

Hague, David, CIV, WSO-BRAC-Polk

From: Cirillo, Frank, CIV, WSO-BRAC
Sent: Wednesday, May 11, 2005 6:31 PM
To: Meyer, Jennifer, CIV, WSO-BRAC
Cc: 'Charles Smith'
Subject: FW: Guard story

Jennifer - information for future reference. I will forward to the Community common address.

Charles - after the list comes out, all community e-mail will be routed through a common e-mail address. Thanks for the update.

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

From: Charles Smith [mailto:csmith@thepmagroup.com]
Sent: Wednesday, May 11, 2005 10:35 AM
To: Cirillo, Frank, CIV, WSO-BRAC; Pat Souders; david_streicker@commerce.state.il.us; Reif, Erin; Liesman, Diane; David Gillies; CeCE Siracuse; Allison Long; Bill Berl; Briggs Shade; Dan Cunningham; Greg Hansen; Jennifer Gorham; John Hawkins; Leo Clark
Subject: FW: Guard story

FYI

Charles
Charles C. Smith
The PMA Group
703-415-0344 Office
703-307-5867 Cell
703-415-0182 Fax

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

From: Liz Sidoti [mailto:lsidoti@ap.org]
Sent: Wednesday, May 11, 2005 10:06 AM
To: Charles Smith
Subject: Guard story

FYI

My Guard story on wires now.

¶ WASHINGTON (AP) _ States and congressional delegations, fearful the Pentagon will target their military bases for closure, are challenging Defense Secretary Donald H. Rumsfeld's claim that he can shutter Army and Air National Guard installations without a governor's consent.

¶ Undeterred, the Pentagon is moving forward with plans to release its list of proposed closures Friday.

¶ The list is being kept under wraps, but defense analysts say they expect more than two dozen National Guard facilities to be tapped for closure or relocation. They suspect the Air National Guard will be hit hard, given that the Pentagon wants to scale back the F-16 fighter jet and other older planes located at domestic Air Guard facilities.

¶ At least one state, Illinois, is threatening to go to court to block Rumsfeld.

¶ "Every state is watching to see what Illinois does," said Paul Hirsch, a Washington lobbyist working on behalf of bases in Florida, California and Virginia. "This is something that could impact every state."

¶ Governors in several states including North Dakota, Delaware and Arizona have weighed in on the issue, and the New Jersey congressional delegation has asked that the Pentagon cease any attempt to close National Guard bases. That followed a similar plea by Illinois lawmakers _ including House Speaker Dennis Hastert and Sen. Richard Durbin, the No. 2 Democrat in the Senate.

¶ "We respectfully request that any and all actions taken" during the base-closing

process "against Air and Army National Guard bases without the consent of the governors of those states be stopped immediately," they wrote in a March 24 letter to Rumsfeld.

¶ Illinois Attorney General Lisa Madigan said Tuesday she would sue the Defense Department in federal court on behalf of Gov. Rod Blagojevich if two of the state's National Guard bases _ in Springfield and in Peoria _ appear on the Pentagon's list and an independent base-closing commission upholds those recommendations.

¶ The Army National Guard numbers 350,000, and units are located at roughly 3,300 armories and other small installations scattered across the country. Roughly 106,000 people are in the Air National Guard. Its units are stationed at 95 Air Force bases and Air National Guard installations and on leased land at 78 civilian spots, including airports where airmen typically also provide firefighting, medical and security services.

¶ The National Guard Association of the United States, a nonpartisan organization representing nearly 45,000 current and former Guard officers, argues that states should be consulted.

¶ "They're using a federal spreadsheet to make decisions on bases that have state missions without including the state," spokesman John Goheen said.

¶ The Pentagon wants to close and downsize some of its 425 major U.S. domestic bases as well as smaller installations to save billions of dollars a year. States are worried because losing a military installation could be a blow to the local economy _ and they're doing whatever they can to try to spare them.

¶ States and the Pentagon are relying on different laws as they stake out their positions.

¶ Governors and congressional delegations cite a law that says in part that Army or Air National Guard units can't be "relocated or withdrawn under this chapter without the consent of the governor of the state."

¶ The Pentagon argues that another law that authorizes this round of base closures takes precedence and allows Rumsfeld to close or downsize National Guard bases without getting approval from governors.

¶ Michael Wynne, acting Pentagon undersecretary for acquisition, technology and assistance, said in an April 12 response letter to lawmakers that for the round of closures to be "a truly comprehensive process and to achieve our objective in support of the warfighter, the process must involve all of our installations, including those used by the reserve component."

¶ However, Lt. Gen. H. Steven Blum, chief of the National Guard Bureau, said last week in Bismarck, N.D., that the states are correct. "It's a very valid argument. It's exactly the right argument," Blum said.

¶ The commission charged with reviewing the Pentagon's list has suggested a legal opinion may be necessary.

¶ The Guard's unique joint mission contributes to the legal confusion.

¶ On a federal level, the Guard is part of the U.S. military force responsible for national security. The president can activate units for federal missions, including wars in Iraq and Afghanistan, and the Pentagon owns the weapons systems.

¶ The Guard also has a state role. Governors, through their adjutant generals, command both Guard forces during statewide emergencies like civil disturbances, floods, hurricanes or forest fires.

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

From: Charles Smith [mailto:csmith@thepmagroup.com]

Sent: Wednesday, May 04, 2005 12:05 PM

To: Reif, Erin; Pat Souders; Ruchi Bhowmik; david_streicker@commerce.state.il.us

Subject: FW: Bilbray and Skinner comments

involved w/95 BRAC

Guys I think this is the answer for the Questions asked by Bilbray and Skinner that you might want to get to them:

Now here is what we are in essence trying to point out regarding the possible conflict between the BRAC law and Title 10/32 Governor's authority. In the past the BRAC Commissions 91 thru 95 closed some Air Guard locations BUT they did not close down the units at those locations they moved the UNITS to other location in the STATE this was done in consultation with the State TAG (Governors Rep.) . The Air Force now wants to close down the locations and to get rid of the EQUIPMENT (Old F-16, F-15 C-130's and KC135's which for political reasons they are afraid to do outside of BRAC) thereby CLOSING down the unit! This is where the Title 10/32 provisions come in to play. I think this needs to be pointed out to the Court and the Commissioners. Remember when PAST COMMISSIONS closed active duty bases the units on those bases for the most part were moved and stationed at

another active duty base.

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

From: Jennifer Gorham
Sent: Wednesday, May 04, 2005 11:08 AM
To: Charles Smith
Subject:

Excerpts from AM session of 3 May 2005 BRAC Commission Hearing

Excerpt 1:

JAMES H. BILBRAY (BRAC member): Thank you, Mr. Chairman.

I've had the question brought up to me many times about the National Guard units at different bases. Is there an understanding that for a base to be closed that has a National Guard unit or affects the National Guard, that the governor has to approve that? Is that the correct interpretation?

MR. HOLMAN: Commissioner, I've seen a number of those articles about that.

I've seen various presentations of specific legislation cited, some of which I think may be applicable. Some may not. I haven't researched it fully in depth to know, but I think we'll have to -- again, you know, I don't want to get too far into that, because it gets into speculation as to what will occur in the announcements that are coming out.

Excerpt 2:

MR. SKINNER: Thank you gentlemen for your assistance and your staffs as well.

I'd like to go back to a question that was asked earlier on the authority of the commission in the Department of Defense as it relates to National Guard facilities. In looking, and I've looked through the material, and I'm sure it's here somewhere and I didn't find it because the material you've prepared is voluminous and well done. Have earlier BRAC rounds closed or realigned National Guard facilities?

MR. HOLMAN: Commissioner Skinner, there were some that were done in the 1995 round. I don't recall a specific number, but there were BRAC actions, realignments, related to those facilities.

MR. SKINNER: Okay. Well, that goes to the other question that was asked earlier as to whether or not this opinion that seems to be -- no pun intended -- flying around about the governors have an authority to veto any action of the commission or the secretary as it relates to National Guard facilities. It would appear to me that we ought to get that resolved as quickly as possible, because if in fact as part of the overall program there's going to be significant changes -- and I have no idea whether this is correct or not -- there's going to be significant impact on the facilities of National Guard facilities and this -- it's clear that -- and I'm not saying it is -- and if it were to be clear that we have authority -- the secretary and the commission has authority, that would be nice to know, because otherwise, we might be taking action that at least some people have already asserted we have no authority to do.

Now here is the difference between CRS and what we are in essence trying to point out

regarding the possible conflict between the BRAC law and Title 10/32 Governor's authority. In the past the BRAC Commissions 91 thru 95 closed some Air Guard locations BUT they did not close down the units at those locations they moved the UNITS to other location in the STATE this was done in consultation with the State TAG (Governors Rep.) . The Air Force now wants to close down the locations and to get rid of the EQUIPMENT (Old F-16, F-15 C-130's and KC135's which for political reasons they are afraid to do outside of BRAC) thereby CLOSING down the unit! This is where the Title 10/32 provisions come in to play. I think this needs to be pointed out to the Court and the Commissioners. Remember when PAST COMMISSIONS closed active duty bases the units on those bases for the most part were moved and stationed at another active duty base.

Hague, David, CIV, WSO-BRAC

To: jbilbray@kkbr.com; Martha.krebs@att.net; jangehman@aol.com;
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Cc: Battaglia, Charles, CIV, WSO-BRAC; Cowhig, Dan, CIV, WSO-BRAC; Sarkar, Rumu, CIV,
WSO-BRAC
Subject: NG and ANG installations; legal issues

Commissioners --

A discussion follows of the current state of play in connection with the statutory authority of DoD to close a NG/ANG facility without the consent of the governor of the state in which the facility is located.

The Illinois Attorney General has been especially vocal in asserting that her governor's consent is required before any NG/ANG facilities are closed in Illinois. She has said that she will seek relief in Federal court if any Illinois NG/ANG units are on the DoD list of installations recommended for closure or realignment. The ANG units at the Springfield Airport have been recommended for realignment with a job loss of 268 out of 1139, but no Illinois NG/ANG units are listed for closure. I am unaware of any suit having been filed in Federal court by the Illinois Attorney General or anyone else. As discussed below, it would seem to be premature to file such a suit.

If all of the DoD recommendations are approved by the BRAC Commission, more than 20 ANG units will become "enclaves," that is a unit that has no aircraft, but retains a certain amount of support structure. The size of the remaining force structure varies unit by unit. Additionally, the DoD recommendations leave several states with no ANG flying mission at all.

Past BRACs have closed Guard facilities but the units at those facilities were moved to other locations in the same state. The actions, which were taken in consultation with the effected state adjutant general (the governor's representative), were largely uncontroversial.

Those who claim consent of state governors is required before NG/ANG units in their states are closed or realigned cite two provision of the United States Code:

Title 32, Chapter 1, Section 104(c).

Section 104 (c) is most often referenced alone, but it is best understand as part of the entire section, set forth below:

Sec. 104. - Units: location; organization; command

(a) Each State or Territory and Puerto Rico may fix the location of the units and headquarters of its National Guard.

(b) Except as otherwise specifically provided in this title, the organization of the Army National Guard and the composition of its units shall be the same as those prescribed for the Army, subject, in time of peace, to such general exceptions as the Secretary of the Army may authorize; and the organization of the Air National Guard and the composition of its units shall be the same as those prescribed for the Air Force, subject, in time of peace, to such general exceptions as the Secretary of the Air Force may authorize.

(c) To secure a force the units of which when combined will form complete higher tactical units, the President may designate the units of the National Guard, by branch of the Army or organization of the Air Force, to be maintained in each State and Territory, Puerto Rico, and the District of Columbia. **However, no change in the branch, organization, or allotment of a unit located entirely within a State may be made without the approval of its governor** (emphasis added).

(d) To maintain appropriate organization and to assist in training and instruction, the President may assign the National Guard to divisions, wings, and other tactical units, and may detail commissioned officers of the National Guard or of the Regular Army or the Regular Air Force, as the case may be, to command those units. However, the commanding officer of a unit organized wholly within a State or Territory, Puerto Rico, or the District of Columbia may not be displaced under this subsection.

(e) To insure prompt mobilization of the National Guard in time of war or other emergency, the President may, in time of peace, detail a commissioned officer of the Regular Army to perform the duties of chief of staff for each fully organized division of the Army National Guard, and a commissioned officer of the Regular Air Force to perform the duties of the corresponding position for each fully organized wing of the Air National Guard.

(f) Unless the President consents -

(1) an organization of the National Guard whose members have received compensation from the United States as members of the National Guard may not be disbanded; and

(2) the actual strength of such an organization in commissioned officers or enlisted members may not be reduced below the minimum strength prescribed by the President

The other relevant statute is contained in Title 10 Section 18238. Army National Guard of United States; Air National Guard of United States: limitation on relocation of units

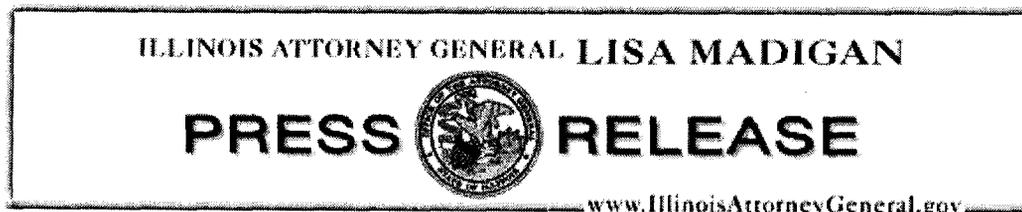
A unit of the Army National Guard of the United States or the Air National Guard of the United States may not be relocated or withdrawn under this chapter without the consent of the governor of the State or, in the case of the District of Columbia, the commanding general of the National Guard of the District of Columbia (emphasis added).

The reported DoD position is that the NG/ANG facilities that SECDEF has included on his list can be closed or realigned without anyone's consent (other than the consent of the BRAC Commission, and approval of the President). The DoD position appears to be based in part on the belief that the BRAC statute gives authority for such closings and realignments notwithstanding other, possibly conflicting statutes. Furthermore, from what has been reported and I have been told informally, DoD does not interpret the two statutes above as precluding SECDEF from taking independent action in connection with NG/ANG installations. Ownership of the land on which the installations are located is also a factor (of yet undetermined significance) in determining who has authority to close or realign installations. Some of the NG/ANG installations are on federally owned land; others are on state-owned land. The new recommended joint reserve and guard facilities will all be built on land owned by the US Government.

DoD General Counsel is disinclined to share the advice (formal or informal) that he provided SECDEF on this issue. Also, I have received no indication that SECDEF or DOJ will voice an advance opinion on the issue. Such reticence is usual when an issue like this is being "litigated" in the press and may likely never become a case in controversy.

I will keep you informed of developments.

David Hague, General Counsel



For Immediate Release
Contact: Melissa Merz
312-814-3118
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May 10 , 2005

MADIGAN TO SUE DEPARTMENT OF DEFENSE IF ILLINOIS GUARD BASES ARE ON CLOSURE LIST

Chicago -- Attorney General Lisa Madigan today said she will file a federal lawsuit on behalf of Gov. Rod Blagojevich if any of Illinois' National Guard bases are slated for closure on an independent Base Closure and Realignment Commission (BRAC) list. The Pentagon is expected Friday to release its list of recommended base closures. BRAC will come up with a final list.

Many bases across the country, including two bases in Illinois -- an Air National Guard base in Springfield and an Air National Guard base in Peoria -- possibly could be on the final list, Madigan said. However, she noted, a federal law prevents closure of Air or Army National Guard bases in a state without the consent of its governor. Based on this law and the fact that Blagojevich has fought any such closures, should any Illinois bases be on the final BRAC list, Madigan would file a lawsuit in federal court against the Department of Defense to stop the closure or closures.

"Federal law is clear: no National Guard base closures without the consent of the Governor," Madigan said. "As Attorney General, I will seek to uphold this law and protect these bases should it become necessary."

The 183 rd Fighter Wing is located at Abraham Lincoln Capital Airport in Springfield. The 182 nd Airlift Wing is located at the Greater Peoria Regional Airport in Peoria. Scott Air Force Base, an active duty base in Belleville, has an Air Guard component, the 126 th Air Refueling Wing. However, Scott Air Force Base generally is considered an active duty base versus a National Guard base that would be covered by the federal law.

Madigan has worked closely with members of the state's congressional delegation to prevent base closures in the state, including U.S. Sens. Dick Durbin and Barack Obama, U.S. Rep. Ray LaHood and U.S. House Speaker Dennis Hastert. Madigan has been asked by Blagojevich and the Springfield and Peoria mayors to issue a legal opinion as to whether any such base closures in Illinois would be prohibited by federal law.

"My administration has been delivering the very strong message that all our military bases need to continue doing what they do best, which is serving our

country with distinction. From traveling to the Pentagon for several meetings, to extensive analysis of ways to improve these military facilities, to asking the Attorney General to advise us on potential legal options – we are pursuing every possible avenue to keep them open,” Blagojevich said.

Blagojevich continued, “If BRAC includes one of our National Guard Bases on its closure list, we will take our case to the courtroom,” said Blagojevich.

“Attorney General Madigan believes as I do that the law is our side on the question of who has authority over National Guard bases,” Durbin said. “I respect her legal opinion and appreciate her commitment to continue to fight for the Air National Guard Bases in Springfield and Peoria. I hope the Department of Defense will follow clear federal law on this matter, but it’s reassuring to know that our Illinois Attorney General is ready to act if any unlawful closures are proposed.”

“I support any and all efforts to keep Illinois’ bases open. These bases are vital to our national security and to the economic security of the communities around them,” Obama said.

“I commend Attorney General Madigan for her quick action on this matter,” LaHood said. “The Attorney General and the members of the Illinois congressional delegation are committed to doing everything we can to keep these vital Illinois military bases open. Bases such as the 182nd Airlift Wing in Peoria and the 183rd Fighter Wing in Springfield, both in my Congressional District, are much too important to the military mission of the country and the economy of our state to be closed under BRAC. I am hopeful these bases will not be on the closure list, but I am pleased the Attorney General will take additional action if needed.”

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Bills to Delay BRAC in House and Senate

Eleven Senators, both Democrats and Republicans, have joined together to bill in the Senate which would delay **BRAC**. The senators sponsoring the bill are: Senators John Thune, (R-SD), Senators Jeff Bingaman (D-NM), Susan Collins (R-ME), Pete Domenici (R-NM), Judd Gregg (R-NH), Tim Johnson (D-SD), Trent Lott (R-ME), Lisa Murkowski (R-AK), Olympia Snowe (R-ME), Ted Stevens (R-AK) and John Sununu (R-NH).

The bill would delay **BRAC** pending the return of troops from Iraq, complete the Quadrennial Defense Review, an analysis on overseas facility requirements, and Homeland Security studies.

A similar bill was offered in the House by Rep. Stephanie Herseth of South Dakota.

BRAC Summary

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As we published last week's LEGIT, we were in the process of pouring through the **BRAC** announcement. Analysis of the information paints a bleak picture for some **ANG** units. Twenty-two Air Guard Units will become "enclaves". An enclave is a unit that has no aircraft, but retains a certain amount of support structure. The size of the remaining force structure varies unit by unit.

The following twenty-two units will become "enclaves": 188th FW AR; 117 ARW Birmingham AL; 163 ARW, March AFB CA; 103 FW Bradley, CT; 103 AW New Castle, DE; 183 FW Springfield, IL; 181 FW Terre Haute, IN; 184 ARW Wichita, KS; 148 FW Duluth, MN; 186 ARW Meridian, MS; 131 FW St. Louis, MO; 120 FW Great Falls, MT; 152 AW Reno, NV; 177 FW Maguire AFB, NJ; 119 FW 101st AWND; 178 FW Springfield, OH; 137 AW Oklahoma City, OK; 142 FW Portland, OR; 101st AW San Juan, PR; 111 FW Willow Grove, PA; 118 AW Nashville, TN; 147 FW Houston, TX; 141 ARW Spokane, WA.

Additionally, the **BRAC** recommendations leave six states with no **ANG** flight mission at all. These states are: Connecticut, Nevada, Montana, Delaware, North Dakota and Puerto Rico.

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Services Explain Realignment, Closure Changes

By Jim Garamone
 American Forces Press Service

WASHINGTON, May 13, 2005 – The services have used the base realignment and closure process to realign active duty and reserve forces to better face the threats of the 21st century, Pentagon officials said today.

Each service worked closely with the other services and new joint cross-service groups to make sure the process produced a basing structure that will support the forces needed today.

On the active duty side, the Army has used the process to place brigade combat teams and to relocate units returning from being based overseas. The service also has used the process to improve joint training and basing. For example, the 7th Special Forces Group at Fort Bragg, N.C., will move to Eglin Air Force Base, Fla. Army officials said this move will improve joint training and ultimately joint operations.

The Army BRAC recommendations call for three brigade combat teams to return from overseas and move to Fort Bliss, Texas. Support units will return from overseas duty and be based at Fort Bragg; Fort Carson, Colo.; Fort Knox, Ky.; and Fort Riley, Kan. The plan also calls for a brigade to return from Korea to Fort Carson.

On the reserve component side, the Army will close 176 Army Reserve centers nationwide and build 125 new "multicomponent" armed forces reserve centers. "We're proposing to close some of our smaller 211 Army National Guard facilities and relocate their tenants and units into these new 125 armed forces reserve centers," said Gen. Richard Cody, Army vice chief of staff, during a Pentagon news conference.

Cody said the changes will help the Army transform the Army National Guard into brigade combat teams like those in the active component, and restructure the Army Reserve into the combat-support and combat-service-support structure that mirrors the active component. The restructuring fully embraces the Title 31 responsibilities that the governors and state adjutant generals have for homeland security and homeland defense, Cody said.

Army Lt. Gen. H Steven Blum, chief of the National Guard Bureau, said the changes should make the Guard more responsive. "At the end of the day, the Army National Guard will be a more ready, reliable and accessible force, and we'll be able to leverage

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Officials said the recommendations will make the Air Force more capable, efficient and effective while helping transform the Air Force to better meet future threats.

According to Air Force spokeswoman Shirley Curry, closing and realigning bases will consolidate aircraft and operations into larger squadrons, optimizing critical resources.

By 2011, all F-16 and A-10 squadrons will have 18 or 24 aircraft, and C-130 and KC-135 squadrons will have 12 or 16 aircraft, officials said.

The recommendations also help balance airpower within the Air Force's active duty, Air Force Reserve and Air National Guard components, strengthening the Air Force's overall warfighting capability, she said.

The BRAC recommendations affect 115 installations and facilities and involve closing 12. Officials said they end flying operations at 28 installations and reduce excess airfield infrastructure by 37 percent and excess building and facility infrastructure by 79 percent.

(Donna Miles of American Forces Press Service collaborated on this article.)

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McCreary, Robert, CIV, WSO-BRAC-Polk

From: Daniel Else [delse@crs.loc.gov]
Sent: Saturday, May 14, 2005 9:27 AM
Subject: The Daily BRAC - the Be Careful What You Ask for edition, Pt I

The number of articles flagged fell from more than 200 yesterday to approximately 170 today. Most were local assessments of the impact the BRAC list would have. They therefore can be considered quite repetitious, so we have included here only a representative sample from areas where bases benefited and areas from where bases did not benefit.

You want transformation? You got transformation. The more they your humble edits or digs into the documentation released yesterday, the more he is impressed with the extent to which the seeds planted by Goldwater-Nichols are finally beginning to bear fruit. And it is not by chance that Secretary Rumsfeld began his the press everything on May 12 with the reference to President Kennedy and, by inference, his predecessor, Robert McNamara. Mr. Rumsfeld would appear to aspire to become the Robert McNamara of the early 21st century.

We note that the Attorney General of the State of Illinois is trying to decide whether or not to file suit regarding the action proposed for one of the Air National Guard units at the Springfield Airport. She seems to be hanging her decision on whether or not a "realignment" constitutes a "closure." Could this be a graceful way to bow out? If memory serves, the provision of law over which the storm clouds have gathered (10 USC 18238) says nothing about closure or realignment, but rather movement. We note that the following actions are recommended for the Capital Air Guard Station in Springfield:

- * Retain Illinois State Air National Guard Headquarters
- * Retain 217th Engineering Installations Squadron
- * Retain 183rd Fighter Wing expeditionary combat support elements
- * Transfer 183rd Fighter Wing aircraft (15 F-16) to 122nd Fighter Wing (Ft. Wayne, IN) and retire 122nd FW aircraft (15 F-16), also transfer 9 F-16s from the 181st FW at Hulman International Airport (IN) to the 122nd and retire the remaining 6.
- * Consolidate maintenance functions from 6 other Air National Guard stations into a Centralized Intermediate Repair Facility for the F-110 jet engine (the powerplant installed in the F-16C/D) at Springfield

Total job loss at Springfield, 268 out of 1,139. So, are ya feeling lucky, punk? What's it worth to ya? This small vignette indicates the complexity of movement (realignment) that permeates the entire package. We are faced with trying to grapple with a multidimensional, nationwide chess game.

We also note the sudden interest in the Department of Defense Office of Economic Adjustment, the DOD agency passed with providing grants to communities affected by base closures. We also note that during recent years approximately half of the money allocated to economic readjustment grants by the office was in the form of "congressional adjustments," with the other half being the normal block appropriation that the Office administers. This year's appropriation request is approximately half that of last year's appropriation. One wonders what this really says.

Quote of the Day: "This round of BRAC is so focused on military value. And that focus has transcended in some ways the political powers of various entities around the country." -- Tim Ford, executive director of the Association of Defense Communities

Response of the Day: "Two years of lobbying the military brass paid off for North Carolina yesterday when the latest list of bases marked for closing spared the state's major installations." -- Editorial (The News and Observer (Raleigh, NC))

Which is correct? The choice is yours.

Leslie A. Pappas and Walter Naedele. 2005. "Optimism Endures That Willow Grove Will Remain Open." The Philadelphia (PA) Inquirer (May 14): A1.

Words of hope belied a mournful mood in Philadelphia's northern suburbs yesterday as lower Montgomery County communities reacted to news that the Pentagon might close the Willow Grove Naval Air Station in Horsham Township.

"These are just recommendations. It may not happen," Col. Steven J. Chapman, commander of the 913th Airlift Wing of the Air Force Reserve, based at Willow Grove, said at a news conference yesterday afternoon.

When asked what he would do if the based closed, Chapman hesitated.

"I'm hopeful," he said, then paused before adding, "that I'll have the opportunity to serve at another location."

That may not be so easy for everyone.

Bill and Marje Calderwood say their family would be directly affected by the closing of Willow Grove.

Their daughter, Linda, is an office worker at the base, which stands to lose hundreds of civilian jobs. She doesn't know where she would go.

"She has a son in high school and a daughter in middle school," so it would be hard to move, Marje Calderwood said.

Some in the community held out hope that a public outcry could prevent the closing.

"We were on the list in '95; we fought it and we got off," said Edward Strouse, vice president of the Suburban Horsham Willow Grove Chamber of Commerce. "We are planning to do the very same thing again."

In addition to Willow Grove, the list of installations to close includes the North Penn Memorial U.S. Army Reserve Center in Worcester Township, Montgomery County, the W. Reese U.S. Army Reserve Center in Chester, and the U.S. Army Reserve Center in Bristol Township.

Brian Craggs of Jamison, eating a pizza outside the Graeme Park Pizza & Cafe near the north entrance to the Willow Grove base, said he had "mixed emotions" about the possibility of the closing. He lives two to three miles away.

On one hand, he's glad the military is tightening its belt. On the other, the closing could hurt many people, and he worries about what would replace the base. He is especially afraid of extra noise and traffic that could result if the base becomes a commercial airfield.

"Seems they should be more concerned about closing bases in Iraq," he said.

Many business owners said their profits might dip if the base closes, but that was not their primary concern.

"We don't make all that much profit off the military," said Eric Rubin, co-owner of the Original Steak & Hoagie shop on Route 611, which offers a 15 percent discount to military personnel.

But he loves the customers who come from the base, and would hate to see them go.

Contact staff writer Leslie A. Pappas at 215-702-7822 or lpappas@phillynews.com. Staff writers Carrie Budoff, Dwayne Campbell and Keith Herbert contributed to this article.

Staff. 2005. "N.C.'s Base Value." The News and Observer (Raleigh, NC) (May 14): A20.

Two years of lobbying the military brass paid off for North Carolina yesterday when the latest list of bases marked for closing spared the state's major installations. That's excellent news for Eastern North Carolina, which owes 300,000 jobs to the Army's Ft. Bragg, the Pope and Seymour Johnson Air Force bases and the Marine Corps' Camp Lejeune and Cherry Point air station.

Credit for the decision belongs largely to the dedication of uniformed and civilian staffs of those bases. But state leadership also played a key role by anticipating the bases' needs and working hard to meet them. Governor Easley named Lt. Gov. Beverly Perdue in July 2003 to lead the campaign to keep the bases open and, from all appearances, she has accomplished the mission.

No state had nothing to fear. This year's base closings are the fifth round in the military's top-to-bottom transformation from a force aimed at one enemy, the former Soviet Union, to one that can quickly cope with irregular warfare in several hot spots. Cooperation among the services has been sought to achieve a more nimble military.

Starting in 1988, the process has eliminated or altered 451 military installations, including 97 major ones. The latest closings, proposed yesterday by Secretary of Defense Donald Rumsfeld, target 180 more installations. Among the 33 major bases on the list was the nation's first submarine base in Groton, Conn., dating back to 1872.

Given the economic impact military bases have on local communities, the howls of protest that followed release of the list was predictable. Those complaints deserve a full airing before the federal base closing commission, which has until Sept. 8 to approve or change the administration's list. Although by law Congress can't make alterations, it can derail the list by voting to disapprove it within 45 days.

While other states spend their energies fighting the Pentagon's decisions, North Carolina's good fortune is its ability to focus now on the future of its bases. As the Army takes over Pope Air Force Base, Ft. Bragg stands to gain 4,325 jobs, while Pope would lose 4,000. Camp Lejeune's employment would drop by 183, and Seymour Johnson would add 362. When the shuffling ends, North Carolina would retain a strong military presence, now bringing a steady \$18 billion into a state economy buffeted by global trade.

That's a relief, especially for the vulnerable Cherry Point Marine aircraft repair depot, one of three such installations nationwide and one of two on the East Coast. Instead of closing one, though, the Pentagon decided to trim manpower at all three. The Cherry Point depot's work force will be cut by 656 positions gradually through attrition, but still will employ more than 3,000 people.

For their part, U.S. taxpayers surely appreciate the \$7 billion annually saved by past base closings. And with the federal budget running a deficit again, Americans likely will welcome the \$49 billion these latest cuts will save over 20 years as well. A country at war doubtless could put the money to better use on the front lines.

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John Curran. 2005. "Military Towns Fight Base Closure Plans." Associated Press Newswires (May 14, 05:45).

It's the biggest employer in the county, a storied Army communications center whose vital high-tech work and unique place in the nation's military arsenal have helped it survive Pentagon cuts before.

Now, Fort Monmouth is in for another battle.

Defense Secretary Donald Rumsfeld delivered the news Friday that everyone here had been fearing: the Pentagon's recommendation that Fort Monmouth be closed along with 32 other major installations as part of a plan to save billions of dollars and make the military more modern.

The reaction to the announcement by the communities affected -- from New Jersey to California, Wisconsin to Texas -- was first disappointment, then determination to fight for their livelihoods.

"It hurts," said Eatontown Mayor Gerry Tarantolo. "It's a major disappointment. I think it's a poor decision. But obviously, this is just the beginning of the fight."

Long a hub of communications and electronics research-and-development functions, Fort Monmouth is the home of the Army's Communications and Electronics Command.

The installation contributes \$3 billion to the local and state economies; its closing would put about 6,000 people out of work, deal a blow to area businesses and close the book on a base that's been part of the community since 1917.

"I can't imagine this area without Fort Monmouth," said Tariq Mujahid, 49, of Eatontown, who grew up on the base as the son of a soldier. "I guess the Pentagon's gotta' do what they gotta' do, but it's sad."

About 500 people -- many of them base employees -- turned out at Monmouth Regional High School in Tinton Falls for a rally organized by the Save Our Fort Committee, co-chaired by Reps. Frank Pallone and Rush Holt.

"I'm going to be honest with you. We've got a hell of a fight on our hands," said Pallone, D-N.J.

Sen. Frank Lautenberg, who also attended, said keeping Fort Monmouth was about more than preserving jobs. Systems developed there help American soldiers in Iraq detect roadside bombs and spy on enemy movements at night, he said.

"This is an S.O.S. -- save our soldiers," he said. "That's what this is about."

Nancy Lyman, 52, of Brick, a 25-year Fort Monmouth employee who works as an equipment

specialist, sat in the crowd alongside husband Patrick Lyman, 50, who also works on the base.

She struck a patriotic tone when asked if she was worried about her future.

"My opinion is whatever's best for the country is what we'll do," she said. "Nobody ever wants their base to be the one impacted, but we have to do what's right for the soldiers."

The rallying cries were just as strong elsewhere in the country.

South Dakota was shocked to hear that it could lose its second-biggest employer, the venerable Ellsworth Air Force Base, after community leaders spent 10 years and \$2 million to preserve it and its 3,852 workers.

During the Cold War, Ellsworth played a major role in the all-out effort to defeat the former Soviet Union by maintaining nuclear warheads in the ground and in the air. Today its only mission is hosting roughly half the nation's B-1B fleet of the long-range bombers, and the military said it would rather move the bombers to the Texas base where the rest of the fleet is housed.

"This is the first inning of an extra-inning game," promised Pat McElgunn, of the Rapid City Area Chamber of Commerce.

The proposed list of bases now goes to a federal commission, which must report by Sept. 8, and then on to Congress and President Bush.

While the Pentagon plan calls for a net loss of 29,005 military and civilian jobs at domestic installations, some places stand to gain as positions at closed bases shift to posts that survive.

President Bush's home state of Texas could gain more than 9,000 military jobs even while losing four major installations and several smaller ones, and Florida, where the president's brother is governor, would add 2,575 jobs overall while losing none of its bases.

North Dakota and Illinois got some good news and some bad news: bases would stay open but jobs would be lost.

Grand Forks, N.D., learned that its air base wouldn't close but the area would lose nearly 5,000 jobs under the shakeup. The Pentagon also wants to send the Grand Forks Air Force Base's KC-135 refueling tankers elsewhere.

At the Street Cafe and Pit Stop Bar in Emerado, a town of about 500 just down the road from the base, owner Cheryl Meagher said it wouldn't make sense to transfer so many personnel.

"If we're going to lose that many people, I don't see how that's different from closing the base," she said. "You don't run a business that way. I couldn't run my business that way."

Illinois wouldn't lose any bases but would see nearly 2,700 jobs go by the wayside. That includes nearly 1,300 jobs at the Rock Island Arsenal along the Mississippi River.

For Rock Island Mayor Mark Schwiebert, the proposed cuts at the arsenal were bittersweet after weeks of rumblings that it could be marked for closure.

"It's kind of like losing your hand as opposed to losing your whole arm. But it's hard to be grateful for losing your hand," Schwiebert said.

Associated Press writers Chet Brokaw at Ellsworth Air Force Base, S.D., Dave Kolpack in Grand Forks, N.D., and Todd Dvorak in Rock Island, Ill., contributed to this report.

Czerne M. Reid. 2005. "School Officials Hail News Shaw Will Stay." The State (Columbia, SC) (May 14): 6.

Sumter District 2 officials were relieved Friday to hear a bugler won't be sounding taps for Shaw Air Force Base. Instead of closing, the base could swell its ranks by more than 800.

"Very good news," superintendent J. Frank Baker said.

The news means the school district gets to keep students who are military dependents, staff and resources, and start cranking up stalled expansion and renovation plans.

If the base had been shut down, 2,200 students * almost a quarter of Sumter 2's students * would have been lost.

New military personnel could bring up to 400 students into the district, allaying concerns some schools might have to close.

Helen Lee, principal of Shaw Heights Elementary School, e-mailed her staff the news as they gave tests to their classes.

"We're breathing a sigh of relief," said Lee, whose school is located on the air base. "We're just pleased."

The mood was the same at nearby High Hills Elementary, also on the air base.

"Everybody's got smiles on their faces," said principal Liz Compton. "I would be very happy to have more students come here."

Last year, Sumter 2 lost about 200 students when the base closed 300 housing units and halted rental privatization efforts while awaiting word on its fate. Teaching positions were lost at some schools.

But, Baker said, the district did not do a wholesale slashing. "Had I cut them, we would have been scrambling."

Sumter 2 now is free to add staffers and classrooms and upgrade facilities to prepare for growth. Plans call for more than 60 new classrooms.

Chris Brennan and Will Bunch. 2005. "Base-Closing Plan Stirs Fighting Words." The Philadelphia (PA) Daily News (May 14): 3.

Willow Grove and Pittsburgh on Hit List

"WE'RE GOING to fight it."

Pennsylvania's senior Republican senator, Arlen Specter, vowed yesterday to challenge a Pentagon panel's proposed closure of two military bases near the state's two biggest cities.

That fight, however, is likely to be tough. In four previous rounds of closures, commissions have accepted 85 percent of bases the Pentagon recommended for closure or consolidation.

Yesterday's recommended closing of nearly 180 installations and offices, including 33 big bases from Hawaii to Maine, is the first major restructuring of the nation's vast military network in a decade.

The Willow Grove Naval Air Station in Montgomery County and the Pittsburgh International Airport Air Reserve Station employ about 1,550, but officials worried that their closure would have a wider impact on local businesses.

The Willow Grove station, which employs more than 1,200 people, covers 1,100 acres just outside Philadelphia. It is home to the 913th Airlift Wing, which trains and equips reservists to perform aerial resupply, and also provides air logistic support for active and reserve Navy units.

Gov. Rendell, U.S. Sen. Rick Santorum, U.S. Rep. Allyson Schwartz and other politicians vowed to battle the base closure in an afternoon meeting at the Delaware Valley Historical Aircraft Museum next to the Willow Grove Naval Air Station.

They spoke in front of a Vietnam War-era Huey helicopter while military jets roared overhead.

Santorum and Rendell pointed out that Pennsylvania has had successes in reversing decisions during previous base closing efforts.

Specter, who noted that the decision isn't final until November, said that he and local community leaders would try to impress upon the Pentagon some of the unique features of Willow Grove, which he said is one of only three bases in the nation now hosting the Army, Navy and Air Force.

Other politicians also noted that it served as a model they said should be duplicated, not eradicated.

It is also a key component for the local economy. A study commissioned by the Suburban Horsham Willow Grove Chamber of Commerce says closing the base would cost about 10,000 jobs and \$375 million locally.

Santorum said Willow Grove "meets the exact profile of what future reserve bases should look like." The Department of Defense should encourage the military branches to work side-by-side, he said.

"When you go into a country right now, we don't fight separate battles," Santorum said. "We fight an integrated battle on an integrated battlefield."

Schwartz echoed that the base could build on its cooperative strategy.

"The military is looking for efficiencies, to modernize to save taxpayer dollars to have a strong defense," she said. "We believe that Willow Grove Air Station is part of that."

Specter said Willow Grove should have been spared because the region took a major hit in the 1990s when the Philadelphia Navy Yard was closed. He said if the base couldn't be saved, he would pursue federal economic aid for communities like Willow Grove.

Speaking at a news conference at the University of Pennsylvania, Specter, however, sought to focus on the positives, including a proposal to add about 300 civilian jobs at the Naval Support facility in Northeast Philadelphia.

"Pennsylvania has done better this time than in previous base closings," he said, noting that most other facilities were spared and that the state would only lose a net of 1,800 military and civilian jobs, out of some 67,000 statewide.

In total, the Pentagon panel recommended closing 13 military installations in Pennsylvania, downsizing five others and adding workers to five more.

Reserve centers in Scranton, Williamsport, Bloomsburg and Reading also would close but two major Army depots, Letterkenny and Tobyhanna, would be expanded.

Rendell said the nation's military needs have changed since the last round of base closures, before the terrorist attacks of Sept. 11, 2001.

He noted that the U.S. Capitol was evacuated this week when a private plane from Pennsylvania inadvertently strayed into restricted airspace over Washington, D.C.

The military jets at Willow Grove, Rendell said, help stand guard against terrorist attacks.

"It is minutes away from New York, Baltimore, Philadelphia and Washington," Rendell said. "With domestic terrorism being something that has the potential to be with us for decades to come, this is a base that I think has tremendous strategic responsibility."

Rendell said the state legislature previously put aside \$5 million in an economic stimulus plan, preparing for this round of base closures.

Of that, \$4 million has been spent to study the state's bases and lobby for their continued use. The rest will be used to hire experts to examine the numbers and facts used to develop the base closing list.

While Democrats and Republicans rallied together in front of reporters, their political parties didn't feel the need to show a unified front.

State Rep. T.J. Rooney, chairman of the Pennsylvania Democratic Party, put out a release accusing Santorum, who is running for re-election, of making "negative comments about Willow Grove that gave political cover to the people deciding if it should be shut down."

Republican State Committee Chairwoman Eileen Melvin immediately slapped back with her own statement, saying Santorum has advocated for Willow Grove and other bases in the state. She accused Rooney of taking "cheap political shots."

The Pittsburgh airport base in Coraopolis is home to the Air Force's 911th Tactical Airlift Group, which recruits and trains Air Force reserve personnel and provides airlift of airborne forces and equipment.

The Army War College at Carlisle Barracks, which had been considered a possible target, escaped unscathed.

Near Pittsburgh, the military proposed closing the 911th in Coraopolis and the Army's Charles E. Kelly Support Facility in Oakdale, which has a commissary used by many retirees in the region. The Army's 99th Regional Readiness Command in Coraopolis would also be realigned.

The 911th employs 322 people, according to the military. The base, located just outside the airport, is surrounded by new development, including industrial parks and hotels.

This is the fifth base closure round since 1988, and the first in a decade. In the other four base closure rounds, Pennsylvania lost 16,500 jobs.

End Pt I

General Counsel

14 May 2005

Proposed questions for SECDEF at hearing on May 16.

Mr. Secretary, we cannot review and analyze your recommendations for base closures and realignments without the certified data on which they were based. We have yet to receive that data from you. Time is of the essence since we have so much to accomplish between now and September 8th when our report must be submitted to the President. When can we expect that data from you?

Mr. Secretary, the issue has been raised as to whether a National Guard facility can be closed without the consent of the governor of the state in which the facility is located.

Was there such consultation in connection with National Guard and Air National Guard facilities that are on your list?

Do you believe such consultation is required?

How do you see the legal uncertainty about your authority to close such facilities affecting the work of our commission?

Hague, David, CIV, WSO-BRAC-Polk

From: Battaglia, Charles, CIV, WSO-BRAC
Sent: Thursday, May 12, 2005 9:20 AM
To: Hague, David, CIV, WSO-BRAC-Polk
Subject: FW: National Guard Legal Opinion

Pls take for action.

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

From: Principi, Anthony [mailto:Anthony.Principi@pfizer.com]
Sent: Wednesday, May 11, 2005 9:05 PM
To: c.battaglia@wso.whs.mil
Subject: Re: National Guard Legal Opinion

I would like to go forward with the letter. This issue will not go away given the impact on Air Guard bases. I was told this evening that 5 states will lose all their Air Guard. Infrastructure.

Sent from my BlackBerry Wireless Handheld

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

From: Battaglia, Charles, CIV, WSO-BRAC <C.Battaglia@wso.whs.mil>
To: Principi, Anthony <Anthony.Principi@pfizer.com>
Sent: Wed May 11 18:49:21 2005
Subject: National Guard Legal Opinion

David Hague has asked DoD for their opinion on the matter of the National Guard. I recommend that we not get out on front on this and stick to our responsibilities as spelled out in the 1990 law as amended.

Having said this, I have asked David Hague how the issue and opinion would impact our job.

NEWSROOM



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BRAC Commission Questions Legality of Closing Guard Bases

(May 9, 2005) -- The Base Realignment and Closure (BRAC) commission last week sought a legal ruling on whether a National Guard base can be closed without the consent of that state's governor.

Commissioner Samuel Skinner questioned witnesses on the matter on at a hearing May 3 in Washington, D.C.

In March, Defense Secretary Donald H. Rumsfeld received a letter from House Speaker Dennis Hastert, R-Ill., Sen. Richard Durbin, D-Ill., and Rep. Ray LaHood, R-Ill., stating that any action against Guard bases under BRAC "must be stopped immediately."

The letter cited Title 10 of the U.S. Code which clearly states that Air or Army Guard units "may not be relocated or withdrawn under this chapter without the consent of the governor of the state or, in the case of the District of Columbia, the commanding general of the National Guard of the District of Columbia."

A similar letter signed by the New Jersey delegation cites language in both Title 10 and Title 32 as prohibiting closure of Guard facilities without the consent of the governor.

Daniel Else, from the Congressional Research Service, responded at the hearing that he does not believe there is a legal basis for the Illinois delegation's position, although he acknowledged that he is not a lawyer.

Mr. Skinner, who is from Illinois, said that he would like to hear an opinion from the Defense Department's counsel or the commission's legal counsel.

He also asked about Guard facilities impacted during previous BRAC rounds, but witnesses were unclear as to past BRAC actions and Guard facilities.

BRAC commissions from 1991 through 1995 closed some Air Guard locations, but the units were relocated within the state, in consultation with the adjutant general.

NGAUS has long been concerned that the Air Force will use BRAC to close down Air Guard units as a mechanism to fund transformation.

The Pentagon has until May 16 to submit its closure list to the commission, but the release could come as early as this week.

Search

One Massachusetts Avenue, NW, Washington, DC 20001

Telephone: 202-789-0031 Fax: 202-682-9358

Q: *A long-standing provision in federal law (32 USC 104c) requires the governor to approve any change in National Guard force structure in his or her state. Were you at anytime consulted by the Pentagon during last year's QDR, a study that recommended cutting 38,000 army National Guardsmen nationwide, or by the National Defense Panel, which later critiqued the QDR for its limited vision?*

Thompson: No, I was never consulted, and I don't know of any other governor who was. I think the governors should have been consulted, as the law requires. Clearly, it's in the best interest of the states to have input on decisions affecting the Guard's readiness—especially readiness for state emergencies. When decisions are being made about unit size, unit missions or possible unit deactivations, the governors have a need and a right to be consulted.

Now, when you talk about cutting 38,000 positions out of the Guard nationwide, then I take issue with that. First, because part of that is bound to come out of my state and leave us less capable of responding to in-state emergencies. But secondly, we governors know that cutting the Guard to save an excess number of jobs on the active side just plain doesn't make sense as national policy. The point is the Constitution gives the National Guard specific responsibilities, which history shows the Guard can perform when adequately resourced.

<p>3. Army Guard forces will be fully missioned and relevant with their lineage, heritage and flags preserved.</p>	<p>This is not a primacy issue but a legal fact: 1) Guard Units stand in the First Line of Defense (32 USC 102); 2) the Federal Government cannot mobilize Reservists without first calling the National Guard (10 USC 10103 & 32 USC 102). 3) In addition, the force structure of the National Guard is a shared responsibility between the President and the Governors of the respective States — neither can change the organization or existence of a unit without the concurrence of the other. (32 USC 104c/f).</p>
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(3) Manage the BRAC program to include HQDA proponenty for all construction, environmental, and real estate requirements in support of the program.

(4) Inform the ASA(I&E) and Under Secretary of the Army of the status of all base closures and BRAC realignments.

(5) Validate facility requirements, including renovation and construction cost estimates and proposed facility use, contained in stationing packages.

(6) In coordination with affected MACOM and HQDA staff, terminate construction projects that are no longer required as a result of stationing actions.

(7) Provide oversight and assistance in the preparation of NEPA analysis and supporting environmental procedures and requirements.

(8) Validate all base support impacts at losing and gaining installations.

(9) Ensure base support impacts are addressed in appropriate planning, programming, budgeting and execution system (PPBES) phases.

g. The Deputy Chief of Staff for Logistics. The Deputy Chief of Staff for Logistics (DCSLOG) will—

(1) Review all stationing packages to ensure all logistical issues are addressed.

(2) Ensure transportation costs required as the result of unit relocations, are addressed and bill-payers identified in the stationing package.

(3) Coordinate, as required, on stationing actions involving logistics support to installations under the command of the U.S. Army Materiel Command (AMC) and the U.S. Army Military Traffic Management Command (MTMC).

(4) Ensure coordination is complete to update Department of Defense Activity Address Code (DODAAC) files maintained by AMC (ATTN: USALOGSA) for all organizations affected by stationing actions and realignments.

h. The Deputy Chief of Staff for Intelligence. The Deputy Chief of Staff for Intelligence (DCSINT) will coordinate on stationing actions of units, activities, organizations, and installations under the command of the U.S. Army Intelligence and Security Command (INSCOM).

i. The Deputy Chief of Staff for Personnel. The Deputy Chief of Staff for Personnel (DCSPER) will—

(1) Ensure military personnel policies exist to implement stationing objectives.

(2) Validate military personnel data contained in stationing documents.

(3) Validate effective dates (E-date) from The Army Authorized Documents System (TAADS) for documentation in the Personnel Management Authorization Document (PMAD).

j. The Deputy Chief of Staff for Programs. The DCSPRO in conjunction with the ASA(FM&C), appropriations directors, and HQDA staff will—

(1) Review cost and savings data in stationing documents.

(2) Assess programmatic impacts of stationing actions.

k. The Surgeon General. The Surgeon General (TSG) will—

(1) Coordinate, as required, on stationing actions of units, activities, organizations, and installations under command of the U.S. Army Medical Command (MEDCOM) and its subordinate commands.

(2) Ensure the adequacy of installation medical support if proposed stationing actions are approved.

l. The Chief, National Guard Bureau. The CNGB will—

(1) With the consent of the Governor, and under the provisions of Title 32, United States Code (USC), Section 104 (32 USC 104), and by authority of the SA, approve unit status changes as prescribed by National Guard Regulation (NGR) 10-1.

(2) Act as staff proponent for stationing actions of Army National Guard (ARNG) units, activities, organizations, and installations.

(3) Forward to the Office of the Deputy Chief of Staff for Operations and Plans (ODCSOPS) (ATTN: DAMO-FMP) decision packages for brigade and division stationing actions for approval by the SA or the Secretary of Defense (SECDEF).

(4) Ensure all moves to or from Active Army installations are coordinated and documented in the appropriate stationing package and forwarded to HQDA (DAMO-FMP) for approval/clearance by the appropriate approval authority in table 3-1.

(5) Forward to the Office of the Chief of Legislative Liaison (OCLL) an Information for Members of Congress (IMC) for all unit relocations for approval by the SA.

m. The Chief, Army Reserve. The CAR will—

(1) Approve stationing actions of U.S. Army Reserve (USAR) units and forward to OCLL an IMC for approval by the SA.

(2) Ensure all moves to or from Active Army installations are coordinated and documented in the appropriate stationing package and forwarded to HQDA (DAMO-FMP) for approval/clearance by the appropriate approval authority in table 3-1.

Hague, David, CIV, WSO-BRAC-Polk

From: Hague, David, CIV, WSO-BRAC-Polk
Sent: Thursday, May 12, 2005 6:54 AM
To: Cirillo, Frank, CIV, WSO-BRAC
Subject: FW: IL AG Release

Frank, This is for you. I misdirected it to Charlie. David

From: Hague, David, CIV, WSO-BRAC-Polk
Sent: Thursday, May 12, 2005 6:51 AM
To: Battaglia, Charles, CIV, WSO-BRAC
Subject: RE: IL AG Release

Thanks Frank. We will track developments and develop preliminary information about the NG matter, but as Charlie notes, DoD has the lead. David

From: Battaglia, Charles, CIV, WSO-BRAC
Sent: Wednesday, May 11, 2005 6:45 PM
To: Cirillo, Frank, CIV, WSO-BRAC; Hague, David, CIV, WSO-BRAC-Polk
Cc: Cook, Robert, CIV, WSO-BRAC; Meyer, Jennifer, CIV, WSO-BRAC; Carnevale, Diane, CIV, WSO-BRAC; Van Saun, David, CIV, WSO-BRAC; Small, Kenneth, CIV, WSO-BRAC
Subject: RE: IL AG Release

My guidance to our Office of Communciations has been that the issue of the National Guard is a matter being reviewed by the Dept of Defense. The Commission's responsibilities are clearly delineated in public law.

From: Cirillo, Frank, CIV, WSO-BRAC
Sent: Wednesday, May 11, 2005 1:11 PM
To: Hague, David, CIV, WSO-BRAC-Polk
Cc: Battaglia, Charles, CIV, WSO-BRAC; Cook, Robert, CIV, WSO-BRAC; Meyer, Jennifer, CIV, WSO-BRAC; Carnevale, Diane, CIV, WSO-BRAC; Van Saun, David, CIV, WSO-BRAC; Small, Kenneth, CIV, WSO-BRAC
Subject: FW: IL AG Release

David: I seem to be on Charles Smith's e-mail list and probably need to figure out how to handle or best capture these for openness. I understand that through today's session, "ANSER" will develop a controlled e-mail address - and/or set up a forward rule in Outlook to that address.

Aside from that, interesting article to boot.

I imagine the Commission will soon be, if not already, asked what our reaction/position might be on the Guard situation, after the list evolves.

Frank

From: Charles Smith [mailto:csmith@thepmagroup.com]
Sent: Wednesday, May 11, 2005 10:22 AM
To: Paula.Kougeas@NGAUS.org; Cirillo, Frank, CIV, WSO-BRAC; CeCE Siracuse; Chris Goode
Cc: Briggs Shade; Brian Morgan; Bill Berl; Allison Long; Greg Hansen; Jennifer Gorham; John Hawkins; Leo Clark; Liz Sidoti

5/12/2005

Subject: FW: IL AG Release

fyi

**Charles
Charles C. Smith
The PMA Group
703-415-0344 Office
703-307-5867 Cell
703-415-0182 Fax**

From: Souders, Pat (Durbin) [mailto:Pat_Souders@durbin.senate.gov]
Sent: Tuesday, May 10, 2005 8:44 PM
To: Charles Smith; john.buscher@hklaw.com
Cc: Smith, Shannon (Durbin); Houlihan, Bill (Durbin); Nelson, Sara (Durbin)
Subject: IL AG Release

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[TITLE 32](#) > [CHAPTER 1](#) > [Sec. 104.](#)

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Sec. 104. - Units: location; organization; command

(a)

Each State or Territory and Puerto Rico may fix the location of the units and headquarters of its National Guard.

(b)

Except as otherwise specifically provided in this title, the organization of the Army National Guard and the composition of its units shall be the same as those prescribed for the Army, subject, in time of peace, to such general exceptions as the Secretary of the Army may authorize; and the organization of the Air National Guard and the composition of its units shall be the same as those prescribed for the Air Force, subject, in time of peace, to such general exceptions as the Secretary of the Air Force may authorize.

(c)

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

(d)

To maintain appropriate organization and to assist in training and instruction, the President may assign the National Guard to divisions, wings, and other tactical units, and may detail commissioned officers of the National Guard or of the Regular Army or the Regular Air Force, as the case may be, to command those units. However, the commanding officer of a unit organized wholly within a State or Territory, Puerto Rico, or the District of Columbia may not be displaced

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under this subsection.

(e)

To insure prompt mobilization of the National Guard in time of war or other emergency, the President may, in time of peace, detail a commissioned officer of the Regular Army to perform the duties of chief of staff for each fully organized division of the Army National Guard, and a commissioned officer of the Regular Air Force to perform the duties of the corresponding position for each fully organized wing of the Air National Guard.

(f)

Unless the President consents -

(1)

an organization of the National Guard whose members have received compensation from the United States as members of the National Guard may not be disbanded; and

(2)

the actual strength of such an organization in commissioned officers or enlisted members may not be reduced below the minimum strength prescribed by the President

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Parallel authorities for 32 USC 104 (from CFR)

[NB: because this service is automated, and the information it uses relatively volatile, this listing may not be complete and is presented for reference only. You may want to consult the House of Representatives [parallel table of authorities](#) for a complete listing.]

- There appear to be no parallel authorities in CFR for this section (32 USC 104).

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TITLE 32 > CHAPTER 1 > Sec. 104.

Notes on Sec. 104.

SOURCE

Aug. 10, 1956, ch. 1041, 70A Stat. 598

Pub. L. 100-456, div. A, title XII, Sec. 1234(b)(1), (2), Sept. 29, 1988, 102 Stat. 2059.

Historical and Revision Notes

Revised section	Source (U.S. Code)	Source (Statutes at Large)
104(a)	32:6. 32:5 (1st	June 3, 1916, ch. 134, Sec. 64, 65 (proviso), 68, 39 Stat. 198-200.
104(b)	sentence). 32:5 (less	
104(c)	1st sentence).	
104(d)	32:8. 32:10 (proviso).	June 3, 1916, ch. 134, Sec. 60; June 4, 1920, ch. 227 subch. I, Sec. 36; restated June 15, 1933, ch. 87, Sec. 6, 48 Stat. 156.
104(e)	32:16.	
104(f)		

In subsection (a), the words "within their respective borders" are omitted as surplusage.

In subsection (b), the word "Army" is substituted for the words "Regular Army", since the Army is the category for which the organization is prescribed, and the Regular Army is a personnel category for which no organization is prescribed. Similarly, the words "Air Force" are used instead of the words "Regular Air Force".

In subsection (c), the words "by branch of the Army or organization of the Air Force" are substituted for the words "as to branch or arm of service". The words "branch, organization, or allotment of a unit" are substituted for the words "allotment, branch, or arm of units or organizations".

In subsections (d) and (e) the word "commissioned" is inserted, since 32:8 and 10 historically applied only to commissioned officers (see opinion of the Judge Advocate General of the Army (JAGA 1953/4078, 6 May 1953)).

In subsection (d), the word "brigades" is omitted as surplusage.

In subsection (e), the word "tactical" is omitted as surplusage.

In subsection (f), the words "have received compensation from the United States as members of the National Guard" are substituted for the words "shall be entitled to and shall have received compensation under the provisions of this title". The words "actual strength * * * in commissioned officers or enlisted members" are substituted for the words "commissioned or enlisted strength"

AMENDMENTS

1988 - Subsec. (a). Pub. L. 100-456, Sec. 1234(b)(2), substituted "Each State or Territory and Puerto Rico" for "Each State and Territory, Puerto Rico, and the Canal Zone".

Subsecs. (c), (d). Pub. L. 100-456, Sec. 1234(b)(1), struck out "the Canal Zone," after

"Puerto Rico,"

STUDY OF STATE AND FEDERAL MISSIONS OF NATIONAL GUARD

Pub. L. 103-160, div. A, title V, Sec. 522, Nov. 30, 1993, 107 Stat. 1655, directed Secretary of Defense to provide for a study of State and Federal missions of National Guard to be carried out by a federally funded research and development center, including consideration of both separate and integrated requirements (including requirements pertaining to personnel, weapons, equipment, and facilities) that derive from those missions, required an interim report not later than May 1, 1994, and a final report not later than Nov. 15, 1994, directed Secretary to submit each report to Congress, not later than 15 days after the date on which it is received by the Secretary, and directed Secretary, together with Secretary of the Army and Secretary of the Air Force, to conduct evaluation of assumptions, analysis, findings, and recommendations of the study and, not later than Feb. 1, 1995, to submit to Congress a report on the evaluation

RETENTION OF ANCIENT PRIVILEGES AND ORGANIZATION

Section 32 of act Aug. 10, 1956, provided that: "(a) Any corps of artillery, cavalry, or infantry existing in any of the States on the passage of the Act of May 8, 1792, which by the laws, customs, or usages of those States has been in continuous existence since the passage of that Act, shall be allowed to retain its ancient privileges, subject, nevertheless to all duties required by law of militia: Provided, That those organizations may be a part of the National Guard and entitled to all the privileges thereof, and shall conform in all respects to the organization, discipline, and training to the National Guard in time of war: Provided further, That for purposes of training and when on active duty in the service of the United States they may be assigned to higher units, as the President may direct, and shall be subject to the orders of officers under whom they shall be serving. "(b) The First Corps Cadets, antedating, and continuously existing in the State of Massachusetts since, the Act of May 8, 1792, now designated as the 126th Tank Battalion, 26th Infantry Division, hereby declared to be a corps as defined in subsection (a) of this Act for all purposes thereof and now incorporated in the Organized Militia and a part of the National Guard of Massachusetts, shall be allowed to retain its ancient privileges and organization. The First Corps Cadets is hereby declared to be entitled to a lieutenant colonel in command and a major second in command; and those officers, when federally recognized, are entitled to the pay provided by law for their respective grades: Provided, That nothing in this section or other provisions of law shall be considered to be in derogation of any other ancient privileges to which the First Corps Cadets is entitled under the laws, customs, or usages of the State of Massachusetts."

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ILLINOIS ATTORNEY GENERAL LISA MADIGAN

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5/11 see what we can develop on this

For Immediate Release
Contact: Melissa Merz
312-814-3118
877-844-5461 (TTY)
May 10, 2005

MADIGAN TO SUE DEPARTMENT OF DEFENSE IF ILLINOIS GUARD BASES ARE ON CLOSURE LIST

Chicago -- Attorney General Lisa Madigan today said she will file a federal lawsuit on behalf of Gov. Rod Blagojevich if any of Illinois' National Guard bases are slated for closure on an independent Base Closure and Realignment Commission (BRAC) list. The Pentagon is expected Friday to release its list of recommended base closures. BRAC will come up with a final list.

Many bases across the country, including two bases in Illinois -- an Air National Guard

EXAMINER 5/12/05
States challenge Pentagon base closure plan

National Guard installations may be hit hard

BY LIZ SIDOTI
Associated Press

WASHINGTON -- States and congressional delegations, fearful the Pentagon will target their military bases for closure, are challenging Defense Secretary Donald H. Rumsfeld's claim that he can shutter Army and Air National Guard installations without a governor's consent.

Undeterred, the Pentagon is moving forward and will release its list of proposed closures Friday.

day.

Defense analysts expect more than two dozen National Guard facilities to be tapped for closure.

They suspect the Air National Guard will be hit hard, given that the Pentagon wants to scale back older planes located at domestic Air Guard facilities.

At least one state, Illinois, is threatening to go to court to block Rumsfeld.

"Every state is watching to see what Illinois does," said Paul Hirsch, a Washington lobbyist working on behalf of bases in Florida, California and Virginia.

Governors in several states including North Dakota, Delaware and Arizona have weighed in on the issue, and the New Jersey congressional delegation has asked that the Pentagon cease any attempt to close National Guard bases.



Buddy Norris/Daily Press via AP

Fort Monroe in Hampton, Va., in one of many of the country's bases that have reinvented themselves over the years to keep from getting shuttered.

tempt to close National Guard bases.

The National Guard Association of the United States argues that states should be consulted.

"They're using a federal spreadsheet to make decisions on bases that have state missions without including the state," spokesman John Goheen said.

Blagojevich and the Springfield and Peoria mayors to issue a legal opinion as to whether any such base closures in Illinois would be prohibited by federal law.

"My administration has been delivering the very strong message that all our military bases need to continue doing what they do best, which is serving our country with distinction. From traveling to the Pentagon for several meetings, to extensive analysis of ways to improve these military facilities, to asking the Attorney General to advise us on potential legal options -- we are pursuing every possible avenue to keep them open," Blagojevich said.

-more-

Blagojevich continued, "If BRAC includes one of our National Guard Bases on its closure list, we will take our case to the courtroom," said Blagojevich.

"Attorney General Madigan believes as I do that the law is our side on the question of who has authority over National Guard bases," Durbin said. "I respect her legal opinion and appreciate her commitment to continue to fight for the Air National Guard Bases in Springfield and Peoria. I hope the Department of Defense will follow clear federal law on this matter, but it's reassuring to know that our Illinois Attorney General is ready to act if any unlawful closures are proposed."

"I support any and all efforts to keep Illinois' bases open. These bases are vital to our national security and to the economic security of the communities around them," Obama said.

"I commend Attorney General Madigan for her quick action on this matter," LaHood said. "The Attorney General and the members of the Illinois congressional delegation are committed to doing everything we can to keep these vital Illinois military bases open. Bases such as the 182nd Airlift Wing in Peoria and the 183rd Fighter Wing in Springfield, both in my Congressional District, are much too important to the military mission of the country and the economy of our state to be closed under BRAC. I am hopeful these bases will not be on the closure list, but I am pleased the Attorney General will take additional action if needed."



Department of Defense DIRECTIVE

NUMBER 1225.7

June 6, 2001

ASD(RA)

SUBJECT: Reserve Component Facilities Programs and Unit Stationing

- References:
- (a) DoD Directive 1225.7, "Reserve Component Facilities Programs and Unit Stationing," March 18, 1996 (hereby canceled)
 - (b) Title 10, United States Code
 - (c) Title 32, United States Code
 - (d) DoD Instruction 4000.19, "Interservice and Intragovernmental Support," August 9, 1995
 - (e) DoD Directive 5125.1, "Assistant Secretary of Defense for Reserve Affairs," March 2, 1994
 - (f) DoD Instruction 1225.8, "Programs and Procedures for Reserve Component Facilities and Unit Stationing," September 6, 2001

1. REISSUANCE AND PURPOSE

This Directive:

- 1.1. Reissues reference (a) to update DoD policy and responsibilities for implementing references (b) and (c).
- 1.2. Provides for administering the facilities and unit stationing programs of the National Guard (the Army and the Air) and the Reserves (the Army, the Navy, the Air Force, and the Marine Corps) (hereafter referred to collectively as "the Reserve components").
- 1.3. Continues a Joint Service Reserve Component Facility Board (JSRCFB) in each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and the U.S. possessions and territories.

1.4. Provides for placement of Reserve component units of the Military Services in local communities.

2. APPLICABILITY AND SCOPE

This Directive:

2.1. Applies to the Office of the Secretary of Defense, the Military Departments (including the Coast Guard when, by agreement with the Department of Transportation, it is operating as a Military Service of that Department), the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities in the Department of Defense (hereafter referred to collectively as "the DoD Components"). The term "Military Services," as used herein, refers to the Army, the Navy, the Air Force, and the Marine Corps.

2.2. Does not apply to limiting the rights of Governors of States to fix the location of units of the National Guard in their respective borders, as authorized by 10 U.S.C. 18238 and 32 U.S.C. 104(a) (references (b) and (c)).

3. DEFINITIONS

3.1. Chiefs of the Reserve Components. The Chiefs of the Army, Naval, and Air Force Reserves; the Directors of the Army National Guard and the Air National Guard; and the Commander, Marine Forces Reserve, are hereafter referred to collectively as "chiefs of the Reserve components."

3.2. Joint Facility. A facility intended to be used by both the Active and a Reserve component of a single Armed Force of the United States; or two or more components (whether Active or Reserve components) of the Armed Forces of the United States.

3.3. Joint Service Reserve Component Facility Board (JSRCFB). A group established in each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and the U.S. possessions and territories, to meet at a minimum of once every 12 months to promulgate joint use of land and facilities by units of two or more components, to the greatest practicable extent for efficiency and economy. That shall include consideration for the acquisition, by purchase, lease, transfer, construction, expansion, rehabilitation, or conversion of facilities necessary for the proper development, training, operations, and maintenance of the Reserve components.

JSRCFB composition consists of one appointed principal member and one alternate member from each Reserve component that has at least one unit in that State or territory.

4. POLICY

It is DoD policy, subject to the overall national defense needs of the United States and the availability of appropriations, to:

4.1. Provide new and replacement facilities needed to support the missions of the Reserve components in the most economical manner to meet operational and training needs.

4.2. Require the Military Services to participate in a JSRCFB in each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and the U.S. possessions and territories in which they have at least one unit to ensure maximum practical joint construction and use for meeting Reserve component facility requirements, in accordance with Sections 18231(1)-18231(2) of reference (b).

4.3. Maximize both joint construction and common-use areas in joint facilities when practical and economically advantageous. In accordance with Section 18233(a)(2) of reference (b), joint facilities include two or more of any of the seven Reserve components, as defined in Section 10101 of reference (b).

4.4. Require the number of Reserve component units located or to be located in a local community to be no larger than the number that reasonably may be expected to be maintained at authorized strength, in accordance with 10 U.S.C. 18234(1) (reference (b)).

4.5. Require that any plan for placement of Reserve component units or facilities in a local community shall ensure the greatest practical joint facility use, in accordance with Section 18234(2) of reference (b).

4.6. Require that the manpower potential of the area be reviewed to determine adequacy for meeting and maintaining authorized or required officer and enlisted strengths. Considered in the review shall be the potential number of persons living in the area that may be qualified for membership in and have job skills required by those Reserve component units.

4.7. Ensure that requirements under paragraphs 4.4. and 4.5., above, and 4.14., below, and DoD Instruction 4000.19 (reference (d)), shall be met before making

expenditures for a Reserve component facility, in accordance with Sections 18233-18234 of reference (b).

4.8. Require a Military Department, when formulating a plan for the allocation of a Reserve component unit to a local community, where one of its units did not exist, or when considering an increase in structure or number of existing units, to coordinate proposed locations with the Secretaries of the other Military Departments.

4.9. Execute an agreement that establishes the equities and obligations, therein, between the U.S. Government and each State when a military construction (MILCON) project to be constructed on State-owned land is supported by a Federal contribution.

4.10. Require the Army National Guard JSRCFB member, appointed by the State Adjutant General, to be the Records Custodian for the JSRCFB.

4.11. Require an Active component to provide replacement facilities when it displaces a long term or permanently housed Guard or Reserve unit or activity if the facilities from which the Guard or Reserve unit was displaced are needed by the Reserve component to train for wartime missions. The Active component shall provide replacement facilities consistent with current Reserve component criteria, the unit's training requirements for wartime missions, and authorized strength. Replacement facilities shall be acceptable to the chief of the Reserve component of the unit being displaced and meet authorized space and functional area requirements.

4.12. Require host Active components to coordinate with all affected Reserve components impacted by base realignment and closure (BRAC) actions. That includes the development of plans for MILCON and other relocation actions and expenditures required by BRAC legislation in sufficient detail to support the Active component BRAC financial plan. Reserve components shall identify specific base closure program requirements, to include MILCON and other relocation requirements, to their host Active component.

4.13. Require adequate project scopes and cost estimates for Reserve component MILCON budget submissions.

4.14. Acquire land only when there is a clearly demonstrated need.

4.15. Require the Military Service, through command channels, to consider the advice of all military and civilian agencies concerned with Reserve component facilities, including the JSRCFBs.

4.16. Require the selection of a host Reserve component and establishment of minimum standards for each joint Reserve base and/or installation and/or enclave. A joint Reserve base and/or installation and/or enclave is defined as having more than one Reserve component.

4.17. Require the host Reserve component to ensure that there are no duplicate, nondeployable common service or support organizations on a joint Reserve base. For example, there shall be only one base support office, security force, fire department, fuel farm, facilities repair and maintenance activity, and, where practical, contracting, civilian personnel, transportation activity, and supply and maintenance warehousing. The host may appoint a tenant to direct a common activity consisting of the combined assets of all Services and Reserve components.

4.18. Require the joint Reserve base host Reserve component to conduct any out sourcing or privatization studies in coordination with the tenant components. Tenants, before initiating out sourcing or privatization studies, shall consult with the host Reserve component and other tenants to consolidate efforts.

4.19. Require an Inter-Service Support Agreement, Memorandum of Understanding, or Memorandum of Agreement, as applicable (DoD Instruction 4000.19, reference (d)), between host and tenant organizations on each joint Reserve base and/or installation and/or enclave. That document shall address the following:

4.19.1. Support requirements to include what support shall be provided on a reimbursable basis.

4.19.2. The basis for determining reimbursement amounts, and the billing and payment process.

4.19.3. The minimum standards established by the host Military Service, in accordance with paragraph 4.16., above.

4.19.4. All requirements above the minimum required standards of the host Military Service.

4.19.5. Pooling nondeployable support for maximum efficiencies.

4.19.6. The use of only one base support office, security force, fire department, fuel farm, facilities repair and maintenance activity, and, where practical, contracting, civilian personnel, transportation activity, and supply and maintenance

warehousing activity for each joint Reserve base and/or installation and/or enclave, unless a better value is available.

4.19.7. Methods to maximize value and life-cycle cost-effectiveness by privatizing or obtaining from municipalities services such as refuse collection and disposal, sewage treatment, water supply and treatment, fuel storage and supply, utilities, and heating and cooling.

5. RESPONSIBILITIES

5.1. The Assistant Secretary of Defense for Reserve Affairs, under the Under Secretary of Defense for Personnel and Readiness, shall:

5.1.1. Be responsible for analyzing and developing policy, and promulgating plans, programs, actions, and taskings for Reserve component facilities and joint Reserve bases and/or installations and/or enclaves consistent with DoD Directive 5125.1 (reference (e)) and shall resolve cases when complete coordination may not be effected under paragraphs 4.5. and 4.19., above.

5.1.2. Ensure that the Military Services properly establish a host Reserve component and provide adequate support to joint Reserve bases and/or installations and/or enclaves.

5.1.3. Review the minutes of each JSRCFB for compliance with this Directive.

5.2. The Secretaries of the Military Departments shall:

5.2.1. Establish plans, programs, budgets, and accounting procedures to support facilities construction and maintenance programs; develop and maintain adequate information systems to effectively manage the use of appropriated funds for supporting approved facility programs; report design and construction progress; and provide required reports on Reserve component facilities.

5.2.2. Provide required facilities based on authorized strength of assigned units, quantity and type of equipment and supplies, and established facilities criteria, according to 10 U.S.C. 18234 (reference (b)).

5.2.3. Require the chiefs of the Reserve components to certify that Reserve component units have been approved for stationing and that unit total on-board strength for proposed Reserve component facilities is adequate to ensure full facility use. It shall be a requirement that the average on-board strength for the previous 3 years be a

minimum of 75 percent of the total authorized strength before submission of the budget request to the OSD. The Secretaries of the Military Departments may grant waivers to that requirement.

5.2.4. Execute agreement and contribute Federal funds to the States for National Guard facilities consistent with applicable law and policy.

5.2.5. Issue licenses or permits for the use of Reserve component facilities by others, as authorized in Sections 18235-18236 of reference (b).

5.2.6. Approve operation and maintenance-funded minor construction, and maintenance and repair projects, in accordance with applicable law.

5.2.7. Approve projects using funds specifically identified as "minor construction," in accordance with 10 U.S.C. 2805 and 18233(a) (reference (b)), including all requirements for congressional committee notification.

5.2.8. Provide implementing instructions to, and ensure appointment of, their members to the JSRCFBs.

5.2.9. Coordinate with other Military Departments to ensure that placement of Reserve component units shall not effect adversely the ability of Reserve component units of the other Military Departments to obtain or maintain the manpower necessary for them to achieve satisfactory personnel readiness levels, and to ensure greatest practical use of any facility constructed or improved.

5.2.10. Ensure maximum use, maintenance, and repair of existing facilities, and coordination with other Military Services to determine availability and use of existing facilities and/or joint use of planned facilities.

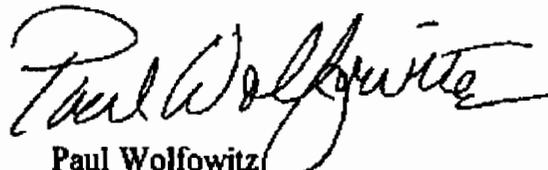
5.2.11. Request approval of the Under Secretary of Defense for Acquisition, Technology, and Logistics, for major land acquisitions. Major land acquisition is the purchase, withdrawal from public domain, lease or permit from individuals or Government entities, or any other type of use agreement involving more than 1,000 acres, or land whose estimated purchase price or annual lease prices exceeds 1 million dollars.

5.2.12. Select the host Reserve component and establish the minimum standards for each joint Reserve base and/or installation and/or enclave.

5.2.13. Oversee the implementation of this Directive under DoD Instruction 1225.8 (reference (f)).

6. EFFECTIVE DATE

This Directive is effective immediately.

A handwritten signature in black ink, reading "Paul Wolfowitz". The signature is written in a cursive style with a long horizontal line extending to the right.

Paul Wolfowitz
Deputy Secretary of Defense



NEWS FROM

CONGRESSMAN RAY LAHOOD

18TH DISTRICT OF ILLINOIS

CONTACT: TIM BUTLER, (217) 793-0808

FOR IMMEDIATE RELEASE: March 24, 2005

DURBIN, LAHOOD: FEDERAL LAW DOES NOT ALLOW FOR CLOSURE OF GUARD BASES

(WASHINGTON)—In a letter delivered today to Secretary of Defense Donald Rumsfeld, U.S. Senator Richard Durbin (D-IL) and Congressman Ray LaHood (R-IL) were joined by House Speaker Dennis Hastert in stating that any actions by the Base Realignment and Closure Commission (BRAC) to close Army and Air National Guard bases without the consent of the Governor of the state in which that base is located would be in violation of federal law.

The Illinois legislators, all of whom have been at the forefront of protecting Illinois bases from closure under BRAC, called on the Secretary to immediately stop any actions by the Commission that might violate this law.

The letter outlines federal statute that prevents the closure of a base without a Governor's consent. The letter says this provision is "clearly outlined in Title 10, United States Code, as follows:

Title 10 USC 18238 (e):

'(e) A unit of the Army National Guard of the United States or the Air National Guard of the United States may not be relocated or withdrawn under this chapter without the consent of the governor of the state or, in the case of the District of Columbia, the commanding general of the National Guard of the District of Columbia.' "

The letter also states that it is the opinion of the U.S. House of Representatives Office of Legislative Counsel that nothing in BRAC provisions supersedes or amends Title 10 USC 18238 (e).

"The men and women in the Illinois National Guard and Reserve are serving a series of vital functions in this post-9/11 world. It's in our nation's best interest to keep our bases active and operational," said Durbin.

"The Guard bases we have in Illinois, including both the 183rd Fighter Wing and the 182nd Airlift Wing located within my Congressional District, are vitally important to our national defense as well as the economy of the State of Illinois," said Congressman LaHood. "I believe this provision of federal law is very clear and is not superseded by the BRAC law, and therefore I believe the Commission does not have jurisdiction over closing the 182nd or 183rd without the consent of the Governor."

###

Text of letter:

The Honorable Donald Rumsfeld, Secretary

Department of Defense
1000 Defense, The Pentagon
Washington, DC 20301-1000

Dear Mr. Secretary:

As the Base Realignment and Closure (BRAC) process begins, it has come to our attention that federal law prohibits the closure or relocation of Army National Guard installations or Air National Guard bases without the consent of the governor of the state. This is clearly outlined in Title 10, United States Code, as follows:

Title 10 USC 18238 (e):

”(e) A unit of the Army National Guard of the United States or the Air National Guard of the United States may not be relocated or withdrawn under this chapter without the consent of the governor of the state or, in the case of the District of Columbia, the commanding general of the National Guard of the District of Columbia.”

This language has been discussed with the United States House of Representatives Legislative Counsel and it is their opinion that nothing in the BRAC provisions neither amends nor calls for the amending of the above Title 10 provision, which is part of the general and permanent law applicable to the National Guard.

Therefore, pursuant to Title 10 section 18238(e), we respectfully request that any and all actions taken under BRAC against Air and Army National Guard bases without the consent of the governors of those states be stopped immediately. We appreciate your prompt attention to this request, as the BRAC process continues.

Respectfully,

J. Dennis Hastert
Speaker of the House

Richard Durbin
United States Senator

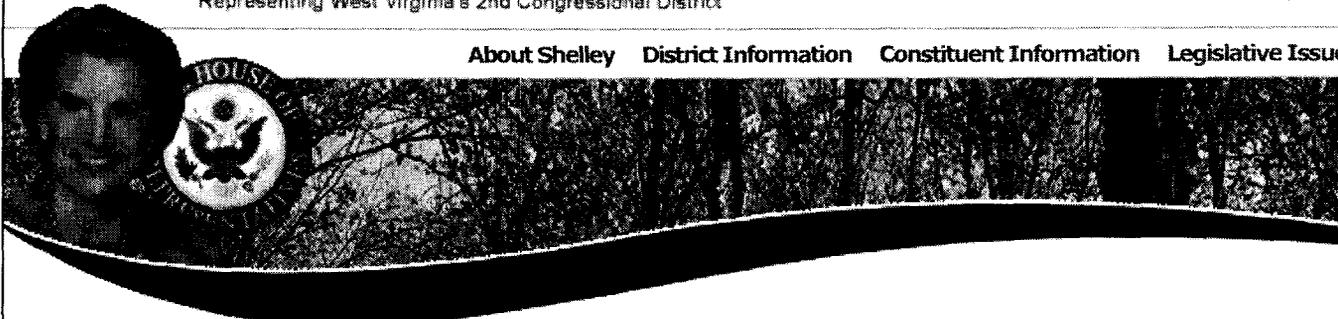
Ray LaHood
Member of Congress

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U.S. Congresswoman

SHELLEY MOORE CAPITO

Representing West Virginia's 2nd Congressional District

 Write Shell Email Sign Visiting Wa[About Shelley](#) [District Information](#) [Constituent Information](#) [Legislative Issue](#)**Press Release**[Return to Press Office](#)5/10/2005 For Immediate Release:  [Print this page](#)**Capito Wants West Virginia Five to Lay Down the Law on BRAC Commissi**

She seeks support of her WV Colleague in calling for the BRAC Commission to obey Federal Law

WASHINGTON, DC (5/10) In response to concerns about the 130th Airlift Wing being impacted by the Base Realignment and Closure (BRAC) process, Congresswoman Shelley Moore Capito (R-WV) is seeking the support of her colleagues in the West Virginia Congressional Delegation to sign onto a letter to the Defense Secretary calling on the BRAC commission to obey a federal law that states a National Guard unit cannot be moved or withdrawn from a state without consent from that state's Governor.

The letter addressed to Defense Secretary Rumsfeld reads: "West Virginia's Guard and Air National Guard represent the best of the Mountain State. As you continue with the Base Realignment and Closure (BRAC) process we implore you to recognize federal law that prohibits the closure or relocation of Army National Guard installations or Air National Guard bases without the consent of the governor of the state. This is clearly outlined in Title 10, United States Code, as follows:

Title 10 USC 18238 (e):

"(e) A unit of the Army National Guard of the United States or the Air National Guard of the United States may not be relocated or withdrawn under this chapter without the consent of the governor of the state or, in the case of the District of Columbia, the commanding general of the National Guard of the District of Columbia."

"This language has been discussed with the United States House of Representatives Legislative Counsel and it is the opinion that nothing in the BRAC provisions neither amends nor calls for the amending of the above Title 10 provision which is part of the general and permanent law applicable to the National Guard.

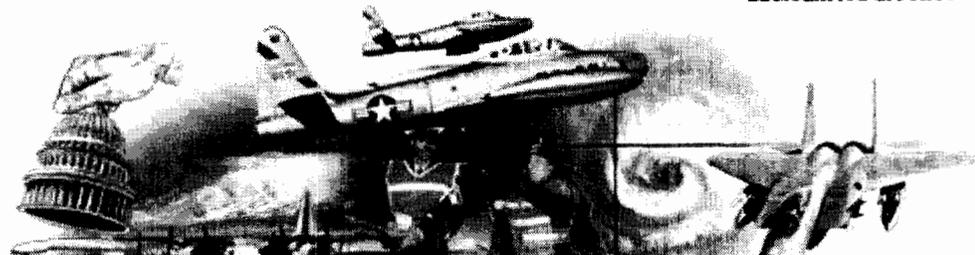
"Therefore, pursuant to Title 10 section 18238(e), we respectfully request that any and all actions taken under the BRAC process against West Virginia Air and Army National Guard bases without the consent of Governor Manchin be stopped immediately. We appreciate your prompt attention to this request, as the BRAC process continues."

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Washington Update

April 2005

Guard BRAC Closures Ned Governor's OK

House Speaker Dennis Hastert, R-Ill., told Defense Secretary Donald H. Rumsfeld that "any and all actions taken under [the Base Realignment and Closure process] against Air and Army National Guard bases without consent of the governors of those states be stopped immediately," in a letter March 24.

The letter, viewable [here](#), is also signed by Sen. Richard Durbin, D-Ill., and Rep. Ray LaHood, R-Ill., and notes Title 10 USC 18238 (e) which clearly states that an Air or Army Guard unit "may not be relocated or withdrawn under this chapter without the consent of the governor of the state or, in the case of the District of Columbia, the commanding general of the National Guard of the District of Columbia."

The letter further states the House legislative counsel's opinion is that nothing in the BRAC authority changes this Title 10 item.

"It highlights the importance of the Guard's dual role," said Retired Col. Bill Goss, NGAUS legislative director. "It emphasizes each governor's stake in the sustainment of each state's Militia."

The BRAC process swung into high gear last month with President Bush's appointment of former Veterans Affairs (VA) Secretary Anthony J. Principi as BRAC Commission president.

Other commissioners appointed include: Lt. Gen. Claude Kicklighter, former VA assistant secretary; Brig. Gen. Sue Ellen Turner, former Air Force nursing services director; Gen. James T. Hill, former head of U.S. Southern Command; Adm. Harold W. Gehman Jr., former commander of Joint Forces Command; Rep. James V. Hansen, former Utah Congressman; Samuel K. Skinner, former chief of staff to President Bush; Rep. James Bilbray, former Nevada congressman; and Philip E. Coyle III, former assistant secretary of defense.

Mr. Rumsfeld will submit a base closure list to the commission May 16, and commissioners will have until Sept. 8 to add or delete bases before sending the final list to Congress. Congress has 45 days to reject the list. If not rejected in both houses, it passes.

Although it's the fifth BRAC round since the process began in 1988, it's the first to include National Guard facilities.

"Guard bases are much more cost-effective in each state than their active-component counterparts," Colonel Goss said. "Many operate in conjunction with state facilities, such as airports, to keep overhead low, and they also aren't required to support certain active component enterprises like commissaries and golf courses."

But a particular concern this year is that the Air Force will use the process to reach its Future Total Force objective, which ultimately would reduce National Guard fighter force structure.

When questioned about the timeline for fighter aircraft to leave the inventory, Air Force leadership continue to decline answering, citing pending BRAC decisions.

Air Force criteria for placing bases on the BRAC list are:

Maximize war-fighting capability.

Efficiently transform the Air Force by realigning infrastructure with future defense strategy.

Capitalize on opportunities for joint activity.

These criteria could be used by the Air Force to justify closing Air Guard units.

Collectively, the BRAC process in 1988, 1991, 1993 and 1995 resulted in nearly 100 domestic military base closures.

To add a base to the list requires the votes of seven of the nine commissioners.

Originally, once a base appeared on the DoD list, its closure likelihood was difficult to stop, but over the years that has changed.

In 1991, the commission changed only 14 percent of the list; in 1993 they changed 18 percent. In 1995 the commission changed 30 percent of the list.

"Over the years, the commission's influence over the list and wishes of the defense secretary has steadily increased," said Retired Col. Paula Kougeas, NGAUS deputy legislative director. "Speaker Hastert's letter is a sign that Congress recognizes the unique characteristics of the National Guard, compared to active-component installations."

House Hearing Sparks Spending Debate

When Rep. Mark Kirk, R-Ill., asked Defense Department Comptroller Tina Jonas to discuss "real" military budget items at a House subcommittee on military quality of life and veterans affairs hearing in March, he illustrated the ever growing philosophical divide on defense spending.

One side believes spending money on personnel programs, such as health care or pensions, diminishes military capability. The other side believes increases in personnel programs produce increased recruiting and retention, thus making the military stronger, not weaker.

Mr. Kirk asked that Ms. Jonas differentiate the military budget, which includes "beans, bullets, active duty support [and] procurement from the dependent and retiree support budget, which gives next to no defense benefit to the United States."

Rep. Chet Edwards, D-Texas, ranking member of the committee, took exception.

"You can't ask young men and women to go fight wars in Iraq and Afghanistan and come home and have us turn our back on them," he said. "You can't say veterans' health care programs and military retirees' programs have no military value. I find just the opposite is true."

Similar debate will likely continue throughout the year as Congress considers various personnel and retiree issues directed squarely at Guard and Reserve personnel. The subcommittee is now responsible for appropriating funds for defense health accounts, including Tricare.

Retiree/Veteran's Focus

Early Retirement Gets Board Nod

The NGAUS Board of Directors not only voted to support the concept of pension receipt as early as age 55 at their March meeting in Washington, they voted to accept the incremental approach present in the two bills most likely to survive in the House and Senate.

Under S. 337 and H.R. 558, Guardsmen could receive a pension as early as age 53 with 34 years of service. Both bills also provide Tricare to Guard members regardless of deployment status.

NGAUS continues working for the full spectrum of retirement options, as long as they move us closer to the receipt of pensions at age 55.

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