

October 5, 2005

Commissioner Anthony Principi  
 2005 Defense Base Closure and Realignment Commission  
 2521 S. Clark St, Suite 600  
 Arlington, VA 22202

Dear Commissioner Principi:

We are writing to request additional clarification in one of the Commission's recommendations. The recommendation in question is #146, "Joint Basing." This recommendation includes formation of Joint Base Lewis-McChord from the distinct bases of Fort Lewis and McChord Air Force Base.

First, let us say that we do endorse this recommendation. We hope and expect to see it deliver real value for the Department of Defense, if it is implemented appropriately. With that in mind, we are seeking clarification of the intent and legal force regarding the implementation of the Commission's recommendation #146. In the Commission's deliberations on this recommendation, the Commission adopted a perfecting amendment to recommendation #146, offered by Commissioner Coyle, which said:

*"And further, as pertains to the entire joint basing recommendation, the Commission states that manpower savings shall not be directed, as they are in the DOD proposal, but must be derived from standard manpower and functional analysis studies and cooperative joint determinations between the affected installations. Moreover, the Department of Defense must provide DOD-wide standards for delivery of services and common definitions for those services before installation management functions are relocated from the losing activities."*

We applaud the Commission in recognizing that the implementation of joint bases should not follow a "cookie cutter" approach in determining exactly what functions to make joint at each site and what the expected personnel savings would be. The sense of the Commission on this matter was included in the section of Volume 1 of the Commission's report, Recommendation #146, labeled "Findings". However, similar wording did not appear in the section of Recommendation #146 labeled "Recommendation," nor does it appear explicitly in the text of the recommended legislation included in Appendix Q of the Commission's report. Rather, it appears as an "additional statement" by the Commission, found in a footnote in Appendix Q of the report (pg. Q-72). We are concerned that this does not reflect the fact that the Commission adopted this language, by amendment, to recommendation #146 itself.

In contrast, in its hearings the Commission also developed clarification of its intent concerning the implementation of the realignment of medical facilities at McChord AFB (Recommendation #171) by including specific wording in the recommendation itself. That is, the wording in the proposed bill language of Appendix Q includes the Commission's intent that the "medical functions will be reorganized and relocated as directed by the Commander,

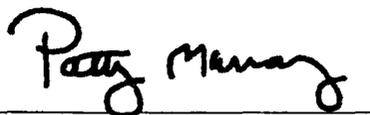
Christine David  
 we want your  
 guidance on reply  
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 as a GC  
 [initials]

Madigan Army Medical Center" (pg. Q-83). Given that no corresponding language about implementation appears in the bill language for Recommendation #146, we are concerned that the Commission's intent could be interpreted to allow the Department of Defense to revert to the "formulaic" approach to manpower cuts that was imbedded in the original Joint Base Lewis-McChord recommendation put forth by the Secretary of Defense.

In light of the importance of properly implementing the Commission's recommendations, we ask that the Commission review this matter and consider how to better document and clarify its intent so that there is no confusion about how the Department of Defense is to proceed in determining the functions and numbers of jobs impacted in implementing this recommendation. We believe that such clarification would only be in keeping with the Commission's official deliberations, specifically its adoption of the amendment reference above on Joint Basing recommendation #146.

In closing, we would like to thank you, the entire Commission, and your staff for having done a superb job on an extremely difficult task. Thank you also for your consideration of this matter.

Sincerely,



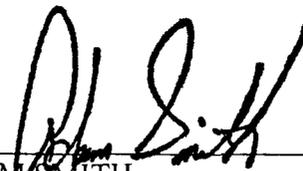
PATTY MURRAY  
United States Senator



MARIA CANTWELL  
United States Senator



NORM DICKS  
Member of Congress



ADAM SMITH  
Member of Congress

October 12, 2005

Dear Senator Murray:

I am responding to your, Senator Cantwell's, and Representatives Dick's and Smith's letter of October 5, 2005 in which you seek clarification of Commission Recommendation 146 (Headquarters & Support Activities 41) Joint Basing. I have responded to Senator Cantwell and Representatives Dicks and Smith by separate correspondence.

The additional statement adopted by the Commission that related to Secretary of Defense's Recommendation 146 is as titled a "statement" and not an amendment to the recommendation. It was not proffered as, nor meant to be an amendment. Rather, even though it sounds directive, it is akin to dictum in a court opinion -- declarative and hortative, but not directive or binding. Consequently, the statement is not included in the text of the recommendation. The Commission's amendment to Recommendation 146 only altered the language regarding the Naval Research Laboratory. It did not alter the language in the recommendation regarding Fort Lewis and McChord Air Force Base or any of the other listed installations. The Commission statement was, however, directed at "the entire Joint Basing recommendation."

The full text of Motion 146-3A, which amended Recommendation 146 and is contained on the Commission website ([www.brac.gov](http://www.brac.gov)), is set forth below. The operative part of the amendment is the first paragraph. The two paragraphs that follow are the "statement" reflecting the views of the Commission concerning implementation of the recommendation, as amended.

*I move:*

- that the Commission find that when the Secretary of Defense made Headquarters and Support Activities Joint Cross Service Group Recommendation 41, Joint Basing, he substantially deviated from Final Selection Criteria 1 and 4 and the Force Structure Plan;
- that the Commission strike the language "-Naval Research Laboratory (NRL)," where it appears in paragraph "d", Chapter V, Section 146 of the Bill, and;
- that the Commission find this change and the recommendation as amended are consistent with the Final Selection Criteria and Force Structure Plan.

*And, that further, the Commission makes the additional statement: "NRL is a Secretary of the Navy Working Capital Fund Activity. Real property and BOS functions integral to the research and industrial functions at NRL will remain with the Commanding Officer. Because of Navy's centralization of installation management functions, Naval District Washington provides non-mission related services to NRL already, such as Morale, Welfare, and Recreation and food services. This is not intended to alter that relationship."*

*And further, as pertains to the entire Joint Basing recommendation, the Commission states that, "Manpower savings shall not be directed, as they are in the DoD proposal, but must be derived from standard manpower and functional analysis studies, and cooperative joint determinations between the affected installations. Moreover, the Department of Defense must provide DoD-wide standards for delivery of services and common definitions for those services before installation management functions are relocated from the losing activities."*

With regard to Recommendation 171 (Medical 9) McChord Air Force Base, WA about which you commented in your letter, the Commission adopted an amendment that altered language contained in the Secretary of Defense's recommendation. That change in language is an integral part of the recommendation and not a statement and is therefore reflected in the Commission's finding and recommendation.

The full text of Motion 171-4B, which amended Recommendation 171 and is also contained on the Commission website, is:

*I move:*

- that the Commission find that when the Secretary of Defense made Medical Joint Cross Service Recommendation 9, McChord Air Force Base, Washington, he substantially deviated from Final Selection Criteria 2, 3 and 4 and the Force Structure Plan;*
- that the Commission strike the language "Realign McChord Air Force Base, WA, by relocating all medical functions to Fort Lewis, WA." and insert in its place "Realign McChord Air Force Base, WA, by reorganizing medical functions under Madigan Army Medical Center, Fort Lewis, WA. McChord Air Force Base medical functions will be reorganized and relocated as directed by the Commander, Madigan Army Medical Center.", and;*
- that the Commission find this change and the recommendation as amended are consistent with the Final Selection Criteria and Force Structure Plan.*

The Department of Defense has in the past given considerable weight to the views of BRAC Commissions expressed in report language, especially statements made in connection with amendments to recommendations. I have no reason to believe that practice will not continue, especially considering the underlying logic and persuasiveness of the Commission's position on implementation of the Joint Basing recommendations.

Thank you for your expression of appreciation for the work of the Commission. The labor has been long and intense but gratifying to us all. I will ensure your comments are conveyed to the other Commissioners and staff.

Sincerely,

Anthony J. Principi  
Chairman