

from the desk of...

Charles Battaglia

July 10, 2005

DCN: 12158

Dear

Please ensure  
the Chairman and  
the Commission receive  
a copy of your memo  
and enclosure.

Charlie

NOTE FROM DIRECTOR

## **ADDING INSTALLATIONS TO THE SECRETARY'S LIST FOR CONSIDERATION AND REVIEW**

The steps below apply to changes by the Commission to the Secretary of Defense's list of military installations recommended for closure or realignment that add an installation for closure and/or realignment or expand the extent of a realignment already recommended by the Secretary.

If, after review and analysis of certified data received from the Department of Defense, information obtained during base visits and regional hearings, and other public input, and consideration of the Comptroller General's report submitted on 1 July, there are quantifiable reasons that the Commission wants to consider and review making changes in the recommendations of the Secretary of Defense that would add military installations to the Secretary's list of installations recommended for closure or realignment, then, according to controlling law:

- The Secretary of Defense is notified of the possible additions to his list and is given 15 days to submit an explanation why the installations were not on it.
- Commissioners vote in public session after receiving input from the Secretary of Defense and if seven commissioners vote to add installations then they are added to the Secretary's list.
- Notice of proposed additions to the Secretary's list is published in the Federal Register at least 45 days before 8 Sep 2005.
- At least two commissioners conduct installation visits and public hearings on the proposed additions.

Then the Commission must, in order to actually place the proposed additions on the list to the President:

Determine that the Secretary deviated substantially from the force-structure plan and final selection criteria, and

Determine that the additions being considered are consistent with the force-structure plan and final selection criteria.

Furthermore, the following applies:

- Commissioners vote in final deliberations on each installation, including additions.
- Seven commissioners must agree on additions.
- Only a simple majority (of the members serving) is required for approval and disapproval of closures and realignments recommended by the Secretary.
- A quorum (that is the number of commissioners required to be present for the Commission to vote and transact other business) is five commissioners.

1st Edition  
Modified per  
below

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- In the event of a tie vote (if only six or eight commissioners are voting because of recusals or other incapacity) a vote to drop an installation from the list fails.
- A quorum (that is the number of commissioners required to be present for the Commission to vote and transact other business) is five commissioners.

*detected*

*(of members serving)*



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BRAC/GC/dch  
May 10, 2005

MEMORANDUM FOR THE CHAIRMAN OF THE DEFENSE BASE  
CLOSURE AND REALIGNMENT COMMISSION

Via: DIRECTOR OF STAFF

Subj: PROCEDURES FOR ADDING INSTALLATIONS TO THE SECRETARY'S  
LIST FOR CONSIDERATION AND REVIEW

Encl: (1) Subject procedures

1. Enclosure (1) reflects the statutory requirements for review and recommendation by the BRAC Commission of the list of military installations recommended for closure or realignment by the Secretary of Defense, including the newly added limitations on authority to consider additions to the list.

  
DAVID C. HAGUE  
General Counsel

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ep

BRAC/GC/dch  
May 16, 2005

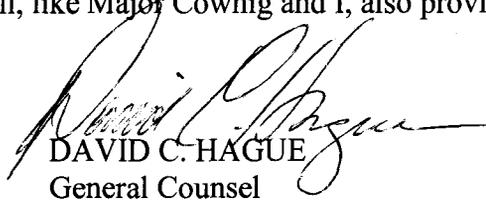
**MEMORANDUM FOR THE COMMISSIONERS OF THE BASE  
CLOSURE AND REALIGNMENT COMMISSION**

Subj: COMMISSION PRACTICES AND PROCEDURES; GENERAL COUNSEL OFFICE

Encl: (1) Procedures for adding installations with memo to Chairman from GC  
(2) Memo to Chairman from GC regarding BRAC recusal process  
(3) Ethics agreement executed by Commissioners prior to confirmation

1. The enclosures are provided for your information.
2. Enclosure (1) describes the steps to be taken to consider adding installations to the Secretary of Defense's list of installations recommended for closure or realignment and to add them to the Commission's list to the President. The enclosure also contains information about quorum, tie votes, and voting to drop installations from the Secretary's list. Rules of Procedure that the Commission will consider and adopt this week will provide further information about the conduct of Commission business.
3. Enclosure (2) explains and describes the constraints under which BRAC 2005 will operate with regard to members for whom recusal or other remedial action is necessary.
4. Enclosure (3) is the ethics agreements that all Commissioners and the Chairman executed prior to confirmation.
5. The General Counsel's Office consists of three attorneys, all of whom are available to assist you at any time. Major Dan Cowhig, USA, Deputy General Counsel, is the BRAC Designated Federal Officer (DFO). In accordance with the Federal Advisory Committee Act, as the DFO, he is required to:
  - Call, attend, and adjourn commission meetings
  - Approve the agenda
  - Maintain required records on cost and membership
  - Ensure efficient operations
  - Maintain records for availability to the public, and
  - Provide copies of commission reports to the Library of Congress

He also swears in witnesses at hearings and performs other duties. Ms. Rumu Sarkar, Associate General Counsel, working with the DoD General Counsel and the Office of Government Ethics, will review the financial holding of each member and advise the members whether recusal or other remedial action (divesture or waiver) is necessary. Ms. Sarkar, who was General Counsel for the Overseas Basing Commission, will, like Major Cowhig and I, also provide general legal advice and counsel.

  
DAVID C. HAGUE  
General Counsel

BRAC/GC/dch  
May 10, 2005

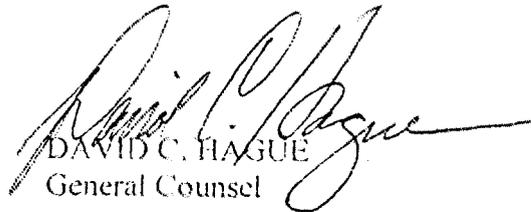
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Via: DIRECTOR OF STAFF

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Encl(1)

BRAC/GC/dch  
May 10, 2005

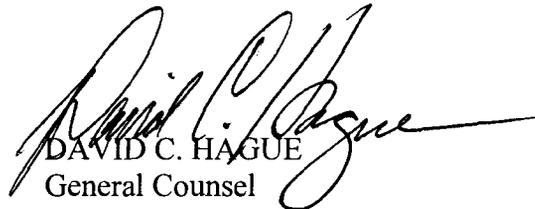
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