

Advance Policy Questions for Anthony J. Principi, Nominated to the 2005 Base Realignment and Closure Commission

Duties

1. Section 2914 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510 as amended; Section 2687 note, Title 10, United States Code) describes the duties of the Commission. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer: I served in the United States Navy and Naval Reserve for 21 years at various military installations across the country and at military posts overseas. Following my active duty service I was minority staff director on the Senate Armed Services Committee during the outset of the 1993 BRAC and was involved in hearings and site visits. As Secretary of Veterans Affairs I faced similar challenges in conforming VA's legacy infrastructure to the changes in 21st century healthcare.

2. Do you believe that there are any steps that you need to take to enhance your expertise to perform these duties?

Answer: I will continue to review pertinent material and meet with former BRAC commissioners and staff as well as other knowledgeable individuals to learn the issues and challenges facing the 2005 BRAC Commission.

3. Assuming you are confirmed, what duties and functions do you expect will be required of you as Chairman of the Commission?

Answer: My first duty will be to hire a staff director. As Chairman I will lead the Commission's efforts to meet our responsibilities under the law. I will prepare a roadmap for the conduct of our work in order to meet the rigid timelines to submit a report to the President. As Chairman, I believe it is important to set the tone for our deliberations - to insure that our work is devoid of politics, to address potential conflicts of interest, to be independent, fair, open and equitable, to build consensus and to insure the communities and people impacted by the BRAC process have an opportunity to be heard.

4. If confirmed as Chairman of the Commission, you will be responsible for hiring an executive director and BRAC staff. How will you ensure that your staff is impartial, professional, and free of political influence?

Answer: Every prospective nominee for a staff position will be interviewed to insure they have the requisite knowledge, experience, expertise and impartiality to serve on the staff. Politics or political influence in the selection of staff will not be tolerated.

5. If confirmed as Chairman, will you conduct all proceedings of the Commission in a manner that integrates the efforts, views and concerns of other commissioners?

Answer: Yes

6. The Commission's deliberations are designed to be conducted, to the maximum extent possible, in public. If confirmed as Chairman, how will you promote public participation in the Commissions' review process, particularly in terms of providing access to elected officials and the local leadership of communities potentially impacted by the BRAC recommendations?

Answer: All hearings will be open to the public and information will be made available to the public in writing and electronic format. The Commission will hold regional hearings at which elected officials and local leadership will be invited and encouraged to testify. To the extent possible, Commissioners and staff will visit impacted installations and communities to meet with military, state and local officials as well as the public. Regional hearings will be held at locations conducive to maximum attendance.

Challenges

7. In your view, what are the major challenges that will confront the 2005 Base Realignment and Closure Commission?

Answer: The Commission begins its work with a very short timeframe to standup a staff prior to the Secretary of Defense's submission of base closures and realignments. The permanent core BRAC staff in existence prior to the 1995 BRAC was disbanded at the expiration of that round. Additionally, the Commission only has a few months to review and analyze the data provided by the Secretary to support his recommendations, conduct hearings, visit installations, markup the Commission's findings and recommendations and prepare a report for submission to the President not later than September 8, 2005. Another challenge will be to insure that all commissioners and staff remain impartial and avoid political pressure and conflicts of interest. Changes in the BRAC statute will make it more challenging to change a recommendation made by the Secretary and add a military installation to the closure and realignment list that had not been recommended by the Secretary.

8. Assuming you are confirmed, what plans as Chairman do you have for addressing these challenges?

Answer: If confirmed, my first priority will be to hire a staff director and professional staff to begin the preparatory work of the Commission. A commission agenda and strategy will be prepared for consideration by the Commissioners. I intend to stress the importance of objectivity, impartiality and openness throughout our

deliberations and to achieve consensus on changes to Secretarial recommendations on base closures and realignments.

9. Do you have any views as to which military bases should be closed or which missions and/or functions ought to be realigned?

Answer: No

10. Do you have any views as to which types of military bases should be closed and which types of missions should be realigned?

Answer: No

11. Will you be able to devote adequate time in order for the Commission to complete its work as scheduled?

Answer: Yes

12. The obligation to clean up contamination at military sites is governed by a variety of state and federal laws that apply to all bases—closed, realigned, or open. Substantial concerns have been raised about the accounting of environmental clean-up in previous rounds. What are your views on how the cost of cleaning up environmental contamination on military bases should be considered as a factor in making closure and realignment decisions?

Answer: I have taken note that for BRAC 2005, the Congress and Department of Defense have amplified the selection criteria for environmental impact to include the impact of costs related to potential environmental restorations, waste management and environmental compliance activities. It is not the only criteria to be considered, but a significant one nonetheless.

The Base Realignment and Closure Process

13. The final selection criteria for the BRAC process, which were set out in Section 2832 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, established four criteria to assess military value as the primary consideration, and four additional criteria to assess potential savings, economic impact on local communities, supporting infrastructure, and environmental considerations in BRAC recommendations. Do you interpret any of the eight criteria to preclude, favor, or encourage the consideration of any specific base, mission, or military function for realignment, closure, or privatization?

Answer: No

14. Military value is the determinative selection criteria for a closure or realignment. In your view, what are the key elements of military value?

Answer: 1. The four (4) selection criteria embodying military value, I believe, adequately define that value. Two (2) key elements contained in the selection criteria are total force structure to include Guard and Reserve components and maximizing joint base utilization to facilitate joint warfighting, training and readiness.

15. Are there other criteria that you believe should be considered when reviewing bases for possible closure or realignment?

Answer: Yes. Total costs and net savings associated with closures and realignments, economic impact on communities, community infrastructure at receiving installations and environmental considerations are important, but secondary to military value. In addition, consideration must be given to the impact on US base closure proposals by any decisions to reduce overseas bases.

16. One of the most important responsibilities of the Commission is to ensure that communities and installation officials have an opportunity to provide public input to ensure accurate and complete information. Final BRAC recommendations will be respected only if the process is conducted with integrity and transparency. What do you see as the most important elements of maintaining the public's faith and trust in the BRAC process?

Answer: Openness, impartiality, non partisan and an opportunity to be heard.

17. In past BRAC rounds there have been allegations that the Department of Defense has not fully considered all relevant information in making its recommendations. What actions, if any, do you think the Commission should take to ensure that all relevant information has been, or will be considered and is available for the Commission and for public review?

Answer: I intend to seek all relevant information from the Department of Defense and have been assured that such requests will be honored. The Commission will fully consider that information in its deliberations.

18. Section 2904 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510 as amended; Section 2687 note, Title 10, United States Code,) requires the Secretary of Defense to carry out the privatization in place of a military installation only if privatization is specifically recommended by the Commission. Do you have any reason or opinion which would lead you to preclude, favor, or encourage the consideration of any specific base, mission, or military function for privatization in place? What criteria would you use in making such a recommendation?

Answer: No. The criteria I would use would be similar to those identified in the 1995 BRAC Report to the President. The opportunity to eliminate excess infrastructure, allow uniformed personnel to focus on skills and activities directly related to their military mission and the opportunity to create truly cooperative ventures with the community and the Department of Defense that would insure military requirements are met while enjoying the efficiency of private operation.

Conflicts of Interest

19. The Commission was established with the intent of providing independent and bipartisan recommendations to the President. Do you believe you can set aside views based on your political affiliations and evaluate the Secretary of Defense's proposal— or make new ones— in an independent manner based strictly on non-partisan considerations?

Answer: Yes

2. Have you ever participated on a compensated or uncompensated basis in any activity directed at precluding, modifying, or obtaining the closure or realignment of any base during the BRAC process? If so, please describe.

Answer: No

21. Have you been stationed at or resident in the vicinity of any base while the base was under consideration for closure or realignment during previous BRAC rounds in 1988, 1991, 1993 or 1995? If so, please describe.

Answer: Yes. I have a residence approximately 15 miles from the former Miramar Naval Air Station.

22. Do you or, to the best of your knowledge, does any member of your immediate family have any specific reason for wanting a particular base to be closed, realigned, privatized, or remain unchanged during the BRAC process?

Answer: No

23. The procedures set out by Congress for the Commission raise unique conflict of interest issues. The question of whether a particular base closure or realignment decision would have a direct and predictable effect on a particular nominee's financial interests is a matter that cannot be determined until the Secretary's base closure list is announced, an announcement that is not due until May 16, 2005. It is likely that the Commission members will have been confirmed by the Senate and appointed by then. Accordingly, the Senate Committee on Armed Services intends to follow the same procedure used during the 1991, 1993, and 1995 base closure rounds.

Under that procedure, the following actions would be taken:

(1) At the time the Secretary's list is announced, the Commission's General Counsel, working with the DOD General Counsel and the Office of Government Ethics, will review the financial holdings of each member of the Commission and advise the member whether recusal or other remedial action (divestiture or waiver) is necessary.

(2) The Commission's General Counsel will advise the Committee of the results of the review and the actions taken by the members of the Commission.

(3) The Commission's General Counsel will establish a procedure that will provide for similar reviews, and information to the Committee, when and if the Commission considers taking action with respect to installations not on the Secretary's list.

Given this procedure, if confirmed, will you agree:

(1) to take such remedial action (i.e., recusal or divestiture) as may be recommended by the Commission's General Counsel, working with the DOD General Counsel and the Office of Government Ethics, to avoid a conflict of interest with regard to a particular installation on the Secretary's list or otherwise under consideration by the Commission?

Answer: Yes

(2) to advise the Committee, through the Commission's General Counsel, of any such recommendations and the remedial actions that you have taken to address them?

Answer: Yes

(3) if the recommended remedial action is recusal, not to participate in any discussion, debate or action regarding the installation in question or any other installation that may be under consideration as a substitute for the installation in question?

Answer: Yes

Congressional Oversight

24. Although the Base Realignment and Closure Commission was established by law to provide independent recommendations to the President, it is important that this Committee and other appropriate committees of the Congress are able to

receive testimony, briefings, and other communications of information from the Commission in order to carry out its legislative and oversight responsibilities.

Do you agree, if confirmed, to appear before this Committee and other appropriate committees of the Congress?

Answer: Yes

Do you agree, when asked, to give your personal views on the processes and recommendations of the Commission?

Answer: Yes

Do you agree, if confirmed, to appear before this Committee and to provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as a Commissioner?

Answer: Yes

Do you agree to ensure that testimony, briefings and other communications of information are provided to this Committee and its staff and other appropriate Committees?

Answer: Yes

Will you be willing to provide this committee with an after-action report on the 2005 Commission's work?

Answer: Yes