122</sup> Neither § 18238 nor § 104(c) provides any indication that Congress intended to create a private right of action. Like the statutes in *Sandoval* and *Gonzaga University*, both statutes are devoid of the “rights-creating language” apparent in statutes such as Title VI and Title IX.<sup>123</sup> The language of § 18238 states that “no change . . . may be made without the approval of its governor” while the language of § 104(c) states that “[a] unit . . . may not be relocated or withdrawn . . . without the consent of the governor of the State[.]” This language is entirely different from that which the Supreme Court has stated was sufficient to create a private right of action, even under the pre-*Sandoval* standard.<sup>124</sup> Additionally, no party has asserted that the BRAC statute confers any rights on any individuals. And even if a statute is phrased in explicit rights-creating terms, “a plaintiff suing under an implied right of action still must show that the statute manifests an intent ‘to create not just a private *right* but also a private *remedy*.’”<sup>125</sup> Therefore, is it unlikely that a court would impute Congressional intent to create a private right of action under the statutes at issue.<sup>126</sup>

<sup>119</sup> *Haw. Motor Sports Ctr. v. Babbitt*, 125 F. Supp. 2d 1041, 1046 (D. Haw. 2000) (holding that the BRAC statute did not expressly or impliedly create a private right of action).

<sup>120</sup> *Skelly Oil Co. v. Phillips Petroleum Co.*, 339 U.S. 667, 671-72 (1950).

<sup>121</sup> Thus, although the Declaratory Judgment Act expands the courts’ remedial powers, it is not an independent basis of jurisdiction. *Id.*; *Hawaii Motor Sports Ctr.*, 125 F. Supp. 2d at 1045-46.

<sup>122</sup> *Correctional Servs. Corp. v. Malesko*, 534 U.S. 61, 67 n.3 (2002) (“Just last Term it was noted that we abandoned the view of *Borak* decades ago, and have repeatedly declined to revert to the understanding of private causes of action that held sway 40 years ago.”) (internal quotation marks omitted) (citing *Sandoval*, 532 U.S. at 287). For illustrations of the expansive approach to implied private rights of action that has since been abandoned see *Cannon v. Univ. of Chicago*, 441 U.S. 677 (1979); *Cort v. Ash*, 422 U.S. 66 (1975); *J.I. Case Co. v. Borak*, 377 U.S. 426 (1964).

<sup>123</sup> 42 U.S.C. § 2000d; 20 U.S.C. § 1681(a). See *Sandoval*, 532 U.S. at 288 (internal quotations omitted); *Gonzaga Univ. v. Doe*, 536 U.S. 273, 284 n.3 (2002).

<sup>124</sup> *Allen v. State Bd. of Elections*, 393 U.S. 544, 555 (1969) (holding that § 5 of the Voting Rights Act, which provided that “no person shall be denied the right to vote for failure to comply with this section,” entitled appellants to seek a declaratory judgment that a new state enactment was covered by the Act in light of the explicit rights language and the clear purpose of the Act).

<sup>125</sup> *Gonzaga Univ.*, 536 U.S. at 284 (citing *Sandoval*, 532 U.S. at 286) (emphasis in original).

<sup>126</sup> *Id.* at 284 n.3.

Even if analyzed under the pre-*Sandoval* factor test, the statutes at issue focus upon actions taken by the United States and do not “protect” any individual’s interests. The statutes limit the ability of the United States to relocate or withdraw units absent gubernatorial consent. The language of the text of the statutes does not indicate that Congress passed them to protect governors. These statutes focus on the entity regulated – the United States. Thus, there is “no implication of an intent to confer rights on a particular class of persons.”<sup>127</sup>

In any event, it is irrelevant whether Congress intended governors to benefit from the statutes. The essential inquiry is whether Congress unambiguously conferred a right and not whether vague “benefits” or “interests” are enforceable.<sup>128</sup> Just as the Court in *Gonzaga University* summarily dismissed the plaintiff’s argument that Congress intended him to benefit from the statute, such an argument would likely be dismissed here because there is no explicit “rights-creating” language in the statutes at issue.

## 2. The Supreme Court Has Held That Parties May Not Bring Suit to Challenge BRAC Pursuant to the APA.

The Supreme Court’s holding in *Dalton v. Specter*<sup>129</sup> precludes any challenge to BRAC under the Administrative Procedure Act (APA).<sup>130</sup> In *Dalton*, the Court held that the actions of the Secretary and BRAC Commission could not be reviewed under the APA because they are not “final agency actions.”<sup>131</sup> Actions taken by the Secretary and BRAC Commission have “no direct consequences” for base closings until the President makes the final decision. Until that time, BRAC’s recommendations are tentative and the equivalent of the ruling by a subordinate official.<sup>132</sup>

Moreover, the President’s final decision is not subject to review under the APA because the President is not an “agency.”<sup>133</sup> Any claim that the President exceeded the terms of the BRAC statute or failed to honor § 104(c) or § 18238 is not a constitutional claim, but a statutory one.<sup>134</sup> Indeed, the Supreme Court in *Dalton* noted that it has “distinguished between claims of

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<sup>127</sup> *Sandoval*, 532 U.S. at 289.

<sup>128</sup> *Gonzaga Univ.*, 536 U.S. at 283.

<sup>129</sup> 511 U.S. 462 (1994).

<sup>130</sup> 5 U.S.C. 701 *et seq.*

<sup>131</sup> *Dalton*, 511 U.S. at 469.

<sup>132</sup> *Id.* at 469-70.

<sup>133</sup> *Id.* at 470 (citing *Franklin v. Massachusetts*, 505 U.S. 788 (1992)).

<sup>134</sup> *Id.* at 474.

constitutional violations and claims that an official has acted in excess of his statutory authority,” suggesting that *Bivens* actions would be foreclosed as well.<sup>135</sup> As such, the President’s decision is not subject to review where the statute “commits the decision to the discretion of the President.”<sup>136</sup> Stated plainly, “claims simply alleging that the President has exceeded his statutory authority are not ‘constitutional’ claims, subject to judicial review.”<sup>137</sup> Because the BRAC statute “does not at all limit the President’s discretion” in deciding to adopt BRAC’s recommendations, the Court cannot review “[h]ow the President chooses to exercise the discretion Congress has granted him[.]”<sup>138</sup>

Only one court has found, in the face of *Dalton*, judicial power to review executive action. In *Role Models America, Inc. v. White*,<sup>139</sup> a panel of the D.C. Circuit found judicial review available for the failure to adhere to notice requirements once the Defense Department published a rule of decision and obligated itself to convey closed military base property to a state-created development corporation. The panel attempted to distinguish itself from the Supreme Court by characterizing *Dalton* as applying only to matters “that have found a lack of final agency action.”<sup>140</sup> The *Dalton* Court, however, made clear in a discussion of an analogous circumstance that it could not review even a President’s *final* decision with respect to the recommendations: “the President’s decision to approve or disapprove the orders [is] not reviewable, because ‘the final orders embody Presidential discretion as to political matters beyond the competence of the courts to adjudicate.’”<sup>141</sup> Thus, *Dalton* controls any APA challenge to the BRAC process. Any attempt to bring suit in this context under the APA should fail.

## VI. Conclusion.

The Secretary may recommend the closure and realignment of installations on which National Guard units are located, as well as the relocation of or changes to equipment,

<sup>135</sup> *Id.* at 472 (citing *Bivens v. Six Unknown Fed. Narcotics Agents*, 403 U.S. 388, 396-97 (1971) (distinguishing between “actions contrary to [a] constitutional prohibition” and those “merely said to be in excess of the authority delegated . . . by the Congress”); *Wheeldin v. Wheeler*, 373 U.S. 647, 650-52 (1963) (distinguishing between “rights which may arise under the Fourth Amendment” and “a cause of action for abuse of the [statutory] subpoena power by a federal officer”).

<sup>136</sup> *Id.* at 474.

<sup>137</sup> *Id.* at 473.

<sup>138</sup> *Id.* at 476; accord *Cohen v. Rice*, 992 F.2d 376, 381 (1st Cir. 1993) (holding that BRAC commission recommendation for closure of Air Force base was not “final agency action”).

<sup>139</sup> *Role Models Am., Inc. v. White*, 317 F.3d 327, 331 (D.C. Cir 2003).

<sup>140</sup> *Id.* at 332.

<sup>141</sup> *Dalton*, 511 U.S. at 475 (quoting *Chicago & S. Air Lines, Inc. v. Waterman S. S. Corp.*, 333 U.S. 103, 114 (1948)).

headquarters, units, and/or missions associated with those closures and realignments, without seeking or obtaining the consent of the governors of the states in which the changes would take place. The closures and realignments discussed in this memorandum fall within BRAC's text and purpose to establish an efficient and apolitical method of determining how best to allocate the nation's military resources. To the extent any recommendation might implicate § 18238 or § 104(c), the more recent and comprehensive BRAC statute appears to control. Finally, as neither the BRAC statute nor § 18238 or § 104(c) provide for a cause of action, and as the Supreme Court has already rejected BRAC challenges brought pursuant to the APA, a declaratory judgment action or an APA suit to challenge either the BRAC's recommendations or the President's decision regarding those recommendations should fail.

**GAO**

Report to the Secretary of Defense

June 2003

# MILITARY BASE CLOSURES

## Better Planning Needed for Future Reserve Enclaves



**GAO**  
 Accountability • Integrity • Reliability  
**Highlights**

Highlights of GAO-03-723, a report to the Secretary of Defense

**MILITARY BASE CLOSURES**

**Better Planning Needed for Future Reserve Enclaves**

**Why GAO Did This Study**

While four previous base closure rounds have afforded the Department of Defense (DOD) the opportunity to divest itself of unneeded property, it has, at the same time, retained more than 350,000 acres and nearly 20 million square feet of facilities on enclaves at closed or realigned bases for use by the reserve components. In view of the upcoming 2005 base closure round, GAO undertook this review to ascertain if opportunities exist to improve the decision-making processes used to establish reserve enclaves. Specifically, GAO determined to what extent (1) specific infrastructure needs for reserve enclaves were identified as part of base realignment and closure decision making and (2) estimated costs to operate and maintain enclaves were considered in deriving net estimated savings for realigning or closing bases.

**What GAO Recommends**

As part of the new base realignment and closure round scheduled for 2005, GAO is recommending that the Secretary of Defense provide the Defense Base Closure and Realignment Commission with data that clearly specify the (1) infrastructure needed for any proposed reserve enclaves and (2) estimated costs to operate and maintain such enclaves.

In commenting on a draft of this report, DOD agreed with the recommendations.

[www.gao.gov/cgi-bin/getrpt?GAO-03-723](http://www.gao.gov/cgi-bin/getrpt?GAO-03-723)

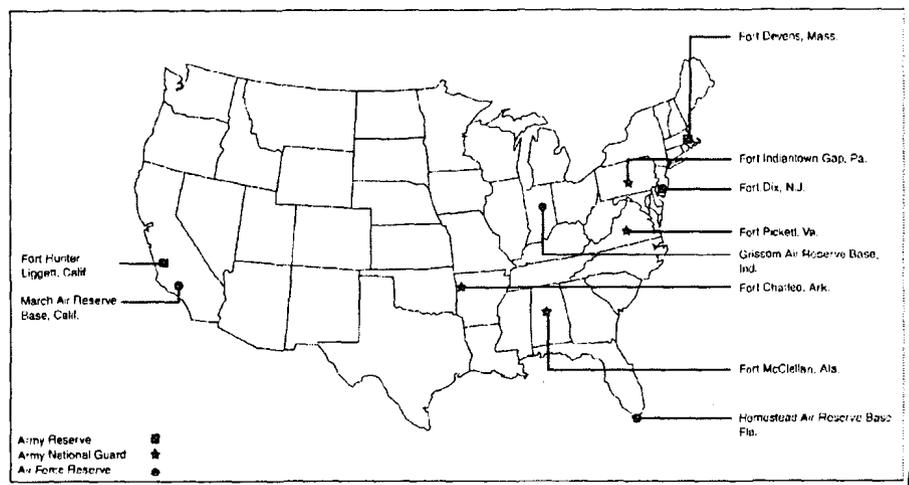
To view the full product, including the scope and methodology, click on the link above. For more information, contact Barry Holman at (202) 512-8412 or holmanb@gao.gov.

**What GAO Found**

The specific infrastructure needed for many DOD reserve enclaves created under the previous base realignment and closure process was generally not identified until after a defense base closure commission had rendered its recommendations. While the Army generally decided it wanted much of the available training land for its enclaves before the time of the commission's decision making during the 1995 closure round, time constraints precluded the Army from fully identifying specific training acreages and facilities until later. Subsequently, in some instances the Army created enclaves that were nearly as large as the bases that were being closed. In contrast, the infrastructure needed for Air Force reserve enclaves was more defined during the decision-making process. Moreover, DOD's enclave-planning processes generally did not include a cross-service analysis of military activities that may have benefited by their inclusion in a nearby enclave.

The Army did not include estimated costs to operate and maintain its reserve enclaves in deriving net estimated base realignment or closure savings during the decision-making process, but the Air Force apparently did so in forming its enclaves. GAO's analysis showed that the Army overestimated savings and underestimated the time required to recoup initial investment costs to either realign or close those bases with proposed enclaves. However, these original cost omissions have not materially affected DOD's recent estimate of \$6.6 billion in annual recurring savings from the previous closure rounds because the Army subsequently updated its estimates in its budget submissions to reflect expected enclave costs.

**Major Reserve Component Enclaves Created under Previous BRAC Rounds**



Source: DOD.

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**Abbreviations**

BRAC	base realignment and closure
COBRA	Cost of Base Realignment Actions

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**G A O**

Accountability \* Integrity \* Reliability

**United States General Accounting Office**  
Washington, DC 20548

June 27, 2003

The Honorable Donald H. Rumsfeld  
Secretary of Defense

Dear Mr. Secretary:

Since 1988, the Department of Defense (DOD) has undergone four rounds of base realignments and closures and has reportedly reduced its base infrastructure by about 20 percent, saving billions of dollars in the process. While the closure process has afforded DOD the opportunity to divest itself of property it no longer needed<sup>1</sup> to meet its national security requirements, it has, at the same time, retained more than 350,000 acres of land and nearly 20 million square feet of facilities, typically referred to as enclaves,<sup>2</sup> on closed or realigned bases for use by the reserve components. Most of the larger enclaves were established during the 1995 round of base closures and are now managed by either the Army National Guard or Army Reserve rather than the active component.

We prepared this report under our basic legislative responsibilities as authorized by 31 U.S.C. § 717 and are providing it to you because of your responsibilities in the upcoming base closure round authorized for 2005.<sup>3</sup> In view of this round, we undertook this review to ascertain if opportunities exist to improve the planning and decision-making processes that were used to establish reserve enclaves in the previous closure rounds. Specifically, our objectives were to determine to what extent (1) specific infrastructure needs (e.g., needs for acreage and facilities) for reserve enclaves were identified as part of base realignment and closure decision making in previous closure rounds and (2) estimated

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<sup>1</sup> DOD reported that, as of December 2002, it had disposed of about 272,000 acres (53 percent) of an approximately 511,000 acres that it had identified during the previous base closure rounds as unneeded and being made available to others for reuse.

<sup>2</sup> See Defense Base Closure and Realignment Commission, *1995 Report to the President* (Washington D.C.: July 1, 1995), B-2. An enclave is "a section of a military installation that remains intact from that part which is closed or realigned and which will continue with its current role and functions subject to specific modifications."

<sup>3</sup> A single round of base realignments and closures in 2005 was authorized with the passage of the National Defense Authorization Act for Fiscal Year 2002.

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costs to operate and maintain enclaves were considered in deriving the net estimated savings for realigning or closing bases.

In performing our work, we focused our attention on the processes used by the department to define infrastructure needs for major<sup>4</sup> reserve enclaves for the Army in the 1995 round and for the Air Force in the earlier rounds. We did not validate the need for any of the department's enclaves nor the specific infrastructure needs for those enclaves. Of the 10 major reserve enclaves created during the previous closure rounds, 7 are within the Army and 3 are within the Air Force. Neither the Navy nor the Marines have formed a major enclave (see app. I for a brief description of DOD's major reserve component enclaves). We visited five major Army enclaves—Fort Hunter Liggett, California; Fort Chaffee, Arkansas; Fort Pickett, Virginia; Fort McClellan, Alabama; and Fort Indiantown Gap, Pennsylvania—that were created during the 1995 closure round and account for nearly 90 percent, or more than 310,000 acres, of DOD's total major reserve component enclave acreage. We also visited two of three major Air Force enclaves at Grissom Air Reserve Base in Indiana (a 1991 round action) and March Air Reserve Base in California (a 1993 round action). We also visited a smaller Air Force enclave at Rickenbacker Air National Guard Base in Ohio (a 1991 round action) to gain a perspective on Air Guard enclave formation processes. Our review efforts were constrained by the limited availability of officials (owing to the passage of time) who had participated in previous rounds of base closure decision making and the general lack of planning documentation regarding enclave infrastructure needs and estimated costs.

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## Results in Brief

The specific infrastructure needed for many reserve enclaves was generally not identified until after the base closure and realignment commission for a closure round had rendered its recommendations. According to Army officials, while the Army had generally decided it wanted much of the available training land for its enclaves prior to completion of commission decision making during the 1995 round, time constraints precluded the Army from fully identifying specific training acreages and facility needs until after the commission made its recommendations. Consequently, while some of the commission's

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<sup>4</sup> For the purpose of this report, we defined "major" as exceeding 500 acres. The amount of acreage has no bearing on the relative importance of the missions being performed at these or other enclave locations.

recommendation language<sup>5</sup> for the 1995 closure round suggested that many Army reserve enclaves would be small, it was nevertheless sufficiently general to allow, in practice, the Army wide flexibility in creating such enclaves. Subsequently, the Army created several enclaves that were nearly as large as the closing bases on which they were located. In contrast, the infrastructure needed for Air Force enclaves was more defined during the decision-making process and subsequent commission recommendations were more specific than those provided for the Army. Moreover, the department's enclave-planning processes generally did not include a cross-service analysis of the needs of military activities or organizations near the enclaves that may have benefited by inclusion in them. Without more complete data regarding the extent of needed enclave infrastructure and cross-service needs—important considerations in the decision-making process, the risk continues that a future base closure commission will not have sufficient information to make informed judgments on the establishment of proposed enclaves, including informed decisions on the facility needs of these enclaves, decisions that can affect expected closure costs and savings. Nor can the department be assured that it is taking advantage of opportunities to achieve operational, economic, and security benefits—such as enhanced readiness, savings, and enhanced force protection—that cross-servicing can provide. However, the department recently issued guidance for the upcoming base closure round that addresses the potential benefits of considering cross-service needs in its infrastructure analyses.

Although the Army did not include estimated costs to operate and maintain most of its major reserve enclaves in deriving net estimated base savings during the decision-making process, the Air Force apparently did so in forming its enclaves. The Army Audit Agency reported in 1997<sup>6</sup> that about \$28 million in estimated annual costs to operate and maintain four of the Army's major enclaves were not considered in the bases' savings calculations as part of the 1995 closure round. Our analysis showed that the omission of these costs had a significant impact on the estimated

<sup>5</sup> See Defense Base Closure and Realignment Commission, *1995 Report*. The report recommendation language generally provided that the Army bases be "closed, except that minimum essential ranges, facilities, and training areas" be retained for reserve component use.

<sup>6</sup> U.S. Army Audit Agency, *Base Realignment and Closure: 1995 Savings Estimates*, Audit Report AA97-225 (Washington, D.C.: July 31, 1997).

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savings and payback periods<sup>7</sup>—important considerations in the realignment and closure decision-making process—for several of these bases. In particular, the estimated savings were overstated and the estimated payback periods were understated for those specific bases. For example, if expected enclave costs would have been considered at one Army location, the annual recurring savings estimate for the base would have been reduced by over 50 percent. However, these original cost omissions have not materially affected the department's recent estimate of \$6.6 billion in annual recurring savings from the previous closure rounds because the Army has subsequently updated its savings estimates to reflect expected enclave costs. On the other hand, Air Force officials told us that it had considered expected costs to operate and maintain its proposed reserve enclaves in deriving its base closure savings estimates.<sup>8</sup> We were unable to verify this point, however, because of the passage of time and lack of available supporting documentation. In the absence of more complete data regarding cost and net savings estimates, a base closure commission may be placed in the position of recommending realignment or closure actions without sufficient information on the financial implications of those proposed actions.

We are making recommendations that are intended to ensure that data provided to the Defense Base Closure and Realignment Commission for 2005 round actions clearly specify enclave needs and costs to operate and maintain any proposed enclaves. In commenting on a draft of this report, DOD concurred with our recommendations.

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## Background

To enable DOD to more readily close unneeded bases and realign others to meet its national security requirements, the Congress enacted base realignment and closure (BRAC) legislation that instituted base closure rounds in 1988, 1991, 1993, and 1995. A special commission established for the 1988 round made recommendations to the Committees on Armed Services of the Senate and House of Representatives. For the remaining rounds, special BRAC commissions were set up to recommend specific base realignments and closures to the President, who in turn sent the

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<sup>7</sup> A payback period is the time required for cumulative estimated savings to exceed the cumulative estimated costs incurred as a result of implementing BRAC actions.

<sup>8</sup> An exception is the commission-recommended enclave on the former Homestead Air Force Base; DOD did not submit this as a recommendation to the commission and therefore had not considered any costs related to this action in its submission.

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commissions' recommendations with his approval to the Congress. The four commissions generated nearly 500 recommendations—on 97 major base closures and hundreds of realignments and smaller closures.

As a result of the BRAC process, DOD has reported that it reduced its infrastructure<sup>9</sup> by about 20 percent; has transferred over half of the approximately 511,000 acres of unneeded property to other federal and nonfederal users and continues work on transferring the remainder; and generated about \$16.7 billion in estimated savings through fiscal year 2001, with an estimated \$6.6 billion in annual recurring savings expected thereafter.<sup>10</sup> We and others who have conducted reviews of BRAC savings have found that the DOD's savings are substantial, although imprecise, and should be viewed as rough approximations of the likely savings.<sup>11</sup> Under the property disposal process, unneeded DOD BRAC property is initially made available to other federal agencies for their use. After the federal screening process has taken place, remaining property is generally provided to state and local governments for public benefit and economic development purposes. In other cases, DOD has publicly sold its unneeded property.

Under the decision-making processes during the last 3 BRAC rounds, DOD assessed its bases or activities for closure or realignment using an established set of eight criteria covering a broad range of military, fiscal, environmental, and other considerations. DOD subsequently forwarded its recommended list of proposed realignments and closures to the BRAC Commission for its consideration in recommending specific

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<sup>9</sup> The BRAC legislation—the Defense Authorization Amendments and Base Realignment Act (P.L. 100-526, as amended) for the 1988 round and the Defense Base Closure and Realignment Act of 1990 (P.L. 101-510, as amended) for the 1991, 1993, and 1995 rounds—was applicable to military installations in the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the U.S. Virgin Islands, American Samoa, and any other commonwealth, territory, or possession of the United States.

<sup>10</sup> See U.S. General Accounting Office, *Military Base Closures: Progress in Completing Actions from Previous Realignments and Closures*, GAO-02-433 (Washington, D.C.: Apr. 5, 2002).

<sup>11</sup> See GAO-02-433 and U.S. General Accounting Office, *Military Base Closures: DOD's Updated Net Savings Estimate Remains Substantial*, GAO-01-971 (Washington D.C.: July 31, 2001); Congressional Budget Office, *Review of the Report of the Department of Defense on Base Realignment and Closure* (Washington D.C.: July 1, 1998); Department of Defense, Office of the Inspector General, *Audit Report: Cost and Savings for 1993 Defense Realignments and Closures*, Report No. 98-130 (Washington D.C. May 6, 1998); and U.S. Army Audit Agency, *Base Realignment and Closure: 1995*.

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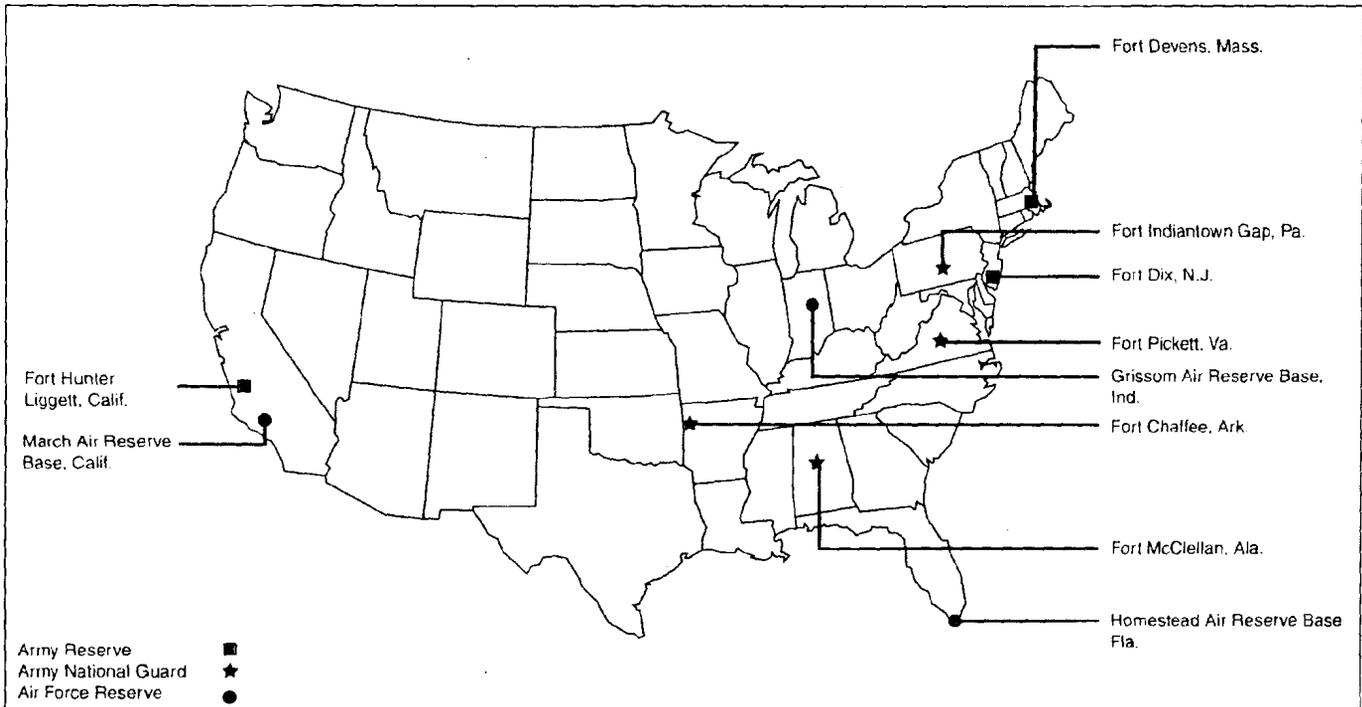
realignments and closure actions. Although military value considerations such as mission requirements and impact on operational readiness were critical evaluation factors, potential costs and savings, along with estimated payback periods associated with proposed closure or realignment actions were also important factors in the assessment process. To assist with the financial aspects of proposed actions, DOD and the BRAC Commissions used a quantitative analytical model, frequently referred to as the Cost of Base Realignment Actions (COBRA), to provide decision makers with a relative assessment of the potential costs, estimated savings, and payback periods of proposed alternative realignment or closure actions. Although the COBRA model was not designed to produce budget-quality financial data, it was useful in providing a relative financial comparison among potential alternative proposed base actions. DOD generally provided improved financial data for each of the services in its annual BRAC budget submission to the Congress following a BRAC Commission's recommendations.<sup>12</sup>

The four previous BRAC Commissions recommended 27 actions in which either a reserve enclave or similar reserve presence was to be formed at a base that was to be realigned or closed (see app. II). In many instances, these actions were relatively minor in that they involved only several acres, but in other cases the actions involved creating enclaves with large acreages and millions of square feet of facilities under reserve component management to conduct training for not only the reserve component but also the active component as well. Figure 1 shows the locations of DOD's 10 major (i.e., sites exceeding 500 acres) reserve component enclaves established under the previous BRAC rounds.

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<sup>12</sup> An exception to this involves the Air Force, which did not routinely update its savings estimates from the COBRA model as part of BRAC decision making.

**Figure 1: Major Reserve Component Enclaves Created under Previous BRAC Rounds**



Source: DOD.

As shown in figure 1, the Army has 7 enclave locations; all of these enclaves, with the exception of Fort Devens (a 1991 round action), were created during the 1995 round. The Air Force has the remaining 3 enclaves: Air Reserve—Grissom Air Reserve Base (a 1991 round action); Homestead Air Reserve Base (a 1993 round action); and March Air Reserve Base (a 1993 round action). Neither the Navy nor the Marines created any major enclaves.<sup>13</sup>

<sup>13</sup> We have excluded any joint reserve bases established by a BRAC Commission, such as the Navy-managed Joint Reserve Base-Ft. Worth in Texas, because they do not conform to the definition of an enclave as previously defined.

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## Infrastructure Needs of Many Enclaves Not Identified Until after BRAC Decision Making

Many of DOD's specific enclave infrastructure needs were not identified until after the commission for a BRAC round held its deliberations and had rendered its recommendations. Although the Army's enclave planning process—particularly for the 1995 BRAC round—began before the issuance of commission recommendations,<sup>14</sup> specificity of needed infrastructure was not defined until after the recommendations were finalized. The subsequent size of several of these enclaves was much greater than seemingly reflected in commission recommendations that called for minimum essential facilities and land for reserve use. On the other hand, the Air Force's planning process was reportedly further along and enclave needs were better defined at the time the commission made its recommendations. In addition, DOD's enclave-planning processes generally did not include a cross-service<sup>15</sup> analysis of the needs of military activities or activities in the vicinity of a realigning or closing base with a proposed enclave. As a result, the commission often held deliberations without the benefit of some critical information, such as the extent of the enclave infrastructure needed to support training and potential opportunities to achieve benefits by collocating nearby reserve components on enclave property.

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## Army Enclave Infrastructure Needs Not As Well Defined As Those of the Air Force during BRAC Decision Making

While the Army's enclave planning process for the 1995 round began previous to completion of the BRAC Commission's deliberations, specific enclave infrastructure needs were not identified until after commission recommendations had been issued on July 1, 1995. Army officials told us that it was recognized early in the process that the Army wanted to retain the majority of existing training land at some of its bases slated for closure or realignment that also served as reserve component maneuver training locations, but time constraints precluded the Army from fully identifying specific enclave needs before the commission completed decision-making. According to a 1999 DOD report on the effect of base closures on future mobilization options, the retention of much of the Army maneuver training acreage at the enclave locations served not only to meet current training needs but also could serve, if necessary, as future maneuver bases with new construction or renovation of existing facilities for an increased force

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<sup>14</sup> This advance planning was based on the recommendations for an enclave having already been included in the recommendations of the Secretary of Defense, which were forwarded to the BRAC Commission for its review.

<sup>15</sup> Various service component (both active and reserve) units travel to and conduct training at many reserve enclaves.

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structure.<sup>16</sup> In testimony before the commission, the Army had indicated that much of the training land should be retained, but the Army was less specific on the size and facility needs (i.e., in total square footage) for the enclaves. Most facility needs fall within the enclaves' primary infrastructure (or cantonment area)<sup>17</sup> necessary to operate and maintain the enclaves.

The Army formed an officer-level committee—a “Council of Colonels”—that reviewed reserve component enclave proposals but did not approve them for higher-level reviews until July 7, 1995—about 1 week after the BRAC Commission had issued its recommendations. Following the Council of Colonels' approval, a General Officer Steering Committee worked with the Army reserve components to refine the infrastructure needs for the enclaves, needs that the steering committee approved (except for Fort Hunter Liggett<sup>18</sup>) in October 1995—more than 3 months following the 1995 BRAC Commission's recommendations.

Although Army approval for most of its enclaves' infrastructure needs occurred in late 1995, the number of acres and facilities for some installations changed as various implementation plans took effect to establish the enclaves. Changes occurred as a result of Army decisions and community reuse plans for property disposed of by the department, as illustrated in the following examples.

- At Fort Hunter Liggett, the number of facilities to be retained in the enclave increased over time based on an Army decision to retain some of the family housing (40 units); morale, welfare, and recreation facilities (9 facilities) and other training-related facilities (3 barracks and 2 classrooms) that had originally been excluded from the enclave.
- At Fort McClellan, the expected cantonment area decreased considerably from an initial proposal of about 10,000 acres (excluding about 22,200 training-range acres) to about 286 acres in response to concerns raised by the local community.

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<sup>16</sup> Office of the Deputy Under Secretary of Defense (Installations), *Report on the Effect of Base Closures on Future Mobilization Options* (Washington D.C.: Nov. 10, 1999).

<sup>17</sup> A cantonment area is that part of a base containing the majority of the facilities and most areas that are not part of the training areas.

<sup>18</sup> The infrastructure needs for the Fort Hunter Liggett enclave were not approved until November 1997.

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The Air Force's enclave infrastructure needs were reportedly more defined than those of the Army at the time of commission deliberation and decision making. Air Force officials told us that the base evaluation process for the 1991 and 1993 rounds—the rounds when the Air Force's major reserve enclaves were created—included a detailed analysis of the infrastructure needed for the enclaves, including enclave size, identification of required facilities, and expected costs to operate and maintain its proposed enclaves prior to commission consideration of its proposals. These officials did note that some revisions in the sizing of the enclaves and associated enclave boundaries were minor and have occurred over time as plans were further defined, but stated that these changes did not materially affect enclave costs. Although documentation on the initial plans was not available (due to the passage of time), we were able to document some enclave revisions made after the issuance of the BRAC Commissions' recommendations as follows:

- At March Air Reserve Base, the Air Force made at least 3 sets of revisions to its enclave size which now encompasses 2,359 acres. These revisions were relatively minor in scope, such as one revision that expanded the boundaries by about 38 acres to provide a clear zone for flight operations.
- At Grissom Air Reserve Base, the Air Force has made one revision—an exchange of about 70 acres with the local redevelopment authority<sup>19</sup>—to its enclave configuration, which now encompasses 1,380 acres. In addition, base officials are negotiating with the redevelopment authority for acquisition of a small parcel to improve force protection at the enclave's main gate.
- At Rickenbacker Air National Guard Base, the Guard made several revisions prior to reaching its current 168-acre enclave, including the transfer of 3.5 acres of unneeded property to the local redevelopment authority after the Guard relocated its fuel tanks for force protection reasons.

The degree of specificity in a commission's recommendation language for proposed enclaves varied between the Army and the Air Force. In general, the recommendation language for the Army's 1995 round enclaves was based largely on the Army's proposed language, specifying that the bases were to be closed, except that minimum essential ranges, facilities, and training areas be retained for reserve component use. In contrast, for Army and Air Force enclaves created in earlier rounds, the

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<sup>19</sup> A local redevelopment authority is the DOD-recognized local organization whose role is to coordinate efforts of the community to reuse assets of a former military base.

recommendation language was more precise—even specifying specific acreages to be retained in some cases.

Acting on the authority contained in the commissions' recommendations, the Army and Air Force created enclaves that varied widely in size (i.e., from several acres to more than 164,000 acres). Table 1 provides a comparison of the reported size and number of facilities of pre-BRAC bases with those of post-BRAC enclaves for DOD's 10 major enclaves.

**Table 1: DOD Pre-BRAC and Post BRAC Base Acreage and Facilities for Bases Where Major Reserve Enclaves Were Created**

Service	Base	Number of acres			Square footage of facilities		
		Pre-BRAC	Post-BRAC	Percent Retained	Pre-BRAC	Post-BRAC	Percent Retained
Army	Fort Hunter Liggett	164,762	164,272	100	836,420	832,906	100
	Fort Chaffee	71,381	64,272	90	4,839,241	1,695,132	35
	Fort Pickett	45,145	42,273	94	3,103,000	1,642,066	53
	Fort Dix	30,997	30,944	100	8,645,293	7,246,964	84
	Fort Indiantown Gap	17,797	17,227	97	4,388,000	1,565,726	36
	Fort McClellan	41,174	22,531	55	6,560,687	873,852	13
	Fort Devens	9,930	5,226	53	5,610,530	1,537,174	27
Air Force	March Air Force Base	6,606	2,359	36	3,184,321	2,538,742	80
	Grissom Air Force Base	2,722	1,380	51	3,910,171	1,023,176	26
	Homestead Air Force Base	2,916	852	29	5,373,132	867,341	16
<b>Total</b>	<b>394,430</b>	<b>351,386</b>	<b>89</b>	<b>46,450,795</b>	<b>19,823,079</b>	<b>43</b>	

Source: DOD.

Note: "Major" reserve enclaves refer to those enclaves with more than 500 acres. "Pre-BRAC" refers to base data at the time of the BRAC Commission recommendation while "Post-BRAC" refers to enclave data as of the end of fiscal year 2002. Percentages are rounded to nearest whole number.

As shown in table 1, the vast majority—nearly 90 percent—of the pre-BRAC land has been retained for the major reserve enclaves with most enclaves residing in Army maneuver training sites (e.g., Forts Hunter Liggett, Chaffee, Pickett, and Indiantown Gap). While the management of these Army enclaves has generally shifted from the active to the reserve component, the training missions at these Army bases have remained, although the extent of use<sup>20</sup> has decreased slightly in some instances and

<sup>20</sup> Comparative data on training day usage were not readily available at the Ft. Devens location.

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increased in others (see app. I). On the other hand, the Air Force enclaves are generally much smaller in acreage than those of the Army due in large part to the departure of active Air Force organizations and associated missions from the former bases. While the Army retained much of the pre-BRAC acreage, it generally made greater reductions in the amount of square footage for its enclave facilities. Many of these reductions were due in part to the demolition of older unusable facilities built during World War II, and the transfer of other facilities (such as family housing activities once required for the departing active personnel) to local redevelopment authorities. At Fort Indiantown Gap, for example, the Army has reportedly demolished 349 facilities since the Army National Guard assumed control of the base in 1998. As shown in table 1, the Air Force significantly reduced the amount of its facilities' square footage for 2 of its 3 major enclaves.

While the language of the 1995 BRAC Commission recommendations regarding enclaves allowed the Army to form several enclaves of considerable size, these enclaves are considerably larger than one might expect from the language, which provided for minimum essential land and facilities for reserve component use. In this regard, the Army's Office of the Judge Advocate General questioned proposed enclave plans during the planning process. For example, the Judge Advocate General questioned Fort Indiantown Gap and Fort Hunter Liggett enclave plans,<sup>21</sup> calling for retention of essentially the entire former base while the commission's recommendation would suggest smaller enclaves comprising a section of the base. Nonetheless, the Army approved the implementation plans based on mission needs. Having more complete information regarding expected enclave infrastructure would have provided previous commissions with an opportunity to draft more precise recommendation language, if they chose to do so, and produce decisions having greater clarity on enclave infrastructure and expected costs and savings from the closure and realignment actions.

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<sup>21</sup> See U.S. Army Judge Advocate General memorandum, *Review of Implementation Plan for Fort Indiantown Gap* (Washington D.C.: Aug. 22, 1995) and U.S. Army Judge Advocate General memorandum, *Legal Review of Fort Hunter Liggett Facilities Utilization Plan* (Washington D.C.: Jan. 25, 1996). These memorandums were prepared for the Army Assistant Chief of Staff for Installation Management in response to his request for a review of plans to implement BRAC actions at these specified locations.

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## Enclave Planning Analyses Generally Did Not Consider Cross-Service Needs

DOD generally did not consider cross-service needs of nearby military activities in planning for many of its reserve enclaves, although their inclusion may have been beneficial in terms of potential for increased cost savings, force protection, or training reasons. While some other reserve activities have subsequently relocated on either enclaves created as part of the closure decision or later on former base property after it was acquired by local redevelopment authorities, those relocations outside enclave boundaries have not necessarily been ideal for either DOD or the communities surrounding the enclaves. Ideally, enclave planning analyses would involve an integrated cross-service approach to forming enclaves and enable DOD to maximize its opportunities for achieving operational, economic, and security benefits while, at the same time, providing for the interests of affected communities surrounding realigning or closing bases.

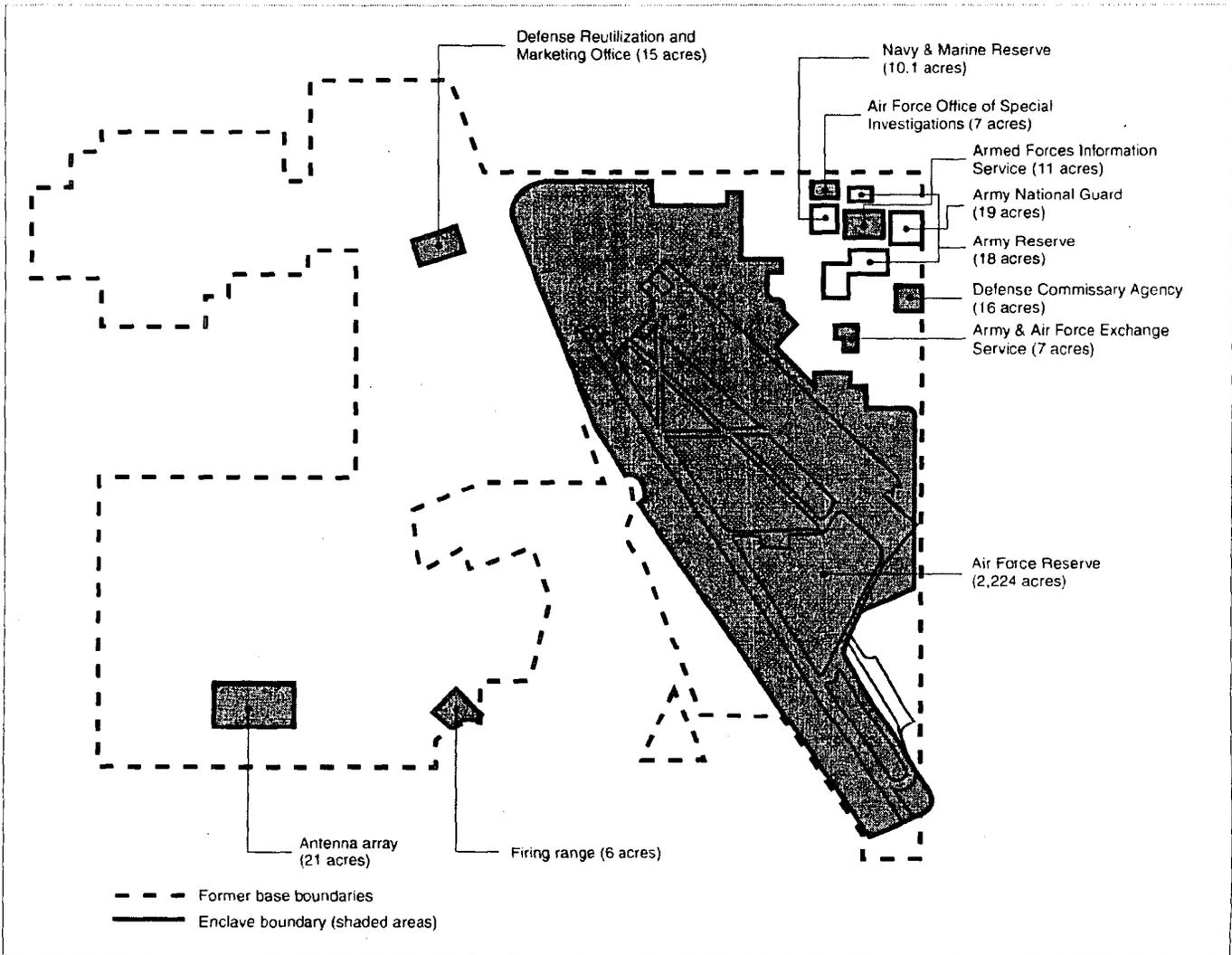
Officials at several Air Force bases we visited told us that while other service and federal government organizations that had already resided on the former bases may have been included in the enclaves, military activities of other services in the local area were not generally considered for possible inclusion in the proposed enclaves. These officials told us that these activities were either not approached for consideration or were not considered due to service interests to minimize the size and relative costs to operate and maintain the enclaves.

Following the formation of the enclaves, some additional reserve activities have since relocated on either enclave or former base property. Some have occupied available facilities on enclaves as tenants and are afforded various benefits such as reduced operating costs, training enhancements, or increased force protection. For example, a Navy Reserve training center, originally based in South Bend, Indiana, moved its operations to an available facility at Grissom Air Reserve Base in August 2002 because the activity could not meet force protection requirements at its previous facilities in South Bend. After the move, the commander of the activity told us that his personnel have experienced enhanced training opportunities since they can now work closely with other military activities on "hands-on" duties during weekend reserve drills. This opportunity has led, in turn, to his assessment that both his recruiting efforts and readiness have improved.

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On the other hand, the relocation of some activities to the former base, or those remaining on the former property outside the confines of the enclave, has resulted in a less-than-ideal situation for both the department and the communities surrounding the former base. For example, at the former March Air Force Base in California, other service activities from the Army Reserve, Army National Guard, Navy Reserve and Marine Corps Reserve reside outside the enclave boundaries in a non-contiguous arrangement. This situation, combined with the enclave itself and other enclave "islands" established on the former base, has resulted in a "checkerboard" effect, as shown in figure 2, of various military-occupied property interspersed with community property on the former base.

Figure 2: Property Layout of the Former March Air Force Base

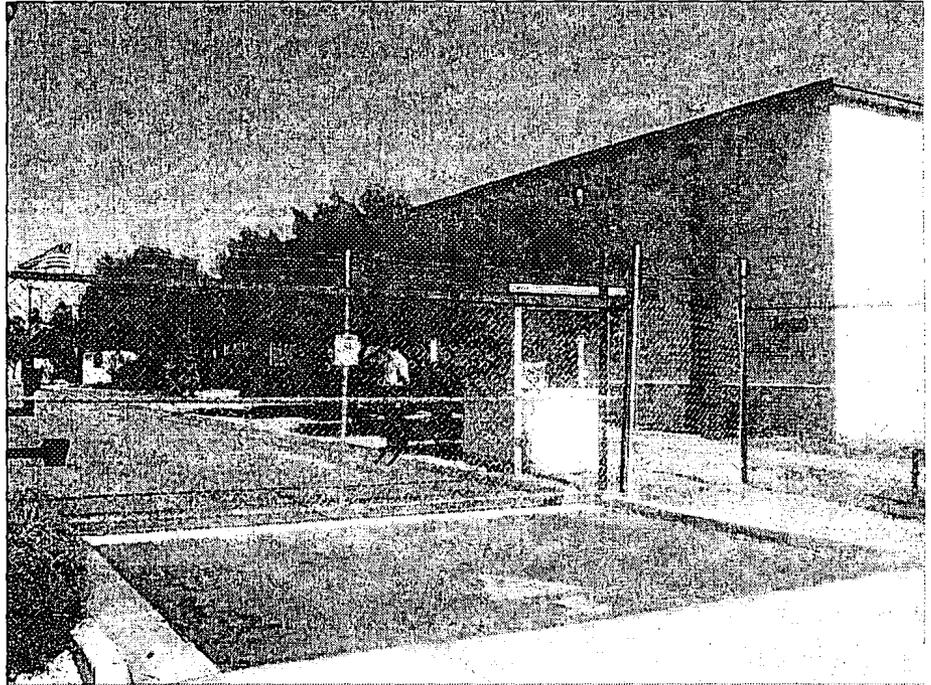


Source: U.S. Air Force.

Note: Army, Navy, and Marine Corps Reserve properties are owned by DOD but are not a part of the enclave.

Further, some of the activities located outside the enclave boundaries have incurred expenses to erect security fences, as shown in figure 3, for force protection purposes. These fences are in addition to the fence that surrounds the main enclave area.

**Figure 3: Navy Compound at March Air Reserve Base**



Source: GAO.

Local redevelopment authority officials told us that a combination of factors (including the dispersion of military property on the former base along with the separate unsightly security fences) has made it very difficult to market the remaining property.

In its April 16, 2003, policy guidance memorandum for the 2005 BRAC round, DOD recognizes the benefits of the joint use of facilities. The memorandum instructs the services to evaluate opportunities to consolidate or relocate active and reserve components on any enclave of realigning and closing bases where such relocations make operational and economic sense. If the services adhere to this guidance in the upcoming round, we believe it will not only benefit DOD but also will mitigate any

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potential adverse effects, such as the checkerboard base layout at the former March Air Force Base, on community redevelopment efforts.

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### Many Initial Base Savings Estimates Did Not Account for Projected Enclave Costs

The estimated costs to operate and maintain the infrastructure for many of the Army enclaves were not considered in calculating savings estimates for bases with proposed enclaves during the decision-making process. As a result, estimated realignment or closure costs and payback periods were understated and estimated savings were overstated for those specific bases. The Army subsequently updated its savings estimates in its succeeding annual budget submissions to reflect estimated costs to operate and maintain many of its enclaves. On the other hand, Air Force officials told us that its estimated base closure savings were partially offset by expected enclave costs, but documentation was insufficient to demonstrate this statement. Because estimated costs and savings are an important consideration in the closure and realignment decision-making process and may impact specific commission recommendations, it is important that estimates provided to the commission be as complete and accurate as possible for its deliberations.

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### Army Enclave Costs Were Not Generally Considered in BRAC Decision-Making Process

During the 1995 BRAC decision-making process, estimated savings for most 1995-round bases where Army enclaves were established did not reflect estimated costs to operate and maintain the enclaves. The Army Audit Agency reported in 1997<sup>22</sup> that about \$28 million in estimated annual costs to operate and maintain four major Army enclaves,<sup>23</sup> as shown in table 2, were not considered in the bases' estimated savings calculations.

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<sup>22</sup> See U.S. Army Audit Agency, *Base Realignment and Closure: 1995*.

<sup>23</sup> The remaining two 1995 major enclaves—Fort Dix and Fort Hunter Liggett—were not reviewed by the Army Audit Agency. An Army BRAC official told us that enclave costs were considered in deriving net savings estimates for Fort Dix but not for Fort Hunter Liggett. Supporting documentation was unavailable to verify this statement.

**Table 2: Estimated Annual Costs to Operate and Maintain Selected Army Reserve Enclaves**

Dollars in millions

Installation	Cost*		Total
	Maintenance	Other support	
Fort Chaffee	\$3.6	\$3.2	\$6.9
Fort Indiantown Gap	4.9	3.4	8.3
Fort McClellan	3.3	2.6	5.9
Fort Pickett	3.4	3.2	6.6
<b>Total</b>	<b>\$15.2</b>	<b>\$12.4</b>	<b>\$27.7</b>

Source: U.S. Army Audit Agency.

Note: Estimated costs as reported by the Army Audit Agency in fiscal year 1995 dollars. Totals may not add due to rounding.

\*Other support costs include expenses for automated target systems, environmental, personnel, integrated training-area management, and security.

Enclave costs are only one of many costs that may be incurred by DOD in closing or realigning an entire base. For example, other costs include expenditures for movement of personnel and supplies to other locations and military construction for facilities receiving missions from a realigning base. The extent of all costs incurred have a direct bearing on the estimated savings and payback periods associated with a particular closure or realignment. Table 3 provides the results of the Army Audit Agency's review (which factored in all costs) of the estimated savings and payback periods for the realignment or closure of the same Army bases shown in table 2 where enclaves were created. As shown in table 3, the commission's annual savings' estimates were overstated and the payback periods were underestimated for these particular bases.

**Table 3: Comparison of Estimated Annual Recurring Savings and Payback Periods for Selected Bases with Reserve Enclaves**

Dollars in millions

Base	Estimated annual recurring savings		Estimated payback period	
	1995 BRAC Commission	Army Audit Agency	1995 BRAC Commission	Army Audit Agency
Fort Chaffee	\$13.4	\$1.4	1 year	18 years
Fort Indiantown Gap	18.4	11.8	Immediate	1 year
Fort McClellan	40.6	27.4	6 years	14 years
Fort Pickett	21.8	5.9	Immediate	2 years
<b>Total</b>	<b>\$94.2</b>	<b>\$46.5</b>		

Sources: U.S. Army Audit Agency and 1995 BRAC Commission.

Note: GAO analysis of U.S. Army Audit Agency and 1995 BRAC Commission data.

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Our analysis showed that the omission of enclave costs significantly affected the initial estimates of savings and payback periods at all locations except Fort McClellan as shown in table 3. For example, the omission of \$6.8 million in enclave costs at Fort Chaffee (see table 2) accounted for more than 50 percent of the \$12 million in estimated reduced annual recurring savings at that location. Further, the enclave cost omissions were instrumental in increasing Fort Chaffee's estimated payback period from 1 year to 18 years. On the other hand, at Fort McClellan, estimates on costs<sup>24</sup> other than those associated with the enclave had a greater impact on the resulting estimated annual recurring savings and payback periods.

Although it is unknown whether the enclave cost omissions or any other similar omissions would have caused the 1995 BRAC Commission to revise its recommendations for these installations, it is important to have cost and savings estimates that are as complete and accurate as possible in order to provide a commission with a better basis to make informed judgments during its deliberative process.

Although the Army omitted enclave operation and maintenance costs from its savings calculations for most of its 1995 actions during the initial phases of the BRAC process, it subsequently updated many of these savings estimates in its annual budget submissions to the Congress. In our April 2002 report on previous-round BRAC actions, we noted that even though DOD had not routinely updated its BRAC base savings estimates over time because it does not maintain an accounting system that tracks savings, the Army had made the most savings updates of all the services in recent years.<sup>25</sup> According to Army officials, the Army Audit Agency report provided a basis for the Army to update the annual BRAC budget submissions and adjust the savings estimates at the installations reviewed. As a result, the previous estimated cost omissions have not materially affected the department's estimate of \$6.6 billion in annual recurring savings across all previous round BRAC actions due to the fact that the savings estimates for these locations have been updated to reflect many enclave costs in subsequent annual budget submissions.

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<sup>24</sup> The cost estimates included about \$19 million in annual recurring costs, about \$40 million in one-time construction costs and about \$26 million in one-time operations and maintenance costs related to the Fort McClellan closure.

<sup>25</sup> See GAO-02-433.

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Because of the passage of time and the lack of supporting documentation, we were unable to document whether the Air Force had considered enclave costs in deriving its savings estimates for the former air bases we visited at Grissom in Indiana (a 1991 round action), March in California (a 1993 round action), and Rickenbacker in Ohio (a 1991 round action). Air Force Reserve Command officials, however, told us that estimated costs to operate and maintain their enclaves were considered in calculating savings estimates for these base actions. Officials at the bases we visited were unaware of the cost and savings estimates that were established for their bases during the BRAC decision-making process.

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## Conclusions

With an upcoming round of base realignments and closures approaching in 2005, it is important that the new Defense Base Closure and Realignment Commission have information that is as complete and accurate as possible on DOD-proposed realignment and closure actions in order to make informed judgments during its deliberations. Previous round actions indicate that, in several cases, a commission lacked key information (e.g., about the projected needs of an enclave infrastructure and estimated costs to operate and maintain an enclave) because DOD had not fully identified specific infrastructure needs until after the commission had issued its recommendations. Without the benefit of more complete data during the deliberative process, the commission subsequently issued recommendation language that permitted the Army to form reserve enclaves that are considerably larger than one might expect based on the commission's language concerning minimum essential land and facilities for reserve component use. In addition, because DOD did not adequately consider cross-service requirements of various military activities located in the vicinity of its proposed enclaves and did not include them in the enclaves, it may have lost the opportunity to achieve several benefits to obtain savings, enhance training and readiness, and increase force protection for these activities. DOD has recently issued policy guidance as part of the 2005 closure round that, if implemented, should address cross-service requirements and the potential to relocate activities on future enclaves where relocation makes operational and economic sense.

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## Recommendations for Executive Action

As part of the new base realignment and closure round scheduled for 2005, we recommend that you establish provisions to ensure that data provided to the Defense Base Closure and Realignment Commission clearly specify the (1) infrastructure (e.g., acreage and total square footage of facilities) needed for any proposed reserve enclaves and (2) estimated costs to operate and maintain such enclaves.

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As you know, 31 U.S.C. 720 requires the head of a federal agency to submit a written statement of the actions taken on our recommendations to the Senate Committee on Government Affairs and the House Committee on Government Reform not later than 60 days after the date of this report. A written statement must also be sent to the House and Senate Committees on Appropriations with the agency's first request for appropriations made more than 60 days after the date of this report.

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## Agency Comments

In commenting on a draft of this report, the Assistant Secretary of Defense for Reserve Affairs concurred with our recommendations. The department's response indicated that it would work to resolve the issues addressed in our report, recognizing the need for improved planning for reserve enclaves as part of BRAC decision making and include improvements in selecting facilities to be retained, identifying costs of operation, and assessing impacts on BRAC costs and savings. DOD's comments are included in appendix III of this report.

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## Scope and Methodology

We prepared this report under our basic legislative responsibilities as authorized by 31 U.S.C. § 717. We performed our work at, and met with officials from, the Office of the Assistant Secretary of Defense for Reserve Affairs, the Army National Guard, the Air National Guard, the headquarters of the Army Reserve Command and Air Force Reserve Command, and Army and Air Force BRAC offices. We also visited and met with officials from several reserve component enclave locations, including the Army's Fort Pickett, Virginia; Fort Indiantown Gap, Pennsylvania; Fort Chaffee, Arkansas; Fort McClellan, Alabama; and Fort Hunter Liggett, California; as well as the Air Force's March Air Reserve Base, California; Grissom Air Reserve Base, Indiana; and Rickenbacker Air National Guard Base, Ohio. We also contacted select officials who had participated in the 1995 BRAC round decision-making process to discuss their views on establishing enclaves on closed or realigned bases. Our efforts regarding previous-round enclave planning were hindered by the passage of time, the lack of selected critical planning documentation, and the general unavailability of key officials who had participated in the process.

To determine whether enclave infrastructure needs had been identified prior to BRAC Commission decision making, we first identified the scope of reserve enclaves by examining BRAC Commission reports from the four previous rounds and DOD data regarding those enclave locations. To the extent possible, we reviewed available documentation and compared process development timelines with the various commission reporting

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dates to determine the extent of enclave planning completed before a commission's issuance of specific BRAC recommendations. We examined available commission hearings from the 1995 round to ascertain the extent of commission discussion regarding proposed enclaves. We also interviewed officials at most of the major enclave locations as well as at the major command level to discuss their understanding of the enclave planning process and associated timelines employed in the previous rounds. We also discussed with these officials any previous planning actions or actions currently underway to relocate various reserve activities or organizations to enclave locations.

To determine whether projected costs to operate and maintain reserve enclaves were considered in deriving estimated savings during the BRAC decision-making process, we reviewed available cost and savings estimation documentation derived from DOD's COBRA model to ascertain if estimated savings were offset by projected enclave costs. We reviewed Army Audit Agency BRAC reports issued in 1997 on costs and savings estimates at various BRAC locations, including some enclave sites. Further, we analyzed how omitted enclave costs affected estimated annual recurring savings and payback periods at selected Army bases. We also discussed cost and savings estimates with Army and Air Force BRAC office officials as well as officials at bases we visited. However, as in our other efforts, we were generally constrained in our efforts by the general unavailability of knowledgeable officials on specific enclave data and adequate supporting documentation. We also examined recent annual BRAC budget submissions to the Congress to ascertain if savings estimates at the major enclave locations had been updated over time.

In performing this review, we used the same accounting records and financial reports DOD and reserve components use to manage their facilities. We did not independently determine the reliability of the reported financial and real property information. However, in our recent audit of the federal government's financial statements, including DOD's and the reserve components' statements, we questioned the reliability of reported financial information because not all obligations and expenditures are recorded to specific financial accounts.<sup>26</sup> In addition, we did not validate infrastructure needs for DOD enclaves.

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<sup>26</sup> U.S. General Accounting Office, *Major Management Challenges and Program Risks: Department of Defense*, GAO-03-98 (Washington, D.C.: January 2003).

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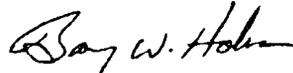
We conducted our work from July 2002 through April 2003 in accordance with generally accepted government auditing standards.

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We are sending copies of this report to the Secretaries of the Army, Navy, and Air Force; the Commandant of the Marine Corps; the Director, Office of Management and Budget; and interested congressional committees and members. In addition, the report is available to others upon request and can be accessed at no charge on GAO's Web site at [www.gao.gov](http://www.gao.gov).

Please contact me on (202) 512-8412 if you or your staff have any questions regarding this report. Key contributors to this report are listed in appendix IV.

Sincerely yours,



Barry W. Holman, Director  
Defense Capabilities and Management

# Appendix I: General Description of Major Reserve Component Enclaves (Pre-BRAC and Post-BRAC)

Installation	BRAC recommendation	Utilization
Fort Hunter Liggett	Realign Fort Hunter Liggett by relocating the Army Test and Experimentation Center missions and functions to Fort Bliss, Texas. Retain minimum essential facilities and training area as an enclave to support the reserve component.	<ul style="list-style-type: none"> <li>• Prior to BRAC 1995, the Army Reserve managed the base, assuming control of the property in December 1994 from the active Army.</li> <li>• In September 1997, the base became a sub-installation of the Army Reserve's Fort McCoy. The training man days have increased by about 55 percent since 1998.</li> </ul>
Fort Chaffee	Close Fort Chaffee except for minimum essential ranges, facilities, and training areas required for a reserve component training enclave for individual and annual training.	<ul style="list-style-type: none"> <li>• Prior to BRAC 1995, the active Army managed the base. The reserve components had the majority of training man days (75 percent) while the active component had 24 percent; the remaining training was devoted to non-DOD personnel.</li> <li>• In October 1997, base management transferred to the Arkansas National Guard. Overall training has decreased 51 percent with reserve component training being down 59 percent.</li> </ul>
Fort Pickett	Close Fort Pickett except minimum essential ranges, facilities, and training areas as a reserve component training enclave to permit the conduct of individual and annual training.	<ul style="list-style-type: none"> <li>• Prior to BRAC 1995, the Army Reserve managed the base. The reserve components had the majority of the training man days (62 percent) while the active component had 37 percent; the remaining training was devoted to non-DOD personnel.</li> <li>• In October 1997, base management transferred to the Virginia National Guard. Overall training has increased by 6 percent.</li> </ul>
Fort Dix	Realign Fort Dix by replacing the active component garrison with an Army Reserve garrison. In addition, it provided for retention of minimum essential ranges, facilities, and training areas as an enclave required for reserve component training.	<ul style="list-style-type: none"> <li>• Prior to BRAC 1995, the active Army managed the base. The reserve components had the majority of training man days (72 percent) while the active component had 8 percent; the remaining training was devoted to non-DOD personnel.</li> <li>• In October 1997, base management transferred to the Army Reserve. Overall training has increased 8 percent.</li> </ul>
Fort Indiantown Gap	Close Fort Indiantown Gap, except minimum essential ranges, facilities and training areas as a reserve component training enclave to permit the conduct of individual and annual training.	<ul style="list-style-type: none"> <li>• Prior to BRAC 1995, the active Army managed the base. The reserve components had the majority of training man days (85 percent) while the active component had 3 percent; the remaining training was devoted to non-DOD personnel.</li> <li>• In October 1998, base management transferred to the Pennsylvania National Guard. Overall training has increased by about 7 percent.</li> </ul>

**Appendix I: General Description of Major Reserve Component Enclaves (Pre-BRAC and Post-BRAC)**

<b>Installation</b>	<b>BRAC recommendation</b>	<b>Utilization</b>
Fort McClellan	Close Fort McClellan, except minimum essential land and facilities for a reserve component enclave and minimum essential facilities, as necessary, to provide auxiliary support to the chemical demilitarization operation at Anniston Army Depot, Alabama.	<ul style="list-style-type: none"> <li>• Prior to BRAC 1995, the active Army managed the base.</li> <li>• In May 1999, base management transferred to the Alabama National Guard. Overall training has increased 75 percent.</li> </ul>
Fort Devens	Close Fort Devens. Retain 4600 acres and those facilities necessary for reserve component training requirements.	<ul style="list-style-type: none"> <li>• Prior to BRAC 1991, the active Army managed the base.</li> <li>• In March 1996, base management transferred to the Army Reserve as a sub-installation of Fort Dix.</li> </ul>
March Air Reserve Base	Realign March Air Force Base. The 445 <sup>th</sup> Airlift Wing Air Force Reserve, 452 <sup>nd</sup> Air Refueling Wing, 163 <sup>rd</sup> Reconnaissance Group, the Air Force Audit Agency and the Media Center will remain and the base will convert to a reserve base.	<ul style="list-style-type: none"> <li>• Prior to BRAC 1993, the active Air Force managed the base, with major activities being the 452<sup>nd</sup> Air Refueling Wing, 445<sup>th</sup> Airlift Wing and the 452<sup>nd</sup> Air Mobility Wing, 163<sup>rd</sup> Air Refueling Wing.</li> <li>• In April 1996, base management transferred to the Air Force Reserve with major activities being the 63<sup>rd</sup> Air Refueling Wing and the 144<sup>th</sup> Fighter Wing as well as tenants such as U.S. Customs.</li> </ul>
Grissom Air Reserve Base	Close Grissom Air Force Base and transfer assigned KC-135 aircraft to the Air reserve components.	<ul style="list-style-type: none"> <li>• Prior to BRAC 1991, the active Air Force managed the base with major activities being the 434<sup>th</sup> Air Refueling Wing and several Air Force Reserve units.</li> <li>• In 1994, base management transferred to the Air Force Reserve. Grissom Air Reserve Base houses the 434<sup>th</sup> Air Refueling Wing as well as other tenants such as the Navy Reserve.</li> </ul>
Homestead Air Reserve Base	Realign Homestead Air Force Base. The 482 <sup>d</sup> F-16 Fighter Wing and the 301 <sup>st</sup> Rescue Squadron and the North American Air Defense Alert activity will remain in a cantonment area.	<ul style="list-style-type: none"> <li>• Prior to BRAC 1991, the active Air Force managed the base, with major activities being the 482<sup>nd</sup> Fighter Wing and the 301<sup>st</sup> Rescue Squadron.</li> <li>• In August 1992, Hurricane Andrew destroyed most of the base. After the base was rebuilt and management transferred to the Air Force Reserve, operations were reinstated with major activities being the 482<sup>nd</sup> Fighter Wing and the NORAD Air Defense Alert activity.</li> </ul>

Sources: 1991, 1993, and 1995 BRAC Commission reports and DOD.

## Appendix II: Reserve Enclaves Created under Previous BRAC Rounds

BRAC Round	Bases With Enclaves	Acreage
1988	Fort Douglas, Utah	50
	Fort Sheridan, Ill.	100
	Hamilton Army Airfield, Calif.	150
	Mather Air Force Base, Calif.	91
	Pease Air Force Base, N.H.	218
1991	Fort Benjamin Harrison, Ind.	138
	Fort Devens, Mass.	5,226
	Grissom Air Force Base, Ind.	1,380
	Sacramento Army Depot, Calif.	38
1993	Griffiss Air Force Base, N.Y.	39
	Homestead Air Force Base, Fla.	852
	March Air Force Base, Calif.	2,359
1995	Rickenbacker Air National Guard Base, Ohio	168
	Camp Kilmer, N.J.	24
	Camp Pedricktown, N.J.	86
	Fitzsimmons Medical Center, Colo.	21
	Fort Chaffee, Ark.	64,272
	Fort Dix, N.J.	30,944
	Fort Hamilton, N.Y.	168
	Fort Hunter Liggett, Calif.	164,272
	Fort Indiantown Gap, Pa.	17,227
	Fort McClellan, Ala.	22,531
	Fort Missoula, Mont.	16
	Fort Pickett, Va.	42,273
	Fort Ritchie, Md.	19
	Fort Totten, N.Y.	36
	Oakland Army Base, Calif.	27

Sources: 1988, 1991, 1993, and 1995 BRAC Commission reports and DOD.

# Appendix III: Comments from the Department of Defense



RESERVE AFFAIRS

ASSISTANT SECRETARY OF DEFENSE  
1500 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1500

19 JUN 2003

Mr. Barry W. Holman  
Director, Defense Capabilities and Management  
U.S. General Accounting Office  
441 G Street, N.W.  
Washington, D.C. 20548

Dear Mr. Holman:

This is the Department of Defense (DoD) response to the GAO draft report, GAO-03-723, "MILITARY BASE CLOSURES: Better Planning Needed for Future Reserve Enclaves," dated May 15, 2003 (GAO Code 350231).

An important element of the Base Realignment and Closure (BRAC) process is the timely collection of complete and accurate data used by the Department and the BRAC Commission in the evaluation process. The GAO report provides two recommendations that would require DoD to provide the Commission with specific infrastructure requirements (e.g. acreage and total square footage of facilities), and estimated operation and maintenance costs for any Reserve component enclave proposed in BRAC 2005.

I recognize that in the past, Reserve components may have been required to obtain real property in "all or none/as-is" condition that resulted in higher than projected operation and maintenance costs. However, the Secretary of Defense in his November 2002 memorandum reemphasized efficient and effective basing strategies for BRAC 2005. It is certainly more efficient to capture real property requirements for Reserve components early in the BRAC process to the maximum extent practicable, and present that data to the Commission in the same level of detail as presented for the Active components.

It is imperative that the Reserve components receive early notification of potential realignments or closures to effect efficient planning of future Reserve enclaves. I agree that when establishing a Reserve enclave, it is important to recognize the "move-in" costs associated with assuming the responsibilities of becoming an installation host. In past BRAC rounds, the Reserve components' requirements were considered later in the process, which led to less effective use of Department resources.

I concur with the recommendations as stated, and will work to resolve the issues addressed within this report and ensure that the need for appropriate planning is recognized early in the BRAC process.

Sincerely,

T.F. Hall

Enclosure



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Appendix III: Comments from the Department  
of Defense

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**GAO DRAFT REPORT, GAO-03-723**  
**“MILITARY BASE CLOSURES: Better Planning Needed for Future**  
**Reserve Enclaves,” (GAO Code 350231).**

**DEPARTMENT OF DEFENSE COMMENTS**  
**TO THE RECOMMENDATIONS**

**RECOMMENDATION 1:** As part of the new base realignment and closure round scheduled for 2005, the GAO recommended that the Secretary of Defense establish provisions to ensure that the data provided to the base realignment and closure commission clearly specify the infrastructure (e.g., acreage and total square footage of facilities) needed for any proposed reserve enclaves. (Page 20/Draft Report).

**DoD RESPONSE: Concur with comment.**

As the GAO stated in the report, “information provided to the commission should be as complete and accurate as possible”. The Assistant Secretary of Defense for Reserve Affairs recommends that Reserve component facilities information presented to the BRAC commission should be at the same level of detail as presented for the Active components.

**RECOMMENDATION 2:** As part of the new base realignment and closure round scheduled for 2005, the GAO recommended that the Secretary of Defense establish provisions to ensure that the data provided to the base realignment and closure commission clearly specify the estimated costs to operate and maintain such enclaves. (Page 21/Draft Report).

**DoD RESPONSE: Concur with comment.**

In some cases, the Reserve components may have been required to pick up real property in “as-is” condition resulting in higher than projected operation and maintenance (O&M) costs. The Assistant Secretary of Defense for Reserve Affairs recommends that Reserve component cost data presented to the BRAC commission capture as complete and accurately as possible projected O&M costs for future Reserve enclaves.

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# Appendix IV: GAO Contact and Staff Acknowledgments

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## GAO Contact

Michael Kennedy (202) 512-8333

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## Acknowledgments

In addition to the individual named above, Julie Chamberlain, Shawn Flowers, Richard Meeks, Maria-Alaina Rambus, James Reifsnyder, Donna Weiss, and Susan Woodward made key contributions to this report.

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