

ISSUE BRIEF

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Senate Amendment Would Fix Most BRAC Problems

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Twelve years have passed since the last round of Base Realignment and Closures (BRAC).¹ The composition and size of the U.S. military have changed substantially since the last BRAC. U.S. basing, however, has mostly stayed the same. Closing or realigning domestic military bases requires congressional authorization, since the authority of the Department of Defense (DOD) has been limited over time.² Congress should look into changing the limitations imposed by the Base Closures and Realignments statute.³

In the discussions surrounding the 2018 National Defense Authorization Act (NDAA), Senator John McCain (R-AZ) and Senator Jack Reed (D-RI) have crafted an amendment that would authorize a new round of BRAC, albeit in a modified manner.⁴ The act, currently titled the Defense Force and Infrastructure Review Act of 2017,⁵ incorporates many important reforms that could improve the BRAC process and address some of the failures of the 2005 round.

Absent permanent changes in the statute, the McCain-Reed proposal is a step in the right direction toward the closure of excess military bases.⁶ The proposal calls for substantial changes to the BRAC process, making it less ambitious and more

focused on savings, while also increasing the congressional role in building the recommendations. The act would also require a future BRAC round to be modest in scope, with the total of recommended actions capped at \$5 billion. This cap would contribute to limiting cost—an important factor cited by many in Congress who have been reluctant to authorize a new round of BRAC.⁷

Positive Additions to the BRAC Proposal

In previous Heritage Foundation research,⁸ four areas were identified as being pivotal to the success of future BRAC. The proposed legislation addresses all four of these areas.

Savings. The proposal mandates that all the recommendations individually yield net savings within 10 years, demonstrating a focus on savings for the new round. It also directs the Secretary of Defense to establish a target for reduction of excess capacity. This proposal would serve to focus the next BRAC round on reducing excess.

Force Structure. The legislation also determines a force structure to be used by the DOD that is beyond the current force. It employs the force described in McCain's "Restoring American Power" as the minimum for determining excess capacity.⁹ This is a valid baseline that provides a measure of assurance that the DOD will maintain an infrastructure that continues to support a force likely to grow in the coming years.

Cost Estimation. The proposed legislation also addresses the techniques employed for cost estimation by requiring the creation of more detailed plans for the implementation of the closure during the recommendation phase.

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BRAC Assessment. The proposed legislation also creates two additional evaluation criteria for assessing bases proposed for closure or realignment. These additional criteria would reinforce the renewed focus on creating savings and create a goal-oriented end state for the next BRAC. The two proposed new criteria are secondary to the military value of an installation and capture previously overlooked aspects. The new criteria would supplement, not detract from, the importance of the other criteria focused on military value that guide the BRAC process.

The first criterion would require the DOD to assess how each recommendation would contribute to the overall goal of infrastructure reduction. This would re-emphasize the importance of having a reduction goal, and highlight how each recommended action fits within the broader goal of infrastructure reduction.

The second criterion would assess the possible increases in costs for the bases that receive missions and personnel from bases that are realigned or closed. This criterion addresses one of the drivers of considerable cost overruns that occurred in the 2005 round.¹⁰ The DOD and BRAC commission did not fully account for the requirements in physical infrastructure of the receiving bases. This new crite-

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on would require both to be more cognizant of the effects of the incoming missions to the bases.

Pitfalls in the Proposal

The McCain–Reed proposal overall represents positive changes to the BRAC process. However, it also contains a few pitfalls.

The proposal would remove the BRAC commission from the process and relegate the function of evaluating the recommendations developed by the DOD to Congress. This is a considerable reversal of how previous BRAC rounds have worked. In those, after the DOD had developed the force structure, published the criteria for the creation of the recommendations, and certified the need for closures, the Government Accountability Office reviewed and reported on the methodology used by the Department. Afterwards an independent commission was established and started its own due diligence.¹¹

The role of the commission was to serve as an impartial arbiter shielded from parochial interests. The commission was to put national security and military preparedness ahead of local or non-germane interests, something that Congress has proven unable to do.¹² Removing the commission will not

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1. Defense Base Closure and Realignment Commission, *2005 Defense Base Closure and Realignment Commission Report*, 2005, <http://brac.gov/docs/final/BRACReportcomplete.pdf> (accessed July 26, 2017).
 2. Daniel H. Else, "Military Base Closures: Frequently Asked Questions," Congressional Research Service *Report for Congress* No. 43425, March 19, 2004, <https://fas.org/sgp/crs/natsec/R43425.pdf> (accessed July 26, 2017).
 3. 10 U.S. Code § 2687 (1977).
 4. Jared Serbu, "McCain, Reed Float Trial Balloon for Another BRAC Round," Federal News Radio, July 18, 2017, <https://federalnewsradio.com/dod-reporters-notebook-jared-serbu/2017/07/mccain-reed-float-trial-balloon-for-another-brac-round/> (accessed July 25, 2017).
 5. The Defense Force and Infrastructure Review Act of 2017, 115th Cong., 1st Sess. (accessed July 26, 2017).
 6. U.S. Department of Defense, *Infrastructure Capacity*, March 2016, p. 2, <http://defensecommunities.org/wp-content/uploads/2015/01/2016-4-Interim-Capacity-Report-for-Printing.pdf> (accessed July 26, 2017).
 7. U.S. House of Representatives, Committee on Armed Services, "BRAC Facts: Setting the Record Straight," *Defense Drumbeat*, July 13, 2017, <https://armedservices.house.gov/news/defense-drumbeat/brac-facts-setting-record-straight> (accessed July 26, 2017).
 8. Frederico Bartels, "Four Priorities for the New Round of Base Realignment and Closure (BRAC)," Heritage Foundation *Issue Brief* No. 4725, June 26, 2017, <http://www.heritage.org/defense/report/four-priorities-the-new-round-base-realignment-and-closure-brac>.
 9. John McCain, "Restoring American Power," U.S. Senate, Committee on Armed Services, 2017, https://www.mccain.senate.gov/public/_cache/files/25bff0ec-481e-466a-843f-68ba5619e6d8/restoring-american-power-7.pdf (accessed July 26, 2017).
 10. Brian J. Lepore, "Military Base Realignments and Closures: Key Factors Contributing to BRAC 2005 Results," testimony before the Subcommittee on Readiness, Committee on Armed Services, U.S. House of Representatives, March 8, 2012, p. 8, <http://www.gao.gov/products/GAO-12-513T> (accessed July 26, 2017).
 11. U.S. Government Accountability Office, "Military Bases: Opportunities Exist to Improve Future Base Realignment and Closure Rounds," *Report to Congressional Committees*, March 2013, <https://www.gao.gov/assets/660/652805.pdf> (accessed June 21, 2017).
 12. Frederico Bartels, "Congress, Stop Using Our Nation's Military Policy for Political Purposes," *The Hill*, July 14, 2017, <http://thehill.com/blogs/pundits-blog/the-military/342002-congress-stop-using-our-nations-military-policy-for-political> (accessed July 26, 2017).

change the character of Congress. The commission is the best solution to shield the process from parochial concerns. These concerns are always going to be a part of the process, but giving Congress the responsibilities of the commission will amplify them.

The McCain–Reed amendment also changes the congressional requirement from the vote of disapproval to a vote of approval of the BRAC list.¹³ In previous rounds, Congress would have a 45-day period in which it could disapprove the recommendations through a joint resolution.¹⁴ The adjournment of Congress without issuing a joint resolution of disapproval would enable the BRAC round to continue.

The proposal requires Congress to issue a joint resolution of approval for the continuation of the new round. It would not be a stretch to envision a situation in which other priorities take over the legislative calendar and voting on the joint resolution simply falls by the wayside. Congress should be self-aware enough to require a vote of disapproval and acknowledge that silence means the continuance of the process.

BRAC Is the Way Forward

When considering a new round of BRAC, Congress should ensure that a restored BRAC commission takes into account changes that have occurred to the composition of U.S. armed forces since the last round of base closures. Laying the groundwork for a new commission to achieve an outcome shielded from political pressure is crucial. Congress should focus on accomplishing the following goals:

- **Focus future BRAC on cost savings.** Congress should focus on having actual targets for reductions and creating additional transparency in what costs are incurred when executing the recommendations.
- **Shield BRAC from non-germane interests and enshrine impartiality.** A new round of BRAC must be protected from parochialism—a goal served by having an independent BRAC commission. Parochialism will increase if Congress alone is responsible for evaluating the DOD’s recommendations.
- **Maintain the previous requirement for a joint resolution of disapproval.** The proposed change to joint resolution of approval would leave the process at the mercy of the congressional calendar and increase the likelihood of a BRAC process ending before any concrete actions.

Conclusion

The McCain–Reed proposal incorporates important elements to the BRAC process, especially when it comes to focusing the round on creating savings. However, it also increases the congressional role in the process, which makes it more fragile and less likely to be completed. Congress should work to ensure the positive elements of the proposal are included within guidance for a future BRAC.

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13. The Defense Force and Infrastructure Review Act of 2017.

14. Defense Base Closure and Realignment Act of 1990, Public Law 101-510.