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**CONGRESS SLICES SOME PORK:
THE BASE CLOSURE LAW OF 1990**

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Introduction

For over two decades efforts to close U.S. military bases have been mired in Congressional and Pentagon politics. While the government has constructed new bases to serve new military functions and technologically sophisticated weapon systems, obsolete bases have enjoyed a wasteful old age due to Congress's resistance to their closure. At the same time, outside observers have charged that individual presidents and the Department of Defense have sought to close selected bases and preserve others for purely political purposes. Many Members of Congress have viewed closure of a base in their district or state as threatening to local economic interests. Adverse economic conditions translate into angry constituents and therefore greater vulnerability for a Member at the next election.

The current budget crisis, coupled with the dramatic changes in East-West relations, however, have impelled Congress and the executive branch to reach a compromise formula for selecting bases for closure. The formula, centered around the work of a commission, has arguably met with some success, though bureaucratic politics has somewhat diminished the commission's efficacy.

A Brief History of the Battle Lines

In the 1960s, Secretary of Defense McNamara, in search of a streamlined base structure, announced a series of base closures without consulting Congress. The resulting loss of civilian and military jobs, with reverberating effects on local businesses, led to lost votes at election time when constituents blamed their Congressmen for failing to protect local interests.

A sharply political twist appeared under President Nixon. Base closures occurred overwhelmingly in Democratic districts and states. For example, heavily Democratic Rhode Island, with a strong economic dependence on defense facilities, saw the end of the homeporting of the Atlantic fleet at Newport in 1973. Statewide unemployment soared within twelve months from 6 percent to 18 percent. Massachusetts, the only state to vote for George McGovern in 1972, was the most severely affected, with several bases being closed in 1973. (Mayer, "Base Closures," pp. 1-8; and Mayer, "Law and Politics," pp. 463-464) Few took this as a gesture by the President of accommodation to the anti-defense views of Majority Leader Tip O'Neill and Senator Edward Kennedy.

In response to McNamara and to Nixon, Congress passed a range of legislation in the 1970s intended to entangle any effort to close bases in a web of environmental regulations and in required compensatory schemes for affected communities. As a result, virtually no bases were closed between 1973 and 1989.

The Imperfect Art of Compromise: The Base Closure Laws

2 In 1988, in response to the improvement in East-West relations and to the budget crisis, Congress and the Reagan Administration agreed on a commission that would make recommendations for bases to be closed. The commission listed 86 bases for closure, and Congress approved the recommendations. No public testimony before the commission was permitted. In early 1990, the commission, following Secretary of Defense Cheney's recommendations, gave Congress a new list of base closures. The House Armed Services

Committee, under Rep. Les Aspin (D-Wis.), rejected the list on the grounds that a disproportionate number of bases were in Democratic districts. (Mayer, "Base Closures and 102d Congress," p. 1)

In 1990 Congress passed the Base Closure bill, which the President signed into law. This law contemplates much more dramatic reductions in the number of U.S. bases than did the 1988 law. Congress sought to insulate the decisions on closures as much as possible from politics. To that end, unlike the 1988 process, the 1990 law created a commission with an extended life that would make recommendations for closure in 1991, 1993, and 1995. The selection of odd-numbered years was intended to take the process out of electoral year politics. Further, Congress and the executive branch share powers in the process.

The law established a series of steps, each with a deadline, for reaching agreement between Congress and the Executive branch on which bases to close:

Step one: The President creates an eight member commission, with each commissioner approved by the Senate.

Step two: Upon the recommendation of each service, the Secretary of Defense provides a list of suggested base closures to the commission. Only domestic bases come under the purview of the law.

Step three: The commission holds open hearings and, if necessary, revises the list and sends it to the GAO for review of the evaluative process. GAO then transmits the list to the President for approval.

Step four: The President sends the list to the appropriate Congressional committees, which review the list and send it to the floor.

Step five: Congress must vote on the list as a whole, and may not delete individual bases. A joint resolution of disapproval would block the entire list of recommendations for

base closures.

Several key aspects of this step-by-step process are noteworthy. The Base Closure Law is an example of Model III bureaucratic politics at play, with bargaining and balance at the heart of the legislation. The law allows the Executive branch to take the initiative in naming a commission, formulating evaluative procedures, and producing a final list. Congress, through Senate consent to the commissioners, GAO review of evaluative procedures, and final right of refusal of the entire list, plays a balancing role. The deadlines established by the Base Closure Law for accomplishment of each step was not more than 60 days, the intention being to eliminate delaying tactics. Step five, in requiring a joint resolution of disapproval of the entire list in order to block implementation, eliminated the temptation for Members' engaging in horsetrading to save favored facilities.

The law also stipulated that the Secretary of Defense, before closing any bases, must produce criteria by which all bases would be judged, and obtain Congressional approval of these criteria. Cheney's criteria emphasized that to survive, bases must have continued military value and must be cost-effective. In addition, the economic impact upon a community of a base's closure must be considered, as well as the environmental impact on a community if the base were to be left in operation. (Mayer, "Base Closures and 102d Congress," pp. 2-7; and DOD, "Base Closures," pp. 15-31) Congressional committees endorsed these criteria. Steps one and two -- creation of the commission and DOD's formulation of criteria

and the accompanying list of suggested base closures -- met the required deadlines.

Cheney's List

Secretary Cheney's list of prospective base closures, drawn with the full participation of the three services, next went to the commission as part of step three. The commission reviewed it, took open testimony, and deleted several bases from the list on the grounds that they were vital to national security. Some 150 Members of Congress testified before the commission as it moved about the country and examined the bases. Several Democratic Members complained that the list was weighted with bases in Democratic districts. (Interviews with Congressional staffers)

At this stage in the process Congressional machinery became fully engaged in the process. GAO undertook its review of Cheney's list, as revised by the commission. GAO found that the evaluations of bases submitted to the commission by the Army and the Air Force were well-documented, but that the Navy had provided insufficient documentation on every base that it recommended for closure. (GAO, "Military Bases: Observations," p. 107)

Members with Navy bases in their districts cried foul. Some Members of Congress complained that several bases of military value were candidates for closure, while others of little military value but of importance to navy tradition were not on the list. One naval official confirmed this point when he told a Congressional staffer, "You can't expect us to close Pearl Harbor." (Cited in Daggett & Cohen, "Military Construction," p. 44) GAO asked the

navy to supply the necessary documentation. Voluminous files eventually arrived, but only two days before the deadline for completion of step three. As a result, the files were never fully reviewed by GAO. (Mayer, "Base Closures and 102d Congress," p. 12) Step three was completed when GAO met the deadline and transmitted the list to the President.

Congress Slices Some Pork

The President approved the commission's list and transmitted it to the Senate and House Armed Services Committees on July 10, 1991, as required under step four. Only the House vigorously pursued review of the list. Rep. Aspin, a firm supporter of paring the defense budget, held hearings on the list. With some dissenting voices from both Republicans and Democrats, the Committee approved the list and, as required by step five, sent it to the House floor.

The proposed list hit Congress where it hurts the most: the loss of jobs in Members' districts. Should the list be approved, an estimated 70,000 civilian and military jobs would be lost through 65 base closures between 1992 and 1997. Debate on the House floor centered on the Navy's recommended closings, in part because the Navy's evaluations were suspect, in part because its base closings caused the largest potential loss of civilian jobs.

Rep. Patsy Schroeder (D-Colo.), in concert with several Democrats and Republicans, led the fight for a resolution of disapproval of the list. Schroeder, usually an ardent proponent of "open government" and a perpetual critic of the Pentagon's

expanding budget, attacked the process of selecting the bases. The commission's hearings should have been closed, she argued, "so that whistleblowers might come forward." She contended that the Colorado bases on the list were of high military value, and turned her fire on the Navy. She faulted the Navy for its failure to produce documents to GAO in a timely fashion, and called for the closure of more domestic and overseas naval bases instead of the Colorado bases. "The only way we seem to be able to close overseas bases," she said, "is to have a volcano go off." (Congressional Record, 7/30/91, p. 6007)

No Member of the House could have been unaware of the barely veiled meaning of Schroeder's remarks. A request for closed hearings "so that whistleblowers might come forward" was also a request for Congressional deal-cutting behind closed doors. Open hearings, which allow Congress and the public alike to judge which bases should be eliminated in light of budget stringencies and the changed international situation, was one of the few measures able to protect the commission from charges of pork barreling. And Schroeder's call for more closures of naval bases -- supposedly spurred by the Navy's machinations in the evaluative process -- left unsaid the Navy's absence from landlocked Colorado, and therefore additional closures at no cost to Schroeder.

"PNSY": The Navy Sacrifices a Dead Lamb

The Philadelphia Naval Shipyard (or "PNSY", as it is known to its supporters and its detractors) was on the Navy's list and on the commission's final list. PNSY received the bulk of the

attention in the House debate because it embodies the essence of a federal facility that Members would like to preserve. PNSY has been building naval vessels since the end of the Second World War. Depending on the schedule of ships in the yard, PNSY employs between 35,000 and 47,000 civilian and military personnel, and generates a healthy reverbative flow through the economies of Philadelphia, the neighboring Pennsylvania hinterland, and nearby Delaware and New Jersey. As such, it has attracted the Congressional support of the three-state area for decades. Its closure could account for approximately 50 percent of the jobs to be lost under the commission's 1991 proposals. (Ibid., 7/30/91, pp. 6010-6011.)

An array of Democrats and Republicans took the floor and sang the praises of PNSY. They described it as "the most cost effective and most efficient" shipyard in the nation, and "without parallel" as a ship repair facility. (Ibid., 7/30/91, pp. 6010, 6021) The reality is quite different. It is an aging facility that would cost literally billions of dollars to modernize: its dry docks are in decay, its cranes are 1960s technology, and it has deposited industrial waste in neighboring waters for decades. In addition, PNSY services only large conventional ships, primarily aircraft carriers. Seven of the Navy's 14 carriers are conventional, and 5 of these 7 are scheduled to be out of service by the mid-1990s, and perhaps all by the year 2000. (Interviews with Congressional staffers and Naval officers)

The Navy placed PNSY on the list for "mothballing," and not

for full closure. If mothballed, PNSY would be preserved by a skeleton force of 1500-2000 workers for possible use in a military crisis. Budgetary factors may have been at play in the Navy's reluctance to close the facility completely. Any facility that is completely closed is automatically subjected to inspection as a possible Superfund site -- meaning that PNSY could yield heavy financial costs to the Navy's budget. One Member charged that PNSY has 15 potential Superfund sites. (Ibid., 7/30/91, p. 6022)

The Chief of Naval Operations, at GAO's urging, was called before the commission to explain why the Navy had claimed that mothballing PNSY would in fact save \$36 million. In his testimony, he admitted that "the process [of evaluation] was subjective. We didn't use numbers. We can't reconstruct the process [of evaluation]." (Cited in *ibid.*, 7/30/91, p.6021.) The likely explanation of PNSY's appearance on the list is that the Navy made the calculation that it would lose one shipyard on the east coast, and chose to preserve Norfolk as the more modern one; in addition, under a technicality in the Base Closure Law "mothballing" may well allow the Navy to transfer rather than dismiss some military personnel to other sites. (Interviews with Naval officers)

Many of the Members criticizing the commission's list on the House floor were clearly speaking for public consumption. They acknowledged that circumstances of the budgetary and strategic moment, combined with the Base Closure Law's no-fault process as embodied in the five-stepss, made the list's approval a foregone conclusion. After several hours debate, the resolution of

disapproval failed by a vote of 364-60. Because a joint resolution of disapproval was necessary to block the commission's recommendations, no Senate action was necessary. The commission's recommendations will now be put into effect.

Lessons Learned

The process established by the Base Closure Law triggered bureaucratic politics at its best and at its worst. On the positive side, DOD, the President, and Congress found a mechanism at little political cost that put in train procedures to close unnecessary military bases at a moment when a changing world called for such a move. On the negative side, some Members appealed to hometown political sentiments to smear a process that was largely open and democratic. In addition, the Navy made little pretense that it would resort to every avenue available to produce a list that would be difficult to scrutinize. In the end, however, virtually no Member claimed that bases were being closed for political purposes.

Future success under the law may prove more difficult. When the commission proposes more closures in 1993 and 1995, will Members look back upon today's recessionary times, cite a toll of harsh economic dislocation exacerbated by the 1991 list, and build coalitions to block further action? With some luck, an economy that has recovered its health and the well-configured process of the 1990 Base Closure Law may yield results that are both cost-effective and fair.

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Interviews

Congressional staffers from the House and Senate, CRS analysts, and Naval officers were interviewed in November and December 1991.