

## **HIGHLIGHTS OF SENATOR WARNER TESTIMONY OF 7 JULY 2005 TO THE BRAC COMMISSION**

Excerpts from testimony are in quotes; conclusions from “5 legal analyses” are in bold type.

### **NAS Oceana**

NAS Oceana should not be closed, but if it is added for consideration on 19 July, the Senator expects to have an opportunity to testify further regarding its importance.

“To summarize, the combination of close proximity to the fleet, access to superb training ranges, and an encroachment problem that is being managed, resulted in the Navy’s decision to remain at NAS Oceana. I hope the BRAC Commission will objectively review the facts and will support the Department’s decision.”

### **Substantial Deviation**

Certain recommendations of SECDEF were not made in accordance with BRAC law.

The Senator believes that SECDEF erred in policy memos that directed the goal to:

“produce BRAC recommendations that will advance transformation, combat effectiveness, and the efficient use of the taxpayer’s money” and stated that

“the most effective way to ensure that military value is the primary consideration in making closure and realignment recommendations is to determine military value through the exercise of military judgment built upon a quantitative analytical foundation.”

He asserts that the selection criteria in the law are the only criteria that can be used and military capacity assessment based on certified data and an objective military value scoring system based on a series of weighted factors is the only lawful means of measuring military value.

He sees using other criteria such as “advancing transformation” and applying subjective “military judgment” as substantially deviating from the selection criteria in the law.

He also believes non-certified data was used in the decision making process and cost estimates were inaccurate.

**“Giving priority to OSD imperatives and Transformational Options, rather than military value is a substantial deviation from section 2913. Treating leased facilities and installations within the NCR [separately and unequally] is a substantial deviation from section 2903(c)(3)(A) that requires all installations to be treated equally.”**

**“Giving OSD imperatives and expectations greater priority than military value is a substantial deviation from the BRAC criteria.”**

### **Leased Space**

“The goal to vacate leased office space was the guiding principle for many of these recommendations—not military value, cost savings or any other legislated criteria. This is not permitted by law.”

Specific installations (MDA, DISA, and NGA) in a specific region (NCR) were targeted for realignment contrary to the legal requirement that all installations be treated equally.

“The OSD imperative on leased space was the driving factor in this decision, as opposed to military value, which by law, is the criteria that should have been applied.”

“The issue of force protection is important and can be addressed outside the BRAC process so that other options, all options, can be considered. Leased space should also be addressed outside the BRAC process since it does not require a BRAC to move from leased space.”

### **Inaccurate and Incomplete Data**

Use of “mostly certified data” (from GAO report) and “derived data” (DoD IG report; defined as information that was established by means other than a data collection from military departments or defense agency and could not be certified) contrary to the BRAC law.

**“Failure to use accurate certified data is a substantial deviation from the law and has resulted in significant errors.”**

### **Inaccurate Costs and Savings Estimates**

Numerous problems cited in the process: using uncertified data, cooking the books, skewing the metrics, gaming numbers, manipulating data, beginning with a predetermined outcome, under estimating costs, and over estimating savings.

**“The failure to use accurate, certified data, and the failure to include costs that would be incurred by other federal agencies as a result of the recommendations was a substantial deviation and calls into question all of the assumed savings resulting from the H&SA groups recommendations to vacate leased space.”**

**“Failure to account for the costs for which another Federal Agency would be required to assume responsibility was a substantial deviation from the legislated BRAC criteria for making decisions. Failure to use accurate and certified is a substantial deviation and has resulted in significant errors.”**

### **Options**

“The commission will have to assess whether decisions to vacate leased space are best handled as a mandate through the BRAC process.” DoD decided to handle the issue outside of BRAC at SoCom in Miami and HQ Joint Forces Command in Suffolk, VA. “We should insist on consistency.”

“Trying to solve force protection concerns in leased space in the BRAC round at the sacrifice of military value and at a prohibitively high cost was a mistake that needs to be corrected.”

### **Fort Monroe and Fort Eustis**

Recommended closure and realignments are too expensive. But moving Missile Defense Agency and Army Materiel Command there would be smart if “more suitable locations cannot be found in Northern Virginia.”



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### **Substantial Deviation (Page 8)**

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#### **Inaccurate and Incomplete Data (Page 23)**

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