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Congress of the United States
Washington, DC 20515

BRAC Commission

AUG 03 2005

Received

July 29, 2005

General James T. Hill (USA, Ret)
Defense Base Closure and Realignment Commission
2521 South Clark Street, Suite 600
Arlington, VA 22202

Dear General Hill,

On behalf of our constituents, we want to thank you for your service on the BRAC Commission generally and your recent service as the Chairman of the Regional Hearing held in New Orleans, Louisiana. We believe that all of the Mississippi communities made compelling cases for Commission actions that could improve the BRAC recommendations.

At that hearing, two representatives from the Partners for Stennis discussed the benefits resulting from consolidating the Navy's Human Resource Service Centers (HRSC) for the Northeast and Southeast at the Stennis Space Center, home of HRSC-SE. This approach would save \$5.7 million in construction costs versus the proposed new site at a different military installation. In addition, the Stennis consolidation recommendation would keep the mission at the Navy HRSC with the highest military value, maximize jointness and operational synergies, improve force protection, and minimize disruption to the ongoing mission. We wholeheartedly support this proposal.

Following their presentation, you stated that a member of the BRAC Commission staff had raised an issue about Commission's legal ability to engage in this action. [Uncertified Transcript, BRAC Commission Regional Hearing, New Orleans, Louisiana, pp. 94-95 (July 22, 2005).] To aid the BRAC Commission in its review of this issue, we are submitting a short legal memorandum on the Commission's authority to change the receiving location for this consolidation.

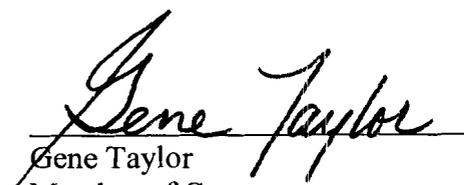
In addition, we would like to draw your attention to a prior example of the BRAC Commission changing the proposed receiving location for a recommended move. In the 1993 BRAC round, the Department of Defense planned to move the headquarters of the U.S. Army Communications Electronic Command (CECOM) from leased space outside Fort Monmouth to Rock Island Arsenal, Illinois. Instead, the BRAC Commission's decision moved the CECOM headquarters into space directly on Fort Monmouth property. The Stennis proposal involves a less sweeping change since it proposes consolidation at the current HRSC-SE site that is already under Commission review instead of movement to a new receiving location.

We hope that you find this information useful and that the BRAC Commission will consider the Stennis consolidation proposal presented at the Regional Hearing. Please contact us if there remains any question over the Commission's legal authority under the BRAC statute in this matter.

Sincerely,


Thad Cochran
United States Senator


Trent Lott
United States Senator


Gene Taylor
Member of Congress

Encl: Legal Memorandum on the Authority of BRAC Commission to Recommend Consolidation of Navy Civilian Personnel Offices to the Site of Human Resource Service Center-Southeast at Stennis Space Center, MS

cc: The Honorable Anthony Principi
Chairman
Defense Base Closure and Realignment Commission

David Hague
General Counsel
Defense Base Closure and Realignment Commission

Christine Hill
Director, Congressional Affairs
Defense Base Closure and Realignment Commission

Legal Memorandum on the Authority of BRAC Commission to Recommend Consolidation of Navy Civilian Personnel Offices to the Site of Human Resource Service Center-Southeast at Stennis Space Center, MS

Introduction

At the Regional Hearing in New Orleans, LA on July 22, 2005, community representatives from Partners for Stennis addressed the BRAC Commissioners on the Department of Defense (DoD) recommendation to consolidate certain Navy Civilian Personnel Offices. The recommendation would relocate both the Human Resource Service Center-Northeast (HRSC-NE) and the Human Resource Service Center-Southeast (HRSC-SE) to a new consolidation site to be located at the Naval Support Activity-Philadelphia. The Stennis representatives supported the consolidation but asked that the two activities be consolidated at the HRSC-SE site because of the lower costs and higher military value of that site.

At the conclusion of the presentation, General Hill, presiding Commissioner for the hearing, said that the BRAC Commission would study the recommendation but that there could be legal issues precluding Commission consideration of the proposal for consolidation at Stennis. Presumably these legal issues involve requirements in the BRAC statute¹ for certain Commission actions that would change a DoD recommendation. This memorandum discusses the scope of these legal requirements and demonstrates why these requirements are not applicable to the Stennis consolidation proposal. Accordingly, the BRAC Commission has the authority to change the recommendation to support consolidation of HRSC-NE and HRSC-SE at the Stennis site.

I. The Recommendation and the Proposed Change

The Headquarters and Support Activities Joint Cross-Service Group recommended consolidating Civilian Personnel Offices within each Military Department and the Defense Agencies. The relevant portion of the recommendation for purposes of this memorandum is:

Realign Human Resource Service Center-Northeast, 111 S. Independence Mall, East, Bourse Bldg, a leased installation in Philadelphia, PA, by relocating the Civilian Personnel Office to the Naval Support Activity Philadelphia, PA. Realign Human Resource Service Center-Southeast, 9110 Leonard Kimble Road, a leased installation at Stennis Space Center, MS, by relocating the Civilian Personnel Office to the Naval Support Activity Philadelphia, PA, and consolidating it with the relocated Human Resource Service Center-Northeast at the Naval Support Activity, Philadelphia, PA.²

¹ Defense Base Closure and Realignment Act of 1990 as amended (part A of title XXIX of Public Law 101-510, 10 U.S.C. 2687 note).

² Department of Defense Base Closure and Realignment Report, Vol. I, Part 2 of 2: Detailed Recommendations (May 2005), Section 5: Recommendations – Headquarters and Support Activities Joint Cross-Service Group, pp. H&SA – 19 through H&SA – 20.