

# CRS Report for Congress

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## **Military Base Closures: The 2005 BRAC Commission**

Daniel H. Else and David E. Lockwood  
Specialists in U.S. Foreign Policy and National Defense  
Foreign Affairs, Defense, and Trade Division

### **Summary**

The President and Congress are to soon complete the selection of nine members to the 2005 Base Realignment and Closure Commission. On or about May 16, 2005, the Department of Defense (DOD) is to send the Commission its recommended list of installations to be closed or realigned. The Commission, in turn, is to spend several months reviewing DOD's list, and then forward its findings and recommendations to the President no later than September 8, 2005.

This report focuses exclusively on developments relating to the Base Realignment and Closure (BRAC) Commission. It examines relevant factors of interest, not only in regard to the current BRAC round, but also to the past four rounds. It should be noted that the 2005 Commission is likely to follow procedures that are, in large part, similar to those of the past three BRAC rounds. The Commission's role will expire no later than April 15, 2006. This report is to be updated.

### **Introduction**

This report examines the role and current status of the independent 2005 Base Realignment and Closure (BRAC) Commission. It follows an earlier CRS report that provided important details about the Department of Defense's internal base closure/realignment selection process.<sup>1</sup>

At this point, the 2005 BRAC schedule is well along — with Congress having already approved DOD's final selection criteria (February 2004) and its force structure plan, base inventory, and BRAC requirement certification (March 2004). The next important step in the BRAC schedule is the President's appointment of nine members to the new independent Commission. Congressional leadership has suggested six individuals to the President for his consideration in nominating nine BRAC commissioners to the

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<sup>1</sup> See CRS Report RS21822, *Military Base Closures: DOD's Internal Selection Process*, by Daniel H. Else and David E. Lockwood.

Senate. The President is required to forward his complete list to the Senate no later than March 15, 2005.<sup>2</sup>

It is important, at this point, to emphasize the extent to which the current 2005 BRAC Commission is likely to follow procedures similar to those used by commissions in 1991, 1993, and 1995.<sup>3</sup> The reason for this degree of continuity can be attributed to the widely accepted view that the 1990 BRAC statute (P.L. 101-510, as amended) provides the most successful solution to an otherwise impossible dilemma of how to avoid eternal wrangling.

## Appointment of BRAC Commissioners

Although the President is entitled to appoint nine members to the new BRAC Commission, he also has the authority to ignore the directive — in which case the 2005 BRAC round would be cancelled.<sup>4</sup> The President will also have a second opportunity to terminate the process later, when he forwards the list of BRAC actions to Congress, no later than November 7, 2005. In other words, the President exercises abundant authority throughout the process, with one possible exception — and that would be if, after receiving the presidentially approved list of actions, Congress should pass a joint resolution of disapproval.

In appointing members to the Commission, the BRAC statute states that the President *should* first consult with top congressional leaders on six of the nine candidates. The selection and allocation of the six candidates are outlined below:

<b>House of Representatives</b>	<b>Senate</b>
Speaker of the House — 2	Majority Leader of the Senate — 2
Minority Leader — 1	Minority Leader — 1

The President is under no obligation to consult with the Congress on the three remaining appointments.

In the past four BRAC rounds, members of the BRAC Commission have included:

- Former Members of Congress
- Retired military leaders
- Former U.S. ambassadors
- Business leaders — industry, banking, etc.

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<sup>2</sup> The 1995 BRAC Commission consisted of eight members. The 2005 statute revised the number to avoid a tie vote.

<sup>3</sup> The 1988 and 1991 statutes (P.L. 100-526 and P.L. 101-510) differed to a considerable degree. See CRS Report 97-305 F, *Military Base Closures: A Historical Review from 1988 to 1995*, by David E. Lockwood and George Siehl.

<sup>4</sup> U.S. Congress, House, *National Defense Authorization Act for Fiscal Year 2002*, P.L. 107-107, December 12, 2001.

- Former House and Senate staff members
- Former White House staff members

On February 16, 2005, Congress completed its recommendations for six of the nine commissioners for the 2005 base closure and realignment round.

Speaker of the House J. Dennis Hastert recommended former *Representative James V. Hansen* and *Samuel K. Skinner*. Mr. Skinner served at various times as Secretary of Transportation and chief of staff to President George H. W. Bush.

House Minority Leader Nancy Pelosi recommended *Philip E. Coyle III*, a former Assistant Secretary of Defense and Director of Operational Test and Evaluation.

Senate Majority Leader William H. Frist recommended retired *General John G. Coburn* and retired *Admiral Harold W. Gehman, Jr.*

Senate Minority Leader Harry Reid recommended former *Representative James Bilbray*.<sup>5</sup>

It is reported that the President will recommend Anthony A. Principi as the seventh member and chairman of the 2005 BRAC Commission. Mr. Principi currently serves as vice-president of the Pfizer Corporation. He was a decorated Vietnam war veteran, served previously as the chief counsel of the Senate Armed Services Committee and the Senate Veterans Affairs Committee, and was a top official with defense contractor Lockheed Martin.

The President is due to forward nine commissioner nominations to the Senate by March 15, 2005 — no nominations have yet been completed, and the President can still decide on any nine individuals. The Senate Committee on Armed Services will consider the nominations and make its recommendations for approval to the full chamber, which will then consider and approve them.

## 1995 BRAC Commission Operation

The experience of the 1995 BRAC Commission may serve to establish a context for anticipating the operation of the 2005 Commission.

**Commission Staff.** Fifteen permanent employees formed the core of staff support for the 1995 BRAC Commission. This cadre had maintained continuity throughout the various BRAC rounds, providing legacy knowledge and experience to the augmentees brought in temporarily to perform the analysis required during BRAC. They also maintained the BRAC Library, which consisted of the research and reference materials and analytical tools used during previous rounds.

Within three weeks of the appointment of the BRAC Commission chairman, the staff was increased by a factor of five, to 75, by these temporary appointments. The

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<sup>5</sup> John M. Donnelly, "Hill Leaders Submit Nominees for Base Closure Commission," *CQ.com*, January 13, 2005.

augmentees were drawn primarily from the military services and the Defense Logistics Agency, but other relevant agencies were represented, including the Government Accountability Office (GAO). Augmentee selection was based on individual expertise required by the Commission and knowledge of their parent organizations. Office space, computer support, communication support, etc., were provided by the Department of Defense. The staff occupied an entire floor of the building immediately above the Rosslyn Metro station in Rosslyn, Virginia.

**Staff Organization.** The staff was organized into four sections: Analysis, Administration, Press Relations, and Congressional Liaison.

**Analysis.** Analysis constituted the largest section. Analysts accepted DOD-generated data and information from other sources, digested it, and presented it to the Commissioners, who were responsible for deliberating upon it and accepting, rejecting, or amending the DOD recommendations.

**Administration.** Administration was small but critical to the Commission's success — arranging travel, reimbursement, payroll, etc. — relieving the Commissioners and the rest of the staff of these responsibilities and allowing them to concentrate on their own duties.

Embedded within the Administration section was the *Executive Secretary*. The Executive Secretary controlled public access to the BRAC Library. The Library housed within a single large office all DOD and other documentation accepted by the Commission in paper and electronic form. The Library was equipped with computers available to the public for review of BRAC documentation from the current and previous rounds. This information was used by many communities and other outside organizations to gain an understanding of the process by which the Department of Defense had created its list of recommended actions and as a means of comparing the information compiled on various military installations.

**Press Relations.** This small section handled press inquiries.

**Congressional Liaison.** Congressional interest in the BRAC Commission's activities was intense throughout the period of active analysis and deliberation. This section was responsible for fielding all congressional inquiries.

**Hearings.** The 1995 Commission conducted hearings in Washington, D.C., geared to the recommendations made by the Department of Defense. Invited witnesses were primarily representatives of the military services, defense agencies, and the Office of the Secretary of Defense. The Commission also conducted a series of field hearings, grouped geographically by region. Witnesses who appeared at the field hearings usually represented communities affected by the DOD list of recommendations and installations later added by the BRAC Commission.

**Base Visits.** Commissioners were required to visit every installation added to the DOD List of Recommended Actions. In fact, the commissioners visited every installation on the BRAC list.<sup>6</sup>

**Representations from Outside Groups.** Many communities submitted impact studies of various kinds to the Commission. In addition, the Commission received many visits by interested individuals and organizations who met with the staff and made use of the BRAC Library.

**Commission Deliberations.** In a broad sense, the Commission's deliberations continued throughout its existence. Data regarding installations and communities was updated and analyzed as it was received. The Commission's list of recommendations was drawn up over a two-day public markup at which each recommendation was read aloud by the staff and deliberated by the commissioners before making a final determination. A majority vote was required to add an installation to the List of Recommended Actions.<sup>7</sup>

**Submission to the President.** Commission and White House staffs engaged in an extensive and continuing exchange of information throughout the process. The Commission submitted its list of recommendations to the White House. After due consideration, the President forwarded the list to Congress.

**Congressional Action.** In 1995, Congress did not pass a joint resolution of disapproval, thereby allowing the BRAC list to go into effect. Nevertheless, joint resolutions of disapproval were introduced during each of the previous rounds, though all failed passage, as shown below.<sup>8</sup>

<u>Round</u>	<u>Resolution</u>	<u>Vote (Yea-Nay)</u>
1995	H.J.Res. 102	House vote: 75-343
1993	S.J.Res. 114	Senate vote: 12-83
1991	H.J.Res. 308	House vote: 60-364

**Standing Down.** Commission staff began to disperse as soon as the analytical process was completed. Augmentees were released as soon as their services were no longer required. The core cadre disbanded at the end of December 1995.

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<sup>6</sup> The 2005 statute requires that at least two commissioners must *visit* any installation the Commission contemplates *adding* to DOD's list.

<sup>7</sup> The 2005 statute requires at least seven of the nine commissioners to agree in order to add an installation not on DOD's list.

<sup>8</sup> A joint resolution of disapproval is treated as if it is a bill and is subject to veto. Once vetoed, a two-thirds majority in each chamber is required to override.

**Table 1. 2005 BRAC Timetable**

1. Sec/Def sends initial selection criteria to defense committees <sup>a</sup>	December 31, 2003
2. Sec/Def sends <i>final</i> selection criteria to defense committees <sup>b</sup>	February 16, 2004
3. President forms new BRAC Commission; sends nominees to Senate <sup>c</sup>	March 15, 2005
4. Sec/Def sends closure/realignment list to Commission/defense committees	May 16, 2005
5. GAO reviews DOD's list; reports findings to President/defense committees	July 1, 2005
6. Commission sends its findings and recommendations to President	September 8, 2005
7. President reviews Sec/Def's and Commission's list of recommendations <sup>d</sup>	September 23, 2005
8. Commission may submit <i>revised</i> list in response to President's review	October 20, 2005
9. President certifies closure/realignment list and transmits approval to Congress (or process is terminated) <sup>e</sup>	November 7, 2005
10. Work of the closure/realignment Commission must be completed	April 15, 2006

**Source:** U.S. Congress, House of Representatives, *National Defense Authorization Act for Fiscal Year 2002*, Conference Report, December 12, 2001.

- a. Also, Secretary of Defense publishes criteria in *Federal Register*.
- b. Criteria are final, unless disapproved by an act of Congress by March 15, 2004.
- c. If President does not send nominations by the required date, the process is terminated.
- d. President prepares report containing approval or disapproval.
- e. Congress has 45 days to pass joint resolution of disapproval, or the Commission's list becomes law.