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An Expose on Base Realignment and Closure Commissions

Col Stephen R. Schwalbe, USAF

Base Closure, while more dramatic than many government-reduction processes, deserves an examination because it is a classic example of government reduction, to be studied for lessons about both politics and the hazards of government contraction.¹

Dave Sorenson, Air War College

The process of adjusting the size of the American military infrastructure to match the size of the military in terms of personnel and equipment has always been a challenge, none more so than towards the end of the 20th century after the United States won the Cold War. Up until the 1970s, the Secretary of Defense had the authority to close and realign military bases. Congress became uncomfortable with the lack of oversight of this authority and passed legislation to correct the perceived problem. As a result, no military bases were subsequently closed. When the Secretary of Defense said the military could no longer support the excessive infrastructure and needed the potential savings for personnel and equipment, Congress compromised and established a special independent commission in 1988. In this paper, I will briefly discuss independent commissions before focusing on the evolution of the base closure and realignment (BRAC) independent commissions of 1988, 1991, 1993, and 1995. I will analyze the problems and successes of these commissions before examining the upcoming BRAC commission in 2005.

Independent Commissions

The U.S. Constitution does not address independent commissions anywhere, including its amendments. Congress claims that commissions are independent agencies not under any U.S. Government branch. Independent commissions are established by Congress and executed by the President, hence, not independent of the Government. Commissioners are nominated by the President and confirmed by the Senate, so there is a check-and-balance mechanism in place.² As designed, independent commissions give private citizens an opportunity to assist government with significant problems without being beholden to the current administration.³ According to Colton Campbell, commissions are "formal groups

established by statute or decree for the general purpose of obtaining advice, developing common sense recommendations on complex policy issues, and finding broadly acceptable solutions to contentious problems."⁴ Today, many political analysts characterize independent commissions as an unofficial, separate branch of government, much like the news media. Campbell referred to them as "the fifth arm of government," after the media (the often-referred-to "fourth arm").⁵

Independent commissions serve numerous purposes in the U.S. Government to include:

- Providing an impartial way to resolve problems between the Executive and Legislative Branches of government, especially during periods of congressional gridlock;
- Providing expertise the Congress does not have;
- Providing a convenient scapegoat to deflect electorate blame;
- Reducing the workload of members of Congress;
- Providing non-partisan, expert recommendations;
- Providing a more efficient, effective way to solve complex problems as a last resort; and,
- Educating and persuading the policy-makers and the public.⁶

Types

There are basically three types of commissions based on the nature of their creation and function. The most common type today is the presidential independent (synonymous with advisory) commission created at the request of the President. University of Illinois Professor David Linowes, the chairman of many presidential advisory commissions, discovered from his research that nine out of every ten commissions are presidential.⁷ University of Wisconsin Professor Thomas Wolanin claimed that President Theodore Roosevelt was the "father" of presidential commissions as he was the first to employ groups of non-governmental experts to examine problems of public policy.⁸ Independent commissions appointed by the President carry more prestige than the other types of commissions, and Congress normally grants them the power to subpoena witnesses to testify at their hearings, which is where the majority of the data collection is done.⁹

Congressional commissions are established by Congress to make policy recommendations to Congress mainly because they provide inexpensive labor and quality information, and can serve as scapegoats as necessary. Congress is not the most efficient organization in the United States. Hence, lawmakers are normally short on time and information, which makes the option of delegating authority to an

independent commission very appealing. Oftentimes, the expertise and necessary information is very costly to acquire. Commissions are generally the most inexpensive way for Congress to solve complex and technical problems. From 1993-1997, Campbell found that 92 Congressional offices introduced bills that included proposals to establish ad hoc independent commissions.¹⁰

Regulatory commissions, on the other hand, are established for long periods of time to oversee an industry on behalf of the government. These commissions have been granted judicial, administrative, and even policy-making powers by Congress. Dr. Louis Fisher, a Congressional research specialist, noted that regulatory commissions are subject to the control of Congress, the President, and the federal courts. To counter regulated industry attempts to coopt commissioners or having them unduly influenced by the President, commissioner "independence" is secured by staggering their terms, limiting the power of the President to remove any of the members, and, balancing the number of commissioners representing political parties or interest groups.¹¹

Characteristics

The two most important things any commission has are its credibility and its independence. If any of the commissioners or staff are perceived to be of one political party, or close to the President, or connected to the issue through private dealings, then the commission's recommendations may lose credibility, hence, legitimacy. The way to gain credibility *and* legitimacy is to appoint commissioners who are experts regarding the issue, are well-known and respected, and are non-partisan, independent thinkers. As well, all of a commission's data collection, from hearings to reports, and deliberations need to be done in public. Secrecy at any point only invites conspiracy theories and distrust. For a commission to maintain its legitimacy means it must remain independent from the various branches of the U.S. Government.

To increase the likelihood that an independent commission's recommendations are translated into policy, former commissioners and political scientists recommend a unanimous decision on all recommendations. The recommendations carry more weight with the entire commission supporting them. Wolanin noted that a commission reaches consensus either by natural coalescence, by bargaining, or reciprocity, so that, "the overwhelming majority of commission recommendations are the expression of a unanimous consensus among commission members."¹² In the case where a commission's recommendations will become policy or implemented in some manner, then it is better to have an odd number of commissioners to break any potential ties. It is also common that if an issue is politically charged, then a commission is established and directed to report during off-election years so as not to adversely affect any incumbents. As such, independent commissions normally do not last more than two years (the length of a congressional term).

Base Closure and Realignment Commissions

At the end of World War II, the U.S. had over 5,600 bases and installations stateside and around the world, and possessed over 24 million acres in the U.S. alone (which is an area larger in size than

Maryland, Massachusetts, Connecticut, New Jersey, and Rhode Island combined).¹³ The Government decided to maintain this force infrastructure for the anticipated Cold War with the Soviet Union. With the dissolution of the Warsaw Pact in 1989, the Cold War was essentially over. At that time, surprisingly, the military infrastructure was far too large to support the forces that we had or needed, despite the largest military buildup during peacetime in history during the 1980s. Even today, the military infrastructure is still too large for the current force size. How did we get to this point?

History of BRAC

According to the chapter on base closure history in the 1991 Base Closure and Realignment Commission Report, the Secretary of Defense had the authority to close military bases. Before and after the Vietnam War, hundreds of military facilities were closed across the country. Naturally, many members of Congress felt the closures were being used to punish them for their lack of support of the military. This resulted in Congress passing legislation in 1977 to require the Department of Defense (DoD) to notify Congress in advance of any projected base closures, and it required all targeted installations to meet the standards of the National Environmental Policy Act of 1969.¹⁴ The House and Senate Armed Services Committees were empowered to review all DoD decisions, thereby giving them the final closure authority. Naturally, the congressional debates about which military bases to close became highly political and rarely based on DoD security requirements. As a result, between 1977 and 1988, no military bases were closed.¹⁵ With the end of the Cold War, this situation became untenable.

In the late 1980s, Congress was willing to allow DoD to close bases to recoup money to pay for operations and maintenance, but it did not want DoD to do so without its oversight and approval. Congress did not want to decide for itself which bases to close for many reasons, to include lack of time and expertise, as well as not wanting to risk angering any constituents, thereby risking reelection.¹⁶ The answer, of course, was for Congress to establish an independent commission. Public Law 100-526 established a *special* commission under the Secretary of Defense to identify bases for realignment and closure and to provide relief from the aforementioned statutory provisions that had hindered DoD's downsizing efforts since 1977.

BRAC 1988 Structure

The purpose of the Base Closure and Realignment Commissions (known as BRAC even though the letters do not line up) is to ensure that the process of downsizing the military infrastructure is not influenced by partisan politics. For the 1988 BRAC Commission, the process began with the appointment of 12 volunteer commissioners by the Secretary of Defense. Then, the Commission conducted research to determine which military bases should be closed or realigned based on the Secretary's issued criteria. Its proceedings were normally conducted in secrecy. Once it had prepared a list of recommended bases for closure or realignment, then the list was forwarded to the Secretary of Defense for his approval. Once approved, the list was forwarded to Congress for final approval. Congress did not have the option to change anything on the list; the vote was for all or nothing. With this arrangement, the 1988 BRAC Commission made recommendations affecting 145 installations, of which

86 were to be closed. The implementation of these recommendations was projected to save close to \$700 million per year.¹⁷

BRAC 1988 Problems

After a decade of no base closures, DoD was happy with the results of the first BRAC commission and supported the establishment of more as soon as possible. On the other hand, Congress and many private citizens were not at all happy with how the first BRAC commission worked out. During hearings before the House Committee on Armed Services in early 1989, testimony highlighted the key flaws in the first BRAC process, especially regarding the recommended closing of Fort Dix in New Jersey. Senator Bill Bradley noted that the commission received little information from DoD; did not properly consider all the costs involved; failed to recognize all the missions and functions performed at the installation; failed to consider all the documentation and studies to include a key Army audit favorable of Fort Dix; and, refused to submit its documentation of its findings for independent review. Representative James Saxton testified that, "the Commission took deliberate efforts to try to hide the information that we needed to evaluate what they did.... The stealth chart that was here a minute ago is illustrative of what we have been provided with." Representative Frank McCloskey explained further that, "Members of Congress must resort to filing Freedom of Information Act requests and must introduce legislation to force DoD to provide pertinent information with respect to a process which Congress created." Representative Chris Smith pointed out that no member or staff of the commission even took the time to go to visit Fort Dix.¹⁸ These issues caused Congress to incorporate many lessons learned into the next BRAC legislation in 1990.

BRAC 1990 Solutions

The 1990 BRAC legislation corrected almost all of the problems of the 1988 BRAC legislation to include: 1) having the president vice secretary of defense nominate the commissioners; 2) using clearly articulated, published criteria and certified data for decision-making; 3) requiring both the President and Congress to accept or reject in their entirety the lists of closures adopted by the BRAC commission; 4) creating tight time frames to force the process to reach decisions in a timely manner; and, 5) having Congress's General Accounting Office (GAO) assess the commission's process and recommendations.¹⁹ Congress decided that 12 commissioners were too many, and that DoD had too many representatives, both as members and staffers, on the commission. As well, the mandate to recover the cost of closing a military base within six years was too restrictive and had prevented the closing of several obsolete installations. Finally, DoD improved its decision-making process by improving its computer modeling and approach to data gathering.²⁰ The General Accounting Office conducted a study of the lessons learned from the four BRAC commissions in 1997 and concluded that, "The 1990 BRAC legislation provided the framework for the BRAC processes that were used to successfully complete the three most recent BRAC rounds. [It] is seen by many officials as a model for the new legislation that would be needed for any future BRAC rounds."²¹

Public Law 101-510, known as the Defense Base Closure and Realignment Act of 1990, required the

Secretary of Defense to base his recommendations on a force-structure plan tailored to meet the assessed threat submitted to Congress and eight selection criteria, developed by DoD with public comment. The BRAC commissioners are now appointed by the President, vice the Secretary of Defense, and confirmed by the Senate. DoD representation on the commission was severely cut back. The revised process begins with the Secretary of Defense developing a proposed list of recommended base closures and realignments based on inputs from the Service Secretaries using the eight criteria. The Service Secretaries, however, felt that each Service should be reduced at similar rates over the three BRACs. The Air Force had the most bases (with 405), then the Navy (with 253), and the Army (with 210). Although the Air Force lost the fewest bases overall, it lost the most bases in 1991 (14), while the Navy lost the most in 1993 (17), followed by the Army in 1995 (10) - as prearranged.²²

The Secretary's list is forwarded to the BRAC commission, which checks it to ensure that the Services developed the list correctly. If there are any "significant deviations," then the commission can change the recommendation. (This happened, though infrequently.) After the commission approves the list, it is forwarded to the President for his approval. He can make no changes to the list. If he approves it, the list is forwarded to Congress for its approval. Congress, like the President, also cannot change the list. After 45 days or if Congress approves the list, then the recommendations are implemented. If the President has any problems with the list, he can send it back to the independent commission for reconsideration. Congress does not have this option.²³

BRAC Results in the 1990s

The BRAC 1991 Commission had only eight members who conducted 29 public hearings in D.C. and across the country, and of whom at least one visited every installation that made the list. Sorenson noted that, despite the mixed backgrounds of the commissioners, they "voted 76 times, and, of those 76 votes, 57 were unanimous."²⁴ As well, any previous BRAC recommendations became eligible for review by subsequent commissions! This Commission reviewed the controversial closure decision on Fort Dix by the 1988 BRAC Commission, and reversed it. The 1991 Commission did recommend that 34 bases be closed and another 48 realigned, for a projected cost savings \$2.3 billion over five years and \$1.5 billion every year after that. This represented a reduction of the military infrastructure of approximately 5.4 percent.²⁵

The BRAC 1993 Commission also had eight members who conducted 33 public hearings, many broadcasted on national television, and visited 125 installations. The Commission recommended that 130 bases be closed and 45 realigned, for a projected cost savings of \$3.8 billion after five years and \$2.3 billion every year after that. This represented a reduction of military infrastructure of approximately 6.2 percent.²⁶

The BRAC 1995 Commission had eight members who conducted 16 public hearings, also televised, and visited 167 installations. The Commission recommended that 28 installations be closed and 104 realigned, for a projected cost savings of \$1.6 billion per year.²⁷

New BRAC Problems

Despite the best efforts of Congress in its 1990 BRAC legislation, problems still persist in the process. For example, according to the GAO, the Services and DoD still have not developed accurate cost data and modeling to project cost savings over time.²⁸ Hence, Congress still believes DoD is trying to exaggerate the numbers in order to get its way. The disposition of military bases once recommended for closure had not been thoroughly thought through. Environmental restoration of military bases is often the most difficult obstacle to transferring property to private use. As such, the projected cost savings are not realized until such transfers take place. The BRAC 1995 Commission recommended DoD receive statutory authority to enter into long-term leases of land that is not suitable for transfer so long as there is no threat to public health or safety.²⁹ Besides these systemic problems, the BRAC process received significant challenges from elected officials. During congressional hearings, Democratic Representative Patricia Schroeder noted that, "of the 21 major bases slated to be closed, 19 were in districts represented by Democrats, and that 99 percent of the civilian job losses from those closures were in Democratic districts."³⁰ Both Congress and the President interfered with the BRAC process.

Unneeded Congressional Influence

State University of New York Associate Professor Richard Bernardi studied the BRAC process with regard to the decision to close either Plattsburg AFB or McGuire AFB, both East Coast air mobility wings where only one was required. The Air Force recommended closing McGuire AFB because of its location along the heavily-trafficked air corridor between New York City and Philadelphia (as recommended by the FAA); it needed upgrading of its runways and ramps; and, it needed significant modernization of most of its facilities. However, once the Air Force announced its decision based on a cost-benefit analysis, the New Jersey members of Congress sprang into action again, and began influencing the members of the BRAC commission. Instead of evaluating the level of flight activity at both bases, the commissioners decided to evaluate the number of on-time takeoffs (which is actually irrelevant given the different air environments at both locations). Commissioner Courter, Chairman of both the 1991 and 1993 BRAC Commissions and former member of the House of Representatives from New Jersey, decided at the last minute that location became the most important (and non-quantifiable) criteria, thereby trumping all other considerations favoring the closure of McGuire AFB.

Dr. Bernardi concluded that:

The concept of a civilian, nonpartisan commission charged with reviewing the military's decision process has merit.... For this to happen, each member of the commission must be individually perceived as independent of political influence. It would not be difficult to imagine that a former representative from New Jersey...might not be "perceived" as being independent when evaluating a major base closure in his state.³¹

Unneeded Presidential Influence

In the initial stages of the 1995 BRAC round, the Air Force indicated that it wanted to keep all five of its air logistics centers (ALCs), most of which were operating at half capacity. The 1995 BRAC Commission rejected the Air Force proposal to realign the maintenance-depot work, and instead proposed closing the Sacramento and San Antonio ALCs, the two rated least efficient of the five depots. However, these two ALCs are in high electoral states, California and Texas, hence, were prime candidates for political interference. In this case, President Bill Clinton weighed in claiming that the BRAC commission recommendations ignored the heavy economic impact of such closures on the two communities. According to *Copley* national security news reporter Otto Kreisher, "During his reelection campaign, President Clinton promised to shield the vote-rich states of California and Texas from the decisions of the 1995 commission.... [He] ordered the Air Force to launch a competition that would 'privatize in place' a major part of the jobs at the two depots...."³² It does not matter that the two ALCs were eventually closed by 2001 according to the 1995 BRAC Commission recommendation, President Clinton abused the BRAC process by using it for political gain. This was a key reason the BRAC process was not revisited for almost a decade following the 1995 BRAC despite the need to reduce the military infrastructure even more.³³

Disposition Problems of Closed Bases

As mentioned earlier, the contamination at most military bases has been the biggest stumbling block to transferring bases to the public and recouping money to defray other military expenses. Virtually all of the contamination at military bases stems from activities that took place before 1980. DoD, therefore, is liable and legally responsible for remedying the contamination to the extent necessary to protect future users and the environment. (And, closing a base does not relieve DoD of its clean-up responsibilities.) It can take DoD many years and billions of dollars to clean up the contamination at all the bases scheduled for closure. The estimates reflect the high cost of studying, excavating, transporting, treating, and disposing of contaminated soil and groundwater.³⁴ For example, the *Air Force Times* reported on 14 April 2003 that, after 13 years of clean-up efforts that have cost a total of \$500 million, the land at Fort Ord, California, is still not available for civilian use.³⁵

Another reason DoD has not seen as much money in savings as it had projected is because the closed bases are not being sold. In most cases, closed military bases have just been returned to the local communities.³⁶ As well, closed bases in prime locations tend to cause a great deal of interest among numerous parties, sometimes leading to stalemated conflict lasting for years. In the case of the El Toro Marine Corps Air Station in Southern California, the land-use battle has lasted over ten years. El Toro encompasses 4,700 acres of prime real estate, and is the biggest military base ever to go up for public sale. Orange County wanted to use the land to build an international airport. The City of Irvine objected and insisted on having the land converted to a "great park." Commercial plans call for 3,625 homes as well as high-tech industrial space to be built on the property. In the end, the Navy may recoup a significant amount of money for the sale of only 800 acres of the El Toro property to developers by the General Services Administration - potentially as much as \$750 million.³⁷

Finally, where the property is valuable, there is a greater chance of contention potentially leading to

litigation in court causing a significant property-transfer delay and additional costs. Sorenson highlighted George AFB as having suffered through 32 lawsuits causing a significant delay in the transfer of the base property.³⁸

BRAC Commission Successes in the 1990s

In total, the four BRAC commissions to date generated 499 military installation recommendations to include 97 major base closures. (Of note, 48 base recommendations were modified by the following BRAC commission.) As a result of these actions, DoD estimates that it has reduced its domestic infrastructure by about 20 percent. The GAO did a cost savings study and determined that DoD has accrued an estimated \$16.7 billion in savings through fiscal year 2001, an *increase* over prior military estimates, and should save \$6.6 billion in annual recurring savings. These estimates do not include a cumulative \$1.5 billion cost incurred by the federal government to assist communities affected by the closure process or the \$3.5 billion so far spent for environmental clean-up costs.³⁹ It is clear that the BRAC process was needed and is working. In fact, with three BRAC commissions in succession, some institutionalization took place. Sorenson noted that BRAC commission members learned from previous commissioners' mistakes, and passed on information from one commission to the next.⁴⁰

The common concern was that closing a base would adversely affect the local community due to loss of tax revenue, defense income, base transition costs, and clean-up costs. Military bases are one of the most common sources of defense dollars, hence, their closure would stop any monies that local businesses may have received.⁴¹ On the other hand, the local communities around Fort Ord are expecting to pay around \$500 million just to improve the installation buildings to make them suitable for new businesses. Extensive contamination clean-up issues have caused the delay in property transfer at *four out of every five* bases. However, numerous studies have found that major base closures have had just the opposite affect. Despite transition costs, to include improving base facilities and removing contamination, nearly three-quarters of the 62 communities that underwent major base closures had unemployment rates that were *below* the national average in 2001.⁴² *Business Executives for National Security* researcher Erik Pages found that roughly 120,000 jobs were lost by the four rounds of base closures ending in 1995. He compared that to the announced layoffs of America's Fortune 500 companies of *more than 250,000* workers in just the first six months of 1996! Mark Hooker and Michael Knetter, writing for the *National Bureau of Economic Research*, and using a new dataset to analyze county-level employment and personal income effects from 1971-1994, discovered, on average, that military base closures had *not* caused significant economic damage to local communities. What the communities had generally overlooked was the opportunity cost of resources the bases occupy, principally land, and the fact that military personnel leaving the area generally had incomes lower than the county average.⁴⁴ As of 2001, over 500,000 acres of base property has been identified for transfer to federal and nonfederal users. So far, DoD has completed only around 42 percent of the property transfers. Local communities have learned from bases closed by previous rounds what and what not to do. According to engineer Danny Fouladpour, writing for *American City & County*, planning is the key to success once a base is scheduled for closure, and the planning should be comprehensive. A commission should be appointed with an experienced executive to run it. It should work closely with federal, military, and state officials to ensure

a coordinated effort.⁴⁵

The Future of Base Closures – BRAC 2005

As early as 1997, the Secretary of Defense began advocating more base closure rounds to Congress. The GAO reported that despite the significant base closures of four rounds of BRAC commissions since 1988, "DoD continues to maintain a large amount of excess infrastructure, especially in its support functions.... Each service maintains its own facilities and capabilities for performing many common support functions and, as a result, DoD has overlapping, redundant, and underutilized infrastructure." The Secretary of Defense's 1997 *Quadrennial Defense Review* discussed the issue of future base closures in its infrastructure chapter. In his May 1997 report to Congress, Secretary of Defense Cohen asked Congress to authorize two more BRAC commissions for 1999 and 2001. His recommendation was subsequently endorsed by the National Defense Panel. The legislation authorizing the three base closure rounds in the 1990s expired at the end of 1995, meaning DoD's authority to close or realign bases reverted to the 1970s legislation, under which it was unable to close any installations. Hence, Congress was again challenged to come up with a solution regarding excess defense infrastructure.⁴⁶

Congress was still upset about the political interference of President Clinton in 1995, hence would not authorize any further base closures while he was President. With the election of George W. Bush in 2000, the Republican-dominated Congress passed Public Law 107-107 that amended the 1990 legislation to authorize one more round of base closures for 2005. However, this round has been characterized as the "Mother of all BRACs," as Secretary of Defense Rumsfeld intends it to cut as much surplus as the previous four rounds *combined*, to include at least 25 percent of its remaining real estate. No military bases would be exempt in advance of BRAC commission consideration. All senior military and civilian leaders in the Pentagon would have a voice in recommending which bases get closed or realigned. Secretary Rumsfeld views the 2005 BRAC as "a singular opportunity, perhaps the last best chance in a generation to reshape our infrastructure to optimize military readiness."⁴⁷ As such, the Office of the Secretary of Defense will run the show, vice each of the separate Services as in past rounds, in order to maximize fairness and jointness. Prior BRAC analyses considered all functions on a Service-by-Service basis, with no common database or cross-Service value system to do this.⁴⁸ One consequence was that the BRAC analyses did not result in the joint examination of functions across the Services. The Service Chiefs have all now agreed to support a centralized, Pentagon-driven BRAC.

Secretary Rumsfeld sent a memorandum to the Service Secretaries and the Chairman of the Joint Chiefs of Staff outlining his concept of transformation through base realignment and closure on 15 November 2002. In the memo he stated that, "At a minimum, BRAC 2005 must eliminate excess physical capacity; the operation, sustainment and recapitalization of which diverts scarce resources from defense capability." Further, "BRAC 2005 should be the means by which we reconfigure our current infrastructure into one in which operational capacity maximizes both warfighter capability and efficiency." To accomplish the task of identifying the bases DoD recommends be realigned or closed, Secretary Rumsfeld has created two senior groups, one to oversee and one to operate the BRAC 2005 process. The Infrastructure Executive Council (IEC) will be chaired by the Deputy Secretary of Defense

and composed of the Service Secretaries and Chiefs. It will be the policymaking and oversight body for the BRAC 2005 process. The subordinate Infrastructure Steering Group (ISG) will be chaired by an Under Secretary of Defense and composed of the Vice Chairman of the Joint Chiefs of Staff and Military Department Assistant Secretaries. It will oversee joint cross-servicing analyses of common business-oriented functions, have authority and responsibility for issuing operating policies, and provide detailed direction to conduct BRAC 2005. Secretary Rumsfeld directed that, "in accordance with the force structure plan and selection criteria, the ISG will recommend to the IEC for my approval a broad series of options for stationing and supporting forces and functions to increase efficiency and effectiveness."⁴⁹

Changes from BRAC 1995

Section 3000 of Public Law 107-107, the National Defense Authorization Act for Fiscal Year 2002, deals with realignment and closure of military installations. This law amends the Defense Base Closure and Realignment Act of 1990 with some key provisions. First, DoD is required to prepare a force-structure plan for the Armed Forces based on an assessment by the Secretary of the probable threats to national security from 2005-2025. As well, DoD must provide Congress with a comprehensive inventory of its infrastructure using the force-structure plan. Then, DoD needs to do an analysis of its needs versus its projected inventory to identify its excess infrastructure. While conducting this analysis, DoD is advised to consider any efficiencies gained by combining Service missions resulting in "joint tenancy opportunities."⁵⁰

A new key limitation is that the Secretary must certify that the additional round of base closures would result in annual net savings beginning *not later than 2011*. As such, DoD must modify its economic model to produce an accurate analysis showing BRAC savings over time. The GAO is tasked to certify that the force-structure plan and inventory are accurate, as well as certify the overall need for another round of base closures. Following GAO's certifications, the President is authorized to appoint nine commissioners (not eight as before) with the advice and consent of the Senate. The commission termination date was set at 15 April 2006. The Secretary of Defense must submit his list of recommended closings and realignments to the BRAC 2005 Commission by 16 May 2005, well *after* the 2004 presidential elections. The Commission must submit its decisions to the President by 8 September 2005. If the President concurs with the recommendations, he must submit the list to Congress by 23 September. As a result of the perceived Clinton politicizing the BRAC 1995 process, the BRAC 2005 legislation specifically prohibits "privatization in place." Congress has 45 days from that point to disapprove the recommendations or the list automatically becomes legal.⁵¹

One of the most important changes is the selection criteria to be used. This time Congress directed the Secretary of Defense to ensure that *military value* is the primary consideration in the making of recommendations to include: preservation of training and staging areas; preservation of military installations throughout a diversity of climate and terrain areas in the U.S. for training purposes; high consideration of joint warfighting, training, and readiness; and, high consideration for contingency, mobilization, and future total force requirements at locations that support operations and training. The

selection criteria shall also address: the extent and timing of potential costs and savings; the economic impact on local communities; the ability of local communities to support any additional infrastructure and forces; and, the impact of costs related to potential environmental restoration, waste management, and environmental compliance activities.⁵²

Other new features of the 2005 BRAC include the Secretary of Defense's ability to retain bases in *inactive* status if the Secretary determines that: the installation may be needed in the future for national security; or, the retention of the installation is in the long-term interests of the U.S. (like the Air Force ALCs). As well, the BRAC 2005 Commission is not authorized to add any bases to the recommended list unless at least seven of the nine commissioners agree. Furthermore, the Commission is required to offer the Secretary of Defense an opportunity to testify at a public hearing regarding any changes by the Commission to the Secretary's recommendations.⁵³

There is already a lot of angst going around regarding BRAC 2005 from lawmakers to scientists. Two senior members of the House Armed Services Committee want to repeal or change PL107-107 allegedly because it does not make sense to them that DoD wants to cut infrastructure during a global war on terrorism and military operations in Iraq. However, perhaps the real concern here is that Representative Taylor of Biloxi, Mississippi, might lose Keesler Air Force Base because of encroachment by the local community leading to noise complaints. Taylor claimed that, "Keesler brings \$1 billion to the local economy. We don't need to lose this base."⁵⁴ It would be unusual if politics did not enter even the revised BRAC process at some point, so this latest objection comes as no surprise. Sorenson concluded in his book, *Shutting Down the Cold War: The Politics of Base Closure*, that, "political clout and seniority [in Congress] make a difference in protecting states and districts from base closure...."⁵⁵

The Western Defense Group, an interest group made up of retired government workers, has lobbied lawmakers and defense officials for years trying to protect the government's human resources and technical capabilities to develop, test, and upgrade weapons. With the new round of base closures, DoD may give up specialized research, testing, and system-integration centers that once lost cannot be reconstituted.⁵⁶ Such concerns are common prior to any BRAC commission. It seems that even the rumor of this latest BRAC has caused the various defense-related interest groups to begin their lobbying right away.

There are several methods that have been attempted to position a base against closure from changing or adding new missions to the base, to acquiring significant base infrastructure improvements. Whiteman AFB changed from a Minuteman ICBM base to a B-2 bomber base in a key congressional district, and survived all three BRACs of the 1990s. Sorenson observed that, "Since base-closure decisions are usually made partly on the basis of the value of the installation, one logical response is to get new construction that increases the dollar value of the base."⁵⁷ DoD has announced the base housing improvements for 2004, and the Air Force bases with the most improvements may be the ones the Air Force is worried about losing in 2005, to include Sheppard and Lackland AFBs in Texas, and Seymour-Johnson AFB in North Carolina.⁵⁸

BRAC 2005 Assessment

It appears that the bases in jeopardy of being closed as a result of BRAC 2005 are those that have decrepit infrastructure, a single mission, poor deployment connections, urban encroachment issues, busy air space and quality of life issues, among other problems. The Washington D.C. metropolitan area is a target-rich environment for consolidation and closures. More than 100,000 DoD employees work within 50 miles of the White House.⁵⁹

With the added responsibility of closing between 20 and 25 percent more of the total military base capacity, equal to the number of installations closed by the previous four commissions combined, adding one more commissioner is a good move. Further, if this round is contentious, as each progressive BRAC round seemed to become and by the objections made by Congressmen already, then having an *odd* number of commissioners would seem prudent so there could not be a deadlock within the commission.

Finally, traditionally it had been the Secretary of Defense who authorized military base closures. Congress got involved to remove as much of the political influence on the BRAC recommendations as possible. With the congressional emphasis on jointness, as reflected in the Goldwater-Nichols Defense Reorganization Act passed by Congress in 1986, the only person qualified to oversee consolidations and closures *based on joint criteria* is the Secretary of Defense. So, we have come full circle regarding the Secretary of Defense closing military bases, but now Congress and the President have a significant input into the decision-making process.

Notes

1. David Sorenson, *Shutting Down the Cold War* (New York, St. Martin's Press, 1998), p.1.
2. Discussed in U.S. Congress pamphlet, *Our American Government*, 106th Congress, Jan 2000, on pp. 52 and 53.
3. David Linowes, *Creating Public Policy: The Chairman's Memoirs of Four Presidential Commissions*, (Westport: Praeger, 1998), p. 1.
4. Colton Campbell, "Creating an Angel: Congressional Delegation to Ad Hoc Commissions," *Congress & the Presidency*, Vol. 25, No. 2, (Autumn 1998), pp. 161-62.
5. Campbell, "Creating an Angel," p. 161.
6. Ibid., pp. 2-4.
7. Linowes, *Creating Public Policy*, p. 8.

8. Thomas Wolanin, *Presidential Advisory Commissions*, (Madison: University of Wisconsin Press, 1975), p. 5.
9. Linowes, *Creating Public Policy*, p. 10.
10. Campbell, "Creating an Angel," p. 5.
11. Discussed in Fisher's book, *The Politics of Shared Power*, on p. 153.
12. Wolanin, *Presidential Advisory Commissions*, p. 119. Also, all four of Chairman Linowes' commissions reached unanimity on all recommendations!
13. Fred Thompson, "Why America's Military Base Structure Cannot Be Reduced," Vol. 48, No.1 (January/February 1988), pp. 557.
14. U.S. House of Representatives, 102nd Congress, *Defense Base Closure and Realignment Commission Report to the President*, (D.C.: Government Printing Office, 1991), p. 17.
15. Sandra Wozniak, *Closure of Military Installations – The Good, Bad, and the Better?* (Wright-Patterson AFB: Air Force Institute of Technology, 23 October 1999), p. 5.
16. Dr. Sorenson found in his book, *Shutting Down the Cold War*, that for the BRAC years of 1991-1995, "there is no evidence that base closure was responsible for even a single congressional or senatorial defeat in the election years following each round." (pg. 213) He noted, in fact, that in the long run base closures "actually helped local economies," and that the politicians were only objecting for short-term gains. (pg. 76)
17. U.S. House of Representatives, 101st Congress, Armed Services Committee, *Report on the Defense Secretary's Commission on Base Realignment and Closure*, (February 22, 1989), pp. 38-39.
18. Ibid., pp. 16, 17, 28, 51, 73.
19. Discussed in the General Accounting Office report, *Military Bases: Lessons Learned from Prior Base Closure Rounds*, (D.C.: Government Printing Office, 1997), p. 9.
20. Ibid., p. 10.
21. U.S. House of Representatives, 102nd Congress, p. 19.
22. Sorenson, *Shutting Down the Cold War*, pp. 35, 206, 208.

23. Richard Bernardi, "The Base Closure and Realignment Commission: A Rational of Political Decision Process?," *Public Budgeting & Finance*, Vol. 16, No. 1, (Spring 1996), p. 37.
24. Sorenson, *Shutting Down the Cold War*, p. 103.
25. U.S. House of Representatives, 102nd Congress, pp. 13, 25, 33-34.
26. U.S. House of Representatives, 103rd Congress, *Defense Base Closure and Realignment Commission Report to the President*, (D.C.: Government Printing Office), p. 9.
27. U.S. House of Representatives, 104th Congress, *Defense Base Closure and Realignment Commission Report to the President*, (D.C.: Government Printing Office, 1995), pp. 15-16.
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29. U.S. House of Representatives, 104th Congress, pp. 24, 149.
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31. Bernardi, "The BRAC Commission: A Rational or Political Decision Process?," p. 42.
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34. Stan Phillippe, "Military Base Closure, Cleanup, and Reuse," *CAL/EPA Fact Sheet*, (October 2000), p. 2.
35. *Air Force Times* Fast Track news brief in 14 April 2003 edition.
36. Tom Philpott, "Critics Say Base Closures Don't Save Dollars or Make Sense," *Honolulu Advertiser*, (January 30, 2003), p. 2.
37. Braden Phillips, "In Selling Calif. Facility, Navy May Have a Base Hit," *Washington Post*, (April 3, 2003), p. 21.
38. Sorenson, *Shutting Down the Cold War*, p. 58.

39. U.S. General Accounting Office, *Military Base Closures: Progress in Completing Actions from Prior Realignments and Closures*, GAO-02-433, (D.C.: Government Printing Office, April 2002), p. 2.
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