



McCain, Reed float trial balloon for another BRAC round

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In what may turn out to be a thaw in the years-long congressional refusal to even consider the possibility of conducting another round of military base realignments and closures (BRAC), two key senators are circulating draft legislation that could finally authorize a BRAC-like process in 2021.

BRAC-like, because the draft proposal being quietly floated by Sens. John McCain (R-Ariz.) and Jack Reed (D-R.I.), the chairman and ranking member of the Senate Armed Services Committee, differs in several major ways from the BRAC process Congress has used five times since 1988 to overcome the political difficulties of closing bases.

McCain has criticized that process in recent months, saying it's an "act of cowardice" for members of Congress not to be involved in decisions about which bases to close.

So, for starters, the new round would skip the part of the process that involves an independent BRAC commission. Historically, those panels have been placed in charge of reviewing DoD's list of recommended base closures, scrutinizing them in nationwide public hearings, determining whether they meet the objectives Congress has laid for the closure round in question, revising the list, and then submitting it to Congress for an up-or-down vote.

Under the McCain-Reed proposal, which was first reported by Politico, Congress would be voting on a closure list developed entirely by DoD. But the department would first have to take several steps that appear to be designed to squash two of the primary arguments BRAC opponents have used to oppose another series of closures: that it would involve high upfront costs and that the military ought to hang onto its excess inventory to leave room for future growth.

First, beginning with the 2020 budget proposal, the department would have to submit a detailed forecast of its actual infrastructure needs over the following 20 years. And to account for the fact that defense hawks want the military to be in growth mode, that plan would have to accommodate a much larger force than exists today: a Navy of 355 ships, an Air Force with 1,500 combat-coded aircraft, an Army of 60 brigade combat teams and a Marine Corps with three Marine Expeditionary Forces.

Once that force structure assessment is completed, the department would have to prepare a detailed analysis of various categories of real estate and other base infrastructure it owns and operates today, what could be safely disposed of, and the economic effects on local communities of actually doing so.

Next, the Government Accountability Office would double-check DoD's work, but GAO would have to move quickly. The comptroller general would have just 60 days to determine whether the department's analytical judgments about force structure versus infrastructure are sound and that it actually needs to close bases.

From there, DoD would need to come up with its final criteria for deciding which bases should be closed, with an emphasis on preserving the ones that have the most military value and taking into account the actual upfront costs and potential savings involved in shedding excess infrastructure. It would also have to publish a detailed list of all the stateside installations it operates today, along with data on their physical condition and any environmental remediation that would be needed to clean them up if they were closed.

After a 60-day public comment period, DoD would have until May 15, 2021, to notify Congress of the actual installations of which it wants to divest itself. The total upfront costs involved in shutting them down would have to be less than \$5 billion. Each and every closure recommendation on the list would have to pay for itself within 10 years, and the overall list of closures would have to achieve a net savings within seven years.

"It looks like a number of these provisions are calling members' bluffs on the excuses that have been put forward as to why Congress doesn't want to authorize another BRAC round," said Mandy Smithberger, the director of the Straus Military Reform Project at the Project for Government Oversight. "But it also includes a number of provisions that could make it more difficult for a BRAC round to move forward."

For instance, none of the BRAC recommendations would come into force unless both houses of Congress approved a resolution that OKs the entire list. That's a 180-degree reversal from past BRAC rounds, where the independent commission's closure recommendations automatically became law unless Congress explicitly passed a resolution to disapprove of them.

"And given how many years we've seen Congress drag its feet on this already, I'm worried that this process might not result in an actual BRAC," Smithberger said.

But even before the final recommendations are developed, Congress would, to some degree, be playing a role that's historically been performed by the independent commission. After DoD submitted its initial closure proposals in May 2021, members of Congress would have five

months to scrutinize the list and campaign against individual recommendations; members would have to be supplied with any written public statements that are submitted to DoD in favor of or against a given closure recommendation.

After presumably getting an earful from hundreds of members of Congress, the defense secretary would have to submit a revised, final list of closure recommendations. If the president approved it by Dec. 2 of that year, it would finally move to the full House and Senate for a potential up-or-down vote or to be left in the dustbin of history without any vote at all.

“It’s good that the proposal offered in the Senate would allow a lot of public input, which is important to making sure the process is fair,” Smithberger said. “But it also raises concerns about whether it would make it politically impossible.”

But it’s not as though members of Congress didn’t lobby against closure recommendations in their districts and states during prior BRAC rounds, said Christopher Preble, the vice president for defense and foreign policy studies at the Cato Institute. He said the process McCain and Reed are floating wouldn’t necessarily be any more political or parochial than the traditional one that involved an independent commission.

“There was normal politics in the previous BRAC rounds,” Preble said. “What I think is important about this legislation is that communities are not penalized for planning for the future. We don’t want to be discouraging communities from thinking proactively about how they might use this property, this land differently. In the past, the fear was that if they were known to be planning ahead for a potential closure, well, they must not care very much about keeping their base open. I think this legislation encourages communities to think proactively, so you might be surprised. Some of those communities might not be spending those five months trying to halt a base closure in their area; maybe they’ve identified some alternative uses.”

Even if McCain and Reed manage to include their BRAC language in the Senate’s final version of the 2018 Defense authorization bill, it would set up a confrontation with the House when the two chambers meet to reconcile their NDAA language later this year.

The Defense Department has been arguing since 2012 that it desperately needs another round of base closures, saying its most conservative estimates show it has 22 percent more capacity — mostly in the Army and the Air Force — than it can put to meaningful military use. The Trump administration repeated the BRAC request this year, and Defense Secretary James Mattis has told Congress that he believes further closures would save the government \$2 billion per year.

But Rep. Mac Thornberry (R-Texas), the chairman of the House Armed Services Committee, successfully batted back a pro-BRAC amendment in last week’s floor debate over that chamber’s Defense authorization bill. The measure, offered by Rep. Tom McClintock (R-Calif.), would have acceded to DoD’s request for a BRAC round in 2021.

“When we squander billions of defense dollars keeping obsolete military bases open in order to satisfy congressional constituencies, we directly rob our military forces of the resources that we’re constantly reminded they desperately need,” McClintock said. “There’s an old saying that

you can't fill a broken bucket by pouring more water into it. We've got to fix the bucket. That's our responsibility."

But Thornberry and his staff seized on Mattis' prior congressional testimony, in which the new secretary responded to members' questions by saying he was not completely confident that the military would still have 22 percent excess capacity after it had completed the defense buildup that the Trump administration has suggested it will propose in future years' budgets.

"Assessing our capacity based on an inadequate force structure makes no sense ... once you give up a base or capability, you may never get it back or it is incredibly expensive to replace," House Armed Services Committee Republicans said in an email blast prior to the vote on the McClintock amendment, with the title: "BRAC Facts: Setting the Record Straight."

But the Defense Department has never suggested that any future BRAC round would eliminate all of its excess inventory. Indeed, the last round, in 2005, reduced the military's real estate footprint by just 3.4 percent — part of the reason its upfront costs (\$35 billion) were so high.

"When we did the 2005 BRAC round, the military was actually growing to fight the wars in Iraq and Afghanistan," Preble said. "Unless we think we're going to be fighting a lot more of those wars with 150,000 troops in a foreign country, the force might grow some, but I don't think we should be expecting it to get that much larger. And frankly, if it does grow, we certainly have the flexibility to allocate additional space for the military if we get into a situation of real extremes."