SAF/IE
SAF/LL

Background Papers for AF/CV on Proposed BRAC Amendments

AF/CV has asked SAF/LL for the Air Force's position on proposed sections 2842-2844 in the House version of the FY 2004 National Defense Authorization Act (H.R. 1588). SAF/LL in turn requested SAF/IEB to respond.

As an initial matter, DoD has exercised a great degree of control over the BRAC 2005 process, to include official statements of position on proposed BRAC amendments. Clearly there is a need to ensure that DoD and the Administration speak with one voice in this area. Attached is a recent letter from SECDEF to Congress voicing his opposition to prior proposed amendments to BRAC, defeated just last week, that would have alternatively rescinded the BRAC 2005 round, or delayed it for two years. It's a good synopsis of his views on the overall need for the BRAC process.

I discussed this issue with Nicole Bayert, the DoD OGC(E&I) BRAC attorney. She secured DUSD(IE/PD) Mr. Grone's permission to provide to Lt. Gen. Fogelsong drafts of two DoD prepared background papers that are being utilized in support of a Statement of Administrative Position (SAP) generally opposing these proposed revisions. Lt. Gen. Fogelsong is authorized to utilize these papers to prepare him to voice DoD and AF views of the "shortcomings" of these proposals. He is not authorized to share either paper with the Congressmen or anyone else, as these are obviously deliberative and sensitive. As I was not given a draft of the SAP, we should not refer to it at this point.

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Force Structure Provisions

Legislation at Issue: Sections 2842(a) and 2843 of H.R. 1588, the National Defense Authorization Bill for FY 04:

- Requires the Secretary to use the "1991 Base Force force structure" plan in making closure or realignment recommendations.
- Mandates an assumption that "there are no installations available outside the United States for the permanent basing of elements of the Armed Forces."

Main Message: Rationalizing the Department's infrastructure based on force levels that are a vestige of old threats and strategies jeopardizes the Department's readiness to meet current and future threats to national security.

Key Points:

- DoD's ability to conduct a comprehensive BRAC round should not be undermined by inflexible assumptions regarding surge or overseas basing.
  - To be a meaningful basis for developing national defense strategy, a force structure plan must be based on an assessment by the Secretary of the probable threats to national security in the future.

- An outdated force structure ignores the significant advances made and knowledge gained in the last decade.
  - The Department should exploit, rather than ignore, the potential for new capabilities and operational concepts to achieve battlefield dominance with smaller forces, improving our capabilities to respond.

- It is not necessary to artificially inflate force structure needs to ensure retention of surge capacity.
  - Previous BRAC military value selection criteria included the ability to accommodate future surges in force levels.
  - In 1999, DoD looked closely at its ability to accommodate surge and found that even after three rounds of base realignments and closures it could accommodate the reconstitution of 1987 force structure - a more robust level than the 1991 Base Force.

- Maintaining excess capacity wastes resources better spent on defense capability.
  - It is more cost effective to rebuild or obtain in the private sector those assets that have been disposed of, if they should ever be needed, than to retain them in a fallow condition.

Exclusion List Provision

Legislation at Issue: Section 2842(b) of H.R. 1588, the National Defense Authorization Bill for FY 04:

- Would require the Secretary to develop "a list of core military installations that the Secretary considers absolutely essential to the national defense."
- This list must contain "at least 50 percent of the total number of military installations" inside the United States.
- An installation on the list cannot be considered for either closure or realignment.

Main Message: Excluding an arbitrary number of installations from consideration for closure or realignment eviscerates the Department's ability to conduct a comprehensive rationalization of its infrastructure to its force structure, thereby undermining its efforts to continue transformation of the force to meet the security challenges of the 21st century.

Key Points:

- Operational needs and requirements must be the primary consideration in reducing or restructuring US military facilities to effectuate the transformation of the force to meet the security challenges of the 21st century.

- The existing BRAC process - that successfully governed three prior rounds of base closures and realignments –has these pillars:
  - A comprehensive analysis of all military installations based on a force structure plan and selection criteria that make military value the primary consideration; and
  - Review of that analysis by an independent Commission.

- Altering the existing BRAC process to require an exclusion list would seriously undermine the Department's ability to reconfigure its current infrastructure into one in which operational capacity maximizes both warfighting capability and efficiency.
  - Excluding an arbitrary number of installations from the BRAC analysis necessarily means the analysis is not comprehensive
  - Excluding an arbitrary number of installations from the BRAC analysis precludes options that only become apparent as a result of conducting a comprehensive and thorough analysis covering all bases.
  - In order to truly reshape infrastructure to match force structure, BRAC 2005 will need to place greater emphasis on realignment options; restrictive exclusionary lists would preclude these options.
  - Barring installations on the exclusion list from future realignment consideration precludes the Secretary from making meaningful infrastructure adjustments based on operational mission requirements.

- Altering the existing BRAC process to require an exclusion list undermines the Department's ability to rationally eliminate excess physical capacity – the operation, sustainment, and recapitalization of which divers scarce resources from defense capability.

1 **Subtitle D—Other Matters**

2 ***SEC. 2841. REDESIGNATION OF YUMA TRAINING RANGE***
3 ***COMPLEX AS BOB STUMP TRAINING RANGE***
4 ***COMPLEX.***

5 *The military aviation training facility located in*
6 *southwestern Arizona and southeastern California and*
7 *known as the Yuma Training Range Complex shall be*
8 *known and designated as the "Bob Stump Training Range*
9 *Complex". Any reference to such training range complex*
10 *in any law, regulation, map, document, record, or other*
11 *paper of the United States shall be considered to be a ref-*
12 *erence to the Bob Stump Training Range Complex.*

13 ***SEC. 2842. MODIFICATION OF AUTHORITY TO CONDUCT A***
14 ***ROUND OF REALIGNMENTS AND CLOSURES***
15 ***OF MILITARY INSTALLATIONS IN 2005.***

16 *(a) REVISION TO FORCE STRUCTURE PLAN FOR 2005*
17 *ROUND.—Section 2912(a) of the Defense Base Closure and*
18 *Realignment Act of 1990 (part A of title XXIX of Public*
19 *Law 101–510; 10 U.S.C. 2687 note), as added by section*
20 *3001 of the National Defense Authorization Act for Fiscal*
21 *Year 2002 (Public Law 107–107; 115 Stat. 1342), is*
22 *amended—*

23 *(1) by striking subparagraph (A) of paragraph*
24 *(1) and inserting the following:*

1 *"(A) A force-structure plan for the Armed*
2 *Forces that—*
3 *"(i) at a minimum, assumes the force*
4 *structure under the 1991 Base Force force*
5 *structure (as defined in paragraph (5)) that*
6 *is also known as the 'Cheney-Powell force*
7 *structure'; and*
8 *"(ii) includes such consideration as the*
9 *Secretary considers appropriate of an as-*
10 *sessment by the Secretary of—*
11 *"(I) the probable threats to the*
12 *national security during the 20-year*
13 *period beginning with fiscal year 2005;*
14 *"(II) the probable end-strength*
15 *levels and major military force units*
16 *(including land force divisions, carrier*
17 *and other major combatant vessels, air*
18 *wings, and other comparable units)*
19 *needed to meet those threats; and*
20 *"(III) the anticipated levels of*
21 *funding that will be available for na-*
22 *tional defense purposes during such pe-*
23 *riod.";*
24 *(2) in paragraph (2)(A), by inserting before the*
25 *period at the end the following: ", based upon an as-*

1 *sumption that there are no installations available*
2 *outside the United States for the permanent basing of*
3 *elements of the Armed Forces";*
4 *(3) in paragraph (4), by inserting after the first*
5 *sentence the following new sentence: "Any such revi-*
6 *sion shall be consistent with this subsection."; and*
7 *(4) by adding at the end the following new para-*
8 *graph:*
9 *"(5) BASE FORCE.—In this subsection, the term*
10 *'1991 Base Force force structure' means the force*
11 *structure plan for the Armed Forces, known as the*
12 *'Base Force', that was adopted by the Secretary of*
13 *Defense in November 1990 based upon recommenda-*
14 *tions of the Chairman of the Joint Chiefs of Staff and*
15 *as incorporated in the President's budget for fiscal*
16 *year 1992, as submitted to Congress in February*
17 *1991 and that assumed the following force structure:*
18 *"(A) For the Department of Defense,*
19 *1,600,000 members of the Armed Forces on active*
20 *duty and 900,000 members in an active status*
21 *in the reserve components.*
22 *"(B) For the Army, 12 active divisions, six*
23 *National Guard divisions, and two cadre divi-*
24 *sions or their equivalents.*

"(C) For the Navy, 12 aircraft carrier battle groups or their equivalents and 451 naval vessels, including 85 attack submarines.

"(D) For the Marine Corps, three active and one Reserve divisions and three active and one Reserve air wings.

"(E) For the Air Force, 15 active fighter wings and 11 National Guard fighter wings or their equivalents.".

(b) PREPARATION OF LIST OF MILITARY INSTALLATIONS EXCLUDED FROM CONSIDERATION IN 2005 ROUND.—Section 2913 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as added by section 3002 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1344), is amended by adding at the end the following new subsections:

"(g) BASE EXCLUSION CRITERIA.—In preparing the selection criteria required by this section that will be used in making recommendations for the closure or realignment of military installations inside the United States, the Secretary shall ensure that the final criteria reflect the requirement to develop a list of those military installations to be excluded from the base closure and realignment process, as provided in subsection (h).

1 *"(h) LIST OF INSTALLATIONS EXCLUDED FROM CON-*
2 *SIDERATION FOR CLOSURE OR REALIGNMENT.—(1) Before*
3 *preparing the list required by section 2914(a) of the mili-*
4 *tary installations inside the United States that the Sec-*
5 *retary recommends for closure or realignment, the Secretary*
6 *shall prepare a list of core military installations that the*
7 *Secretary considers absolutely essential to the national de-*
8 *fense and that should not be considered for closure.*
9 *"(2) Not later than April 1, 2005, the Secretary shall*
10 *submit to the congressional defense committees, publish in*
11 *the Federal Register, and send to the Commission the list*
12 *required by paragraph (1). The list shall contain at least*
13 *50 percent of the total number of military installations lo-*
14 *cated inside the United States as of the date of the enact-*
15 *ment of the National Defense Authorization Act for Fiscal*
16 *Year 2004.*
17 *"(3) The Commission shall consider the list based on*
18 *the final criteria developed under subsection (e). The Com-*
19 *mission may modify this list, in the manner provided in*
20 *section 2903(d) and section 2914(d), if the Commission*
21 *finds that the inclusion of a military installation on the*
22 *list substantially violates the criteria. The Commission shall*
23 *forward to the President, not later than April 30, 2005,*
24 *a report containing its recommendations regarding the list,*
25 *which must comply with the percentages specified in para-*

1 *graph (2). The Comptroller General shall also comply with*
2 *section 2903(d)(5) by that date.*
3 *"(4) If the Commission submits a report to the Presi-*
4 *dent under paragraph (3), the President shall notify Con-*
5 *gress, not later than May 10, 2005, regarding whether the*
6 *President approves or disapproves the report. If the Presi-*
7 *dent disapproves the report, the Commission shall be dis-*
8 *solved, and the process by which military installations may*
9 *be selected for closure or realignment under this part in*
10 *2005 shall be terminated.*
11 *"(5) A military installation included on the exclusion*
12 *list approved under this subsection may not be included on*
13 *the closure and realignment list prepared under section*
14 *2914(a) or otherwise considered for closure or realignment*
15 *as part of the base closure process in 2005.".*
16 ***SEC. 2843. USE OF FORCE-STRUCTURE PLAN FOR THE***
17 ***ARMED FORCES IN PREPARATION OF SELEC-***
18 ***TION CRITERIA FOR BASE CLOSURE ROUND.***
19 *Section 2913(a) of the Defense Base Closure and Re-*
20 *alignment Act of 1990 (part A of title XXIX of Public Law*
21 *101–510; 10 U.S.C. 2687 note), as added by section 3002*
22 *of the National Defense Authorization Act for Fiscal Year*
23 *2002 (Public Law 107–107; 115 Stat. 1344), is amended*
24 *by adding at the end the following new paragraph:*

1 *"(3) USE OF FORCE-STRUCTURE PLAN.—In pre-*
2 *paring the proposed and final criteria to be used by*
3 *the Secretary in making recommendations under sec-*
4 *tion 2914 for the closure or realignment of military*
5 *installations inside the United States, the Secretary*
6 *shall use the force-structure plan for the Armed Forces*
7 *prepared under section 2912(a)."*

8 ***SEC. 2844. REQUIREMENT FOR UNANIMOUS VOTE OF DE-***
9 ***FENSE BASE CLOSURE AND REALIGNMENT***
10 ***COMMISSION TO RECOMMEND CLOSURE OF***
11 ***MILITARY INSTALLATION NOT REC-***
12 ***OMMENDED FOR CLOSURE BY SECRETARY OF***
13 ***DEFENSE.***

14 *Section 2914(d) of the Defense Base Closure and Re-*
15 *alignment Act of 1990 (part A of title XXIX of Public Law*
16 *101–510; 10 U.S.C. 2687 note), as added by section 3003*
17 *of the Military Construction Authorization Act for Fiscal*
18 *Year 2002 (division B of Public Law 107–107; 155 Stat,*
19 *1346) and amended by section 2854 of the Bob Stump Na-*
20 *tional Defense Authorization Act for Fiscal Year 2003 (Pub-*
21 *lic Law 107–314; 116 Stat. 2728), is amended—*

22 *(1) in paragraph (3), by striking "TO ADD" and*
23 *inserting "TO CONSIDER ADDITIONS"; and*

24 *(2) in paragraph (5)—*

1 *(A) by inserting "AND UNANIMOUS VOTE"*
2 *after "SITE VISIT"; and*
3 *(B) by inserting before the period at the end*
4 *the following: "and the decision of the Commis-*
5 *sion to recommend the closure of the installation*
6 *is unanimous".*

7 DIVISION C—DEPARTMENT OF
8 ENERGY NATIONAL SECURITY
9 AUTHORIZATIONS AND
10 OTHER AUTHORIZATIONS

11 TITLE XXXI—DEPARTMENT OF
12 ENERGY NATIONAL SECURITY
13 PROGRAMS

14 Subtitle A—National Security
15 Programs Authorizations

16 ***SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRA-***
17 ***TION.***

18 *(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are*
19 *hereby authorized to be appropriated to the Department of*
20 *Energy for fiscal year 2004 for the activities of the National*
21 *Nuclear Security Administration in carrying out programs*
22 *necessary for national security in the amount of*
23 *$8,822,075,000, to be allocated as follows:*
24 *(1) For weapons activities, $6,393,000,000.*