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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 would 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 is required for approval and disapproval of closures and realignments recommended by the Secretary.
- 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.

Procedural Rules of the 2005 Defense Base Closure and Realignment Commission

Rule 1. The Defense Base Closure and Realignment Commission ("Commission") was established by the Defense Base Closure and Realignment Act of 1990, Part A of Title XXIX of Public Law 101-510, as amended by Title XXX of the National Defense Authorization Act for Fiscal Year 2002, Public Law 107-107, and further amended by Section 2822, Subtitle C, Title XXVIII, Division B, of Public Law 108-136 ("Act"). The Commission's operations shall comply with that Act, as amended, and with these Procedural Rules.

Rule 2. The Commission's meetings, other than meetings in which classified information is to be discussed, shall be open to the public. In other respects, the Commission shall comply with the Federal Advisory Committee Act, Title 5, United States Code, Appendix 2, and the Federal Advisory Committee Management Final Rule, 41 Code of Federal Regulations Parts 101-6 and 102-3.

Rule 3. The Commission shall meet only during calendar years 2005 and 2006.

Rule 4. The Commission shall meet at the call of the Chairman or the request of a majority of the Commissioners serving at that time.

Rule 5. When the Commission meets to consider (a) the recommendations of the Secretary of Defense ("Secretary") submitted to the Commission in accordance with the Act, (b) the Commission's report to the President in accordance with the Act, or (c) a revised list of recommendations in accordance with the Act, a quorum shall consist of a majority of the members then serving. When the Commission meets to consider the closure of an installation not recommended by the Secretary for such action, or to consider the realignment of an installation that would result in a reduction in the force structure at that installation that was not recommended by the Secretary, a quorum shall consist of seven of the members then serving. When the Commission meets to conduct public hearings to receive public comment on the recommendations of the Secretary or the proceedings of the Commission, a quorum shall consist of one or more members designated by the Chairman.

Rule 6. When the Commission meets to consider (a) the recommendations of the Secretary submitted to the Commission in accordance with the Act, (b) the Commission's report to the President in accordance with the Act, or (c) a revised list of recommendations in accordance with the Act, and a quorum is present, a vote shall be required of the Commission to dispense with any of the above responsibilities or to ratify any acts of the Commission. The adoption of any action taken by the Commission with regard to (a) the recommendations of the Secretary submitted to the Commission in accordance with the Act, (b) the Commission's report to the President in accordance with the Act, or (c) a revised list of recommendations in accordance with the Act, will be by a majority of the members serving at that time. In the event of a tie vote on the adoption of any such action, the motion fails for lack of a majority. The adoption of any action taken by the Commission with regard to the closure of an installation not recommended by the Secretary for such action, or to consider the realignment of an installation that would

Defense Base Closure and Realignment Act of 1990, as amended

Defense Base Closure and Realignment Act of 1990 (Pub. L. 101-510)

(As amended through FY 05 Authorization Act)
Enacted November 5, 1990

As amended by the National Defense Authorization Acts for Fiscal Years 1992/1993 (Pub. L. 102-190), 1993 (Pub. L. 102-484), 1994 (Pub. L. 103-160), 1995 (Pub. L. 103-337), and 1996 (Pub. L. 104-106), and the Base Closure Community Redevelopment and Homeless Assistance Act of 1994 (Pub. L. 103-421)

TITLE XXIX--DEFENSE BASE CLOSURES AND REALIGNMENTS

PART A--DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

(b) DUTIES.--The Commission shall carry out the duties specified for it in this part.

(c) APPOINTMENT.--(1)(A) The Commission shall be composed of eight members appointed by the President, by and with the advise and consent of the Senate.

(B) The President shall transmit to the Senate the nominations for appointment to the Commission--

(i) by no later than January 3, 1991, in the case of members of the Commission whose terms will expire at the end of the first session of the 102nd Congress;

(ii) by no later than January 25, 1993, in the case of members of the Commission whose terms will expire at the end of the first session of the 103rd Congress; and

(iii) by no later than January 3, 1995, in the case of members of the Commission whose terms will expire at the end of the first session of the 104th Congress.

(C) If the President does not transmit to Congress the nominations for appointment to the Commission on or before the date specified for 1993 in clause (ii) of subparagraph (B) or for 1995 in clause (iii) of such subparagraph, the process by which military installations may be selected for closure or realignment under this part with respect to that year shall be terminated.

(2) In selecting individuals for nominations for appointments to the Commission, the President should consult with--

(A) the Speaker of the House of Representatives concerning the appointment of two members;

(B) the majority leader of the Senate concerning the appointment of two members;

(C) the minority leader of the House of Representatives concerning the appointment of one member; and

(D) the minority leader of the Senate concerning the appointment of one member.

(3) At the time the President nominates individuals for appointment to the Commission for each session of Congress referred to in paragraph (1)(B), the President shall designate one such individual who shall serve as Chairman of the Commission.

Where in statute? 3

2005 legislation requires DoD to seek few market value (p. 12) for its closed bases. SEEDER has discretion to convey the bases at no cost for economic development purposes.

SEEDER can mothball bases, thereby significantly diminishing any base economic impact. put in caretaker status

CHARTER
Defense Base Closure and Realignment Commission

- A. Official Designation: The Committee shall be known as the Defense Base Closure and Realignment Commission.
- B. Objectives and Scope of Activities: The Commission, in accordance with Public Law 101-510, as amended, shall review the recommendations and analysis of the Secretary of Defense and provide the President its recommendations on the timely closure and realignment of military installations inside the United States.
- C. Commission Membership: The President shall appoint a Chairperson and eight additional Members for a total of nine Members. The Members shall be appointed for the life of the Commission as Special Government Employees under the authority of title 5, U.S.C. Each Member, other than the Chairperson, shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level IV of the Executive Schedule under 5 U.S.C. § 5315 for each day (including travel time) during which the Member is engaged in the actual performance of duties vested in the Commission. The Chairperson, like the other Members, shall be paid for each day engaged in the actual performance of duties vested in the Commission; however, the Chairperson shall be paid at the rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level III of the Executive Schedule under 5 U.S.C. § 5314.
- D. Commission Meetings: The Commission shall meet at the call of the Chairman, and the estimated number of Commission Meetings is 30.
- E. Duration of the Commission: The Commission shall terminate on April 15, 2006. However, the Commission may extend its operations for an additional 60 days to facilitate the termination of the Commission under the Federal Advisory Committee Act of 1972, as amended, and provide congressional testimony.
- F. Agency Support: Federal Agencies, in accordance with Public Law 101-510, as amended, shall provide support as deemed necessary for the performance of the Commission. The Department of Defense, through the Director for Administration and Management, shall provide support as deemed necessary for the performance of the Commission's functions, and shall ensure compliance with the requirements of 5 U.S.C. § 6.
- G. Termination Date: The Commission shall terminate upon completion of its mission or two years from the date this Charter is filed whichever is sooner or unless it is extended by Congress.
- H. Operating Costs: It is estimated that the operating costs, to include travel costs and contract support, for this Commission shall be \$10,000,000.00, as provided by Congress. The estimated cost in man-years to the Department of Defense is 20.
- I. Charter Filing Date: April 13, 2005