

Responsibilities of the General Counsel's Office

1 - The General Counsel plays a vital role in helping the Commission determine its policy by interpreting and advising the Commissioners on the Commission's enabling statute and its legislative history. This involves responding quickly to complicated legal questions and writing position papers on issues such as the Commission's jurisdiction and responsibilities. Counsel must be knowledgeable on the body of law pertaining to base closures, including the Commission's work in previous cycles in 1991, 1993 and the Commission's legislative history.

2 - Developing, training, monitoring and administering the Commission's ethics program consumes at least a third of the counsel's time. It involves initial review of financial holdings for conflict of interest of Commissioners and the staff, assisting in the confirmation process, training staff and Commissioners on ethics laws and regulations and monitoring and responding daily to ethics issues. The review for conflicts of interest involves checking financial holdings against all bases under consideration by the Commission. This review occurs twice, first in March when the Secretary transmits his recommendations to the Commission and when the Commission adds bases for consideration in April/May. The review process is demanding of both time and manpower for approximately three weeks for each review.

3 - Counsel is responsible for handling litigation arising out of the Commission's actions. Counsel works with the Department of Justice to write and edit briefs. Counsel usually attends hearings but is not required to as the Department of Justice represents the Commission. The Counsel's time for litigation should be less in the 1995 round than in previous years, since the Supreme Court limited the type of action that may be brought against the Commission. Currently, there is one case on appeal in the United States Court of Appeals for the Third Circuit.

4 - Counsel advises the Commission on procedures for public hearings and deliberations including quorum requirements, voting, and parliamentary rules.

5 - Counsel insures the Commission follows the spirit and intent of government regulations affecting agencies (even if they Acts do not apply to the Commission) including the Freedom of Information Act, American with Disabilities Act, the Sunshine Act and Federal Advisory Committee Act.

6 - Counsel insures that the Commission adheres to its statutory requirements, such as its open hearing requirements and administrative issues. Counsel monitors that the Commission consistently applies its own policies in all areas especially in regard to travel, base visits and hearings.

7 - Counsel must be able to work on a wide variety of topics and advise the Commission on matters that arise during the Commission's research and analysis, including but not limited to interpreting contracts, leases and the application of environmental laws such as the Endangered Species Act.

8 - Counsel attends all hearings (sitting with Commissioners) and insures the Commission complies with the statute's requirements, advises on parliamentary rules, is present to respond to inquires from Commissioners and oversees procedures during deliberations and voting.

9 - Counsel is a liaison with Congress, the Executive branch, military services and the Department of Defense when the Commission is discussing issues affecting the above mentioned parties.

10 - Counsel plays an integral role in editing the final report to insure the language is sufficient.

11 - Counsel works to insure the Commission provides equal treatment to all communities that have bases reviewed by the Commission.

12 - Counsel works with the Commission's analysis staff to develop the language for the hundreds of motions that are options used by Commissioners when voting on recommendations to the President. During final deliberations, Counsel must be able to work under pressure to write or adapt motions that articulate the desires of the Commissioners as they vote. Counsel reads the votes during the hearing, records all votes and monitors the process to ensure all issues are addressed and voted on in a fair manner.

2005 COMMISSION TIMELINE

**SECRETARY OF DEFENSE DELIVERS RECOMMENDATIONS TO THE COMMISSION
(MAY 16)**

**COMMISSION CONDUCTS INVESTIGATIVE HEARINGS, BASE VISITS, AND REGIONAL HEARINGS
(MAY 16 – JULY 3)**

**COMPTROLLER GENERAL SUBMITS REPORT ANALYZING SECDEF RECOMMENDATIONS AND THE
SELECTION PROCESS TO THE CONGRESSIONAL DEFENSE COMMITTEES
(JULY 1 – POSSIBLY A WEEK OR SO LATER, SHOULD BE HELD AT LEAST PRIOR TO ADDS HEARING IN
CASE GAO NOTES SERIOUS ERRORS CALLING FOR CHANGES)**

**COMMISSION PROVIDES LIST OF INSTALLATIONS TO BE CONSIDERED FOR ADDITION TO SECRETARY
OF DEFENSE FOR COMMENT
(JULY 4)**

**SECRETARY OF DEFENSE SUBMITS REASONS WHY INSTALLATIONS CONSIDERED FOR ADDITION
WERE NOT INCLUDED IN INITIAL RECOMMENDATIONS
(JULY 19)**

**COMMISSION CONDUCTS HEARING TO ADD INSTALLATIONS TO BE CONSIDERED FOR CLOSURE OR
REALIGNMENT
(JULY 21)**

**COMMISSION SUBMITS LIST OF ADDED INSTALLATIONS TO FEDERAL REGISTER
(JULY 22)**

**COMMISSION CONDUCTS BASE VISITS AND REGIONAL HEARINGS FOR ADDED INSTALLATIONS
(JULY 22 – AUGUST 12)**

**CONGRESSIONAL TESTIMONY ON RECOMMENDED CLOSURES AND REALIGNMENTS
(JULY 29 – JULY 30)**

**SECDEF/ CHAIRMAN JCS AND SERVICE SECRETARIES TESTIFY IN RECLAMA TO PUBLIC TESTIMONY ON
RECOMMENDED CLOSURES AND REALIGNMENTS
(AUGUST 15-17 OR AS LATE AS AUGUST 22)**

**COMMISSION CONDUCTS FINAL DELIBERATIONS HEARINGS
(AUGUST 23 – AUGUST 24)**

**COMMISSION REPORT SENT TO PRINTER
(SEPTEMBER 2)**

**COMMISSION DELIVERS FINAL REPORT TO THE PRESIDENT
(SEPTEMBER 8)**

**PRESIDENT CONSIDERS AND FORWARDS HIS CERTIFICATION OF COMMISSION'S REPORT TO
CONGRESS OR RETURNS THE REPORT TO THE COMMISSION FOR FURTHER CONSIDERATION
(SEPTEMBER 8 – SEPTEMBER 23)**

**COMMISSION CONSIDERS COMMENTS AND RESUBMITS REPORT TO THE PRESIDENT
(OCTOBER 20)**

**PRESIDENT TRANSMITS APPROVAL AND CERTIFICATION OF RESUBMITTED REPORT TO CONGRESS
(NOVEMBER 7)**

**CONGRESS HAS 45 DAYS (EXCLUDING RECESSES) TO ENACT A RESOLUTION OF DISAPPROVAL
(NOVEMBER 7 OR DECEMBER 22 EXCLUDING RECESSES)**

Defense Base Closure and Realignment Timeline

- Now thru
May 16, 05 DoD Deliberative Process. DoD undertakes internal data gathering and analytic process necessary to formulate recommendations and meet the statutory reporting requirements outlined below.
- Dec 31, 03 Draft Selection Criteria. Not later than this date the Secretary of Defense "shall publish in the Federal Register and transmit to the congressional defense committees the criteria proposed to be used by the Secretary in making recommendations for the closure or realignment of military installations inside the United states." There is a 30 day public comment period.
- Feb ~, 04 Force Structure Plan & Infrastructure Inventory to Congress. As part of the FY 05 Budget justification documents submitted to Congress, the Secretary shall include the following:
- A "force-structure plan for the Armed Forces based on an assessment by the Secretary of the probable threats to the national security during the 20-year period beginning with fiscal year 2005, the probable end-strength levels and major military force units (including land force divisions, carrier and other major combatant vessels, air wings, and other comparable units) needed to meet these threats, and the anticipated levels of funding that will be available for national defense purposes during such period."
 - A "comprehensive inventory of military installations world-wide for each military department, with specifications of the number and type of facilities in the active and reserve forces of each military department."
 - A "description of infrastructure necessary to support the force structure described in the force structure plan."
 - A "discussion of excess categories of excess infrastructure and infrastructure capacity."
 - An "economic analysis of the effect of the closure or realignment of military installations to reduce excess infrastructure."
 - A "certification regarding whether the need exists for the closure or realignment of additional military installations; and if such need exists, a certification that the additional round of closures and realignments would result in annual net savings for each of the military departments beginning not later than fiscal year 2011."
- Feb 16, 04 Final Selection Criteria. Not later than this date the Secretary of Defense shall "publish in the Federal Register and transmit to the congressional defense committees the final criteria to be used in making recommendations for the closure and realignment of military installations inside the United States."
- Mar 15, 04 Deadline for Congressional disapproval of Final Selection Criteria
- Apr ~, 04 Comptroller General Evaluation. Not later than 60 days after the date on which the force-structure plan and infrastructure inventory are submitted to Congress,

the Comptroller General shall prepare an evaluation of the force-structure plan, infrastructure inventory, selection criteria, and the need for the closure and realignment of additional military installations

- Mar 15, 05 Revisions to Force-Structure Plan and Infrastructure Inventory. If the Secretary has made any revisions to the force-structure plan and infrastructure inventory, the Secretary shall submit those revisions to Congress as part of the FY 06 Budget justification documents
- Mar 15, 05 Nomination of Commissioners. Not later than this date, the President must transmit to the Senate nominations for the appointment of new members to the Defense Base Closure and Realignment Commission.
- May 16, 05 Secretary of Defense Recommendations. Not later than this date, the Secretary must publish in the Federal Register and transmit to the congressional defense committees and the Commission, a list of the military installations that the Secretary recommends for closure or realignment.
- Jul 1, 05 Comptroller General Analysis. Not later than this date, the Comptroller General shall transmit to the congressional defense committees, a report containing a detailed analysis of the Secretary's recommendations and selection process.
- Sep 8, 05 Commission's Recommendations. Not later than this date, the Commission must transmit to the President "a report containing its findings and conclusions based on a review and analysis of the Secretary's recommendations."
- Sep 23, 05 President's Approval or Disapproval of Commission Recommendations. Not later than this date, the President shall transmit to the Commission and to the Congress, "a report containing the President's approval or disapproval of the Commission's recommendations."
- If the President approves the recommendations, the recommendations are binding 45 "legislative" days after Presidential transmission or adjournment sine die, unless Congress enacts joint resolution of disapproval.
- Oct 20, 05 Commission's Revised Recommendations. If the President disapproves the Commission's initial recommendations, the Commission must submit revised recommendations to the President not later than this date.
- Nov 7, 05 President's Approval or Disapproval of Revised Recommendations. The President must approve the revised recommendations and transmit approval to Congress by this date or the process ends. The recommendations become binding 45 "legislative" days after Presidential transmission or adjournment sine die, unless Congress enacts joint resolution of disapproval.
- Apr 15, 06 Commission terminates



Facts: Base Realignment and Closure 2005

BRAC is a means to achieve several important goals: eliminate excess infrastructure; reshape our military; pursue Jointness; optimize military readiness; and realize significant savings in support of transforming the Department of Defense. At a minimum, BRAC 2005 must eliminate excess physical capacity -- the operation, sustainment and recapitalization of which diverts scarce resources from defense capability. However, BRAC 2005 can make an even more profound contribution to transforming DoD by more closely aligning our infrastructure with defense strategy. BRAC 2005 should be the means by which we reconfigure our current infrastructure into one in which operational capacity maximizes both warfighting capability and efficiency. By creating Joint organizational and basing solutions, we will facilitate multiservice missions, reduce waste, save money and free up resources to recruit quality people, modernize equipment and infrastructure, and develop the capabilities needed to meet 21st-century threats.

2005 timeline

- February – defense secretary submits, with the budget, revisions to force-structure plan and infrastructure inventory
- May 16 – by this date, the defense secretary must forward his recommendations for closure and realignment to the independent BRAC commission, at which time the information will be available to the public
- Sept. 8 – by this date, the BRAC commission's recommendations must be submitted to the president
- Sept. 23 – by this date, the president will accept or reject the recommendations on an all-or-nothing basis, and will forward the recommendations to Congress if he accepts them
- Oct. 20 – by this date, if the president rejects the BRAC commission's recommendations the first time, the BRAC commission resubmits its revised recommendations to the president
- Nov. 7 – by this date, president approves or disapproves the BRAC commission's revised recommendations
- Once the president forwards the BRAC recommendations to Congress, Congress has 45 legislative days to enact a joint resolution rejecting all the recommendations or they become binding on DoD

BRAC facts

- DoD conducted four previous BRAC rounds: 1988, 1991, 1993, 1995. BRAC '88 closed 16 major installations; BRAC '91 closed 26 major installations; BRAC '93 closed 28 major installations; and BRAC '95 closed 27 major installations
- The National Defense Authorization Act for Fiscal Year 2002 authorized the Defense Department to pursue one BRAC round in 2005
- Previous BRAC rounds continue to save about \$6.6 billion annually and have eliminated about 20 percent of DoD capacity. Through 2001, BRAC has produced a net savings of about \$16.7 billion, including the cost of environmental clean-up.
- All CONUS-based installations are being considered in BRAC 2005
- There is no target number of installations identified to close or realign
- The independent BRAC Commission, the president and Congress review the defense secretary's realignment and closure recommendations publicly
- A primary objective of BRAC 2005 is to examine and implement opportunities for greater Joint activity
- Military value is the primary consideration in reducing or restructuring U.S. military bases. The 2005 BRAC

process will help find innovative ways to consolidate, realign or find alternative uses for current facilities

To stay informed about BRAC

- The Pentagon Channel, on-line at www.thepentagonchannel.mil
- American Forces Press Service, on-line at www.defenselink.mil
- Primary BRAC 2005 Website, www.defenselink.mil/brac
- DoD Office of Economic Assistance Website, www.oea.gov

Questions and answers

Q. How does BRAC work?

A. The process of BRAC, or base realignment and closure -- referring to the congressionally authorized process DoD uses to reorganize its base structure -- begins with a threat assessment of the future national security environment, followed by the development of a force-structure plan and basing requirements to meet these threats. DoD then applies published selection criteria to determine which installations to recommend for realignment and closure. The secretary of defense will publish a report containing the realignment and closure recommendations, forwarding supporting documentation to an independent commission appointed by the president, in consultation with congressional leadership.

Q. Which bases will be looked at in this round?

A. All military installations within the United States and its territories (under the control of the U.S. federal government) will be examined as part of this process. This includes labs, medical, training, Guard, Reserve, air stations, leased facilities, etc.

Q. Will near-term future new force-structure changes be incorporated into the BRAC 2005 process?

A. Where the BRAC timeline can accommodate operational imperatives, new force-structure beddowns will be incorporated in the BRAC process. Using the BRAC process offers the opportunity to make the most efficient and effective use of the capacity and capabilities of the department.

Q. How will Jointness be assessed during BRAC2005?

A. The BRAC law requires that closure and realignment recommendations be based on published selection criteria that must make military value the primary consideration. The law further provides that military value must include impacts on Joint warfighting, readiness and training.

Q. Are there any specific priorities for BRAC 2005?

A. In his Nov. 15, 2002, memorandum, the defense secretary established the goals and priorities for the 2005 BRAC round. A primary objective of BRAC 2005, in addition to realigning our base structure to meet our post-Cold War force structure, is to examine and implement opportunities for greater Jointness. To reinforce the idea that we should be looking across traditional lines to examine the potential for Jointness, the Secretary established an internal BRAC 2005 decision-making body that is Joint at every level.

Q. How will the realignment of military forces and bases overseas impact BRAC 2005 efforts?

A. On March 20, 2003, the defense secretary directed the development of a comprehensive and integrated presence and basing strategy looking out 10 years. Results of that effort, including rationalizing areas of potential excesses and identifying the utility of overseas installations, will be included in the analytical portions of the BRAC 2005 process.

Q. How much excess capacity does the DoD currently have?

A. The March 2004 DoD Report required by Section 2912 of the Defense Closure and Realignment Act of 1990, as amended through the National Defense Authorization Act for Fiscal Year 2003, estimates that DoD has 24 percent excess installation capacity. Moreover, in preparing the list of realignment and closure recommendations in May 2005, DoD will conduct a thorough review of its existing infrastructure in accordance with the law and DoD BRAC 2005 guiding procedures, ensuring that all military installations are treated equally and evaluated on their continuing military value to our nation.

Q. What is the BRAC 2005 commission?

A. The commission is an independent commission responsible for reviewing the defense secretary's recommendations for BRAC 2005. BRAC legislation specified the selection process for commissioners. The president was required to consult with the congressional leadership on nominations to serve on the commission.

Q. Who makes up the BRAC 2005 commission?

A. Anthony J. Principi has been nominated by the president as the chairman of the commission. On March 15, the president nominated eight people as members of the Defense Base Realignment and Closure Commission: James H. Bilbray, Nevada; Philip Coyle, California; retired Navy Adm. Harold W. Gehman Jr., Virginia; James V. Hansen, Utah; retired Army Gen. James T. Hill, Florida; retired Army Lt. Gen. Claude M. Kicklighter, Georgia; Samuel Knox Skinner, Illinois; and retired Air Force Brig. Gen. Sue Ellen Turner, Texas.

Q. What authority does the commission have?

A. The commission has the authority to change DoD's recommendations if it determines that a recommendation deviated from the force-structure plan and/or selection criteria. The commission will hold regional meetings to solicit public input prior to making its recommendations. History has shown that the use of an independent commission and public meetings make the process as open and fair as possible.

Q. What happens to the commission's recommendations?

A. The commission forwards its recommendations to the president for review and approval, who then forwards the recommendations to Congress. Congress has 45 legislative days to act on the commission report on an all-or-none basis. After that time, the commission's realignment and closure recommendations become law. Implementation must start within two years, and actions must be complete within six years.

Q. If a base is approved for closure or realignment, how long will it take?

A. Under the BRAC law, actions to close or realign a base must be initiated within two years of the date the president transmits the BRAC commission's recommendations report to Congress and must be completed within six years of that same date.

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Hague, David, CIV, WSO-BRAC

To: Freeman, James, CTR, WHS/APSD
Cc: Cowhig, Dan, CIV, WSO-BRAC; Sarkar, Rumu, CIV, WSO-BRAC
Subject: RE: Update of GSA FACA Committees Web Page

Jim, Your email is very helpful. Thanks. We want to do everything right and will work with you to that end.

David Hague
General Counsel

-----Original Message-----

From: Freeman, James, CTR, WHS/APSD
Sent: Thursday, May 26, 2005 9:00 AM
To: Cowhig, Dan, CIV, WSO-BRAC
Cc: Wilson, Frank, CIV, WHS/APSD
Subject: RE: Update of GSA FACA Committees Web Page
Importance: High

Dan,

Once again we are addressing an issue that everyone on your advisory committee seems to misinterpreted.

First off the legal name of the advisory committee is the Defense Base Closure and Realignment Commission, and not the 2005 Defense Base Closure and Realignment Commission. If you have any question about this perhaps you should review the documentation from the White House. Secondly, the Commission is not independent of the DoD in the sense that some on your Commission seem to feel.

There are, in the FACA statute, only two categories of advisory committees -- Discretionary and Non-Discretionary advisory committees. With regard to Discretionary advisory committees, they are established by the Agency Head (in our case the SecDef) at his suggestion or that of Congress. Non-Discretionary advisory committees are directed by the Congress or the President, and within this broad category there is what is known as Independent Presidential Advisory Committees (directed by Congress or the President).

With the exception of Independent Presidential Advisory Committees, all advisory committees in the Executive Branch are attached to an Executive Branch agency for support (the support level is determined by the Agency Head and not the advisory committee). Independent Presidential Advisory Committees operate independent of any Executive Branch agency and only receive support from the General Services Administration (GSA), and whenever they are established the Committee Management Secretariat (GSA) appoints a Committee Management Officer (CMO) for the advisory committee. The appointment of the CMO for an Independent Presidential Advisory Committee signifies the special category these committees hold in the Executive Branch since the only other CMOs in the Government are those appointed for each Executive Branch Agency.

The Defense Base Closure and Realignment Commission does not fall into the "Independent Presidential Advisory Committee" category since neither the White House or the U.S. Congress directed that the Commission would be an "Independent Presidential Advisory Committee." To further enforce the fact that the Commission is not an "Independent Presidential Advisory Committee" Congress directed that the \$10M appropriated for the Commission's operations would be held by the DoD for use by the Commission instead of GSA or OMB, which is where the monies for "Independent Presidential Advisory Committees" are held and dispersed. Another factor reinforces the fact that the Commission is "supported" by the DoD is that the statute states that if funds are not appropriated for the Commission then the Secretary (the SecDef) may transfer what funds are necessary.

If the Commission was an "Independent Presidential Advisory Committee" you would not be in

DoD-leased office space or receiving any support whatsoever from the DoD; everything would be coming from the GSA. The most recent Independent Presidential Advisory Committee was the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction chaired by Senator Robb and Judge Silbermann.

Notwithstanding, I believe the disconnect centers around the fact that all advisory committees regardless of their designation (Discretionary or Non-Discretionary) are independent entities of the Executive Branch called upon to provide "independent advice and recommendations" to the Federal Government. Being an independent entity providing "independent advice and recommendations" does not mean that you are an "Independent Presidential Advisory Committee." The DoD is required by law to provide "adequate support" to all advisory committees supported or sponsored by the Department. The Department is well aware of the fact that all advisory committees we support are not part of the DoD's organizational structure nor are we supposed to interfere in the Membership's deliberate process.

However, that does not mean that the Commission or any other advisory committee supported or sponsored by the DoD has the option to do anything it wants to. The Commission, like all other advisory committees, must comply with the rules and regulations that apply to the Executive Branch, to include those of the sponsoring Agency. So far the Commission has been less than forthright in abiding by all the laws and regulations governing the DoD and other agencies in the Executive Branch, to include the Federal Acquisition Regulations, the Federal Travel Regulations, and the rules governing the handling of National Security Information.

With regard to the CMS's Federal Advisory Committee Management Database, you are and you will remain listed under the Department of Defense. The only way that this can change is if the Congress or the White House directs that your status changes to an "Independent Presidential Advisory Committee", which would mean that the DoD, by law, would have to cut off all support to the Commission. The same goes for your Federal Register Notices you will continue to file them through the DoD without exception.

Being listed under the DoD in the GSA's Database or having to file your Federal Register Notices through the DoD does not mean that you are part of the DoD or subordinate to the SecDef. Nor does it mean that the Department is managing the Commission. It has to do with complying with the Federal statutes governing Federal advisory committees ... To put it in simpler terms, OSD does not tell the Army who to pick to be a company commander in the 101st Airborne Division, but the Department, through DoD Directive 1315.7, has the prerogative to require the Army to comply with certain rules governing the assignments of military personnel (e.g., time-on-station requirements).

Regarding your statutory authority, I would like to point out two items:

(a) Mr. Battaglia personally approved the Charter as written, which reads in part "The Commission, in accordance with Public Law 101-510, as amended, ..."; and (b) that portion of P.L. 107-107 that pertains to the Commission says, "The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by adding at the end the following new section: ..."

Regardless of whether we are talking about the Sunshine Act or the Federal Advisory Committee Act, if the Commission fails to comply with the rules laid down by the GSA and promulgated by the DoD it does so at its own peril. There are interested people and groups just waiting for the Commission to violate the Sunshine Act or the FACA statute so they can slow down or stop the Commission's deliberation with legal action. It has happened before and is happening in our areas of the Executive Branch.

If you are having trouble updating your data then please contact Jackie Sellers for some assistance ... The concern from the CMS Office is that they are getting queries and they (CMS) are concerned about someone having something to complain about.

Jim

-----Original Message-----

From: Cowhig, Dan, CIV, WSO-BRAC
Sent: Wednesday, May 25, 2005 6:59 PM
To: Wilson, Frank, CIV, WHS/APSD

Cc: Sellers, Jacquelyn, CIV, WHS/APSD; Freeman, James, CTR, WHS/APSD; Hague, David, CIV, WSO-BRAC; Carnevale, Diane, CIV, WSO-BRAC; Battaglia, Charles, CIV, WSO-BRAC; Barlow, Larry, CIV, WHS/APSD
Subject: RE: Update of GSA FACA Committees Web Page

Frank -

Thanks for your reminder. Most of the information called for in the GSA website is already available on our website, <http://www.brac.gov/default.asp>, but we'll populate this as well. My understanding of the GSA website from our conversations was that it was primarily for internal government use, not a necessarily a conduit for public release of information.

A few issues with the BRAC "General Information" entry for the GSA website. I don't seem to be able to edit these items directly.

The "Department or Agency" is not DOD. The Department or Agency entry should read 2005 Defense Base Closure and Realignment Commission. The BRAC Commission was established independent of DOD to review the DOD recommendations. Here, as with the FR notices, we should not be listed in a manner that indicates that the BRAC Commission is a part of DOD or subordinate to the Secretary of Defense.

Our "Specific Establishment Authority" is Pub. L. 107-107 (there is no language in Pub. L. 101-510 authorizing the 2005 BRAC)

The "Effective Date" of 107-107 is December 28, 2001

Our "Committee URL" is <http://www.brac.gov/default.asp>.

Thanks for your help with this. BTW, any progress on my detailing orders, or those of the other service members supplied to the Commission from DOD?

V/R

Dan Cowhig
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From: Wilson, Frank, CIV, WHS/APSD
Sent: Wednesday, May 25, 2005 1:22 PM
To: Cowhig, Dan, CIV, WSO-BRAC
Cc: Sellers, Jacquelyn, CIV, WHS/APSD; Freeman, James, CTR, WHS/APSD; Hague, David, CIV, WSO-BRAC; Carnevale, Diane, CIV, WSO-BRAC; Battaglia, Charles, CIV, WSO-BRAC; Barlow, Larry, CIV, WHS/APSD
Subject: Update of GSA FACA Committees Web Page

Maj. Cowhig,

I just received a telephone call from the DoD desk officer at GSA FACA Committee Management Secretariat. He asked why the data concerning the Defense Base Closure and Realignment Commission had not been updated. He is attempting to field questions from citizens that are unable to find information on the web page. On May 4th Jim Freeman and I briefed you on all the duties required of the DFO, one of which is to update the

official GSA web page which is the official records data repository for FACA Committee information. On May 12th Jackie Sellers provided you with a password with which you could access the web site and update information.

Both the Committee Secretariat and my office would appreciate it if you would log on and update the BRAC 05 web page. As we briefed you, given the high visibility of the BRAC 05 Commission it is paramount that all FACA processes and procedures be followed in a timely manner. If you have any questions please call either me or Jackie.

Thank you for your attention to this vital issue.

Frank

Frank Wilson, Civ., WHS/APSD

Chief, Administrative Services Division

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(703) 601-2554 ext. 113



May 12, 2005 War on Terror Transformation News Products Press Resources Images Websites



BRAC Base Realignment and Closure

Home

May 10, 2005

Briefing Transcript
Background Slides

Definitions

FAQs

Prior BRAC Rounds
Documents

Installations by Year
Installations by State

The reports listed below will be available online no later than May 16, 2005

DoD Reports

Results and Processes

Detailed Recommendations

Service Reports

Army

Navy

Air Force

Joint Cross-Service Group Reports

Education & Training

Headquarters & Support Activities

Industrial

Intelligence

Medical

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Technical

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Civilian Employee Transition Assistance

THE BIG PICTURE

Special Office Aids Affected Communities

WASHINGTON, May 11, 2005 – When a Defense Department installation closes, the department doesn't just pull chocks and fly off. The department's Office of Economic Adjustment works with communities to help them through the base closing process and help them transform. [Story](#) | [Transcript](#) | [Slides](#)

Defense Officials Ready to Advise Communities on Their Way Forward

WASHINGTON, May 11, 2005 – Speed and agreement are essential as communities face base closure and realignment, a senior defense official said here. Patrick O'Brien, director of the Office of Economic Adjustment, said DoD stands ready to help communities affected by closures and realignments. [Story](#) | [Transcript](#)

- **Part 1: Recommendations Follow Lengthy Process**
- **Part 2: Commission Begins Work on Next Round**
- **Part 3: Force Structure, Military Value at Heart of BRAC**
- **Part 4: DoD Briefs Panel on Strategy Concerns**

BRAC Process Sets Stage for Future

WASHINGTON, May 10, 2005 – The 2005 base realignment and closure process will set the stage for the military well into the future, Defense Department officials said here today. [Story](#)

BRAC Process Examines Surge Capability

WASHINGTON, May 10, 2005 – Defense planners have looked at surge capability across the services and industrial processes as they've gone through the 2005 base realignment and closure process. [Story](#)

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- **Overseas Realignment Process Proceeding** • [Transcript](#)
- **BRAC Important for Many Reasons**
- **Bases Transform to Support Warfighters**
- **Transition Partner to Help Communities**

BRAC is a 'Good Thing'
"It says to the taxpayers of America, 'By golly, we care about your dollars, and we're going to see that the dollars are spent in an intelligent way on things that are actually needed, rather than wasted funds. So it's a good thing, this BRAC."
Defense Secretary Donald Rumsfeld - March 29, 2005

Before and After

BRAC Good News for Texas Capital

AUSTIN, Texas – Though the fear

Commissioners Take Oath
WASHINGTON – The 2005 E Realignment and Closure Commission began its work here May 3, 2005. Commission Chairman Anthony D. ... former secretary of veterans ... administered the oath of office to the commissioners who will evaluate the Defense Department's recommendations for changes in U.S. force posture.

BRAC Timeline

- By May 16, 2005, Defense Secretary Donald H. Rumsfeld will forward the department's recommendation to the Commission.
- The commission will then report on the recommendation to the president by Sept. 8, 2005.
- The president will have until late 2005, to accept or reject the recommendations in their entirety.
- If accepted, Congress will have 60 legislative days to reject the recommendations in their entirety. If not rejected, they become binding on the department.



Web Site Helps Civilian

WASHINGTON — DoD civilian employee assistance officials are prepared to help employees affected by BRAC find jobs with other agencies or pursue other available opportunities. Defense officials have updated the BRAC Transition web site to provide information on DoD and other Federal assistance programs, and answer related questions.

Office Advises Communi

WASHINGTON — DoD's Office of Economic Adjustment helps communities impacted by defense program changes, including base closures or



- [Help for Military Families \(pdf\)](#)
- [Office of Economic Adjustment](#)
- [Office of Force Transformation](#)
- [Army BRAC](#)
- [Air Force BRAC](#)

of losing jobs and revenue grips nearby cities and towns when the Defense Department decides to close a military installation, the bad news can be made good. Such was the case when Bergstrom Air Force Base here closed in 1993, its fate sealed by the 1991 Base Realignment and Closure process. [Story](#)

realignments, base expansions, and contract or program cancellations. Defense officials help themselves — assess hardships, identify and evaluate courses of action and resources, and prepare an adjustment strategy plan. For more information click on [Economic Adjustment](#).

Former Base 'Everything We Wanted It to Be'

CHARLESTON, S.C. — "Doom and gloom" describes how residents of this city felt when the Pentagon decided to close the Charleston Naval Complex in 1993. Today, more than 80 new industrial business and federal agencies occupy the base, many of which have invested millions in the infrastructure here. [Story](#)

2005 Process

- [BRAC 2005 Military Value Principles \(PDF\)](#)
- [2005 Base Closure and Realignment Selection Criteria \(PDF\)](#)
- [Defense Base Closure and Realignment Act of 1990, Amended FY 05 \(PDF\)](#)
- [Timeline \(PDF\)](#)
- [Definitions](#)
- [Speeches & Congressional Testimony](#)

Some Bases No Longer

"All the communities that support military installations do so with a great deal of cooperation and partnership. But as a result of it's inevitable that ... some bases with excess capacity, will no longer be required."

DUSD for Installations
Philip Gron...



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[May 10, 2005](#)

[Briefing Transcript](#)
[Background Slides](#)

[Definitions](#)

[FAQs](#)

[Prior BRAC Rounds](#)

[Documents](#)

[Installations by Year](#)

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[Service Reports](#)

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[Joint Cross-Service Group Reports](#)

[Education & Training](#)

[Headquarters & Support Activities](#)

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[Intelligence](#)

[Medical](#)

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Speeches and Congressional Testimony

- 02/12/04:** [Statement of Mr. Raymond F. DuBois, Deputy Under Secretary of Defense \(Installations Environment\) Before the Subcommittee on Military Construction of the House Appropriation Committee Statement \(PDF File\)](#)
- 03/18/03:** [Statement by Mr. Raymond F. DuBois, Deputy Under Secretary of Defense \(Installations Environment\) Before the Subcommittee on Readiness, House Armed Services Committee United States House of Representatives. To discuss the President's Budget request for year 2004 and the plan of the Department of Defense for improving its facilities. Statement \(PDF File\)](#)
- 03/18/03:** [Statement by Mr. Raymond F. DuBois, Deputy Under Secretary of Defense \(Installations Environment\) Before the Subcommittee on Military Construction of the Senate Appropriation Committee. To discuss the base realignment and closure \(BRAC\) process and the critical importance of the rationalization of military infrastructure to the Department of Defense Statement \(PDF File\)](#)

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CRS Report for Congress

Received through the CRS Web

Base Realignment and Closure (BRAC): Property Transfer and Disposal

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American Law Division

Summary

The Defense Base Realignment and Closure Act of 1990 and the Federal Property and Administrative Services Act of 1949 provide the basic framework for the transfer and disposal of military installations closed during the base realignment and closure (BRAC) process. This report provides an overview of the various authorities available under the current law and describes the planning process for the redevelopment of BRAC properties. This report will be updated as events warrant.

Introduction

The nation's military installations have gone through several rounds of base realignments and closures (BRAC), the process by which excess military facilities are identified and, as necessary, transferred to other federal agencies or disposed of, placing ownership in non-federal entities. Since the enactment of the Defense Base Closure and Realignment Act of 1990, transfer or disposal of former military installations has been governed by relatively consistent legal requirements. On December 28, 2001, the most recent changes to the BRAC framework were signed into law (P.L. 107-107)¹, providing for a new round of base closures in 2005.

The current BRAC law is generally similar to the original statute and retains many of the transfer and disposal authorities that were available in previous rounds. However, significant amendments in 1999 and 2001 altered portions of the law's disposal authorities. This report will provide an overview of the transfer and disposal authorities available under the law for military installations that may be closed during the 2005 round

¹ National Defense Authorization Act For Fiscal Year 2002, Act of December 28, 2001, P.L. 107-107, 115 Stat 1012 (current version at 10 U.S.C. § 2687 note). For ease of reference, all citations to the 1990 Act are to the relevant sections of the act as it appears in the note following 10 U.S.C. § 2687.

and indicate how recent amendments to the Defense Base Closure Act have altered the property transfer and disposal process.² It will be updated as events warrant.

Transfer and Disposal Authorities

The transfer or disposal of federal property is primarily performed by the General Services Administration (GSA) pursuant to the Federal Property and Administrative Services Act of 1949 (FPASA).³ The Defense Base Closure and Realignment Act directs the GSA to delegate its statutory authority to the Department of Defense (DOD) with respect to BRAC installations, and DOD has, in turn, delegated this authority to the various military services.⁴ Thus, BRAC property transfer and disposal is performed, generally, in accordance with the FPASA and the GSA regulations implementing it. In addition, the Defense Base Closure and Realignment Act authorizes DOD, with GSA approval, to supersede GSA regulations with BRAC-specific regulations.⁵ The FPASA process for BRAC properties is discussed below.

Federal Screening. The first step in the property transfer process begins when the military service in possession of a BRAC property notifies other DOD branches that property has become available.⁶ If another branch of DOD determines that it requires the property and if Secretary of Defense concurs, intragency transfer may occur with or without reimbursement.⁷ If no DOD branch requires the property, it is deemed “excess” and a notice of its availability is sent to all other federal agencies.⁸ If no federal agency pursues acquisition within the specified time frame or if DOD exercises residual authority to deny the request for transfer, the property is determined to be “surplus” and the disposal process begins.⁹

Local Redevelopment Authorities (LRAs). An LRA is “[a]ny authority or instrumentality established by a State or local government and recognized by the Secretary of Defense ... as the entity responsible for developing the redevelopment plan” with

² It should be noted that significant issues related to environmental cleanup under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) exist at some BRAC properties and that the use of certain property transfer authorities may be contingent upon adequate performance of CERCLA obligations or agreement by the acquiring entity to accept liability for environmental cleanup. See 42 U.S.C § 9620(h); P.L. 107-107, § 3006.

³ Act of June 30, 1949, ch. 288, 63 Stat. 377. Transfer and disposal authority is codified at 40 U.S.C. §§ 521-559.

⁴ Defense Base Closure and Realignment Act, § 2905(b); 32 C.F.R. §175.6 (2004).

⁵ Defense Base Closure and Realignment Act, § 2905(b).

⁶ 32 C.F.R. § 175.7(4).

⁷ Defense Base Closure and Realignment Act, § 2905(b).

⁸ “Excess” property is defined as “any property under the control of a Military Department that the Secretary concerned determines is not required for the needs of the Department of Defense.” 32 C.F.R. §175.3(e).

⁹ “Surplus” property is defined as “any excess property not required for the needs and the discharge of the responsibilities of federal agencies. Authority to make this determination, after screening with all federal agencies, rests with the Military Departments.” 32 C.F.R. § 175.3(i).

respect to an installation closed under the BRAC process.¹⁰ Briefly, upon the conclusion of the federal screening process, LRAs are to conduct outreach efforts and design a comprehensive plan for reuse of BRAC property, culminating in a redevelopment plan.¹¹ The redevelopment plan is not binding upon DOD; indeed, DOD is ultimately responsible for preparing an environmental impact analysis under the National Environmental Policy Act (NEPA), in which it must examine all reasonable disposal alternatives, and make its own disposal decisions.¹² However, it is worth noting that DOD is statutorily obligated to give the LRA's redevelopment plan considerable weight in making its own disposal determinations. Specific requirements impacting the planning process and eventual disposal of property are discussed below.

Homeless Assistance. The Stewart B. McKinney Homeless Assistance Act¹³ allows "excess," "surplus," "unutilized," or "underutilized" federal property to be used as homeless shelters, and has been applicable to BRAC properties closed in prior rounds.¹⁴ A separate process is now provided for properties closed after October 25, 1994 (the date of enactment for Base Closure Community Development and Homeless Assistance Act of 1994).¹⁵ To comply with the older McKinney Act provisions, DOD was required to submit a description of its vacant base closure properties to the Department of Housing and Urban Development (HUD).¹⁶ HUD would then determine whether any of this property was "suitable for use to assist the homeless."¹⁷ The HUD determination would be published in the *Federal Register*, at which time qualified "representatives of the homeless" could apply for and receive the requested property.¹⁸

As stated, amendments to the Defense Base Closure and Realignment Act now displace the traditional McKinney Act implementation requirements. The Secretary of Defense is now directed to publish notice of the available property and to submit information on that property to HUD and any local redevelopment authority.¹⁹ All interested parties, including representatives of the homeless, are then to submit to the local redevelopment authority a notice of interest in the property.²⁰ Simultaneously, redevelopment authorities are to perform outreach efforts and provide assistance in evaluating property for various reuse purposes. After complying with these requirements and the statutorily imposed information collection time frames, the redevelopment

¹⁰ 32 C.F.R. § 176.5.

¹¹ 32 C.F.R. § 176.20.

¹² 42 U.S.C. § 4321 *et seq.*

¹³ 42 U.S.C. § 11411.

¹⁴ *Id.* § 11411(a).

¹⁵ P.L. 103-421, 108 Stat. 4346 (1994).

¹⁶ Defense Base Closure and Realignment Act, § 2905(b); 32 C.F.R. § 175.6(b).

¹⁷ *Id.*

¹⁸ *See National Law Center on Homelessness and Poverty v. U.S. Dept. of Veterans Affairs*, 964 F.2d 1210, 1212 (D.C.Cir.1992).

¹⁹ Defense Base Closure and Realignment Act, § 2905(b).

²⁰ *Id.*

authority must prepare a redevelopment plan, which considers “the interests in the use to assist the homeless of the buildings and property at the installation that are expressed in the notices submitted to the redevelopment authority”²¹ The redevelopment authority next submits the plan to the Secretary of HUD and the Secretary of Defense for review. The Secretary of HUD is authorized to review the plan, to negotiate with the redevelopment authority for changes, and ultimately must determine, based on statutorily prescribed factors, whether the plan is acceptable.²² Upon HUD approval, the base redevelopment plan, including any homeless assistance component and agreement to implement no cost homeless assistance property conveyances, are submitted to DOD. Again, it would appear that DOD, giving “substantial deference to the redevelopment plan concerned,” may develop its own disposal plan.²³

Public Benefit Transfers. Public benefit transfers are authorized under FPASA and allow for the conveyance of property at a discount for specified public purposes.²⁴ Various agencies oversee these programs and are authorized to approve a state’s application for acquisition under them.²⁵ The military departments are required to inform these agencies of potentially available property and transmit any expression of interest to the relevant LRA.²⁶ LRA’s are encouraged to work with the public benefit transfer agencies and must consider any expression of interest, although they are not required to include it in a redevelopment plan.²⁷ All the same, it would appear the DOD must consider these options when examining disposal alternatives even though it would not appear that a public benefit transfer proposal must be accepted by DOD with respect to BRAC property.²⁸

Public Auction and Negotiated Sale. In addition to the public benefit transfer, additional disposal authorities exist. In accordance with FPASA, DOD may dispose of BRAC property via public auction or through a negotiated sale with a single purchaser.²⁹ The public auction process requires public advertising for bids under such terms and conditions as to permit “full and free competition consistent with the value and nature of the property involved.”³⁰ Further, if adequate bids are received and disposal is in the public interest, the bid most advantageous to the federal government is to be accepted. A negotiated sale is permissible if a series of conditions are met. Generally, negotiated sales are permissible when: (1) a public auction would not be in the public interest; (2) public auction would not promote public health, safety, or national security; (3) a public

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ See 4 U.S.C. §§ 550-554. These include uses for airports, highways, education, wildlife and environmental preservation, and public health purposes.

²⁵ *Id.*

²⁶ 32 C.F.R. § 176.20(d).

²⁷ *Id.*

²⁸ Defense Base Closure and Realignment Act, § 2905(b); 32 C.F.R. § 176.45.

²⁹ 40 U.S.C. § 545.

³⁰ *Id.*

exigency makes an auction unacceptable; (4) public auction would adversely impact the national economy; (5) the character of the property makes public auction impractical; (6) public auction has failed to produce acceptable bids; (7) fair market value does not exceed \$15,000; (8) disposal is to a state, territory, or U.S. possession; or (9) negotiated sale is authorized by other law.³¹ It is also worth noting that even if one of these conditions is met, there is frequently an additional requirement that fair market value and other satisfactory terms can be obtained through negotiation.

Economic Development Conveyances (EDCs). In addition to FPASA authorities, the Defense Base Realignment and Closure Act has since its enactment provided for EDCs in one form or another. Under its EDC authority, DOD may dispose of BRAC property for less than fair market value.³² From 1994 until the 1999 and 2001 amendments to the Defense Base Closure and Realignment Act, the Secretary of Defense was authorized to “transfer real property and personal property located at a military installation to be closed ... to the redevelopment authority ... for consideration at or below the fair market value of the property transferred or without consideration.”³³ The reduced or no cost conveyance was authorized when it was determined to be necessary to support economic development and when DOD could show that other transfer authorities were insufficient.³⁴

The 1999 and 2001 amendments³⁵ significantly altered the requirements of the EDC. Under section 2905(b) of the Defense Base Closure and Realignment Act, the broad discretion of the Secretary of Defense to authorize reduced or no consideration economic development conveyances has been replaced by what is arguably a more restrictive scheme. The law now states: “the transfer of property of a military installation. . . may be without consideration” but only when the transferee agrees to specified terms.³⁶ These terms include a requirement that a transferee use the proceeds from certain future sales or leases of the acquired property to support economic redevelopment at the former installation.

Further, under the new legislation, while no consideration transfers remain a possibility as described above, the Secretary is also now required to “seek to obtain consideration in connection with any transfer . . . in an amount equal to the fair market

³¹ *Id.*

³² Additionally, a no consideration transfer was required when a closure was to take place in a rural area and would cause “a substantial adverse impact (as determined by the Secretary) on the economy of the communities in the vicinity of the installation and on the prospect for economic recovery” P.L. 103-160, § 2903, *amended by* P.L. 106-65). For a thorough discussion of the policy behind the EDC, see Randall S. Beach, *Swords to Plowshares: Recycling Cold War Installations*, 15 *PROB. & PROP.* 58 (2001).

³³ P.L. 103-160, § 2903 (1994).

³⁴ *Id.*

³⁵ Act of October 5, 1999, P.L. 106-65, 113 Stat 512; P.L. 107-107, § 3006. Bases closed under previous BRAC law but still owned by the Department of Defense may be included under the new statutory framework, and certain existing contracts may be modified to comply with the updated law.

³⁶ P.L. 106-65, § 2821, *amended by* P.L. 107-107.

value of the property, as determined by the Secretary.”³⁷ The provision does not explicitly state what the Secretary must do to fulfill this requirement. However, when read in conjunction with the authorization for no consideration transfers, the requirement to seek fair market value would appear to leave open the possibility of a no consideration transfer so long as a reasonable attempt to find or negotiate another transaction is unsuccessful. Another significant change is the apparent elimination of the statutory requirement that DOD justify its decision to use its EDC authority and not a public auction or negotiated sale.³⁸ Exactly how this change would affect procedures when read in conjunction with the requirement that DOD seek fair market value must be deemed an open question at present.

Conclusion

In sum, the transfer and disposal process for 2005 round BRAC properties is primarily governed by the Defense Base Closure and Realignment Act, as amended, and the Federal Property and Administrative Services Act. The process first requires screening to determine if other DOD branches or federal agencies have a need for the property. In the event that property is not transferred in this manner, it is deemed surplus and may be disposed of pursuant to other authorities. Compliance with these disposal authorities will generally require some form of homeless assistance screening and public benefit transfer analysis. DOD is directed to take into consideration multiple factors in determining which authority to use but would appear to be ultimately responsible for making final determinations. Public auctions and negotiated sales are generally available, although it would appear that fair market value must generally be obtained under these authorities. Economic development conveyances may be authorized as well, which may be made for no consideration, contingent upon certain conditions of transfer.

³⁷ P.L. 107-107, § 3006.

³⁸ P.L. 106-65, § 2821(a)(3).



ACQUISITION,
TECHNOLOGY
AND LOGISTICS

THE UNDER SECRETARY OF DEFENSE

3010 DEFENSE PENTAGON
WASHINGTON, DC 20301-3010

JAN 4 2005

MEMORANDUM FOR INFRASTRUCTURE EXECUTIVE COUNCIL MEMBERS INFRASTRUCTURE STEERING GROUP MEMBERS JOINT CROSS-SERVICE GROUP CHAIRMAN

Subject: 2005 Base Closure and Realignment Selection Criteria

The Ronald Reagan National Defense Authorization Act for Fiscal Year 2005, Public Law 108-375, amended the Defense Base Closure and Realignment Act of 1990, Public Law 101-510, to specify the selection criteria. Specifically, the amendment revised the criteria previously published by the Secretary of Defense by adding the word "surge" to criterion three. The amendment also revised the wording, but not the meaning, of criteria one and seven, to avoid the use of the possessive.

The Department shall use the attached 2005 Base Closure and Realignment (BRAC) Selection Criteria, along with the force-structure plan and infrastructure inventory, to make recommendations for the closure or realignment of military installations inside the United States, as defined in the base closure statute. This direction supersedes any previous direction regarding selection criteria for the BRAC 2005 process. The 2005 BRAC Commission will also use these criteria in their review of the Department of Defense's final recommendations.

Michael W. Wynne
(Acting USD (Acquisition, Technology & Logistics))
Chairman, Infrastructure Steering Group

Attachment:
As stated



Final Selection Criteria
Department of Defense Base Closure and Realignment

In selecting military installations for closure or realignment, the Department of Defense, giving priority consideration to military value (the first four criteria below), will consider:

Military Value

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

Other Considerations

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



ACQUISITION,
TECHNOLOGY
AND LOGISTICS

THE UNDER SECRETARY OF DEFENSE

3010 DEFENSE PENTAGON
WASHINGTON, DC 20301-3010

OCT 14 2004

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS CHAIRMEN, JOINT CROSS-SERVICE GROUPS

SUBJECT: Policy Memorandum Two--BRAC 2005 Military Value Principles

The Department has determined that the most appropriate 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. The quantitative analytical foundation is built by the Joint Cross-Service Groups and Military Departments applying the BRAC selection criteria to rank the facilities for which they have responsibility. The exercise of military judgment occurs through the application of principles. Limited in number and written broadly, the principles enumerate the essential elements of military judgment. The Military Departments and the Joint Cross-Service Groups shall use the attached principles when applying military judgment in their deliberative processes.

A handwritten signature in black ink, appearing to read "Michael W. Wynne".

Michael W. Wynne
Acting USD (Acquisition, Technology & Logistics)
Chairman, Infrastructure Steering Group

Attachment:
As Stated



BRAC Principles

Recruit and Train: The Department must attract, develop, and retain active, reserve, civilian, and contractor personnel who are highly skilled and educated and have access to effective, diverse, and sustainable training space in order to ensure current and future readiness, to support advances in technology, and to respond to anticipated developments in joint and service doctrine and tactics.

Quality of Life: The Department must provide a quality of life, including quality of work place that supports recruitment, learning, and training, and enhances retention.

Organize: The Department needs force structure sized, composed, and located to match the demands of the National Military Strategy, effectively and efficiently supported by properly aligned headquarters and other DoD organizations, and that takes advantage of opportunities for joint basing.

Equip: The Department needs research, development, acquisition, test, and evaluation capabilities that efficiently and effectively place superior technology in the hands of the warfighter to meet current and future threats and facilitate knowledge-enabled and net-centric warfare.

Supply, Service, and Maintain: The Department needs access to logistical and industrial infrastructure capabilities optimally integrated into a skilled and cost efficient national industrial base that provides agile and responsive global support to operational forces.

Deploy & Employ (Operational): The Department needs secure installations that are optimally located for mission accomplishment (including homeland defense), that support power projection, rapid deployable capabilities, and expeditionary force needs for reach-back capability, that sustain the capability to mobilize and surge, and that ensure strategic redundancy.

Intelligence: The Department needs intelligence capabilities to support the National Military Strategy by delivering predictive analysis, warning of impending crises, providing persistent surveillance of our most critical targets, and achieving horizontal integration of networks and databases.

PREPARED TESTIMONY OF U.S. SECRETARY OF DEFENSE
DONALD H. RUMSFELD
BEFORE THE SENATE ARMED SERVICES COMMITTEE
GLOBAL POSTURE
SEPTEMBER 23, 2004

Mr. Chairman, members of the Committee:

We thank you for the opportunity to discuss our work of some 3½ years to transform the Department of Defense.

History is traced by major events. It is important to learn from them. As we look back now on the wars of the last few centuries, we see the key moments, the turning points, and the statesmen and legislative leaders who played critical roles in helping to make our world more secure and allowing freedom to spread.

I am not certain that our work, together with this Committee and the Congress, in carrying out the President's vision for transforming of our military is one of those milestones.

But it could prove to be so.

I hope it is. Indeed, it is important that that be the case.

Today I will mention some of the elements of reform – even revolution – that fit under the somewhat pedestrian term of “transformation” or “transforming.” We all can look back with some satisfaction on how much has been achieved, and look forward with encouragement, as we seek to do still more.

We meet as the brave men and women in uniform are defending the American people against those who seek to terrorize and intimidate civilized societies and to attack our freedoms. The folks in uniform represent the best our country has to offer. They have not wavered in meeting the tough challenges we face.

While I know the Committee agrees that our responsibility is to ensure that they have the tools they need to fight this war, and a military structure that helps them win it, we need to do still more.

Rearranging our global posture, the subject of today's hearing, is essential to our success. General Jim Jones, Admiral Thomas Fargo, and General Leon LaPorte are here today with Chairman of the Joint Chiefs of Staff, General Dick Myers, to discuss these important proposals.

It is important to note that rearranging our global posture is only part of our considerably broader set of undertakings. What we are doing is changing mindsets and perspectives.

Essential to this is transforming our military into a more agile, more efficient force that is ready and able to combat the asymmetric challenges of this new and uncertain time.

This is a sizable undertaking. It is said that Abraham Lincoln once equated reorganizing the Army with “bailing out the Potomac River with a teaspoon.” He was expressing the truth that change is not easy.

But history has long warned great nations of the perils of seeking to defend themselves by using the successful tactics and strategies of the last war. The French experienced this with the Maginot Line.

Throughout our history, Americans have shown a talent for innovation and invention, and the providence of finding the right leaders for the times. General Ulysses S. Grant made skillful use of the rifle, the telegraph, and railroads to win the Civil War. At the turn of the 20th Century, President Theodore Roosevelt recognized the potency of deterrence and used naval power to project American strength.

After World War I, visionaries like Billy Mitchell predicted the rise of air power as critical to future battles. And Patton and Eisenhower's awareness of the importance of the tank and armored warfare helped to prepare for World War II.

In Afghanistan, our forces utilized a creative combination of cutting edge satellite technology and old-time cavalry charges to liberate that country with a minimal loss of life.

America today remains the world's preeminent military power because our leaders have properly challenged assumptions and the status quo, invested in and made use of new technologies, and abandoned old certainties and strategies when freedom's defense required it. Ours are the military forces that have been on the cutting edge of new ideas. And so we must be today.

Members of the Committee, we do not propose changes to our defense strategies lightly or precipitously. They are part of a broad strategy that, as this Committee knows, has been years in the making. These proposals will take place over the next six to eight years. There will be no grand announcement. This administration has consulted extensively with our allies – new and old – on a multitude of levels, every step of the way. We have sought the advice of the Congress. We recognize that no one has a monopoly on wisdom.

The course we have charted is not novel or sudden. Key points were designated by the President, before he was even elected.

In a 1999 speech at the Citadel, then-Governor Bush warned of the rise of terrorism, the spread of missile technology, and the proliferation of weapons of mass destruction – a “world of terror and missiles and madmen.”

Calling for a “new spirit of innovation,” he outlined ambitious goals: “to move beyond marginal improvements – to replace existing programs with new technologies and strategies. Our forces in the next century must be agile, lethal, readily deployable, and require a minimum of logistical support. We must be able to project our power over long distances, in days or weeks, rather than months.”

Mr. Chairman, I realize these goals are not new to you or to this Committee. We have been working on these changes together for a number of years.

But let me set out where we are at this point of our journey:

- We have increased the size of the U.S. Army and are re-organizing it into more agile, lethal and deployable brigades – light enough to move quickly on short notice, but also with enough protection, firepower and logistics assets to sustain themselves;
- We are retraining and restructuring the Active and Reserve components to achieve a more appropriate distribution of skill sets, to improve the total force's responsiveness to crises, and so that individual reservists and guardsmen will mobilize less often, for shorter periods of time, and with somewhat more predictability. Already the services have rebalanced some 10,000 military spaces both within and between the Active and Reserve components in 2003, and are projected to rebalance 20,000 more during 2004.
- We are increasing the jointness between the services. Instead of simply de-conflicting the armed services and members of the intelligence community we are integrating them to interact as seamlessly as possible.
- We are improving communications and intelligence activities. This includes, for example, the development of Space Based Radar (SBR) to monitor both fixed and mobile targets deep behind enemy lines and over denied areas, in any kind of weather. We also are at work on the Transformational Communications Satellite (TSAT) to provide our joint warfighter with unprecedented communication capability. To give you an idea of the speed and situational awareness the TSAT will provide, consider this: transmitting a Global Hawk image over a current Milstar II, as we do today, takes over 12 minutes. With TSAT it will take less than a second.
- The Department is constructing three new state-of-the-art guided missile destroyers to patrol the seas; 42 new F/A-18 fighter aircraft to guard the skies; and new C-17 strategic air lifters, which will improve our ability to move forces quickly over long distances.

- We have significantly expanded the capabilities and missions of Special Operations. SOCOM has moved from exclusively a “supporting” command to both a “supporting” and a “supported” command, with the authority to plan and execute missions in the global war on terror.
- We have established new commands and restructured old ones:
 - the Northern Command, dedicated to defending the homeland;
 - the Joint Forces Command, to focus on continuing transformation; and
 - the Strategic Command, responsible for early warning of and defense against missile attack, and the conduct of long-range attacks.
- We are working with NATO in an effort to make the Alliance more relevant and credible in this post-Cold War era, shedding redundant headquarters and creating a new rapid response force.
- It used to be that operational and contingency plans were developed, then placed on the shelf for years. We’re working to maintain a regular review of plans, challenging our own assumptions and keeping the plans fresh and relevant.
- The Department is changing its approach to infrastructure and installations. When the Administration arrived, facilities were funded at a rate and level that reflected an expectation that they would be replaced only every 175 to 200 years. Our goal was and remains to cut it down to a more realistic recapitalization rate closer to 70 years.
- We are making progress in changing the culture in the Department and the military from one of “risk avoidance” to one that rewards achievement and innovation.

Let me mention another example of an activity underway that on its own may seem minor, but is crucial to the process of transforming.

Today we have tens of thousands of uniformed people doing what are essentially non-military jobs. And yet we are calling up Reserves to help deal with the global war on terror. The same benefit as we achieve with an increase in military personnel is already coming from converting some of these jobs filled by uniformed personnel to positions supported by DoD civilians or contractors. The Department has identified over 50,000 positions to begin such conversion and plans to carry out this conversion at a rate of about 10,000 positions per year. We are also continuing to review thousands of other positions for possible conversion.

To support this, we are working with the Congress and the unions to improve our civilian personnel systems so we can fill these converted positions expeditiously. This is an enormously complicated matter and there is a great deal more work to be done. But when fully implemented, the National Security Personnel System, should:

- Expedite the hiring process for civilian employees;
- Recognize and reward outstanding civilian individuals;
- Make it easier to provide merit-based promotions and reassignments; and
- Streamline the complex webs of rules and regulations that currently frustrate efficient management of the Department.

When we talk about changes to our country’s global posture, it is important to look at those changes – as part of the broader transforming of our way of doing things. One cannot succeed without the other.

If our goal is to arrange the Department and our forces so we are prepared for the challenges of this new century – the newer enemies and the more lethal weapons – it is clear that our existing arrangements are seriously obsolete.

We have entered an era where enemies are in small cells scattered across the globe. Yet America’s forces continue to be arranged essentially to fight large armies, navies, and air forces, and in support of an approach – static deterrence – that does not apply to enemies who have no territories to defend and no treaties to honor.

We are still situated in a large part as if little has changed for the last fifty years – as if, for example, Germany is still bracing for a Soviet tank invasion across its northern plain. In South Korea, our troops were virtually frozen in place from where they were when the Korean War ended in 1953.

So we have developed a set of new concepts to govern the way we will align ourselves in the coming years and decades. Though this should not be news to many on the Committee since we have offered extensive briefings to Members and staffs, let me reiterate some of the concepts.

A first notion is that our troops should be located in places where they are wanted, welcomed, and needed. And, in some cases, the presence and activities of our forces grate on local populations and have become an irritant for host governments. The best example is our massive headquarters in some of the most valuable downtown real estate in Seoul – Korea's capital city – long a sore point for many South Koreans. Under our proposed changes, that headquarters will be moved to a location well south of the capital.

In the last few years, we have built new relationships with countries that are central to the fight against extremists – in places such as Afghanistan, Pakistan, and Uzbekistan, to offer a few examples. We also have strong partnerships with the newly-liberated nations of Eastern Europe. We believe it makes sense to try to work out arrangements with countries that are interested in the presence of the U.S. and which are in closer proximity to the regions of the world where our troops are more likely to be needed in the future.

A second governing concept is that American troops should be located in environments that are hospitable to their movements. Because U.S. soldiers may be called to a variety of locations to engage extremists at short notice, we need to be able to deploy them to trouble spots quickly. Yet over time, some host countries and or their neighbors have imposed restrictions on the movement and use of our forces. So it makes sense to place a premium on developing more flexible legal and support arrangements with our allies and partners where we might choose to locate, deploy or exercise our troops.

Many of our current legal arrangements date back a half a century or more. We need our international arrangements to be up-to-date – to reflect the new realities and to permit operational flexibility. They have to help, not hinder, the rapid deployment and employment of U.S. and coalition forces worldwide in a crisis. These legal arrangements should encourage responsibility and burden-sharing among our partners and ourselves, and be certain to provide the necessary legal protections for U.S. personnel.

Third, we need to be in places that allow our troops to be usable and flexible. As the President has noted, the 1991 Gulf War was a stunning victory. But it took six months of planning and transport to summon our fleets and divisions and position them for battle. In the future, we cannot expect to have that kind of time.

Finally, we believe we should take advantage of advanced capabilities that allow us to do more with less. The old reliance on presence and mass reflects the last century's industrial-age thinking.

In this century, we are shifting away from the tendency to equate sheer numbers of things – tanks, troops, bombs, etc. – with capability. If a commander has a smart bomb that is so precise that it can do the work of eight dumb bombs, for example, the fact that his inventory is reduced from ten dumb bombs to five smart bombs does not mean his capability has been reduced – indeed his capability has been significantly increased.

The “old think” approach needs to be modernized. In terms of lethality, precision weapons have greatly expanded our capability, while significantly reducing the number of weapons needed.

We can, for example, attack multiple targets in one sortie, rather than requiring multiple sorties to attack one target. The Navy's response time for surging combat ships has been shortened to the point that we will likely not need a full-time carrier strike group presence in every critical region.

As a result of these new ways of thinking, we have developed plans for a more flexible and effective force posture for the 21st century. For example, main operating bases in places like Germany, Italy, the U.K., Japan, and Korea, will be consolidated, but retained. We hope to rely on forward operating sites and locations, with rotational presence

and pre-positioned equipment, and to gain access to a broader range of facilities with little or no permanent U.S. presence, but with periodic service or contractor support.

In Asia, our ideas build upon our current ground, air, and naval access to overcome vast distances, while bringing additional naval and air capabilities forward into the region. We envision consolidating facilities and headquarters in Japan and Korea, establishing nodes for special operations forces, and creating multiple access avenues for contingency operations.

In Europe, we seek lighter and more deployable ground capabilities and strengthened special operations forces – both positioned to deploy more rapidly to other regions as necessary – and advanced training facilities.

In the broader Middle East, we propose to maintain what we call “warm” facilities for rotational forces and contingency purposes, building on cooperation and access provided by host nations during Operations Enduring Freedom and Iraqi Freedom.

In Africa and the Western Hemisphere, we envision a diverse array of smaller cooperative security locations for contingency access.

And, of course, we welcome comments and suggestions as negotiations with potential host countries proceed.

One additional benefit to our proposed new arrangements is that they will significantly improve the lives of U.S. military families. This is important. Over the coming period of years, we plan to transfer home, to American soil, up to 70,000 troops and some 100,000 family members and civilian employees. In addition, deployments of the future should be somewhat shorter, families should experience somewhat fewer permanent changes of station, and thus less disruption in their lives.

Base Realignment and Closure (BRAC)

The global posture decision process and Base Realignment and Closure (BRAC) are tightly linked, indeed they depend on each other. They are both key components of the President’s transformation agenda, and they both will be critical instruments for stability in the lives of service members and their families. Together, they will help to provide more predictability in assignments and rotations.

The progress made to date on global posture enables DoD to provide specific input on overseas changes for BRAC 2005. That input will allow domestic implications of the global posture review – with forces and personnel either returning to or moving forward from U.S. territory – to be accounted for as effectively as possible within the BRAC decision-making process.

Finally, as was the case with previous BRAC rounds, the U.S. will retain enough domestic infrastructure to provide for difficult-to-reconstitute assets to respond to surge needs, and to accommodate significant force reconstitution as necessary, including all forces based within or outside the United States.

Any initiative as complex as the proposed global posture realignment will stimulate questions – especially in an election year.

I appreciate this opportunity to address a few of the myths and misconceptions that seem to be lingering out there about what is contemplated.

For example, will reducing overall force levels in Korea reduce our ability to come to its defense?

In fact, our partnership with the Republic of Korea is a good example of what we hope to accomplish. The Defense Department has been investing in and making arrangements for improved capabilities – such as long range precision weaponry – to be available on the Korean peninsula. As a result, as we are increasingly able to transfer responsibility to Korean forces, we will be able to reduce U.S. troop levels. The combined capabilities of the U.S. and the Republic of Korea will make our defense of Korea stronger than before.

As in Western Europe, the situation in Korea is different from what it was 50 years ago, back when South Korea was impoverished and virtually destroyed. Today South Korea is an economic powerhouse, with a modern military force of some 600,000, and a GDP per capita of 18 times that of North Korea. Our proposed global force posture initiatives make it clear that the U.S. and the Republic of Korea are working together as partners, each bringing important capabilities to our shared challenges.

Has the Administration prepared the public – and informed Congress – about these changes?

As I mentioned, these concepts were outlined years ago – first in a 1999 speech before President Bush took office and then a number of times since.

The global posture review had its origins in the 2001 Report of the statutory Quadrennial Defense Review. On November 25, 2003, President Bush announced that the U.S. would intensify consultations with friends, allies, and partners overseas.

We have made significant progress during 2003-2004, and these proposals have been shared frequently with the Congressional leadership, committee leadership and members, and with committee staffs.

I'm told that in the past two years the Department of State and this Department have provided at least:

- Four briefings to House committee staffs and one each to members of the House Armed Services Committee and House Appropriations Committee – Defense Subcommittee;
- Four briefings to individual Senators;
- Nine briefings to Senate committee staffs or members' personal staffs; and
- This year alone, I took part in five breakfast meetings on the subject with Congressmen and Senators, including one on April 29, 2004 with Chairman Warner and Senator Levin.

Should we have given earlier warning to our allies?

In fact, we have met with officials in foreign governments on a variety of levels on these concepts. Secretary Powell and I have spoken many times with our counterparts abroad, as have our staffs.

The results of multiple consultations by Under Secretary of Defense Feith, his State Department colleague Marc Grossman, and others at NATO and in key European, Asian and other capitals helped to create understanding and cooperation regarding our posture realignment.

Our foreign counterparts have appreciated that their input was sought before key decisions were made and they understood our global, long-term view and the strategic rationale for conducting the review at this time.

Does realigning our posture send a dangerous message to North Korea about our commitment to the South?

The answer is an emphatic "no." We know that sheer numbers of people are no longer appropriate measures of commitment or capabilities. As I have noted earlier, our capabilities in defending the Republic of Korea are increasing, not decreasing.

Senator Joe Lieberman said it well in an interview a few weeks ago. He noted that: "Kim Jong Il ... is not under any misconceptions. We have enormous power at sea, in the air, on the ground, in the Asian Pacific region and on the Korean peninsula. And if he tries to take aggressive action against the South Koreans, he will pay a very, very heavy price." The Senator is correct.

Will sending more troops home from theaters in Europe weaken our ability to surge quickly to trouble spots?

Actually, the opposite is closer to the truth. Presence is important, but forward stationing does not mean optimal stationing. Forces in Europe, for example, are only closer to the Middle East if they can deploy rapidly to the south. If those same forces have to deploy to the north, through the Baltic and North Seas, then to the Atlantic and Mediterranean, then we can move roughly as fast from the United States. We do not expect our forces to fight where

they are stationed. We know that our forces will need to move to the fight, wherever it is. That means that command structures and capabilities must be expeditionary. We need well-developed transportation networks. And we need materiel and supplies along transportation routes.

So, if there are legal or political restrictions on the movement of our troops where they are stationed, the difficulties in using them quickly multiply.

Additionally, the more flexible arrangements we are seeking with our allies will allow us to make changes as changes are needed. Area commanders don't own forces. Our country does. We have no hesitation in moving forces from one region to another as circumstances change and require – and we do frequently.

Critics of these proposed moves seem trapped in the thinking of the last century. In some ways, that is understandable. It is difficult to part with thoughts that one has harbored for decades. But the world changes and updated thinking is needed.

We owe an up-to-date defense posture to our troops in the field and the generations that may be called to battle in the future.

This week, I had the privilege of participating in one of our regular meetings in Washington with the combatant commanders, some of whom are here today. They are impressive. They follow in the footsteps of the visionary military leaders of the past. And this plan was undertaken with the benefit of their military advice.

One day future generations will look back at them with gratitude for what they have accomplished in the last few years in the struggle against global extremists.

And our task is to see that one day historians and generations will look back at what is being done today, at what is being accomplished, and say that our actions also helped to make the world more peaceful, our military more formidable, and our freedom more secure.

Thank you, Mr. Chairman.

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Central Intelligence Agency

Director of Central Intelligence

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SPEECHES AND TESTIMONY

**Global Intelligence Challenges 2005:
Meeting Long-Term Challenges with a Long-Term Strategy**

**Testimony of Director of Central Intelligence
Porter J. Goss
Before the Senate Select Committee on Intelligence**

**16 February 2005
(as prepared for delivery)**

Good morning, Mr. Chairman, Mr. Vice Chairman, Members of the Committee.

It is my honor to meet with you today to discuss the challenges I see facing America and its interests in the months ahead. These challenges literally span the globe. My intention is to tell you what I believe are the greatest challenges we face today and those where our service as intelligence professionals is needed most on behalf of the US taxpayer.

We need to make tough decisions about which haystacks deserve to be scrutinized for the needles that can hurt us most. And we know in this information age that there are endless haystacks everywhere. I do want to make several things clear:

- Our officers are taking risks, and I will be asking them to take more risks--justifiable risks--because I would much rather explain why we did something than why we did nothing,
- I am asking for more competitive analysis, more collocation of analysts and collectors, and deeper collaboration with agencies throughout the Intelligence Community. Above all, our analysis must be objective. Our credibility rests there.
- We do not make policy. We do not wage war. I am emphatic about that and always have been. We do collect and analyze information.

With respect to the CIA, I want to tell you that my first few months as Director have served only to confirm what I and Members of Congress have known about CIA for years. It is a special place--an organization of dedicated, patriotic people. In addition to taking a thorough, hard look at our own capabilities, we are working to define CIA's place in the restructured Intelligence Community--a community that will be led by a new Director of National Intelligence--to make the maximum possible contribution to American security at home and abroad. The CIA is and will remain the flagship agency, in my view. And each of the other 14 elements in the community will continue to make their unique contributions as well.

Now, I turn to threats. I will not attempt to cover everything that could go wrong in the year ahead. We must, and do, concentrate our efforts, experience and expertise on the challenges that are most pressing: defeating terrorism; protecting the homeland; stopping proliferation of weapons of mass destruction and drugs; and fostering stability, freedom and peace in the most troubled regions of the world. Accordingly, my comments today will focus on these duties. I know well from my 30 years in public service that you and your colleagues have an important responsibility with these open sessions to get information to the American people. But I also know all too well that as we are broadcasting to America, enemies are also tuning in. In open session I feel I must be very prudent in my remarks as DCI.

TERRORISM

Mr. Chairman, defeating terrorism must remain one of our intelligence community's core objectives, as widely dispersed terrorist networks will present one of the most serious challenges to US national security interests at home and abroad in the coming year. In the past year, aggressive measures by our intelligence, law enforcement, defense and homeland security communities, along with our key international partners have dealt serious blows to al-Qa'ida and others. Despite these successes, however, the terrorist threat to the US in the Homeland and abroad endures.

- Al-Qa'ida is intent on finding ways to circumvent US security enhancements to strike Americans and the Homeland.
- It may be only a matter of time before al-Qa'ida or another group attempts to use chemical, biological, radiological, and nuclear weapons (CBRN).
- Al-Qa'ida is only one facet of the threat from a broader Sunni jihadist movement.
- The Iraq conflict, while not a cause of extremism, has become a cause for extremists.

We know from experience that al-Qa'ida is a patient, persistent, imaginative, adaptive and dangerous opponent. But it is vulnerable and we and other allies have hit it hard.

- Jihadist religious leaders preach millennial aberrational visions of a fight for Islam's survival. Sometimes they argue that the struggle justifies the indiscriminate killing of civilians, even with chemical, biological, radiological, or nuclear weapons.

Our pursuit of al-Qa'ida and its most senior leaders, including Bin Ladin and his deputy, Ayman al-Zawahiri is intense. However, their capture alone would not be enough to eliminate the terrorist threat to the US Homeland or US interests overseas. Often influenced by al-Qa'ida's ideology, members of a broader movement have an ability to plan and conduct operations. We saw this last March in the railway attacks in Madrid conducted by local Sunni extremists. Other regional groups--connected to al-Qa'ida or acting on their own--also continue to pose a significant threat.

- In Pakistan, terrorist elements remain committed to attacking US targets. In Saudi Arabia, remnants of the Saudi al-Qa'ida network continue to attack US interests in the region.
- In Central Asia, the Islamic Jihad Group (IJG), a splinter group of the Islamic Movement of Uzbekistan, has become a more virulent threat to US interests and local governments. Last spring the group used female operatives in a series of bombings in Uzbekistan.
- In Southeast Asia, the Jemaah Islamiyah (JI) continues to pose a threat to US and Western interests in Indonesia and the Philippines, where JI is colluding with the Abu Sayyaf Group and possibly the MILF.

- In Europe, Islamic extremists continue to plan and cause attacks against US and local interests, some that may cause significant casualties. In 2004 British authorities dismantled an al-Qa'ida cell and an extremist brutally killed a prominent Dutch citizen in the Netherlands.

Islamic extremists are exploiting the Iraqi conflict to recruit new anti-US jihadists.

- These jihadists who survive will leave Iraq experienced in and focused on acts of urban terrorism. They represent a potential pool of contacts to build transnational terrorist cells, groups, and networks in Saudi Arabia, Jordan and other countries.
- Zarqawi has sought to bring about the final victory of Islam over the West, and he hopes to establish a safe haven in Iraq from which his group could operate against "infidel" Western nations and "apostate" Muslim governments.

Other terrorist groups spanning the globe also pose persistent and serious threats to US and Western interests.

- Hizballah's main focus remains Israel, but it could conduct lethal attacks against US interests quickly upon a decision to do so.
- Palestinian terrorist organizations have apparently refrained from directly targeting US or Western interests in their opposition to Middle East peace initiatives, but pose an ongoing risk to US citizens who could be killed or wounded in attacks intended to strike Israeli interests.
- Extremist groups in Latin America are still a concern, with the FARC--the Revolutionary Armed Forces of Colombia--possessing the greatest capability and the clearest intent to threaten US interests in the region.
- Horn of Africa, the Sahel, the Mahgreb, the Levant, and the Gulf States are all areas where "pop up" terrorist activity can be expected.

AFGHANISTAN

Mr. Chairman, Afghanistan, once the safe haven for Usama bin Ladin, has started on the road to recovery after decades of instability and civil war. Hamid Karzai's election to the presidency was a major milestone. Elections for a new National Assembly and local district councils--tentatively scheduled for this spring--will complete the process of electing representatives.

President Karzai still faces a low-level insurgency aimed at destabilizing the country, raising the cost of reconstruction and ultimately forcing Coalition forces to leave.

- The development of the Afghan National Army and a national police force is going well, although neither can yet stand on its own.

IRAQ

Low voter turnout in some Sunni areas and the post-election resumption of insurgent attacks--most against Iraqi civilian and security forces--indicate that the insurgency achieved at least some of its election-day goals and remains a serious threat to creating a stable representative government in Iraq.

Self-determination for the Iraqi people will largely depend on the ability of Iraqi forces to provide security. Iraq's most capable security units have become more effective in recent months, contributing to several major operations and helping to put an Iraqi face on security operations. Insurgents are determined to discourage new recruits and undermine the effectiveness of existing Iraqi security forces.

- The lack of security is hurting Iraq's reconstruction efforts and economic development, causing overall economic growth to proceed at a much slower pace than many analysts expected a year ago.
- Alternatively, the larger uncommitted moderate Sunni population and the Sunni political elite may seize the post electoral moment to take part in creating Iraq's new political institutions if victorious Shia and Kurdish parties include Sunnis in the new government and the drafting of the constitution.

PROLIFERATION

Mr. Chairman, I will now turn to the worldwide challenge of proliferation. Last year started with promise as Libya had just renounced its WMD programs, North Korea was engaged in negotiations with regional states on its nuclear weapons program, and Iran was showing greater signs of openness regarding its nuclear program after concealing activity for nearly a decade. Let me start with Libya, a good news story, and one that reflects the patient perseverance with which the Intelligence Community can tackle a tough intelligence problem.

LIBYA

In 2004 Tripoli followed through with a range of steps to disarm itself of WMD and ballistic missiles.

- Libya gave up key elements of its nuclear weapons program and opened itself to the IAEA.
- Libya gave up some key CW assets and opened its former CW program to international scrutiny.
- After disclosing its Scud stockpile and extensive ballistic and cruise missile R&D efforts in 2003, Libya took important steps to abide by its commitment to limit its missiles to the 300-km range threshold of the Missile Technology Control Regime (MTCR).

The US continues to work with Libya to clarify some discrepancies in the declaration.

NORTH KOREA

On 10 February 2005, Pyongyang announced it was suspending participation in the six-party talks underway since 2003, declared it had nuclear weapons, and affirmed it would seek to increase its nuclear arsenal. The North had been pushing for a freeze on its plutonium program in exchange for significant benefits, rather than committing to the full dismantlement that we and are our partners sought.

- In 2003, the North claimed it had reprocessed the 8,000 fuel rods from the Yongbyong reactor, originally stored under the Agreed Framework, with IAEA monitoring in 1994. The North claims to have made new weapons from its reprocessing effort.
- We believe North Korea continues to pursue a uranium enrichment capability drawing on

the assistance it received from A.Q. Khan before his network was shutdown.

North Korea continues to develop, produce, deploy, and sell ballistic missiles of increasing range and sophistication, augmenting Pyongyang's large operational force of Scud and No Dong class missiles. North Korea could resume flight-testing at any time, including of longer-range missiles, such as the Taepo Dong-2 system. We assess the TD-2 is capable of reaching the United States with a nuclear-weapon-sized payload.

- North Korea continues to market its ballistic missile technology, trying to find new clients now that some traditional customers, such as Libya, have halted such trade.

We believe North Korea has active CW and BW programs and probably has chemical and possibly biological weapons ready for use.

IRAN

In early February, the spokesman of Iran's Supreme Council for National Security publicly announced that Iran would never scrap its nuclear program. This came in the midst of negotiations with EU-3 members (Britain, Germany and France) seeking objective guarantees from Tehran that it will not use nuclear technology for nuclear weapons.

- Previous comments by Iranian officials, including Iran's Supreme Leader and its Foreign Minister, indicated that Iran would not give up its ability to enrich uranium. Certainly they can use it to produce fuel for power reactors. We are more concerned about the dual-use nature of the technology that could also be used to achieve a nuclear weapon.

In parallel, Iran continues its pursuit of long-range ballistic missiles, such as an improved version of its 1,300 km range Shahab-3 MRBM, to add to the hundreds of short-range SCUD missiles it already has.

Even since 9/11, Tehran continues to support terrorist groups in the region, such as Hizballah, and could encourage increased attacks in Israel and the Palestinian Territories to derail progress toward peace.

- Iran reportedly is supporting some anti-Coalition activities in Iraq and seeking to influence the future character of the Iraqi state.
- Conservatives are likely to consolidate their power in Iran's June 2005 presidential elections, further marginalizing the reform movement last year.
- Iran continues to retain in secret important members of Al-Qai'ida-the Management Council-causing further uncertainty about Iran's commitment to bring them to justice.

CHINA

Beijing's military modernization and military buildup is tilting the balance of power in the Taiwan Strait. Improved Chinese capabilities threaten US forces in the region.

- In 2004, China increased its ballistic missile forces deployed across from Taiwan and rolled out several new submarines.
- China continues to develop more robust, survivable nuclear-armed missiles as well as conventional capabilities for use in a regional conflict.

Taiwan continues to promote constitutional reform and other attempts to strengthen local identity. Beijing judges these moves to be a "timeline for independence". If Beijing decides that Taiwan is taking steps toward permanent separation that exceed Beijing's tolerance, we believe China is prepared to respond with various levels of force.

China is increasingly confident and active on the international stage, trying to ensure it has a voice on major international issues, secure access to natural resources, and counter what it sees as US efforts to contain or encircle China.

New leadership under President Hu Jintao is facing an array of domestic challenges in 2005, such as the potential for a resurgence in inflation, increased dependence on exports, growing economic inequalities, increased awareness of individual rights, and popular expectations for the new leadership.

RUSSIA

The attitudes and actions of the so-called "siloviki"--the ex-KGB men that Putin has placed in positions of authority throughout the Russian government--may be critical determinants of the course Putin will pursue in the year ahead.

- Perceived setbacks in Ukraine are likely to lead Putin to redouble his efforts to defend Russian interests abroad while balancing cooperation with the West. Russia's most immediate security threat is terrorism, and counterterrorism cooperation undoubtedly will continue.
- Putin publicly acknowledges a role for outside powers to play in the CIS, for example, but we believe he is nevertheless concerned about further encroachment by the US and NATO into the region.
- Moscow worries that separatism inside Russia and radical Islamic movements beyond their borders might threaten stability in Southern Russia. Chechen extremists have increasingly turned to terrorist operations in response to Moscow's successes in Chechnya, and it is reasonable to predict that they will carry out attacks against civilian or military targets elsewhere in Russia in 2005.

Budget increases will help Russia create a professional military by replacing conscripts with volunteer servicemen and focus on maintaining, modernizing and extending the operational life of its strategic weapons systems, including its nuclear missile force.

- Russia remains an important source of weapons technology, materials and components for other nations. The vulnerability of Russian WMD materials and technology to theft or diversion is a continuing concern.

POTENTIAL AREAS FOR INSTABILITY

Mr. Chairman, in the MIDDLE EAST, the election of Palestinian President Mahmud Abbas, nevertheless, marks an important step and Abbas has made it clear that negotiating a peace deal with Israel is a high priority. There nevertheless are hurdles ahead.

- Redlines must be resolved while Palestinian leaders try to rebuild damaged PA infrastructure and governing institutions, especially the security forces, the legislature, and the judiciary.
- Terrorist groups, some of who benefit from funding from outside sources, could step up

attacks to derail peace and progress.

In AFRICA, chronic instability will continue to hamper counterterrorism efforts and pose heavy humanitarian and peacekeeping burdens.

- In Nigeria, the military is struggling to contain militia groups in the oil-producing south and ethnic violence that frequently erupts throughout the country. Extremist groups are emerging from the country's Muslim population of about 65 million.
- In Sudan, the peace deal signed in January will result in de facto southern autonomy and may inspire rebels in provinces such as Darfur to press harder for a greater share of resources and power. Opportunities exist for Islamic extremists to reassert themselves in the North unless the central government stays unified.
- Unresolved disputes in the Horn of Africa--Africa's gateway to the Middle East--create vulnerability to foreign terrorist and extremist groups. Ethiopia and Eritrea still have a contested border, and armed factions in Somalia indicate they will fight the authority of a new transitional government.

In LATIN AMERICA, the region is entering a major electoral cycle in 2006, when Brazil, Colombia, Costa Rica, Ecuador, Mexico, Nicaragua, Peru, and Venezuela hold presidential elections. Several key countries in the hemisphere are potential flashpoints in 2005.

- In Venezuela, Chavez is consolidating his power by using technically legal tactics to target his opponents and meddling in the region, supported by Castro.
- In Colombia, progress against counternarcotics and terrorism under President Uribe's successful leadership, may be affected by the election.
- The outlook is very cloudy for legitimate, timely elections in November 2005 in Haiti--even with substantial international support.
- Campaigning for the 2006 presidential election in Mexico is likely to stall progress on fiscal, labor, and energy reforms.
- In Cuba, Castro's hold on power remains firm, but a bad fall last October has rekindled speculation about his declining health and succession scenarios.

In SOUTHEAST ASIA, three countries bear close watching.

- In Indonesia, President Yudhoyono has moved swiftly to crackdown on corruption. Reinvigorating the economy, burdened by the costs of recovery in tsunami-damaged areas, will likely be affected by continuing deep-seated ethnic and political turmoil exploitable by terrorists.
- In the Philippines, Manila is struggling with prolonged Islamic and Communist rebellions. The presence of Jemaah Islamiyah (JI) terrorists seeking safe haven and training bases adds volatility and capability to terrorist groups already in place.
- Thailand is plagued with an increasingly volatile Muslim separatist threat in its southeastern provinces, and the risk of escalation remains high.

###

Base

Realignment and Closure

2005

Revised

Force Structure Plan

2 March 2005

UNCLASSIFIED
Version

INTRODUCTION

The Chairman of the Joint Chiefs of Staff provided a long-term force structure plan for the Defense Department based on its analysis of current and future threats, challenges, and opportunities and on the President's national strategy to meet such circumstances. In accordance with Section 2912 of the Defense Base Closure and Realignment Act of 1990, Public Law 101-510, as amended, the force structure plan for Base Realignment and Closure (BRAC) 2005 is based on the probable threats to national security for a 20-year period, from 2005 to 2024. In previous BRAC rounds, this projection ran only 6 years into the future. It is important to note that this report focuses on a snapshot of force structure through Fiscal Years 2011 due to security classifications. However, this snapshot is a realistic representation of future force structure.

An unclassified portion of the force structure plan is included in this report. The entire plan is classified and available through restricted distribution. The force structure plan does not reflect temporary adjustments to the force structure of one or another military service that the Secretary of Defense may make from time to time in response to unique but transient conditions. The Secretary of Defense submitted the force structure plan to Congress in March 2004 per Public Law 101-510. This submission is a revision to that plan.

Strategy and Force Development

The President's National Security Strategy and the Secretary of Defense's Strategy provide a new focus for US military forces. These strategies require that US forces, by their presence and activities, assure friends and allies of the United States resolve and ability to fulfill commitments. Military forces must dissuade adversaries from developing dangerous capabilities. In addition, forces must provide the President with a wide range of options to deter aggression and coercion, and if deterrence fails, forces must have the ability to defeat any adversary at the time, place, and in the manner of US choosing.

Based on detailed analysis since the Secretary's 2001 Quadrennial Defense Review, the Department of Defense has updated its strategic thinking, incorporating lessons learned from recent military operations.

The Department's planning has informed decisions to date on the force's overall mix of capabilities, size, posture, patterns of activity, readiness, and capacity to surge globally. Just as strategy is constantly updated to incorporate and account for a changing global security environment, force planning standards also are adaptive and dynamic over time.

The Department's force planning framework does not focus on specific conflicts. It helps determine capabilities required for a range of scenarios. The Department analyzes the force requirements for the most likely, the most

dangerous, and the most demanding circumstances. Assessments of US capabilities will examine the breadth and depth of this construct, not seek to optimize in a single area. Doing so allows decision makers to identify areas where prudent risk could be accepted and areas where risk should be reduced or mitigated.

The defense strategy requires the creation of new forms of security cooperation to support US efforts to swiftly defeat an adversary with modest reinforcement. Specifically, security cooperation will underpin diversified, operational basing access and training opportunities for forward stationed forces, and strengthen US influence with potential partners that could provide coalition capabilities for future contingencies. Security cooperation efforts will focus on activities to build defense relationships that promote US and allied security interests, develop allied and friendly military capabilities for self-defense and coalition operations, and provide US forces with peacetime and contingency access and en route infrastructure.

Transformation To A Capabilities-Based Approach

Continuous defense transformation is part of a wider governmental effort to transform America's national security institutions to meet 21st-century challenges and opportunities. Just as our challenges change continuously, so too must our military capabilities.

The purpose of transformation is to extend key advantages and reduce vulnerabilities. We are now in a long-term struggle against persistent, adaptive adversaries, and must transform to prevail.

Transformation is not only about technology. It is also about:

- Changing the way we think about challenges and opportunities;
- Adapting the defense establishment to that new perspective; and,
- Refocusing capabilities to meet future challenges, not those we are already most prepared to meet.

Transformation requires difficult programmatic and organizational choices. We will need to divest in some areas and invest in others.

Transformational change is not limited to operational forces. We also want to change long-standing business processes within the Department to take advantage of information technology. We also are working to transform our international partnerships, including the capabilities that our partners and we can use collectively.

Derivative of a transformational mindset is adoption of a capabilities-based planning methodology. Capabilities-based planning focuses more on how adversaries may challenge us than on whom those adversaries might be or where we might face them. It focuses the Department on the growing range of

capabilities and methods we must possess to contend with an uncertain future. It recognizes the limits of intelligence and the impossibility of predicting complex events with precision. Our planning aims to link capabilities to joint operating concepts across a broad range of scenarios.

The Department is adopting a new approach for planning to implement our strategy. The defense strategy will drive this top-down, competitive process. Operating within fiscal constraints, our new approach enables the Secretary of Defense and Joint Force Commanders to balance risk across a range of areas.

We seek to foster a culture of innovation. The War on Terrorism imparts an urgency to defense transformation; we must transform to win the war.

Addressing Capabilities Through Force Transformation

The Department's transformation strategy will balance near-term operational risk with future risk in investment decisions. It will invest now in specific technologies and concepts that are transformational, while remaining open to other paths towards transformation. Capabilities will be developed, supported by force transformation, which will allow us to meet the defense strategy while remaining open to explore new and essential capabilities. This force transformation will allow us to create a new/future force structure, which will move from its current platform-centric condition to a more capabilities-based and network-centric philosophy that addresses the full spectrum of conflict. It will allow the US military to create conditions for increased speed of command and opportunities for coordination across the battlespace.

PROBABLE THREATS TO NATIONAL SECURITY

Range of Challenges. Uncertainty is the defining characteristic of today's strategic environment. We can identify trends but cannot predict specific events with precision. While we work to avoid being surprised, we must posture ourselves to handle unanticipated problems - we must plan with surprise in mind.

We contend with uncertainty by adapting to circumstances and influencing events. It is not enough to react to change. We must safeguard US freedoms and interests while working actively to forestall the emergence of new challenges.

The US military predominates in the world in traditional forms of warfare. Potential adversaries accordingly shift away from challenging the United States through traditional military action and adopt asymmetric capabilities and methods. An array of traditional, irregular, catastrophic, and disruptive capabilities and methods threaten US interests.

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These categories overlap. Actors proficient in one can be expected to try to reinforce their position with methods and capabilities drawn from others.

Indeed, recent experience indicates that the most dangerous circumstances arise when we face a complex of such challenges. For example, our adversaries in Iraq and Afghanistan presented both traditional and irregular challenges. Terrorist groups like al Qaida pose irregular threats but also actively seek catastrophic capabilities. The government of North Korea at once poses traditional, irregular, and catastrophic challenges. In the future, the most capable opponents may seek to combine truly disruptive capacity with traditional, irregular, and catastrophic forms of warfare.

Traditional challenges come largely from states employing recognized military capabilities and forces in well-known forms of military competition and conflict. While traditional forms of military competition remain important, trends suggest that these challenges will receive lesser priority in the planning of adversaries vis-à-vis the United States. This can be attributed, in part, to US and allied superiority in traditional forms of warfare and the enormous cost to develop, acquire, and maintain conventional capabilities. But it is also explained by the increasing attractiveness of irregular methods, as well as the increasing availability of catastrophic capabilities. Even where adversaries possess considerable capacity in traditional domains, they often seek to reinforce their position with catastrophic, irregular, and disruptive methods and capabilities. Therefore, some strictly traditional or hybrid challenges require the active maintenance of sufficient combat overmatch in key areas of traditional military competition.

Irregular challenges are characterized as "unconventional" methods employed by state and non-state actors to counter the traditional advantages of stronger opponents. Irregular methods of increasing sophistication - including terrorism, insurgency, civil war, and third-party coercion - will challenge US security interests to a greater degree than they have in the past. Our adversaries are likely to exploit a host of irregular methods in an attempt to erode US influence, power, and national will over time.

Two factors in particular have intensified the rapid growth and potential danger of irregular challenges: the rise of extremist ideologies and the erosion of traditional sovereignty. Worldwide political, religious, and ethnic extremism continue to fuel deadly and destabilizing conflicts. Particularly threatening are those extremist ideologies that sanction horrific violence targeted at civilians and noncombatants. Areas in Central and South America, Africa, the Middle East, and South, Central, and Southeast Asia have provided havens for terrorists, criminals, insurgents, and other groups that threaten global security. Many governments in these areas are unable or unwilling to extend effective control over their territory, thus increasing the area available to hostile exploitation. Irregular challenges in and from these areas will grow more

intense over time and are likely to challenge the security of the United States and its partners for the indefinite future.

Our ongoing War on Terrorism and our resulting operational experience call for a reorientation of our military capabilities to contend with these challenges more effectively.

Catastrophic challenges involve the acquisition, possession, and use of weapons of mass destruction (WMD) or methods producing WMD-like effects. A number of state and non-state actors are vigorously seeking to acquire dangerous and destabilizing catastrophic capabilities. States seek these capabilities to offset perceived regional imbalances or to hedge against US military superiority. Terrorists seek them because of the potential they hold for greater physical and psychological impact on targeted audiences.

Porous international borders, weak controls over weapons-related materials and expertise, and ongoing revolutions in information technology are increasingly enabling this trend. Particularly troublesome is the nexus of transnational terrorists, WMD proliferation, and rogue states. Unchecked, this confluence raises the prospect of direct WMD employment against the United States or our allies and partners. Indeed, many would-be adversaries likely believe the best way to check American reach and influence is to develop the capability to threaten the US homeland directly. Catastrophic attacks could arrive via a number of delivery means ranging from rogue use of WMD-armed ballistic missiles to surreptitious delivery through routine commercial channels to innovative attacks like those undertaken on 9/11.

Elements of the US national infrastructure are vulnerable to catastrophic attack. The interdependent nature of the infrastructure ^{creates} ~~creates~~ more vulnerability because attacks against one sector - the electric power grid for instance - would impact other sectors as well. Parts of the defense-related critical infrastructure are vulnerable to a wide range of attacks, especially those that rely on commercial sector elements with multiple single points of failure.

The continuing illicit proliferation of WMD technology and expertise makes contending with catastrophic challenges an enduring necessity. A single catastrophic attack against the United States is an unacceptable prospect. The strategic effect of such an attack transcends the mere economic and social costs. It represents a more fundamental, existential threat to our nation, our institutions, and our free society. Thus, new emphasis must be applied to capabilities that enable us to dissuade acquisition of catastrophic capabilities, deter their use, and finally, when necessary, defeat them prior to their posing direct threats to us and our partners.

Disruptive challenges are those posed by competitors employing breakthrough technology that might counter or negate our current advantages

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in key operational domains. In doing so, competitors seek to provide new military options that offset our advantages in niche areas and threaten our ability to operate from the strategic commons – space, international waters and airspace, and cyberspace. Such developments will afford opponents only temporary advantage. In a few instances, however, the United States could confront technological breakthroughs that would fundamentally alter our approach to security. These might include, but are not limited to, breakthroughs in biotechnology, cyber-operations, space, directed-energy, and other emerging fields. Although such developments are unpredictable, we must be attentive to the consequences that such possibilities hold, and plan and invest accordingly.

The goal of our transformation is to contend effectively with these challenges and channel future security competition in ways favorable to the United States and its international partners. We accomplish this by assuring our allies and friends – demonstrating our resolve to fulfill defense commitments and protect common interests; dissuading potential adversaries from adopting threatening capabilities and ambitions; deterring aggression and coercion by maintaining capable and rapidly deployable military forces. Finally, at the direction of the President, we will defeat adversaries at the time, place, and in the manner of our choosing – setting the conditions for future security.

The Unclassified Force Structure Plan

The following table shows the programmed force structure, manning, and funding for the Army, Navy, Marine Corps, and Air Force for Fiscal Years 2005, 2007, 2009, and 2011. When reviewing this plan, it should be noted that it depicts only Service force units; that is, not all of the force structure is identified. For example, the unclassified version does not account for Army non-divisional units including its associated assets like aviation and special operations; Navy non-carrier-based aircraft and construction battalions; and Air Force airlift, special operation, tankers, and missiles.

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Service Force Units

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

End-strength (k)

	<u>FY05</u>	<u>FY07</u>	<u>FY09</u>	<u>FY11</u>
USA* AC	482	482	482	482
RC	555	555	555	555
USN AC	366	345	345	345
RC	83	71	70	70
USMC*AC	175	175	175	175
RC	40	40	40	40
USAF AC	360	356	350	350
RC	183	182	182	183

* The Army projects it will end FY05 with end strength of 511,800 or 29,400 above the baseline of 482,400. The Marine Corps projects it will end FY05 with end strength of 177,675 or 2,675 above the baseline of 175,000. The FY05 Supplemental request includes \$1.7 billion to support these overstrengths. In FY06, the Army and Marine Corps plan to exceed the funded end strength levels by at least 30,000 and 3,000 end strength, respectively. Both Services plan to seek Supplemental funding for any additional end strength above the baseline in support of the War on Terrorism.

Anticipated Level of Funding (\$B)

	<u>FY05</u>	<u>FY07</u>	<u>FY09</u>	<u>FY11</u>
USA	115	110.1	120.3	125.6
USN	103.7	110.5	122.7	131.5
USMC	18.9	18.5	20.6	21.9
USAF	119.6	133.3	138.7	146.8

Justices to Review Base-Closing Suit

By LINDA GREENHOUSE
Special to The New York Times
New York Times (1857-Current file); Oct 19, 1993; ProQuest Historical Newspapers The New York Times (1851 - 2001)
pg. A20

Justices to Review Base-Closing Suit

By LINDA GREENHOUSE

WASHINGTON, Oct. 18 — The Supreme Court agreed today to decide whether Senators and other citizens can sue to force the Government to close military bases.

The suit, filed in 1991, involves the closure of a base in Pennsylvania. The suit was filed by a group of citizens, including Senators, who argued that the Government's failure to close the base violated the Constitution. The Supreme Court agreed to hear the case, which is expected to be decided in the next few months.

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Nine Months After Leaving the White House, Bush Finally Arrives Home

Former President George Bush carrying a gallon of milk yesterday as he moved into his new home in Houston. The house contains security devices that

prompted Barbara Bush to tell reporters during a weekend visit in Washington, "How happy will be in that fortress you've forced us into."

Justices Reject Challenge to Base-Closing Process

By LINDA GREENHOUSE Special to The New York Times

New York Times (1857-Current file); May 24, 1994; ProQuest Historical Newspapers The New York Times (1851 - 2001)
pg. A1

Justices Reject Challenge to Base-Closing Process

By LINDA GREENHOUSE

Special to The New York Times

WASHINGTON, May 23 — The Supreme Court ruled unanimously today that the Government's choice of which military bases to close is not subject to challenge in Federal court.

The decision forecloses an effort by elected officials from Pennsylvania and New Jersey to block the scheduled closing of the Philadelphia Naval Shipyard. It also effectively ends a separate lawsuit that New York State filed late last year to challenge the scheduled closing of Plattsburgh Air Force Base.

Chief Justice William H. Rehnquist's opinion for the Court exam-

ined an elaborate system that Congress devised with the hope of both insulating the unpopular base-closing process from political pressure and protecting politicians from its consequences.

Under the Base Closure and Realignment Act of 1990, an independent commission selects the bases to be closed or shrunk and makes recommendations to the President, who must approve or reject the list in its entirety within two weeks. If the list is accepted, Congress can block the closings only if both houses pass a

resolution of disapproval within 45 days of the President's action.

In two rounds of closings so far, more than 100 bases have been designated as no longer necessary to the nation's defense. A third round of closings is scheduled for next year.

"How the President chooses to exercise the discretion Congress has granted him is not a matter for our review," Chief Justice Rehnquist said. "Where a statute, such as the 1990 Act, commits decision making to the discretion of the President, judicial review of the President's deci-

Continued on Page A14, Column 1

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Justices Reject Challenges To Base-Closing Decisions

Continued From Page A1

sion is not available."

The decision overturned a ruling last year by the United States Court of Appeals for the Third Circuit, in Philadelphia, which had permitted a group of elected officials, including the four United States Senators from Pennsylvania and New Jersey, to sue to stop the closing of the shipyard. The officials argued that procedural irregularities had led to the inclusion of the shipyard, one of the region's biggest employers, on the 1991 list of base closings.

The case never went to trial because the Court agreed last fall to hear the Clinton Administration's appeal on the question of whether the case could be brought at all. Pennsylvania's senior Senator, Arlen Specter, argued the plaintiffs' case himself before the Justices in March.

Specter Is Disappointed

Senator Specter, a Republican, said today that he was disappointed and surprised by the decision. "If we cannot get redress in the courts, what I intend to do is take this back to the

A unanimous ruling that upholds the way military bases are closed or shrunk.

Congress," he said at a news conference in Philadelphia.

As Chief Justice Rehnquist analyzed the issue, the case, *Dalton v. Specter*, No. 93-239, presented two questions. One was whether a base-closing decision could be challenged by means of the Administrative Procedure Act, the Federal law that provides judicial review for "final agency action" of the Federal Government. Review was not available, the Chief Justice said, because the action of the base-closing commission was not "final" and the President, who makes the final decision under the base-closing law, is not an "agency" to which the act applies.

This part of the Chief Justice's analysis was based on a 1992 decision, *Franklin v. Massachusetts*, that rejected a challenge under the Administrative Procedure Act of the certification of the number of representatives that states were entitled to under the 1990 census. The Court in that case ruled that the action of the Secretary of Commerce in transmitting the census figures to the President was not "final," and that the President could not be sued for transmitting the figures to Congress because the President is not an agency.

Next, Chief Justice Rehnquist addressed Senator Specter's argument that even if the Administrative Procedure Act did not offer a basis for the lawsuit, judicial review still had to be available for the assertion that the President had violated the scope of his authority under the base-closing law by accepting procedurally flawed recommendations. The plaintiffs argued in their lawsuit that the Navy was so intent on closing the Philadelphia shipyard that it withheld from the base-closing commission crucial testimony and documents that would have made the case for keeping the shipyard open.

But the Chief Justice said that even if those allegations were true, nothing in the law prohibited the President from accepting procedurally flawed recommendations or "from approving or disapproving the recommendations for whatever reason he sees fit."

Separate Concurring Opinion

Justice Harry A. Blackmun wrote a separate concurring opinion to make the point that judicial review would be available if the President acted

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Bill Cramer for The New York Times

The Supreme Court has unanimously overturned a lower court decision allowing elected officials to block the closing of the Philadelphia Naval Shipyard, where a mothball fleet rode at anchor yesterday.

completely outside the authority of the law — for example, by choosing to base that the commission had on the list. Justice Blackmun, d that suits could be brought the process over such issues cheduling of a closed meeting that was required by law to be open to the public.

In addition, Justice Blackmun and three other Justices did not join the portion of Chief Justice Rehnquist's opinion analyzing the Administrative Procedure Act because, they said, it was unnecessary. The other Justices were David H. Souter, John Paul Stevens and Ruth Bader Ginsburg.

But these four, in a concurring opinion by Justice Souter, subscribed fully to the conclusion that judicial review is unavailable. "If judicial review could eliminate one base from a package, the political resolution embodied in that package would be destroyed," Justice Souter said.

The Philadelphia shipyard's life may not end as quickly as the base-closing commission had envisioned because of a plan now under consideration to use the base for dismantling Russian warships and converting them to scrap metal. Under the

plan, sponsored by Pennsylvania lawmakers and other officials who have visited Moscow to discuss it, the project would continue for 10 years and would retain up to 3,000 of the shipyard's 7,000 jobs.

Although the base-closing law calls for a third round of closings to take place next year, the Pentagon is now considering a plan that would delay some decisions until after the 1996 elections.

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At a news conference yesterday, Senator Arlen Specter of Pennsylvania said he was disappointed by the Supreme Court's decision.

To the Editor:
The news account concerning the decision of the Supreme Court to review litigation involving the closing of the Philadelphia Naval Shipyard ("Justices to Review Base-Closing Suit," Oct. 19) omitted the most critical fact: The Navy Department had intentionally concealed evidence, including documents from two admirals, that the Philadelphia shipyard should be kept open.

The Defense Base Closure and Realignment Act of 1980 requires full disclosure of such evidence so that citizens, including senators, and the General Accounting Office could re-

Why High Court Will Review Shipyard Case

Why High Court Will Review Shipyard Case
ARLEN SPECTER
New York Times (1987-Current file); Nov. 2, 1993; ProQuest Historical Newspapers The New York Times (1851 - 2001)
pg. A22

view all the facts relevant to a decision to close a military installation. Contrary to your statement that the Court of Appeals decision would open the base closing process to judicial review, one base at a time, the Philadelphia Naval Shipyard case was the only closure that involved such a blatant concealment of material evidence.

If the courts are not open to review and to overrule such chicanery, then the Constitution and the Defense Base Closure and Realignment Act are meaningless. ARLEN SPECTER

U.S. Senator from Pennsylvania
Washington, Oct. 21, 1993

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 4771 the following new item:

“4772. Heritage Center for the National Museum of the United States Army: development and operation.”.

10 USC 5013
note.

SEC. 2823. ELIMINATION OF REVERSIONARY INTERESTS CLOUDING UNITED STATES TITLE TO PROPERTY USED AS NAVY HOMEPORTS.

(a) AUTHORITY TO ACQUIRE COMPLETE TITLE.—If real property owned by the United States and used as a Navy homeport is subject to a reversionary interest of any kind, the Secretary of the Navy may enter into an agreement with the holder of the reversionary interest to acquire the reversionary interest and thereby secure for the United States all right, title, and interest in and to the property.

(b) AUTHORIZED CONSIDERATION.—(1) As consideration for the acquisition of a reversionary interest under subsection (a), the Secretary shall provide the holder of the reversionary interest with in-kind consideration, to be determined pursuant to negotiations between the Secretary and the holder of the reversionary interest.

(2) In determining the type and value of any in-kind consideration to be provided for the acquisition of a reversionary interest under subsection (a), the Secretary shall take into account the nature of the reversionary interest, including whether it would require the holder of the reversionary interest to pay for any improvements acquired by the holder as part of the reversion of the real property, and the long-term use and ultimate disposition of the real property if the United States were to acquire all right, title, and interest in and to the real property subject to the reversionary interest.

(c) PROHIBITED CONSIDERATION.—Cash payments are not authorized to be made as consideration for the acquisition of a reversionary interest under subsection (a).

Subtitle C—Base Closure and Realignment

SEC. 2331. ESTABLISHMENT OF SPECIFIC DEADLINE FOR SUBMISSION OF REVISIONS TO FORCE-STRUCTURE PLAN AND INFRA-STRUCTURE INVENTORY.

Section 2912(a)(4) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by striking “as part of the budget justification documents submitted to Congress for fiscal year 2006.” and inserting the following: “not later than March 15, 2005. For purposes of selecting military installations for closure or realignment under this part in 2005, no revision of the force-structure plan or infrastructure inventory is authorized after that date.”.

SEC. 2832. SPECIFICATION OF FINAL SELECTION CRITERIA FOR 2005 BASE CLOSURE ROUND.

Section 2913 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended to read as follows:

<http://www.asafm.army.mil/cong/ebreps/docs/2005L/AUTH/>
2005auth.pdf

“SEC. 2913. FINAL SELECTION CRITERIA FOR ADDITIONAL ROUND OF BASE CLOSURES AND REALIGNMENTS.

“(a) **FINAL SELECTION CRITERIA.**—The final criteria to be used by the Secretary in making recommendations for the closure or realignment of military installations inside the United States under this part in 2005 shall be the military value and other criteria specified in subsections (b) and (c).

“(b) **MILITARY VALUE CRITERIA.**—The military value criteria are as follows:

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

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

“(3) The ability to accommodate contingency, mobilization, surge, and future total force requirements at both existing and potential receiving locations to support operations and training.

“(4) The cost of operations and the manpower implications.

“(c) **OTHER CRITERIA.**—The other criteria that the Secretary shall use in making recommendations for the closure or realignment of military installations inside the United States under this part in 2005 are as follows:

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

“(2) The economic impact on existing communities in the vicinity of military installations.

“(3) The ability of the infrastructure of both the existing and potential receiving communities to support forces, missions, and personnel.

“(4) The environmental impact, including the impact of costs related to potential environmental restoration, waste management, and environmental compliance activities.

“(d) **PRIORITY GIVEN TO MILITARY VALUE.**—The Secretary shall give priority consideration to the military value criteria specified in subsection (b) in the making of recommendations for the closure or realignment of military installations.

“(e) **EFFECT ON DEPARTMENT AND OTHER AGENCY COSTS.**—The selection criteria relating to the cost savings or return on investment from the proposed closure or realignment of military installations shall take into account the effect of the proposed closure or realignment on the costs of any other activity of the Department of Defense or any other Federal agency that may be required to assume responsibility for activities at the military installations.

“(f) **RELATION TO OTHER MATERIALS.**—The final selection criteria specified in this section shall be the only criteria to be used, along with the force-structure plan and infrastructure inventory referred to in section 2912, in making recommendations for the

closure or realignment of military installations inside the United States under this part in 2005.

“(g) RELATION TO CRITERIA FOR EARLIER ROUNDS.—Section 2903(b), and the selection criteria prepared under such section, shall not apply with respect to the process of making recommendations for the closure or realignment of military installations in 2005.”

(c) CONFORMING AMENDMENTS.—The Defense Base Closure and Realignment Act of 1990 is amended—

10 USC 2687
note.

(1) in section 2912(c)(1)(A), by striking “criteria prepared under section 2913” and inserting “criteria specified in section 2913”; and

10 USC 2687
note.

(2) in section 2914(a), by striking “criteria prepared by the Secretary under section 2913” and inserting “criteria specified in section 2913”.

SEC. 2833. REPEAL OF AUTHORITY OF SECRETARY OF DEFENSE TO RECOMMEND THAT INSTALLATIONS BE PLACED IN INACTIVE STATUS.

Section 2914 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by striking subsection (c).

SEC. 2834. VOTING REQUIREMENTS FOR DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION TO ADD TO OR OTHERWISE EXPAND CLOSURE AND REALIGNMENT RECOMMENDATIONS MADE BY SECRETARY OF DEFENSE.

Subsection (d) of section 2914 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), as added by section 3003 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107-107; 115 Stat. 1240) and amended by section 2854 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107-314; 116 Stat. 2728), is amended—

(1) in paragraph (3), by striking “TO ADD” and inserting “TO CONSIDER ADDITIONS”; and

(2) by striking paragraph (5) and inserting the following new paragraph:

“(5) REQUIREMENTS TO EXPAND CLOSURE OR REALIGNMENT RECOMMENDATIONS.—In the report required under section 2903(d)(2)(A) that is to be transmitted under paragraph (1), the Commission may not make a change in the recommendations of the Secretary that would close a military installation not recommended for closure by the Secretary, would realign a military installation not recommended for closure or realignment by the Secretary, or would expand the extent of the realignment of a military installation recommended for realignment by the Secretary unless—

“(A) at least two members of the Commission visit the military installation before the date of the transmittal of the report; and

“(B) the decision of the Commission to make the change to recommend the closure of the military installation, the realignment of the installation, or the expanded realignment of the installation is supported by at least seven members of the Commission.”

Subtitle D—Land Conveyances**PART I—ARMY CONVEYANCES****SEC. 2841. LAND CONVEYANCE, SUNFLOWER ARMY AMMUNITION PLANT, KANSAS.**

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Army, in consultation with the Administrator of General Services, may convey to an entity selected by the Board of Commissioners of Johnson County, Kansas (in this section referred to as the “entity” and the “Board”, respectively), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 9,065 acres and containing the Sunflower Army Ammunition Plant. The purpose of the conveyance is to facilitate the re-use of the property for economic development and revitalization.

(b) **CONSIDERATION.**—(1) As consideration for the conveyance under subsection (a), the entity shall provide the United States, whether by cash payment, in-kind consideration, or a combination thereof, an amount that is not less than the fair market value of the conveyed property, as determined by an appraisal of the property acceptable to the Administrator and the Secretary. As a form of in-kind consideration for the conveyance of the property, the Secretary may authorize the entity to carry out environmental remediation activities for the conveyed property.

(2) Cash consideration received under paragraph (1) shall be deposited in the special account in the Treasury established under subsection (b) of section 572 of title 40, United States Code, and shall be available in accordance with paragraph (5)(B)(i) of such subsection.

(c) **CONSTRUCTION WITH PREVIOUS LAND CONVEYANCE AUTHORITY.**—The conveyance authority provided by subsection (a) is in addition to the conveyance authority provided by section 2823 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107-314; 116 Stat. 2712) to convey a portion of the Sunflower Army Ammunition Plant to the Johnson County Park and Recreation District.

(d) **AGREEMENTS CONCERNING ENVIRONMENTAL REMEDIATION AND EXPLOSIVES CLEANUP.**—(1) The Secretary, in consultation with the Administrator, may enter into a multi-year cooperative agreement or contract with the entity for the environmental remediation and explosives cleanup of the conveyed property, and may utilize amounts authorized to be appropriated to the Secretary for purposes of environmental remediation and explosives cleanup under the agreement or contract.

(2) The cooperative agreement or contract may provide for advance payments on an annual basis or for payments on a performance basis. Payments may be made over a period of time agreed to by the Secretary and the entity or for such time as may be necessary to perform the environmental remediation and explosives cleanup of the property, including any long-term operation and maintenance requirements.

(e) **PAYMENT OF COSTS OF CONVEYANCE.**—(1) The Secretary may require the entity to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey

- Sec. 2805. Repeal of limitations on use of alternative authority for acquisition and improvement of military housing.
- Sec. 2806. Additional reporting requirements relating to alternative authority for acquisition and improvement of military housing.
- Sec. 2807. Temporary authority to accelerate design efforts for military construction projects carried out using design-build selection procedures.
- Sec. 2808. Notification thresholds and requirements for expenditures or contributions for acquisition of facilities for reserve components.
- Sec. 2809. Authority to exchange reserve component facilities to acquire replacement facilities.
- Sec. 2810. One-year extension of temporary, limited authority to use operation and maintenance funds for construction projects outside the United States.
- Sec. 2811. Consideration of combination of military medical treatment facilities and health care facilities of Department of Veterans Affairs.

Subtitle B—Real Property and Facilities Administration

- Sec. 2821. Reorganization of existing administrative provisions relating to real property transactions.
- Sec. 2822. Development of Heritage Center for the National Museum of the United States Army.
- Sec. 2823. Elimination of reversionary interests clouding United States title to property used as Navy homeports.

Subtitle C—Base Closure and Realignment

- Sec. 2831. Establishment of specific deadline for submission of revisions to force-structure plan and infrastructure inventory.
- Sec. 2832. Specification of final selection criteria for 2005 base closure round.
- Sec. 2833. Repeal of authority of Secretary of Defense to recommend that installations be placed in inactive status.
- Sec. 2834. Voting requirements for Defense Base Closure and Realignment Commission to add to or otherwise expand closure and realignment recommendations made by Secretary of Defense.

Subtitle D—Land Conveyances

PART I—ARMY CONVEYANCES

- Sec. 2841. Land conveyance, Sunflower Army Ammunition Plant, Kansas.
- Sec. 2842. Land exchange, Fort Campbell, Kentucky and Tennessee.
- Sec. 2843. Land conveyance, Louisiana Army Ammunition Plant, Doyline, Louisiana.
- Sec. 2844. Land conveyance, Fort Leonard Wood, Missouri.
- Sec. 2845. Transfer of administrative jurisdiction, Defense Supply Center, Columbus, Ohio.
- Sec. 2846. Jurisdiction and utilization of former public domain lands, Umatilla Chemical Depot, Oregon.
- Sec. 2847. Modification of authority for land conveyance, equipment and storage yard, Charleston, South Carolina.
- Sec. 2848. Land conveyance, Fort Hood, Texas.
- Sec. 2849. Land conveyance, local training area for Browning Army Reserve Center, Utah.
- Sec. 2850. Land conveyance, Army Reserve Center, Hampton, Virginia.
- Sec. 2851. Land conveyance, Army National Guard Facility, Seattle, Washington.
- Sec. 2852. Modification of land exchange and consolidation, Fort Lewis, Washington.

PART II—NAVY CONVEYANCES

- Sec. 2861. Land exchange, former Richmond Naval Air Station, Florida.
- Sec. 2862. Land conveyance, Honolulu, Hawaii.
- Sec. 2863. Land conveyance, Navy property, former Fort Sheridan, Illinois.
- Sec. 2864. Land exchange, Naval Air Station, Patuxent River, Maryland.
- Sec. 2865. Modification of land acquisition authority, Perquimans County, North Carolina.
- Sec. 2866. Land conveyance, Naval Weapons Station, Charleston, South Carolina.
- Sec. 2867. Land conveyance, Navy YMCA building, Portsmouth, Virginia.

PART III—AIR FORCE CONVEYANCES

- Sec. 2871. Land exchange, Maxwell Air Force Base, Alabama.
- Sec. 2872. Land conveyance, March Air Force Base, California.
- Sec. 2873. Land conveyance, former Griffiss Air Force Base, New York.

PART IV—OTHER CONVEYANCES

- Sec. 2881. Land exchange, Arlington County, Virginia.

7 322
325

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Air Force Issues

July 8, 2005

Taking the "Air" Out of "Air National Guard": BRAC and the Air Force

The BRAC Process

The Base Realignment and Closing (BRAC) Commission was created in 1977 as part of a congressional effort to increase control over the shrinking and closing of major military bases. Since the passage of this law, there have been four rounds of BRAC – 1988, 1991, 1993 and 1995 – with a fifth round nearing completion this year. As the current process draws to a close, the political, military, and National Guard leadership of the Air Force have been drawn into an increasingly heated debate over the proposed cuts.

BRAC 2005 and the Air Force

The BRAC Commission has several options when deciding a base's fate. It may add jobs and assets from other military bases, or it may close the base entirely. Between these two extremes is realignment, where personnel, units, and other resources are transferred but the base remains open.

As a part of the latest BRAC round, the Air Force examined the capabilities of its existing infrastructure and recommended changes based on four goals:

- Transform by maximizing warfighting capability of each squadron;
- Transform by realigning Air Force infrastructure with future defense strategy;
- Maximize operational capability by eliminating excess physical capacity; and
- Capitalize on opportunities for joint activity.

In practice, three themes emerged from these goals:

- Aircraft will be consolidated into larger units located at fewer bases;
- Bases will operate fewer different types of aircraft; and
- Research and support operations will be relocated into fewer, larger centers with more focused missions.

Based on these principles, the BRAC Commission recommended the closure of 14 Air Force facilities and the realignment of 47 Air Force bases, at a cost of 14,000 military and

civilian jobs. Another 68 bases will gain the personnel, aircraft, and programs being moved into more consolidated units and facilities. In conjunction with its cuts in infrastructure and personnel, the Air Force will be retiring over 250 aircraft – primarily older C-130s, F-16s, and KC-135s – in anticipation of its Future Total Force modernization program.

BRAC 2005 and the Air National Guard

Although the closure of several major airbases has attracted attention from senior political officials, BRAC's impact on the Air National Guard (ANG) has also generated serious problems for the Air Force in the current round. While the National Guard leadership accepts that the ANG will lose resources as a part of BRAC 2005, it has been angered by the Air Force's reliance on the "enclave" concept to achieve its goals.

Under the enclave concept, a base with a strategic location but no essential mission may have most of its aircraft and associated assets transferred elsewhere. However, an Expeditionary Combat Support (ECS) element will remain behind to maintain a presence at the base. Should these enclaves be needed in the future, the ECS element will enable the base to quickly return to operation. Developed specifically for the Air National Guard, the Air Force believes enclaves will allow governors to retain some capabilities for homeland security missions and emergencies while still saving money. According to the National Guard Association of the United States (NGAUS), BRAC 2005 will relocate all aircraft and associated capabilities from 23 bases, turning them into enclaves. In the process, seven states (Connecticut, Delaware, Montana, Nevada, North Dakota, Virginia, and Washington) will be left without any ANG aircraft. Sources disagree on the exact number of bases and states which will be affected, but it will certainly be significant.

The leadership of the ANG has been incensed by the proposed changes. It argues that the Air Force will destroy the ANG by leaving some states without any aircraft – taking the "Air" out of "Air National Guard" – and presents several reasons why this would hurt the U.S. military. First, it fears the loss of aircraft will make recruiting nearly impossible and cause veteran Guardsmen to quit and take their valuable experience with them. Next, it thinks "enclaves" will be too small to preserve a governor's ability to respond to homeland security crises and other emergencies. Finally, it believes the proposed realignments are designed to relegate the ANG to supporting the active duty Air Force. In doing so, it feels the Air Force fails to consider the Guard's unique capabilities and duties.

The ANG leadership believes these results came about because, unlike the Army and Navy, the Air Force did not consult it during the beginning of the BRAC process. While acknowledging that some bases must be closed, the adjutants general want the Air Force to reexamine its initial conclusions and create a list better suited to their vision of the ANG and its mission. Several governors and state attorneys general have gone so far as to threaten legal action if the current plan is implemented, arguing that any movement of National Guard forces requires the consent of state authorities. These protests seem to be gaining traction, as the BRAC Commission recently sent a letter to Secretary of Defense Donald Rumsfeld asking for information on the Air Force's BRAC process and held a hearing to address the concerns of the National Guard leadership.

Recommendations

As is to be expected, some of the ANG's criticisms have little basis in fact, stemming instead from political frustration at losing jobs. For example, of the seven states which will be left with no ANG aircraft, three (Connecticut, North Dakota, and Virginia) currently have only combat aircraft. Yet in the modern era, combat aircraft are of little use to a governor. There is no chance a state would ever face an emergency where it had to shoot down a plane or bomb a target without involving the federal government. With so many large airbases and geographically small states, some East Coast governors can certainly afford to lose their aircraft. If this is a serious problem, it should be easy for the Air Force and neighboring states to arrange shared control of transports and combat aircraft, retaining governors' emergency capabilities while generating cost savings. As for the sparsely populated states of the Midwest and Northwest, they are unlikely to need any significant airlift or aerospace defense capabilities in the near future.

The transfer of aircraft out of the West and into the center of the country is more problematic. As East Asia becomes increasingly important to the United States, it seems prudent to leave airlift and refueling capabilities on the West Coast.

The most realistic objection is the impact that transferring aircraft will have on recruiting and retention. The enclave concept is likely to prove disastrous for ANG recruiting, dooming enclave bases to closure in the long term. The ANG forces stationed at enclaves will be reduced to administrative staffs which have little or no contact with aircraft. Yet primary mission of the Air National Guard is flying, and most personnel join to work with aircraft. With little to offer beyond administrative duties, bases without aircraft will probably wither away. The Air Force should consider its need for the capabilities these enclaves and ANG forces offer, and if they are truly important, it should reconsider its current plans.

The exclusion of the ANG leadership from the BRAC process has generated a great deal of unnecessary friction. The Air Force should reconsider its most contentious closings, and accept that the enclave concept is simply not viable. In return, the ANG must realize that in the post-Cold War world, there is no threat that can justify a flying unit in every state. Sharing crucial emergency airlift and domestic defense capabilities will allow for cost savings while preserving the ANG's ability to carry out vital missions.

For more information on the BRAC process, please click here .

Click here for "Air Force and Air National Guard in BRAC 2005" spreadsheet (PDF)

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**STRATEGIC
STUDIES
PROJECT**



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THE NATIONAL WAR COLLEGE
STRATEGIC STUDIES REPORT ABSTRACT

TITLE: Closing Domestic Military Bases to Generate Cost Savings and Increase Military Efficiency

AUTHOR: Donald C. Rasher, Lieutenant Colonel, USAF

DATE: February 1986

This report examines the issue of closing domestic military bases in order to generate significant cost savings and increase military efficiency. A perspective of the issue is followed by an overview of the current domestic base inventory and a synopsis of the record on closure actions since the mid-1970's. Congressional resistance because of real and perceived adverse local economic impacts, statutory and judicial impediments, Defense Department resistance, potential cost savings, and a basis for decision formulas are then discussed. This report concludes by recommending that an independent federal commission be established with authority to evaluate the cost effectiveness and military efficiency of all domestic defense properties. Furthermore, this commission would then be responsible for translating these evaluations into closure and consolidation actions.

BIOGRAPHICAL SKETCH

Lt. Colonel Donald C. Rasher, USAF, (B.A., Michigan State University, 1967; J.D., Fordham University School of Law, 1970) has served as an Air Force Judge Advocate since 1971. From 1981-1985 he was assigned to the Pentagon as The Judge Advocate General's (TJAG) Chief of the Career Management and Plans Division. In this position he was responsible for all TJAG Department personnel policy formulation and implementation. From 1978-1981 he served as the Chief of Administrative Law and Claims for Headquarters, Pacific Air Forces, Hickam Air Force Base, Hawaii. Prior to this he served as Staff Judge Advocate at both Plattsburgh Air Force Base, New York, and Kincheloe Air Force Base, Michigan, following a tour as an Assistant Staff Judge Advocate at Ellsworth Air Force Base, South Dakota. In 1974, Lt. Colonel Rasher was selected as the Air Force's Outstanding Young Judge Advocate of the Year (Albert M. Kuhfeld Award) and is a correspondence program graduate of the Air Force's Squadron Officer School, Air Command and Staff College, and Air War College. He is a graduate of the National War College, Class of 1986.

CONTENTS

CHAPTER	PAGE
DISCLAIMER	ii
ABSTRACT	iii
BIOGRAPHICAL SKETCH	iv
1. THE ISSUE IN PERSPECTIVE	1
2. BACKGROUND.	4
3. CONGRESSIONAL RESISTANCE	7
4. LOCAL ECONOMIC IMPACT.	9
5. STATUTORY AND JUDICIAL IMPEDIMENTS	11
6. DOD RESISTANCE?	13
7. POTENTIAL COST SAVINGS	15
8. FORMULAS FOR DECISIONS	17
9. CONCLUSIONS AND RECOMMENDATION	19
NOTES	23
BIBLIOGRAPHY.	25

CHAPTER 1

THE ISSUE IN PERSPECTIVE

"The Department of Defense should recommend and Congress should concur with an aggressive program to close or realign a significant number of military bases in the United States."¹ This 1983 President's Private Sector Survey on Cost Control (Grace Commission) recommendation has been echoed by the Congressional Budget Office, Government Accounting Office, Office of Management and Budget (OMB), some Department of Defense (DOD) officials and numerous members of Congress. There appears to be a near consensus that a significant number of military bases should be closed as a cost savings and efficiency measure; yet, the fact remains that there have been very few major base closings in the United States since the mid-1970's.

This paper examines the issue of closing domestic military bases, an issue that takes on a greater importance today in light of the current federal budget crisis. It has been said that many of DOD's 3,827 separate properties, which include 360 major bases, are in some respects "remnants of a time when our force structure was far different" than it is today.² Because of the dramatic technological changes witnessed during the past two decades, it is possible that not only are savings being ignored but that these remnants are not providing the most efficient basing structure.

Even before the Gramm-Rudman-Hollings Deficit Reduction Act (Gramm-Rudman) it was becoming clear that DOD would be facing declining support for military spending. With Gramm-Rudman now law, DOD will be required to choose between a structurally different, but ready, sustainable and

mobile force, or a potentially "hollow" one.³ Distressingly, a recent Georgetown University Center for Strategic and International Studies report predicts that DOD "is likely to make the wrong choice".⁴

If DOD is instead to choose correctly, now is the time to seize the opportunity to take a macro look at all domestic military bases. Those that are unneeded, cost ineffective and underutilized should be closed in order to save money and allow the military to become more efficient. Out-year cost savings associated with such a program have been estimated to be between two and five billion dollars annually. However, these savings could be even greater depending upon how far DOD is willing to additionally cut into their lowest priority military operations.

Although Gramm-Rudman provides the latest psychological opening to seriously address this issue, ironically the Act prohibits base closures in fiscal year (FY) 1986. Under Gramm-Rudman there are no prohibitions after FY86, but the problems which must be addressed if a meaningful base closure program is to succeed remain formidable. Key among them is that of overcoming congressional resistance since individual members have historically thwarted closure proposals in their own districts or states. Tied to this are the issues of dealing with real or imagined adverse local economic impacts, insuring congressional support for funding transition actions, and dealing with statutory requirements. Also, a meaningful, thoughtful, and politically sellable formula must be developed to guide the decision making process of determining which installations should be closed.

Unlike big business, DOD's operations in terms of objectives and results can not be easily quantified. National priorities, not profits, determine the scope of DOD's operations. However, if cutting costs is really a national priority, Congress and DOD must seriously deal with this issue. This paper will close by

recommending a unique solution, which if adopted could result in a significant number of base closures, generating substantial cost savings and increased military efficiency.

CHAPTER 2

BACKGROUND

There are 3,827 separate properties on the DOD inventory in the United States and its territories. These properties were acquired at a cost in excess of 53 billion dollars and today, with improvements, represent a national asset of incalculable value. It should be noted that over 75 percent of these properties are either Reserve Centers or very minor active installations leaving 907 as the number of "bases" claimed by DOD.⁵ Most importantly, because of current statutory requirements which deal in terms of numbers of authorized direct hire permanent civilian employees, only 360 bases presently are authorized to hire 300 or more civilians and for purposes of this paper will be referred to as "major bases".

From a services standpoint the 907 bases break down as follows: Air Force, 405; Navy, 253; Army, 210; and Marine Corps, 25 (the balance of 14 falls under the control of Defense Agencies). The states with the most bases (numbers of bases in parenthesis) are: California (105), Florida (53), Hawaii (49), Alaska (48), Texas (46), New York (41), and Virginia (37). States with fewer than five bases (listed alphabetically) include: Delaware, Idaho, New Hampshire, South Dakota, Vermont, West Virginia, and Wyoming.⁶

Between 1970 and 1983, during a period when the military labor force declined by almost 25 percent, the number of bases closed represented less than ten percent of the DOD inventory. More significant is the fact that most of these closures occurred as a result of the Vietnam drawdown with no major bases being closed during the past five years. Since 1979 no major base closures have even been formally announced.

It appears that the record since the mid-1970's is not the result of a lack of thought on the issue. During the Carter administration a significant number of bases were formally slated for closure and during the Reagan administration DOD has on numerous occasions directed the separate Services to make recommendations on candidate bases for closure. However, the late-1970's also marked the beginning of the current U.S. military buildup, and in 1977 legislation was passed which greatly hampered DOD's ability to close bases. These two factors appear to be key to why closure actions have either not been attempted, or have failed.

Although both Congress, with Senator Barry Goldwater taking the lead, and DOD have given much attention to the issue in 1985, nothing of real substance has transpired. Senator Goldwater, upon taking over as Chairman of The Senate Armed Services Committee in January, stated that, "One of the best ways to approach the seemingly higher cost of Defense would be to close some of the bases that are no longer needed."⁷ The Committee started to look at this issue and in April indicated a belief that DOD "consider and propose for closure bases that put an excessive drain on already limited resources".⁸

The DOD reaction to this recommendation has been to examine closely and consider base closures as a way to economize operations. However, because of the large one-time costs involved in closing bases, estimated by DOD to be two and one half billion dollars to close about 20 installations, in March 1985 a decision was made to recommend no closure actions as part of the FY86 budget.⁹

Following this action, in August 1985, Secretary of Defense Caspar Weinberger directed that DOD should "proceed with base closures that improve operational efficiency and make sense economically." To this end each service was asked to report back to the Secretary with closure and realignment

proposals.¹⁰ As of January 1986 these responses were not yet finalized, and because of the lead-time required by the budget process it is DOD's belief that any of these recommendations could not be effectively implemented until FY88.¹¹

CHAPTER 3
CONGRESSIONAL RESISTANCE

Senator Goldwater best summed up the paradoxical dilemma of Congressional resistance to attempts to close military installations in a March 1985 statement on the floor of the Senate. Senator Goldwater said, in part:

[The] Department of Defense believes that . . . military installations could be closed with little or no adverse effect on our national security . . . the White House . . . is unwilling to endorse such a proposal . . . [because of] their concern that my colleagues . . . who would be affected by such base closures, would hold pro-Administration votes on other matters hostage to later concessions by the Administration on base closures. . . while my colleagues clamor for additional reductions in the Defense budget, they do not want such reductions when they affect programs or facilities located within their states and districts.

The Grace Commission, although citing other reasons why no effective closure actions have been accomplished, primarily pointed the finger at Congress as the major stumbling block. The Grace Commission found that "intense local concern", which is then translated into "congressional pressure", precludes base closures from occurring.¹³ Although some members of Congress have taken a harder line than others when faced with a potential closure action which would impact on their constituents, few, if any, have concurred with proposals that affect their districts or states.

Closure actions have historically been "frustrated by the pressure of pork barrel politics" mainly because the real and perceived dollar impacts on constituents seem so enormous.¹⁴ This pork barrel approach has ranged from the subtle covert to the apologetic overt, and recently has been totally successful

in thwarting closures.

Notwithstanding the arguments about congressional resistance it is important to remember that the Constitution gives Congress the initial power "To raise and support armies, . . . provide and maintain a Navy and . . . make rules for the Government and Regulation of the land and naval Forces."¹⁵ Therefore, the authority to deal with the closure issue is clearly one of congressional responsibility. Possibly, a more rational direction could be closer at hand according to Congressman Ronald V. Dellums, Chairman of The House Subcommittee on Military Installations and Facilities. In closing a June 1985 Subcommittee hearing dealing with base closures and realignments, he said, in part:

[B]ut somewhere between both sides holding the other hostage, there is a middle ground around which efficiency and effectiveness can take place on the one hand, and on the other hand, appropriate protection of constituencies. . . We are more than willing to try to find that appropriate ground.¹⁶

CHAPTER 4

LOCAL ECONOMIC IMPACT

The issue of real or perceived adverse local economic impact is the reason congressional resistance to proposed base closures is so intense. Before the fact, base closures are viewed as a serious threat to a region's economy. Local reaction to making "the Pentagon's hit list" is usually one of "outrage" followed by "fright".¹⁷ When a base closure is finally announced "severe losses are predicted", and the local citizens generally vow to fight the closing with mottos along the lines of "Not now, not ever."¹⁸

Surprisingly, according to a 1981 study published by DOD's Office of Economic Adjustment (OEA), the mid- to long-term economic impact of closure actions has been, in most cases, a positive one. This study evaluated 94 military base closure actions occurring after 1961, and concluded that after a transition period (usually nine months to three years) "communities can successfully adjust to such dislocations." Collectively, after the transition period, these 94 closed installations produced the following results: 123,777 new civilian jobs replacing the 87,703 jobs lost; 9,362 new off-base jobs; 47 new educational institutions (ranging from four-year colleges to vocational-technical schools); 68 new industrial parks or plant complexes; and 40 new municipal or general aviation airports.¹⁹

From a negative standpoint it is important to note that making a closure into a success story takes some transition time and lots of hard work. Also, most closures will generally cause some short-term unemployment and, sometimes, dramatic structural changes within the affected community. Most significant is

the fact that in a few cases (of the 94 evaluated) community recovery was not sustained.

The OEA was established 25 years ago to work with local communities transitioning from a base closure action. OEA can become involved in the planning stages for recovery well before closure actions become effective and is in a position to tie other appropriate government agencies into the process. Many of the recovery success stories of the 1960's and 1970's can be directly attributable to OEA's involvement coupled with some excellent economic conditions. However, because of large decreases in available government grants since the late 1970's in a setting of different economic conditions, it must be questioned whether this record of success could be duplicated in the late 1980's without an infusion of substantial sums. Also, because OEA is a DOD entity it must receive a specific request for aid from an affected community before becoming actively involved.

CHAPTER 5

STATUTORY AND JUDICIAL IMPEDIMENTS

10 USC 2687, enacted in 1977 and amended in 1985, gave both Houses of Congress broad powers to review executive department decisions to close or realign military installations. This 1977 law prohibits DOD from closing military installations authorized to employ 300 or more direct hire permanent civilians until completing numerous administrative actions. These actions began with requirements to make a public notice of the proposal while also informing both the Senate and House Armed Services Committees. Compliance with the National Environmental Policy Act (NEPA) and completion of extensive studies on the projected fiscal, budgetary, local economic impact, strategic and operational effects are also required.

On a case-by-case basis other legislation has also been enacted since 1977 which has had the effect of delaying realignments or requiring additional environmental impact studies, despite the fact that they were not required by law under the specific circumstances. In a number of cases laws were passed which flatly prohibited DOD from closing a specific base.²⁰

DOD has felt that the broad impact of 10 USC 2687 is the biggest impediment to taking appropriate actions to close bases and to this end has vigorously attempted to have the law changed. DOD has desired legislation which "would grant the Secretary of Defense authority to effect realignments and closures without regard to any other provision of the law that would prevent or delay such actions."²¹ In testimony before the House Armed Services Subcommittee On Military Installations and Facilities in June 1985, Dr.

Lawrence J. Korb, former Assistant Secretary of Defense for Manpower, Installations and Logistics, presented the DOD position by explaining that the enactment of 10 USC 2687 in 1977 has "resulted in just about nothing happening". He went on to point out that this law has clearly placed military efficiency far behind political expediency in dealing with the issue.²² 10 USC 2687 was finally modified in 1985; however, the amended version made only a few minor changes to the existing law and fell far short of what DOD felt was necessary.

10 USC 2687 also requires that NEPA be complied with and this poses a double hurdle for DOD when attempting to close an installation. First, studies under NEPA can take up to one year to complete and can cost upwards of a million dollars. Additionally, NEPA studies become an ideal basis for opponents of a closure action to bring a judicial challenge to the proposed action. An example of this point involved a closure action announced in 1978 which took six years for a resolution because of NEPA and local court challenges.²³

CHAPTER 6

DOD RESISTANCE?

Although difficult to substantiate, a case can be made that DOD and the separate Services could have been more active during the 1980's in pushing for appropriate closures. There seem to be many reasons for this, with none more compelling than the fact that serious attempts at base closures tended to be overshadowed by the euphoria of the Reagan administration's military buildup.

Aside from the 1980's buildup three other factors enter the equation. First, future contingencies, in most cases unknown, tend to be better served by maintaining as many bases as possible in an active status. There are those in DOD who still reflect on the U.S. posture prior to World War II as a lesson which cannot be lost. Next, the separate Services tend to think in parochial terms when it comes to relinquishing assets. This tendency could be blurring the process of objectively determining which bases ought to be proposed for closure.

Last, since closure proposals have become so heatedly political, DOD officials have tended to refrain from overdeveloping solid cases as each proposal carries the potential of offending individual members of Congress. The Grace Commission confirmed this with a comment indicating their total frustration in trying to develop adequate information about base closures. Their report concluded that "The many pressures that are brought to thwart each specific proposal have even discouraged the assembly of usable data, at least at the OSD level."²⁴

This reluctance to offend Congress appears to also apply to those at lower

levels in the separate Services. According to an internal DOD memorandum there is evidence that "there probably have been . . . cases where Congressional pressure has been put on the military departments that influenced their decision to maintain the status quo."²⁵

CHAPTER 7

POTENTIAL COST SAVINGS

Accurate estimates of potential cost savings which could be generated by closing bases are extremely difficult to compute because of the complexity of the issue. The Grace Commission concluded that two billion dollars could be saved annually and further cited an OMB estimate that stated five billion "could be achieved" with some fundamental changes in base structure.²⁶ However, these figures were not arrived at through the process of a detailed review of the specific situation at each base to be closed, which is the only way a meaningful figure can be developed.

In a very broad sense six separate categories of savings and costs would enter into the final net equation. On the savings and dollar generation side are: operation and maintenance savings; personnel cost savings; and disposal of properties in the marketplace. On the cost expense side are: funding for moving or eliminating operations, equipment and personnel; funding for constructing or renovating facilities at bases designated to support the moved operations; and, costs of ameliorating adverse local economic impacts. Most importantly, any net savings figure would have to be developed in a mid to long-term perspective since first, and even second year savings would be impossible to achieve.

All of these categories, except personnel cost savings, need no further elaboration. However, DOD feels that personnel strength could not be reduced unless entire operations were eliminated, not just moved or consolidated.²⁷ This position is arguable since there is no dispute that all bases require a certain amount of purely overhead support personnel. The number required for this

"keep-the-door-open" role would vary depending upon the size and missions of the base. However, as an example only, according to Air Force estimates, a dispersal move of a large tactical fighter wing consisting of 72 aircraft from a closed base to three gaining bases could produce a net savings of about 1100 support personnel.²⁸ Assuming a budget cost of \$32,000 per person, this 1100 person personnel cut would alone yield savings of over 35 million dollars annually.

CHAPTER 8

FORMULAS FOR DECISIONS

Notwithstanding the Grace Commission conclusion that DOD does not have any "usable data," according to Dr. Korb, "The Department constantly reviews the status of its installations, activities, properties, for effectiveness and efficiency" and works to purge bases "that do not contribute effectively to current or long range plans."²⁹ Besides DOD's OEA, there are many other offices in DOD and the Services that monitor, review and evaluate installations on a continuing basis. Furthermore, both DOD and the Services have a countless number of planning staffs who could easily assist in translating mid- to long-term operational requirements into base closure and realignment decisions.

DOD and the Services have also developed criteria for use in base closure proposals. Secretary Weinberger, in an April 1985 letter to Senator Goldwater, broadly explained what is considered in evaluating each closure proposal as follows:

- Mission requirements and the impact of potential force turbulence on operational readiness
- Availability and condition of facilities at potential receiving installations
- Potential to accommodate contingency and future force requirements at the new location
- Capital investment at the present location
- Budgetary implications of the proposal
- Extent and timing of potential cost savings
- Economic impact on the community
- Community support at the new location
- Environmental impact
- Impact on other Services
- Implementation period³⁰

In a more detailed sense all of the Services have developed criteria which deal with almost every conceivable characteristic of installations as they relate

to operations. Although DOD's interpretations of the criteria to be used for the decision process might not be totally agreed upon by Congress, it is clear that a good starting point of information has been developed and is available.

CHAPTER 9

CONCLUSIONS AND RECOMMENDATION

The complex, uncertain, nonquantifiable and politically volatile nature of this issue places it in the category of the classic political-bureaucratic dilemma. However, because of its far reaching national importance, the issue must be addressed. There seems to be a near consensus that closure and realignment actions are necessary in a setting of almost no consensus on how to achieve a result. There is a near consensus that closure and realignment actions would save substantial sums; yet how much, and how long it would take, seem impossible to ascertain. There also is a near consensus that changing defense requirements and tighter future military budgets mean that structural changes are inevitable within DOD, with base closures and realignments having the potential to better support this structurally changed force.

The Grace Commission recommended that the President appoint an independent bipartisan commission to study the issue. In the alternative, they recommended that DOD declare all bases as candidates for closure and work in a zero-based mode.³¹ A recent Columbia University graduate program study recommended that the Secretary of Defense "be in command of base selection" using "an attractive plan for converting bases to alternative uses."³² Both of these recommended plans have merit, but along with countless other proposals miss the real point -- that only Congress is in a position to deal effectively with the issue.

The ultimate answer lies with new legislation that sets up an objective, nonpartisan, and effective mechanism similar to Gramm-Rudman in the sense

that it cannot be easily controlled by parochial interests. Anything less than a law which clears the way for objective decisions while providing for insured implementation is doomed to fail and would result in a continuance of the "nothing happening" period. Like Gramm-Rudman, initial support for this type of law could probably be gained from both Congress and the Administration. However, this law would ultimately remove control of the issue from both Congress and DOD which makes its enactment highly doubtful, particularly after the passage of reflective time.

Nevertheless, it is recommended that Congress enact, and the President sign, a law -- The Streamlined Defense Installations Act of 1986 -- which establishes a temporary five-year independent federal commission with the following charter: responsibility for ongoing evaluation of the cost effectiveness and operational efficiency of all domestic military properties, installations, and bases; responsibility for making final decisions on closure, realignment and consolidation actions impacting on all domestic military properties, installations, and bases; responsibility for administering funds for disbursement to DOD and affected federal or state entities to implement its final decisions; responsibility for administering funds for disbursement to federal and state agencies to provide economic assistance to affected communities and individuals under existing law; and responsibility for final decisions on the most advantageous disposal of all affected properties. This law would have to suspend any and all provisions of current law which could prevent or delay final decisions from being implemented. Furthermore, this law would have to specifically appropriate funds to cover the substantial short-term costs which would be incurred.

This Commission should be composed of five members, who because of the unique nature of this entity should be nominated in the following manner: one by the Senate Armed Services Committee, one by the House Armed Services

Committee, one by the Secretary of Defense, and two by the President. One of the President's selectees should be from among retired senior military officials and the other should be a former Senator or Congressman (who would automatically be designated as chairman). This Commission would be given full authority and powers ranging from developing meaningful formulae to insuring that final decisions are properly implemented. This commission would be staffed from existing federal resources including many from DOD and all from OEA.

Although this legislation is like Gramm-Rudman in its ability to separate control from parochial interests, it appears to be unlike Gramm-Rudmann in its ability to transfer decision making power without running afoul of the constitution. This is because it transfers no irreversable power to either make or execute laws. However, this proposal means that both Congress and DOD would be relinquishing current prerogatives on basing to an independent body without the ability to override. This author considered a limited veto power for both Congress and the Secretary of Defense as part of the proposal and rejected it because it would most likely inject politics back into the equation. Close study of the recent "nothing happening" record demands this uniquely different approach of using objective analysis, by a detached and independent body, with only one goal in mind -- a more efficient, streamlined and cost effective basing structure.

However, in order partially to ameliorate the potential concern of both Congress and DOD, the Commission should be required to make public its general criteria for decisions before taking any actions. Furthermore, at the request of any member of either House of Congress or the Secretary of Defense, public hearings on the appropriateness of these criteria would be required.

The foregoing is but a skeleton of a mechanism which would achieve the right results while taking the piecemeal political heat away from both DOD

officials and members of Congress. As for potential commissioners, Senator Goldwater would be ideal as chairman -- and the timing is just about right! As for the mid to long-term impact if this law were enacted -- it would make an important difference as the U.S. marches into the Twenty-First Century.

NOTES

1. President's Private Sector Survey On Cost Control (PPSSCC), Report on the Office of The Secretary of Defense (Washington, DC: September 1983), p. 103.
2. Jonathan Alter and Phil Keisling, "35 Ways To Cut The Defense Budget," The Washington Monthly, April 1982, p. 33.
3. Georgetown University Center for Strategic and International Studies, Harlan K. Ullman, Executive Director, U.S. Conventional Force Structure at a Crossroads (Washington, DC: 1985), pp. 43-46.
4. Fred Hiatt, "Hard Choices Confront Pentagon, Panel Says," The Washington Post, 26 November 1985, p. A6.
5. American Forces Information Service, Defense 85 Almanac (Washington, DC: U.S. Department of Defense, American Forces Information Service, September 1985), pp. 50,51.
6. Ibid.
7. Press Release, Senator Barry Goldwater, Chairman Senate Committee on Armed Services, "Military Base Closures," 5 March 1985.
8. U.S. Congress, Senate, Committee on Armed Services, National Defense Authorization Act for Fiscal year 1986, Report 99-41 to accompany S. 1029 (Washington, DC: U.S. Government Printing Office, 29 April 1985), p. 232.
9. Joint Statement by Secretary of Defense Caspar Weinberger and Senator Barry Goldwater, "Base Closures," March 1985.
10. Memorandum from James P. Wade, Jr., Assistant Secretary of Defense for Acquisition And Logistics, to Secretaries of the Military Departments, "Base Closures and Realignment," 12 September 1985.
11. Interview with Colonel Wade G. Gatling, USAF, Chief of Special Projects, Directorate of Installation Planning, Office of the Secretary of Defense, Washington, DC, 23 December 1985.
12. Goldwater Press Release, 5 March 1985.
13. PPSSCC, p. 104.
14. Brooks Jackson, "Indefensible Costs?, Moves To Close Bases, Reduce Other Waste in Military Often Fail," The Wall Street Journal, 16 July 1982, pp. 1, 10.
15. Constitution of the United States, Article I, Section 8.
16. U.S. Congress, House, Committee on Armed Services, Subcommittee on Military Installations and Facilities, Base Closures and Realignment, Hearings (Washington DC: U.S. Government Printing Office, 1985), p. 64.

17. "Communities on the Pentagon's Hit List", Nation's Business, September 1979, p. 10.
18. Jackson, p. 1.
19. U.S. Department of Defense, Summary of Completed Military Base Adjustment Projects, President's Economic Adjustment Committee, Office of Economic Adjustment (Washington, DC, November 1981), pp. 1-10.
20. Subcommittee on Military Installations and Facilities, Hearings, pp. 3, 4, 14, 22.
21. Ibid., pp. 3, 11.
22. Ibid., p. 12.
23. Ibid., pp. 6, 14.
24. PPSSCC, p. 106.
25. Ibid.
26. Ibid., pp. 106, 107.
27. Gatling Interview.
28. Telephone Interview with Lt. Colonel John H. Johnston, Chief Program Development, Resources Division, Headquarters United States Air Force, Washington DC, 9 January 1986.
29. Subcommittee on Military Installations and Facilities, Hearings, pp. 3, 5.
30. Letter from Secretary of Defense Caspar Weinberger to Senator Barry Goldwater, discussing base closure criteria, 1 April 1985.
31. PPSSCC, p. 108.
32. Columbia University, Graduate Program in Public Affairs and Administration, "Closing Military Bases, A New Proposal for the Department of Defense," unpublished Graduate Student Workshop Report, New York, NY: 17 December 1984, pp. 33-35.

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