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Congress of the United States
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BRAC Commission

AUG 01 2005

Received

July 26, 2005

The Honorable Anthony J. Principi
Chairman
Base Realignment and Closure Commission
2521 South Clark Street
Suite 600
Arlington, Virginia 22202

Dear Chairman Principi:

I am writing regarding the commission's ongoing review of the Department of Defense recommendations for the Air National Guard in this year's BRAC round.

As you know, the state adjutants general were not consulted prior to the May 13 publication of the department's BRAC proposals. This fact likely accounts for the considerable concern surrounding the recommendations as they affect Guard units, and was why I called the Air Force's proposal the result of a "flawed process" during my testimony before you and your colleagues in Buffalo last month.

Your commission's Office of General Counsel issued a well-reasoned legal opinion earlier this month, stating that the Base Closure Act "does not grant the commission the authority to change how a unit is equipped or organized." Further, "[r]ecommendations that serve primarily to transfer aircraft from one unit to another, to retire aircraft, or to address an imbalance in the active-reserve force mix are outside the authority granted by the Act."

As an example of a recommendation not within the authority of the Act, the memo specifically cites the Pentagon's proposal for the 179th Airlift Wing of the Ohio Air National Guard, located in Mansfield in my congressional district. The Pentagon has recommended that the unit's eight C-130 aircraft be transferred to an active duty unit in Arkansas and a reserve unit in Alabama, explicitly stating that the transfer would address a "documented imbalance in the active/Air National Guard/Air Force Reserve manning mix for C-130s."

In the days following the memo's release, there has been a hurried effort to rework the department's Guard-related proposals with the assistance of the state adjutants general. As you know, the adjutants general stand ready to assist the Department of Defense in fixing the flaws of the BRAC recommendations in the interest of our national defense and homeland security. However, it seems unreasonable that the adjutants general are being tasked with developing an alternative with little more than a month to go before the commission must send its recommendations to the President. The Pentagon crafted its list after roughly two years of study,

analyzing extensive data collected from installations across the country. To ask the adjutants general to craft a list in such a short amount of time is asking a bit much.

Congress designed the BRAC process to be open to scrutiny and comment. I fear that any rush to address the Air Force's flaws within the statutory deadlines of BRAC would not allow for proper scrutiny and comment from the affected governors, adjutants general, and federal and state lawmakers. Consistent with all applicable rules and regulations governing your work, I urge the commission to carefully consider the implications of the July 14 memo and the input of the adjutants general as your review process continues in the weeks ahead.

Thank you for your fine service to our nation.

Yours truly,

Michael G. Oxley, M.C.
Fourth Ohio District

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