

115TH CONGRESS  
1ST SESSION

# H. R. 753

To establish a fair and transparent process that will result in the timely consolidation, closure, and realignment of military installations inside the United States and will realize improved efficiencies in the cost and management of military installations, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 31, 2017

Mr. SMITH of Washington (for himself, Mrs. DAVIS of California, Mr. COOPER, Ms. BORDALLO, Ms. SPEIER, Mr. O'ROURKE, Mr. KHANNA, Mr. HECK, and Mr. VISCLOSKY) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To establish a fair and transparent process that will result in the timely consolidation, closure, and realignment of military installations inside the United States and will realize improved efficiencies in the cost and management of military installations, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “Military Infrastructure Consolidation and Efficiency Act  
4 of 2017”.

5 (b) TABLE OF CONTENTS.—The table of contents for  
6 this Act is as follows:

- Sec. 1. Short title and table of contents.
- Sec. 2. Findings and purpose.
- Sec. 3. Force structure plan, infrastructure inventory, and certification of need  
for consolidation, closure, and realignment of military installa-  
tions.
- Sec. 4. Time period to allow congressional review.
- Sec. 5. Recommendations for consolidation, closure, or realignment of military  
installations.
- Sec. 6. Final selection criteria for making recommendations for consolidation,  
closure, and realignment of military installations.
- Sec. 7. Military Infrastructure Consolidation and Efficiency Commission of  
2019.
- Sec. 8. Secretary of Defense recommendations for consolidation, closure, or re-  
alignment of military installations.
- Sec. 9. Commission review of Secretary of Defense recommendations for con-  
solidation, closure, or realignment of military installations.
- Sec. 10. Presidential review of Commission recommendations for consolidation,  
closure, or realignment of military installations.
- Sec. 11. Prohibition on implementation of recommendations pending congres-  
sional review.
- Sec. 12. Implementation.
- Sec. 13. Management and disposal of property.
- Sec. 14. Account.
- Sec. 15. Restriction on other base closure authority.
- Sec. 16. Required reports.
- Sec. 17. Definitions.
- Sec. 18. Treatment as a base closure law for purposes of other provisions of  
law.
- Sec. 19. Conforming amendments.

7 **SEC. 2. FINDINGS AND PURPOSE.**

8 (a) FINDINGS.—Congress makes the following find-  
9 ings:

10 (1) The Department of Defense has requested  
11 legislation to authorize a new round of base realign-

1       ments and closures (BRAC) as part of each budget  
2       request since fiscal year 2013.

3               (2) The Department of Defense request for a  
4       new BRAC round is based on the Department's  
5       analysis that—

6                       (A) there is infrastructure capacity excess  
7       to military requirements; and

8                       (B) the funds required to sustain this ex-  
9       cess infrastructure capacity could be better  
10      spent on other national security priorities.

11              (3) In testimony before the Committee on  
12      Armed Services of the House of Representatives on  
13      March 22, 2016, Secretary of Defense Ashton Car-  
14      ter stated that “we need to stop spending so much  
15      money to hold on to bases we don't need” and that  
16      “we have more bases in more places than we need”.

17              (4) According to an April 2016 infrastructure  
18      capacity analysis conducted by the Department of  
19      Defense using projected fiscal year 2019 force struc-  
20      ture levels, overall the Department has approxi-  
21      mately 22-percent excess capacity, of which approxi-  
22      mately 33 percent is excess Army capacity, 7 per-  
23      cent is excess Navy capacity, 32 percent is excess  
24      Air Force capacity, and 12 percent is excess capacity  
25      of the Defense Logistics Agency.

1           (5) In a time when the Department of Defense  
2           is facing significant budget pressures, the Depart-  
3           ment is being required to expend valuable resources  
4           to maintain infrastructure capacity in excess of De-  
5           partment requirements instead of investing these  
6           valuable resources in meeting urgent readiness and  
7           training requirements or other priorities within the  
8           Department.

9           (6) While the Department of Defense has al-  
10          ready undertaken a number of initiatives to reduce  
11          the Department's overseas infrastructure footprint,  
12          including the European Infrastructure Consolidation  
13          review and the relocation and consolidation of mili-  
14          tary facilities in Japan and the Republic of Korea,  
15          the Department's ability to take similar actions re-  
16          garding military installation inside the United States  
17          is extremely limited without specific authorization  
18          from Congress.

19          (7) In testimony before the Committee on  
20          Armed Services of the House of Representatives on  
21          March 22, 2016, John Conger, who was performing  
22          the duties of the Assistant Secretary of Defense for  
23          Energy, Installations and Environment, testified  
24          that by reducing excess infrastructure capacity by  
25          only 5 percent, the Department of Defense expected

1 it could realize \$2 billion a year in annual recurring  
2 savings.

3 (8) A 5-percent reduction in excess infrastruc-  
4 ture can be managed in a strategic and cost-effective  
5 manner while ensuring appropriate infrastructure  
6 capacity remains for potential growth in military  
7 force structure or future contingency needs of the  
8 Department of Defense.

9 (9) While concerns have been raised about the  
10 costs and schedule associated with the 2005 BRAC  
11 round, the majority of the recommendations of that  
12 round were focused on transformation and realign-  
13 ment rather than efficiency and closure.

14 (10) As such, congressional authorization for  
15 the next BRAC round must include additional over-  
16 sight and controls on costs and provide sufficient  
17 guidance and authority to ensure that the Depart-  
18 ment of Defense focuses on recommendations that  
19 result in efficiencies and financial savings for the  
20 Department.

21 (11) Furthermore, congressional authorization  
22 must ensure that the process for developing rec-  
23 ommendations to consolidate, close, or realign mili-  
24 tary installations is independent, impartial, and  
25 transparent.

1           (12) In a time when the Department of Defense  
2       needs to reduce excess infrastructure capacity and  
3       realize efficiencies in its real property inventory, this  
4       Act provides the most transparent means to do so  
5       while also affording an independent commission,  
6       Congress, and community groups a significant voice  
7       and role in the process.

8       (b) PURPOSE.—The purpose of this Act is to provide  
9       a fair and transparent process that will allow the Depart-  
10      ment of Defense—

11           (1) to consolidate, close, or realign military in-  
12      stallations within the United States; and

13           (2) as a result of such consolidation, closure,  
14      and realignment, to realize efficiencies and savings  
15      that can be reinvested into critical military readiness  
16      and modernization initiatives.

17   **SEC. 3. FORCE STRUCTURE PLAN, INFRASTRUCTURE IN-**  
18                           **VENTORY, AND CERTIFICATION OF NEED FOR**  
19                           **CONSOLIDATION, CLOSURE, AND REALIGN-**  
20                           **MENT OF MILITARY INSTALLATIONS.**

21       (a) FORCE STRUCTURE.—

22           (1) PLAN REQUIRED.—The Secretary of De-  
23      fense shall develop a force structure plan for the  
24      Armed Forces, to be based on an assessment by the  
25      Secretary of the probable threats to the national se-

1 security of the United States during the period begin-  
2 ning with fiscal year 2018 and ending with fiscal  
3 year 2038.

4 (2) REQUIRED ELEMENTS.—The force struc-  
5 ture plan shall include, at a minimum, the following  
6 elements:

7 (A) The probable end-strength levels of the  
8 Armed Forces and major military force units,  
9 including land force divisions, carrier and other  
10 major combatant vessels, air wings, and other  
11 comparable units, identified by the Secretary as  
12 needed to meet the probable threats to the na-  
13 tional security of the United States identified  
14 under paragraph (1).

15 (B) The anticipated levels of funding that  
16 will be available for national defense purposes  
17 during the period specified in paragraph (1).

18 (b) INFRASTRUCTURE.—

19 (1) INVENTORY REQUIRED.—The Secretary  
20 shall conduct a comprehensive inventory of military  
21 installations worldwide for each military department,  
22 to include the specific number and type of facilities  
23 in the regular and reserve components.

1           (2) REQUIRED ELEMENTS.—As part of the in-  
2       frastructure inventory and using the force structure  
3       plan, the Secretary shall address the following:

4           (A) The number and type of infrastructure  
5       required to support—

6           (i) the force structure plan; and

7           (ii) any potential growth in the end-  
8       strength levels of the Armed Forces and  
9       major military force units in the event of  
10      the emergence of new threats to the secu-  
11      rity of the United States or a national  
12      emergency, contingency operation, or dec-  
13      laration of war.

14          (B) The categories of excess infrastructure  
15      and infrastructure capacity.

16          (3) SPECIAL CONSIDERATIONS.—In determining  
17      the level of necessary and excess infrastructure in  
18      the infrastructure inventory, the Secretary shall con-  
19      sider the following:

20          (A) The anticipated and continuing need  
21      for and availability of military installations out-  
22      side the United States, taking into account cur-  
23      rent restrictions on the use of military installa-  
24      tions outside the United States and the poten-



1            tial for future prohibitions or restriction on the  
2            use of such military installations.

3            (B) Any efficiencies that may be gained  
4            from joint tenancy by more than one branch of  
5            the Armed Forces at a military installation.

6            (c) REQUIRED REPORT TO CONGRESS.—As part of  
7            the budget justification documents submitted to Congress  
8            in support of the budget request for the Department of  
9            Defense for fiscal year 2019, the Secretary shall submit  
10          a report to Congress that includes, at a minimum, the fol-  
11          lowing elements:

12            (1) The force structure plan.

13            (2) The infrastructure inventory.

14            (3) The certification required by subsection (d).

15            (4) An economic analysis of the effect of the  
16            consolidation, closure, or realignment of military in-  
17            stallations to reduce excess infrastructure capacity.

18            (5) The standard rules that would be used to  
19            calculate annual recurring savings for manpower  
20            base operating costs, utility costs, base closure guar-  
21            antees, service-sharing agreements, and other instal-  
22            lation support activities that the Secretary will use  
23            in developing recommendations for the consolidation,  
24            closure, or realignment of military installations.

1       (d) REVISION OF FORCE STRUCTURE PLAN AND IN-  
2       FRASTRUCTURE INVENTORY.—

3           (1) REVISION AUTHORIZED.—The Secretary  
4       may revise the force structure plan and infrastruc-  
5       ture inventory.

6           (2) SUBMISSION.—If the Secretary revises the  
7       force structure plan or infrastructure inventory, the  
8       Secretary shall submit the revised plan or inventory  
9       to Congress not later than February 15 of the year  
10      following the year in which the a plan or inventory  
11      was first submitted.

12          (3) LIMITATION.—For the purposes of selecting  
13      military installations for consolidation, closure, or  
14      realignment under this Act in the year in which a  
15      revision is submitted, no revision of the force struc-  
16      ture plan or infrastructure inventory is authorized  
17      after the date specified in paragraph (2).

18      (e) CERTIFICATION OF NEED FOR CONSOLIDATION,  
19      CLOSURE, AND REALIGNMENT OF MILITARY INSTALLA-  
20      TIONS.—

21          (1) INITIAL CERTIFICATION.—On the basis of  
22      the force structure plan, the infrastructure inven-  
23      tory, and the report required under subsection (c),  
24      the Secretary shall include in the report a certifi-

1 cation of whether the need exists for the Department  
2 to consolidate, close, or realign military installations.

3 (2) EFFECT OF AFFIRMATIVE CERTIFI-  
4 CATION.—If the Secretary certifies that the need ex-  
5 ists for a round for the selection of military installa-  
6 tions for consolidation, closure, or realignment, the  
7 Secretary also must certify that—

8 (A) the recommendations for the consolida-  
9 tion, closure, or realignment of military installa-  
10 tions will—

11 (i) result in annual net savings for  
12 each of the military departments beginning  
13 not later than five years following the date  
14 of the completion of the recommended con-  
15 solidation, closure, or realignment action;

16 (ii) have the primary objective of  
17 eliminating excess infrastructure capacity  
18 within the Department and reconfigure the  
19 remaining infrastructure to maximize effi-  
20 ciency; and

21 (iii) allow the Department to reinvest  
22 potential savings realized from the consoli-  
23 dation, closure, or realignment of military  
24 installations into future readiness and

1 modernization requirements of the Armed  
2 Forces; and

3 (B) the Secretary has previously consid-  
4 ered and pursued opportunities to eliminate ex-  
5 cess infrastructure capacity overseas to maxi-  
6 mize efficiency and reduce costs.

7 (3) EFFECT OF NEGATIVE CERTIFICATION.—If  
8 the Secretary certifies that the need does not exist  
9 for a round for the selection of military installations  
10 for consolidation, closure, or realignment, the Presi-  
11 dent may not commence a round for the selection of  
12 military installations for consolidation, closure, or  
13 realignment as provided by this Act.

14 (4) EFFECT OF FAILURE TO CERTIFY.—If the  
15 Secretary does not include the certification referred  
16 to in paragraph (1) in the report required by sub-  
17 section (c), the President may not commence a  
18 round for the selection of military installations for  
19 consolidation, closure, or realignment as provided by  
20 this Act.

21 (f) COMPTROLLER GENERAL EVALUATION.—

22 (1) EVALUATION REQUIRED.—If the certifi-  
23 cation is provided under subsection (e), the Comp-  
24 troller General of the United States shall prepare an  
25 evaluation of the following:

1           (A) The force structure plan and the infra-  
2           structure inventory, including the categories of  
3           excess infrastructure and infrastructure capac-  
4           ity identified in the inventory.

5           (B) The accuracy and analytical suffi-  
6           ciency of the force structure plan and infra-  
7           structure inventory.

8           (C) The need for the consolidation, closure,  
9           or realignment of additional military installa-  
10          tions.

11          (D) The standard rules that would be used  
12          to calculate annual recurring savings for man-  
13          power base operating costs, utility costs, base  
14          closure guarantees, service-sharing agreements,  
15          and other installation support activities that the  
16          Secretary will use in developing recommenda-  
17          tions for the consolidation, closure, or realign-  
18          ment of military installations.

19          (2) SUBMISSION.—Not later than 60 days after  
20          the date on which the certification is submitted to  
21          the Congress, the Comptroller General shall submit  
22          to Congress a report containing the results of the  
23          evaluation required by this subsection.

1 **SEC. 4. TIME PERIOD TO ALLOW CONGRESSIONAL REVIEW.**

2 (a) PROHIBITION.—The Secretary of Defense may  
3 only commence a round for the selection of military instal-  
4 lations for consolidation, closure, or realignment as pro-  
5 vided by this Act after the end of a 90-day period begin-  
6 ning on the date the certification required by subsection  
7 (e) of section 3 is submitted to Congress in the report  
8 required under subsection (c) of such section.

9 (b) EFFECT OF PASSAGE OF A JOINT RESOLUTION  
10 OF DISAPPROVAL.—If, during the period specified in sub-  
11 section (a), a joint resolution is enacted disapproving of  
12 the force structure plan, the infrastructure inventory, or  
13 the certification required by section 3(e), then the Presi-  
14 dent may not commence a round for the selection of mili-  
15 tary installations for consolidation, closure, or realignment  
16 as provided by this Act.

17 **SEC. 5. RECOMMENDATIONS FOR CONSOLIDATION, CLO-**  
18 **SURE, OR REALIGNMENT OF MILITARY IN-**  
19 **STALLATIONS.**

20 (a) CONDITIONAL APPLICABILITY.—This section  
21 shall apply only if—

22 (1) the Secretary of Defense makes a certifi-  
23 cation under section 3(e) that the need exists for a  
24 round for the selection of military installations for  
25 consolidation, closure, or realignment; and

1           (2) Congress does not enact a joint resolution  
2       described in section 4(b) during the period specified  
3       in section 4(a).

4       (b) AUTHORITY TO DEVELOP RECOMMENDA-  
5       TIONS.—Subject to subsection (a), the Secretary may ini-  
6       tiate a process to develop recommendations for the consoli-  
7       dation, closure, or realignment of military installations on  
8       the basis of the force structure plan, the infrastructure  
9       inventory, and the final selection criteria.

10       (c) CONSIDERATION OF ALL INSTALLATIONS.—In  
11       developing recommendations for the consolidation, closure,  
12       or realignment of military installations under this Act, the  
13       Secretary shall consider all military installations inside the  
14       United States equally without regard to whether the in-  
15       stallation has been previously considered or proposed for  
16       consolidation, closure, or realignment by the Department  
17       or a Defense Base Closure and Realignment Commission.

18       (d) EFFECT OF ADVANCE CONVERSION PLANNING.—

19           (1) IN GENERAL.—In the development of rec-  
20       ommendations for the consolidation, closure, or re-  
21       alignment of military installations, the Secretary  
22       may not take into account for any purpose any ad-  
23       vance conversion planning undertaken by an affected  
24       community with respect to the anticipated consolida-

tion, closure, or realignment of a military installation.

(2) ELEMENTS.—For the purposes of this subsection, advanced conversion planning—

(A) shall include community adjustment and economic diversification planning undertaken by the community before an anticipated selection of a military installation in or near the community for consolidation, closure, or realignment; and

(B) may include the development of contingency redevelopment plans, plans for economic development and diversification, and plans for the joint use (including civilian and military use, public and private use, civilian dual use, and civilian shared use) of the property or facilities of the military installation after the anticipated consolidation, closure, or realignment.

(e) EFFECT OF LOCAL GOVERNMENT APPROVAL.—

(1) CONSIDERATION AUTHORIZED.—Except as provided in paragraph (2), in developing recommendations for the consolidation, closure, and realignment of military installations under this Act, the Secretary shall consider any notice received from a local government in the vicinity of a military in-



1       stallation that the government would approve of the  
2       consolidation, closure, or realignment of the military  
3       installation.

4               (2) EXCEPTION.—Notwithstanding receiving a  
5       notice described in paragraph (1), the Secretary  
6       shall—

7                       (A) make recommendations for the consoli-  
8                       dation, closure, and realignment of military in-  
9                       stallations based on the force structure plan,  
10                      the infrastructure inventory, and the final selec-  
11                      tion criteria; and

12                     (B) include a statement of the result of the  
13                     consideration of such a notice and the reasons  
14                     for the result.

15 **SEC. 6. FINAL SELECTION CRITERIA FOR MAKING REC-**  
16 **COMMENDATIONS FOR CONSOLIDATION, CLO-**  
17 **SURE, AND REALIGNMENT OF MILITARY IN-**  
18 **STALLATIONS.**

19       (a) FINAL SELECTION CRITERIA.—The final selec-  
20       tion criteria to be used by the Secretary of Defense in  
21       making recommendations for the consolidation, closure, or  
22       realignment of military installations under this Act shall  
23       be military value criteria and certain additional criteria,  
24       as follows:

1           (1) MILITARY VALUE CRITERIA.—The military  
2 value criteria are as follows:

3           (A) The current and future mission capa-  
4 bilities of the Armed Forces, the ability to sup-  
5 port technological innovation, the ability to sup-  
6 port educational requirements that enhance the  
7 success of members of the Armed Forces in  
8 their military career fields, and the impact on  
9 operational readiness of the total force of the  
10 Department, including the impact on joint  
11 warfighting, training, and readiness.

12           (B) The availability, condition, and stra-  
13 tegic location of land, facilities, and associated  
14 airspace (including training areas suitable for  
15 maneuver by ground, naval, or air forces  
16 throughout a diversity of climate and terrain  
17 areas, areas capable of supporting testing and  
18 evaluation exercises, and staging areas for the  
19 use of the Armed Forces in homeland defense  
20 missions) at both existing and potential receiv-  
21 ing locations.

22           (C) The ability to accommodate contin-  
23 gency, mobilization, surge, and future total  
24 force requirements at both existing and poten-

1            tial receiving locations to support military oper-  
2            ations and training.

3            (D) The cost of operations and the man-  
4            power implications.

5            (2) ADDITIONAL CRITERIA.—The additional cri-  
6            teria are as follows:

7            (A) The extent and timing of potential  
8            costs and savings, including the number of  
9            years, beginning with the date of completion of  
10          the recommended consolidation, closure, or re-  
11          alignment action, for the savings to exceed the  
12          costs.

13          (B) The economic impact on existing com-  
14          munities in the vicinity of the military installa-  
15          tion (including potential impacts to employ-  
16          ment, termination of contractual agreements,  
17          and closure of commercial facilities), calculated  
18          using standardized, federally recognized eco-  
19          nomic impact data when calculating the impact  
20          on existing communities.

21          (C) The impact on homeland security and  
22          emergency response preparedness in a State or  
23          region.

24          (D) The ability of the infrastructure of  
25          both the existing and potential receiving com-

1           munities to support forces, missions, and per-  
2           sonnel.

3           (E) The environmental impact, including  
4           the impact of costs related to potential environ-  
5           mental restoration, waste management, and en-  
6           vironmental compliance activities.

7           (b) PRIORITY CONSIDERATIONS.—In making rec-  
8           ommendations for the consolidation, closure, and realign-  
9           ment of military installations, the Secretary shall give pri-  
10          ority consideration to the military value criteria, as speci-  
11          fied in subsection (a)(1).

12          (c) CONSIDERATION OF TIME PERIOD FOR ACHIEV-  
13          ING SAVINGS.—

14               (1) EMPHASIS ON NET-SAVINGS WITHIN FIVE  
15               YEARS.—The Secretary shall place an emphasis on  
16               recommendations for the consolidation, closure, and  
17               realignment of military installations that will yield  
18               net-savings within five years of the completion of the  
19               recommended consolidation, closure, or realignment  
20               action.

21               (2) RECOMMENDATIONS WITH LONG-DELAYED  
22               NET-SAVINGS.—The Secretary may not make a rec-  
23               ommendation that will not demonstrate net-savings  
24               within 20 years, unless the Secretary certifies as  
25               part of the recommendation that the military value

1 of the recommendation supports or enhances a crit-  
2 ical national security interest of the United States.

3 (d) COVERED COSTS.—When determining the costs  
4 associated with a recommendation for the consolidation,  
5 closure, or realignment of a military installation, the Sec-  
6 retary shall consider costs associated with military con-  
7 struction, information technology, termination of public-  
8 private contracts, guarantees, and other factors contrib-  
9 uting to the cost of implementing and completing the rec-  
10 ommended consolidation, closure, or realignment action,  
11 as determined by the Secretary.

12 (e) EFFECT ON DEPARTMENT AND OTHER AGENCY  
13 COSTS.—The final selection criteria relating to the cost  
14 savings or return on investment from a recommended con-  
15 solidation, closure, or realignment action shall take into  
16 account the effect of the consolidation, closure, or realign-  
17 ment on the costs of any other activity of the Department  
18 or any other Federal agency that may be required to as-  
19 sume responsibility for activities performed at the military  
20 installation to be consolidated, closed, or realigned.

21 (f) RELATION TO OTHER MATERIALS.—The final se-  
22 lection criteria shall be the only criteria used, along with  
23 the force structure plan and the infrastructure inventory,  
24 in making recommendations for the consolidation, closure,

1 and realignment of military installations inside the United  
2 States under this Act.

3 **SEC. 7. MILITARY INFRASTRUCTURE CONSOLIDATION AND**  
4 **EFFICIENCY COMMISSION OF 2019.**

5 (a) **CONDITIONAL APPLICABILITY.**—This section  
6 shall apply only if—

7 (1) the Secretary of Defense makes a certifi-  
8 cation under section 3(e) that the need exists for a  
9 round for the selection of military installations for  
10 consolidation, closure, or realignment; and

11 (2) Congress does not enact a joint resolution  
12 described in section 4(b) during the period specified  
13 in section 4(a).

14 (b) **ESTABLISHMENT OF INDEPENDENT COMMIS-**  
15 **SION.**—Subject to subsection (a), there shall be estab-  
16 lished an independent commission to carry out the duties  
17 specified for it in this Act. The Commission shall be known  
18 as the “Military Infrastructure Consolidation and Effi-  
19 ciency Commission of 2019”.

20 (c) **COMPOSITION AND APPOINTMENT.**—

21 (1) **MEMBERS AND APPOINTMENT.**—The Com-  
22 mission shall be composed of nine members ap-  
23 pointed by the President, by and with the advice and  
24 consent of the Senate.

1           (2) CONSULTATION.—In selecting individuals  
2           for nomination to be members of the Commission,  
3           the President should consult with—

4                   (A) the Speaker of the House of Rep-  
5                   resentatives concerning the appointment of two  
6                   members;

7                   (B) the majority leader of the Senate con-  
8                   cerning the appointment of two members;

9                   (C) the minority leader of the House of  
10                  Representatives concerning the appointment of  
11                  one member; and

12                  (D) the minority leader of the Senate con-  
13                  cerning the appointment of one member.

14           (3) CHAIRMAN.—At the time the President  
15           nominates individuals for appointment to the Com-  
16           mission, the President shall designate one such indi-  
17           vidual who shall serve as the Chairman of the Com-  
18           mission.

19           (4) PRIORITY.—The President shall give pri-  
20           ority consideration in the nomination of members of  
21           the Commission to individuals who—

22                   (A) have demonstrated expertise regarding  
23                   the current and future operational and training  
24                   requirements of the Armed Forces, professional  
25                   military education, military installation infra-

1 structure and environmental management, or  
2 the socioeconomic impact of military installa-  
3 tions on states, regions, and local communities;  
4 and

5 (B) have not served on a Defense Base  
6 Closure and Realignment Commission.

7 (5) DEADLINE.—If the President does not  
8 transmit to the Senate the nominations for appoint-  
9 ment to the Commission on or before February 1,  
10 2019, the process by which military installations  
11 may be selected for consolidation, closure, or realign-  
12 ment under this Act shall be terminated.

13 (6) TERM.—A member of the Commission shall  
14 serve until the termination of the Commission under  
15 subsection (i).

16 (7) VACANCY.—A vacancy in the Commission  
17 shall be filled in the same manner as the original ap-  
18 pointment, and the individual appointed to fill the  
19 vacancy shall serve for the unexpired portion of the  
20 term of the individual's predecessor under paragraph  
21 (6).

22 (d) PAY AND TRAVEL EXPENSES.—

23 (1) IN GENERAL.—Each member of the Com-  
24 mission, other than the Chairman, shall be paid at  
25 a rate equal to the daily equivalent of the minimum



1       annual rate of basic pay payable for level IV of the  
2       Executive Schedule under section 5315 of title 5,  
3       United States Code, for each day (including travel  
4       time) during which the member is engaged in the ac-  
5       tual performance of duties vested in the Commis-  
6       sion.

7               (2) CHAIRMAN.—The Chairman of the Commis-  
8       sion shall be paid for each day referred to in para-  
9       graph (1) at a rate equal to the daily equivalent of  
10      the minimum annual rate of basic pay payable for  
11      level III of the Executive Schedule under section  
12      5314, of title 5, United States Code.

13             (3) TRAVEL EXPENSES.—Members of the Com-  
14      mission shall receive travel expenses, including per  
15      diem in lieu of subsistence, in accordance with sec-  
16      tions 5702 and 5703 of title 5, United States Code.  
17      (e) DIRECTOR AND STAFF.—

18             (1) DIRECTOR.—The Commission shall appoint,  
19      without regard to section 5311 of title 5, United  
20      States Code, a Director who has not served on active  
21      duty in the Armed Forces or as a civilian employee  
22      of the Department during the 1-year period pre-  
23      ceding the date of such appointment. The Director  
24      shall be paid at the rate of basic pay payable for

1 level IV of the Executive Schedule under section  
2 5315 of title 5, United States Code.

3 (2) STAFF.—Subject to the approval of the  
4 Commission, the Director may appoint and fix the  
5 pay of additional staff personnel. The Director may  
6 make such appointments without regard to the pro-  
7 vision of title 5, United States Code, governing ap-  
8 pointments in the competitive service, and any per-  
9 sonnel so appointment may be paid without regard  
10 to the provisions of chapter 51 and subchapter III  
11 of chapter 53 of that title relating to classification  
12 and General Schedule pay rates, except that an indi-  
13 vidual so appointed may not receive pay in excess of  
14 the annual rate of basic pay payable for GS–15 of  
15 the General Schedule.

16 (3) DETAILED PERSONNEL.—Upon the request  
17 of the Director, the head of any Federal department  
18 of agency may detail any of the personnel of that de-  
19 partment or agency to the Commission to assist the  
20 Commission in carrying out its duties under this  
21 Act. The Comptroller General of the United States  
22 shall provide assistance, including the detailing of  
23 employees, to the Commission in accordance with an  
24 agreement entered into with the Commission.

25 (4) STAFF RESTRICTIONS.—

1 (A) LIMITATIONS ON DETAILEES FROM  
2 DEPARTMENT.—Of the personnel employed by  
3 or detailed to the Commission—

4 (i) not more than one-third may be on  
5 detail from the Department;

6 (ii) not more than one-fifth of the pro-  
7 fessional analysts of the Commission staff  
8 may be on detail from the Department;  
9 and

10 (iii) no person detailed from the De-  
11 partment may be assigned as the lead pro-  
12 fessional analyst with respect to a military  
13 department or Defense Agency.

14 (B) CONFLICT OF INTEREST LIMITA-  
15 TION.—A person may not be detailed from the  
16 Department to the Commission if, within 12  
17 months before the detail is to begin, that person  
18 participated personally and substantially in any  
19 matter within the Department concerning the  
20 preparation of recommendations for the consoli-  
21 dation, closure, or realignment of military in-  
22 stallations.

23 (C) DUTY LIMITATIONS.—No member of  
24 the Armed Forces, and no officer or employee  
25 of the Department, may—

1 (i) prepare any report concerning the  
2 effectiveness, fitness, or efficiency of the  
3 performance on the staff of the Commis-  
4 sion of any person detailed from the De-  
5 partment to that staff;

6 (ii) review the preparation of such a  
7 report; or

8 (iii) approve or disapprove of such a  
9 report.

10 (D) TIME PERIOD LIMITATIONS.—During  
11 the period beginning January 1, 2020, and end-  
12 ing April 15, 2020, there may not be more than  
13 15 persons on the staff of the Commission at  
14 any one time, the staff may only perform such  
15 functions as are necessary to prepare for the  
16 termination of the Commission and transfer of  
17 all records to the Department or national ar-  
18 chives. No member of the Armed Forces and no  
19 officer or employee of the Department may  
20 serve on the staff during this time.

21 (5) STAFF-RELATED CERTIFICATION.—Not  
22 later than April 1, 2019, the Chairman of the Com-  
23 mission shall certify to the Secretary and the con-  
24 gressional defense committees whether the Commis-  
25 sion has adequate staff to review the recommenda-

1        tions to be submitted by the Secretary pursuant to  
2        section 8.

3        (f) OTHER AUTHORITIES.—To the extent funds are  
4        available, the Commission may lease space, acquire per-  
5        sonal property, and procure by contract the temporary or  
6        intermittent services of experts or consultants pursuant to  
7        section 3109 of title 5, United States Code.

8        (g) FUNDING.—

9            (1) AUTHORIZATION OF APPROPRIATIONS.—

10        There are authorized to be appropriated to the Com-  
11        mission such funds as are necessary to carry out its  
12        duties under this Act. Such funds shall remain avail-  
13        able until expended.

14            (2) TRANSFER AUTHORITY.—If no funds are  
15        appropriated to the Commission by the end of the  
16        second session of the 115th Congress, the Secretary  
17        may transfer to the Commission for purposes of its  
18        activities under this Act such funds as the Commis-  
19        sion may require to carry out such activities. The  
20        Secretary may make such transfer from any funds  
21        available to the Secretary. Funds so transferred  
22        shall remain available to the Commission for such  
23        purpose until expended.

24        (h) PROHIBITION AGAINST RESTRICTING COMMU-  
25        NICATIONS.—Section 1034 of title 10, United States

1 Code, shall apply with respect to communications with the  
2 Commission.

3 (i) TERMINATION.—The Commission shall terminate  
4 on April 15, 2020.

5 **SEC. 8. SECRETARY OF DEFENSE RECOMMENDATIONS FOR**  
6 **CONSOLIDATION, CLOSURE, OR REALIGN-**  
7 **MENT OF MILITARY INSTALLATIONS.**

8 (a) CONDITIONAL APPLICABILITY.—This section  
9 shall apply only if—

10 (1) the Secretary of Defense makes a certifi-  
11 cation under section 3(e) that the need exists for a  
12 round for the selection of military installations for  
13 consolidation, closure, or realignment;

14 (2) Congress does not enact a joint resolution  
15 described in section 4(b) during the period specified  
16 in section 4(a); and

17 (3) the Chairman of the Commission certifies  
18 under section 7(e)(5) that the Commission has ade-  
19 quate staff to review the recommendations to be sub-  
20 mitted by the Secretary pursuant to this section.

21 (b) PUBLICATION AND TRANSMITTAL OF REC-  
22 OMMENDATIONS.—

23 (1) IN GENERAL.—Subject to paragraph (2),  
24 the Secretary shall publish in the Federal Register,  
25 transmit to the congressional defense committees,

1       and transmit to the Commission a list of the mili-  
2       tary installations inside the United States that the  
3       Secretary recommends for consolidation, closure, or  
4       realignment based on the force structure plan, infra-  
5       structure inventory, and final selection criteria.

6               (2) DEADLINE.—The publication and trans-  
7       mittal shall occur before the later of the following:

8                       (A) April 15, 2019.

9                       (B) 14 days after the Chairman of the  
10       Commission makes the certification referred to  
11       in subsection (a)(3).

12       (c) TRANSMITTAL OF ADDITIONAL MATERIALS.—  
13       Not later than seven days after the date of the transmittal  
14       of the list of recommendations under subsection (c), the  
15       Secretary shall transmit to the congressional defense com-  
16       mittees and the Commission the following additional mate-  
17       rials:

18               (1) A summary of the selection process that re-  
19       sulted in the recommendation for each military in-  
20       stallation specified in the list of recommendations,  
21       including a justification for each recommendation  
22       based on the final selection criteria.

23               (2) An estimate of the cost and potential sav-  
24       ings of each recommendation.

1           (3) Standard rules to calculate annual recurring  
2       savings for manpower base operating costs, utility  
3       costs, base closure guarantees, service-sharing agree-  
4       ments, and other installation support activities that  
5       the Secretary will use in the determination of the  
6       savings derived from a recommendation.

7       (d) AVAILABILITY OF INFORMATION.—In addition to  
8       making all information used by the Secretary to prepare  
9       the recommendations under this section available to Con-  
10      gress (including any committee or Member of Congress),  
11      the Secretary shall also make such information available  
12      to the Commission, the Comptroller General of the United  
13      States, and the public by means of the Internet or another  
14      electronic format. This information shall include, but is  
15      not limited to unclassified assessment data on the current  
16      condition of facilities and infrastructure, an environmental  
17      baseline of known or contamination and remediation ac-  
18      tivities, and standard rules used to calculate annual recur-  
19      ring savings.

20      (e) CERTIFICATION OF ACCURACY AND COMPLETE-  
21      NESS OF INFORMATION.—When submitting information to  
22      the Secretary or the Commission concerning the rec-  
23      ommended consolidation, closure, or realignment of a mili-  
24      tary installation, the following individuals shall certify that



1 such information is accurate and complete to the best of  
2 that person's knowledge and belief:

3 (1) The Secretaries of the military departments.

4 (2) The heads of the Defense Agencies.

5 (3) Each person whose duties include personal  
6 and substantial involvement in the preparation and  
7 submission of information and recommendations  
8 concerning the consolidation, closure, or realignment  
9 of military installations, as designated in regulations  
10 which the Secretary shall prescribe, regulations  
11 which the Secretary of each military department  
12 shall prescribe for personnel within that military de-  
13 partment, or regulations which the head of each De-  
14 fense Agency shall prescribe for personnel within  
15 that Defense Agency.

16 (f) PUBLIC AVAILABILITY OF INFORMATION AND  
17 SUBMISSION TO CONGRESS.—Any information provided to  
18 the Commission by a person described in subsection (d)  
19 shall also be made available for the public record and be  
20 submitted in written form to the Senate and the House  
21 of Representatives to be made available to Members of the  
22 House concerned in accordance with the rules of that  
23 House. The information shall be submitted to the Senate  
24 and the House of Representatives within 48 hours after  
25 the submission of the information to the Commission.

1 **SEC. 9. COMMISSION REVIEW OF SECRETARY OF DEFENSE**  
2 **RECOMMENDATIONS FOR CONSOLIDATION,**  
3 **CLOSURE, OR REALIGNMENT OF MILITARY**  
4 **INSTALLATIONS.**

5 (a) PUBLIC HEARINGS AND TESTIMONY.—After re-  
6 ceiving the recommendations from the Secretary of De-  
7 fense for the consolidation, closure, and realignment of  
8 military installations pursuant to section 8, the Commis-  
9 sion shall conduct public hearings on the recommenda-  
10 tions. All testimony before the Commission at a public  
11 hearing conducted under this subsection shall be presented  
12 under oath.

13 (b) OPEN MEETINGS.—The Commission shall meet  
14 only during calendar year 2019, and each meeting, other  
15 than meetings in which classified information is to be dis-  
16 cussed, shall be open to the public. All the proceedings,  
17 information, and deliberations of the Commission shall be  
18 open, upon request, to the following:

19 (1) The chairmen and ranking members of the  
20 Committees on Armed Services of the Senate and  
21 the House of Representatives, or such other mem-  
22 bers of the committees designated by such chairmen  
23 or ranking members.

24 (2) The chairmen and ranking members of the  
25 Subcommittees on Military Construction, Veterans  
26 Affairs, and Related Agencies of the Committees on

1 Appropriations of the Senate and the House of Rep-  
2 resentatives, or such other members of the sub-  
3 committees designated by such chairmen or ranking  
4 members.

5 (3) The chairmen and ranking members of the  
6 Subcommittees on Defense of the Committees on  
7 Appropriations of the Senate and the House of Rep-  
8 resentatives, or such other members of the sub-  
9 committees designated by such chairmen or ranking  
10 members.

11 (c) COMPTROLLER GENERAL REVIEW AND ASSIST-  
12 ANCE.—

13 (1) ASSISTANCE.—The Comptroller General of  
14 the United States shall assist the Commission, to  
15 the extent requested, in the Commission's review of  
16 the recommendations submitted by the Secretary of  
17 Defense pursuant to section 8.

18 (2) REVIEW.—Not later than 45 days after the  
19 date on which the Secretary transmits the rec-  
20 ommendations to the Commission pursuant to sub-  
21 section 8(b), the Comptroller General shall transmit  
22 to Congress and to the Commission a report con-  
23 taining a detailed analysis of the Secretary's rec-  
24 ommendations, selection process, and standard rules  
25 to calculate annual recurring savings.

1 (d) REPORT TO PRESIDENT.—

2 (1) REPORT REQUIRED; CONTENT.—Subject to  
3 paragraph (2), the Commission shall transmit to the  
4 President a report containing—

5 (A) the findings and conclusions of the  
6 Commission based on its review of the rec-  
7 ommendations made by the Secretary pursuant  
8 to section 8;

9 (B) the recommendations of the Commis-  
10 sion for the consolidation, closure, and realign-  
11 ment of military installations inside the United  
12 States; and

13 (C) an explanation and justification of  
14 each recommendation made by the Commission  
15 that is different from the Secretary pursuant to  
16 subsection (e).

17 (2) DEADLINE.—The report of the Commission  
18 shall be transmitted before the later of the following:

19 (A) October 1, 2019.

20 (B) 180 days after the date on which the  
21 Secretary transmits the recommendations to the  
22 Commission pursuant to subsection 8(b).

23 (3) AVAILABILITY.—The report of the Commis-  
24 sion also shall be made available to Congress and  
25 the public by means of the Internet or another elec-

1       tronic format on the same date on which the Com-  
2       mission transmits the report to the President.

3       (e) CHANGES TO THE SECRETARY'S RECOMMENDA-  
4       TIONS.—In making its recommendations under this sec-  
5       tion, the Commission may make changes, subject to sub-  
6       section (f), in any of the recommendations made by the  
7       Secretary if the Commission determines that—

8               (1) the Secretary deviated substantially from  
9       the force structure plan or the final selection criteria  
10      in making the recommendation; or

11             (2) a recommendation made by the Secretary  
12      was justified by assessment data—

13               (A) that the Commission determines to be  
14      invalid; and

15               (B) that, if corrected, the Commission de-  
16      termines would significantly impact the military  
17      value or potential costs and savings of the rec-  
18      ommendation.

19      (f) PROCESS FOR MAKING CHANGES.—

20             (1) THRESHOLD FOR CONSIDERATION.—The  
21      Commission may not consider making a change in  
22      the recommendations of the Secretary that would  
23      add or remove a military installation to the Sec-  
24      retary's list of recommendations unless—

1 (A) the Commission provides the Secretary  
2 with at least a 15-day period, before making  
3 the change, in which to submit an explanation  
4 of the reasons why—

5 (i) in the case of considering a mili-  
6 tary installation for addition, the installa-  
7 tion was not included on the consolidation,  
8 closure, or realignment list by the Sec-  
9 retary; or

10 (ii) in the case of considering a mili-  
11 tary installation for removal, the installa-  
12 tion was included on the consolidation, clo-  
13 sure, or realignment list by the Secretary;  
14 and

15 (B) the decision to add or remove the in-  
16 stallation for Commission consideration is sup-  
17 ported by at least seven members of the Com-  
18 mission.

19 (2) REMOVAL OR REDUCTION.—In addition to  
20 complying with the requirements of subsection (e),  
21 the Commission may remove a military installation  
22 from the list of recommendations made by the Sec-  
23 retary, or decrease the extent of a realignment pro-  
24 posed by a particular recommendation, only if the  
25 decision to remove that recommendation is sup-

1 ported by a simple majority of the members of the  
2 Commission.

3 (3) ADDITION OR INCREASE.—In addition to  
4 complying with the requirements of subsection (e),  
5 the Commission may add a military installation to  
6 the list of recommendations made by the Secretary,  
7 or increase the extent of a realignment proposed by  
8 a particular recommendation, only if—

9 (A) the Commission—

10 (i) determines that the change is con-  
11 sistent with the force structure plan, infra-  
12 structure inventory, and final selection cri-  
13 teria;

14 (ii) publishes a notice of the proposed  
15 change in the Federal Register not less  
16 than 45 days before transmitting its rec-  
17 ommendations to the President pursuant  
18 to subsection (d); and

19 (iii) conducts public hearings on the  
20 proposed change;

21 (B) at least two Members of the Commis-  
22 sion visit the military installation before the  
23 date of the transmittal of the report pursuant  
24 to subsection (c); and

1 (C) the decision of the Commission to  
2 make the change is supported by at least seven  
3 members of the Commission.

4 (4) COST ESTIMATE REQUIRED.—For each  
5 change made by the Commission in the rec-  
6 ommendations of the Secretary, the Commission, in  
7 coordination with the Secretary, shall provide an up-  
8 dated estimated costs to complete the recommended  
9 consolidation, closure, or realignment action and po-  
10 tential savings of the recommendation.

11 (g) RESPONSIBILITY TO RECUSE.—

12 (1) IN GENERAL.—A member of the Commis-  
13 sion shall recuse himself or herself from consider-  
14 ation of a matter before the Commission—

15 (A) in accordance with section 208 of title  
16 18, United States Code; and

17 (B) in addition, in the event that the mem-  
18 ber is concerned that other circumstances would  
19 raise a question regarding the legitimacy and  
20 impartiality of the final recommendations of the  
21 Commission.

22 (2) EXTENT OF RECUSAL.—In recusing himself  
23 or herself from consideration of a matter before the  
24 Commission, the member shall not participate in the  
25 deliberations on, or vote regarding, such a matter.



1 **SEC. 10. PRESIDENTIAL REVIEW OF COMMISSION REC-**  
2 **COMMENDATIONS FOR CONSOLIDATION, CLO-**  
3 **SURE, OR REALIGNMENT OF MILITARY IN-**  
4 **STALLATIONS.**

5 (a) APPROVAL OR DISAPPROVAL.—

6 (1) IN GENERAL.—Subject to paragraph (2),  
7 following receipt of the report of the Commission re-  
8 quired by section 9, the President shall transmit to  
9 the Commission and to Congress a report containing  
10 the President's approval or disapproval of the rec-  
11 ommendations of the Commission for the consolida-  
12 tion, closure, or realignment of military installations.

13 (2) DEADLINE.—The report of the President  
14 shall be transmitted before the later of the following:

15 (A) October 15, 2019.

16 (B) 14 days after the date on which the  
17 Commission transmits its recommendations to  
18 the President pursuant to section 9(d).

19 (b) EFFECT OF APPROVAL.—It the President ap-  
20 proves all the recommendations of the Commission, the  
21 report of the President to Congress under subsection (a)  
22 shall include—

23 (1) a copy of the Commission's recommenda-  
24 tions; and

25 (2) a certification of such approval.

1       (c) EFFECT OF DISAPPROVAL.—If the President dis-  
2 approves the recommendations of the Commission, in  
3 whole or in part, the report of the President under sub-  
4 section (a) shall include—

5           (1) the reasons for disapproval; and

6           (2) a certification of such disapproval.

7       (d) REVISION.—

8           (1) OPPORTUNITY TO REVISE.—If the President  
9 disapproves the recommendations of the Commis-  
10 sion, the Commission shall transmit to the President  
11 a revised list of recommendations for the consolida-  
12 tion, closure, and realignment of military installa-  
13 tions before the later of the following:

14           (A) November 30, 2019.

15           (B) 30 days after the date on which the  
16 President transmits the disapproval.

17       (2) EFFECT OF APPROVAL.—If the President  
18 approves all of the revised recommendations of the  
19 Commission transmitted to the President under  
20 paragraph (1), the President shall transmit to the  
21 Commission and to Congress a report containing—

22           (A) a copy of the revised recommendations;

23           and

24           (B) a certification of such approval.

1           (3) TERMINATION.—If the President does not  
2           transmit to Congress the report described in para-  
3           graph (2) by December 31, 2019, the process by  
4           which military installations may be selected for con-  
5           solidation, closure, or realignment under this Act  
6           shall be terminated.

7   **SEC. 11. PROHIBITION ON IMPLEMENTATION OF REC-**  
8                           **COMMENDATIONS PENDING CONGRESSIONAL**  
9                           **REVIEW.**

10          (a) OPPORTUNITY FOR CONGRESSIONAL REVIEW.—  
11       Unless Congress enacts a joint resolution described in sub-  
12       section (b), the Secretary of Defense may begin to take  
13       the implementation actions described in section 12 after  
14       the end of a 45-day period beginning on the date on which  
15       the President submits to the Commission and Congress  
16       a report containing an approval and certification pursuant  
17       to section 10, or the adjournment of Congress sine die  
18       for the session in which the report is transmitted, which-  
19       ever is earlier.

20          (b) EFFECT OF PASSAGE OF A JOINT RESOLUTION  
21       OF DISAPPROVAL.—If a joint resolution disapproving of  
22       the recommendations of the Commission submitted by the  
23       President in a report pursuant to section 10 is enacted  
24       by Congress not later than 45 days after the date of the  
25       transmission of the report, then the Secretary may not

1 carry out any consolidation, closure, or realignment rec-  
2 ommended by the Commission in the report transmitted  
3 by the President.

4 **SEC. 12. IMPLEMENTATION.**

5 (a) IN GENERAL.—Subject to section 11, the Sec-  
6 retary shall—

7 (1) close all military installations recommended  
8 for closure by the Commission in the report trans-  
9 mitted to the Congress by the President pursuant to  
10 section 10;

11 (2) realign all military installations rec-  
12 ommended for realignment by the Commission in the  
13 report;

14 (3) initiate all such closures and realignments  
15 no later than two years after the date on which the  
16 President transmits the report to the Congress that  
17 contains the recommendations for such closures or  
18 realignments;

19 (4) complete all such closures and realignments  
20 no later than the end of the 5-year period beginning  
21 on the date on which the President transmits the re-  
22 port containing the recommendations for such clo-  
23 sures or realignments; and

24 (5) develop a schedule and plan for the imple-  
25 mentation of the actions required by the preceding

1 paragraphs in a manner that is suitable for reuse,  
2 minimizes the time required to dispose of excess and  
3 surplus real property and maximizes efficiency and  
4 return on investment.

5 (b) ACTIONS TO BE TAKEN.—

6 (1) In closing or realigning any military instal-  
7 lation under this Act, the Secretary may take such  
8 actions as may be necessary for each approved rec-  
9 ommendation to close or realign a military installa-  
10 tion, including the acquisition of such land, the con-  
11 struction of such replacement facilities, the perform-  
12 ance of such activities, and the conduct of such ad-  
13 vance planning and design as may be required to  
14 transfer the functions from a military installation  
15 being closed or realigned to another military installa-  
16 tion, and may use for such purposes funds in the  
17 Account or funds appropriated to the Department of  
18 Defense for use in planning and design, minor con-  
19 struction, or operation and maintenance.

20 (2) Except as provided in section 14(c), in car-  
21 rying out any closure or realignment action under  
22 this Act, the Secretary may not exceed, by more  
23 than 25 percent, the total cost specified for such clo-  
24 sure or realignment action in the report transmitted

1 by the Commission to the President pursuant to sec-  
2 tion 9(d).

3 (3) In closing or realigning any military instal-  
4 lation under this Act, the Secretary may provide eco-  
5 nomic adjustment assistance to any community lo-  
6 cated near a military installation being closed or re-  
7 aligned, and community planning assistance to any  
8 community located near a military installation to  
9 which functions will be transferred as a result of the  
10 consolidation, closure, or realignment of a military  
11 installation, if the Secretary determines that the fi-  
12 nancial resources available to the community (by  
13 grant or otherwise) for such purposes are inad-  
14 equate, and may use for such purposes funds in the  
15 Account or funds appropriated to the Department of  
16 Defense for economic adjustment assistance or com-  
17 munity planning assistance.

18 (4) In closing or realigning any military instal-  
19 lation under this Act, the Secretary may carry out  
20 activities for the purposes of environmental restora-  
21 tion and mitigation at any such installation, and  
22 shall use for such purposes funds both appropriated  
23 to the Account (reference) and funds deposited in  
24 the Account from the proceeds of the lease, transfer,  
25 or disposal of any property at a military installation

1       that is consolidated, closed, or realigned under this  
2       Act. The Secretary shall ensure that environmental  
3       restoration of any property made excess to the needs  
4       of the Department of Defense as a result of such  
5       consolidation, closure, or realignment be carried out  
6       as soon as possible to expedite the ability of the re-  
7       development authority to carry out its redevelopment  
8       plan for the property.

9           (5) In closing or realigning any military instal-  
10       lation under this Act, the Secretary may provide  
11       outplacement assistance to civilian employees em-  
12       ployed by the Department of Defense at military in-  
13       stallations being closed or realigned, and may use for  
14       such purposes funds in the Account or funds appro-  
15       priated to the Department of Defense for outplace-  
16       ment assistance to employees.

17          (6) In closing or realigning any military instal-  
18       lation under this Act, the Secretary may reimburse  
19       other Federal agencies for actions performed at the  
20       request of the Secretary with respect to any such  
21       consolidation, closure, or realignment, and may use  
22       for such purposes funds in the Account of funds ap-  
23       propriated to the Department of Defense and avail-  
24       able for such purpose.

1 **SEC. 13. MANAGEMENT AND DISPOSAL OF PROPERTY.**

2 (a) ESTABLISHMENT OF A SINGLE PROPERTY DIS-  
3 POSAL AGENCY.—The Secretary shall establish a new  
4 Field Activity to act as the executive agent for the man-  
5 agement and disposal of real property made excess to the  
6 needs of the Department in carrying out the actions de-  
7 scribed in section 12. The staff of this Field Activity may  
8 consist of persons detailed to the field activity by the Army  
9 Corps of Engineers, Naval Facilities Engineering Com-  
10 mand, the Air Force Installation and Mission Support  
11 Center, and other Federal departments or agencies to as-  
12 sist in carrying out the Field Activities duties under this  
13 Act.

14 (b) MANAGEMENT AND DISPOSAL OF PROPERTY.—

15 (1) The Administrator of General Services shall  
16 delegate to the Secretary of Defense, with respect to  
17 excess and surplus real property, facilities, and per-  
18 sonal property located at a military installation  
19 closed or realigned under this Act—

20 (A) the authority of the Administrator to  
21 utilize excess property under subchapter II of  
22 chapter 5 of title 40, United States Code;

23 (B) the authority of the Administrator to  
24 dispose of surplus property under subchapter  
25 III of chapter 5 of title 40, United States Code;



1 (C) the authority to dispose of surplus  
2 property for public airports under sections  
3 47151 through 47153 of title 49, United States  
4 Code; and

5 (D) the authority of the Administrator to  
6 determine the availability of excess or surplus  
7 real property for wildlife conservation purposes  
8 in accordance with the Act of May 19, 1948  
9 (16 U.S.C. 667b).

10 (2)(A) Subject to subparagraph (B) and para-  
11 graphs (3), (4), (5), and (6), the Secretary of De-  
12 fense shall exercise the authority delegated to the  
13 Secretary pursuant to paragraph (1) in accordance  
14 with—

15 (i) all regulations governing the utilization  
16 of excess property and the disposal of surplus  
17 property under subtitle I of title 40, United  
18 States Code; and

19 (ii) all regulations governing the convey-  
20 ance and disposal of property under section  
21 13(g) of the Surplus Property Act of 1944 (50  
22 U.S.C. App. 1622(g)).

23 (B) The Secretary may, with the concurrence of  
24 the Administrator of General Services—

1 (i) prescribe general policies and methods  
2 for utilizing excess property and disposing of  
3 surplus property pursuant to the authority dele-  
4 gated under paragraph (1); and

5 (ii) issue regulations relating to such poli-  
6 cies and methods, which shall supersede the  
7 regulations referred to in subparagraph (A)  
8 with respect to that authority.

9 (C) The Secretary of Defense may transfer real  
10 property or facilities located at a military installa-  
11 tion to be closed or realigned under this Act, with  
12 or without reimbursement, to a military department  
13 or other entity (including a nonappropriated fund in-  
14 strumentality) within the Department of Defense or  
15 the Coast Guard.

16 (D) Before any action may be taken with re-  
17 spect to the disposal of any surplus real property or  
18 facility located at any military installation to be  
19 closed or realigned under this Act, the Secretary of  
20 Defense shall consult with the Governor of the State  
21 and the heads of the local governments concerned  
22 for the purpose of considering any plan for the use  
23 of such property by the local community concerned.

24 (E) If a military installation to be closed, re-  
25 aligned, or placed in an inactive status under this

1 Act includes a road used for public access through,  
2 into, or around the installation, the Secretary of De-  
3 fense shall consult with the Governor of the State  
4 and the heads of the local governments concerned or  
5 the purpose of considering the continued availability  
6 of the road for public use after the installation is  
7 closed, realigned, or placed in an inactive status.

8 (3)(A) Not later than 6 months after the date  
9 of approval of the consolidation, closure, or realign-  
10 ment of a military installation under this Act, the  
11 Secretary, in consultation with the redevelopment  
12 authority with respect to the installation, shall—

13 (i) inventory the personal property located  
14 at the installation; and

15 (ii) identify the items (or categories of  
16 items) of such personal property that the Sec-  
17 retary determines to be related to real property  
18 and anticipates will support the implementation  
19 of the redevelopment plan with respect to the  
20 installation.

21 (B) If no redevelopment authority referred to in  
22 subparagraph (A) exists with respect to an installa-  
23 tion, the Secretary shall consult with—

24 (i) the local government in whose jurisdic-  
25 tion the installation is wholly located; or

1           (ii) a local government agency or State  
2           government agency designated for the purpose  
3           of such consultation by the chief executive offi-  
4           cer of the State in which the installation is lo-  
5           cated.

6           (C)(i) Except as provided in subparagraphs (E)  
7           and (F), the Secretary may not carry out any of the  
8           activities referred to in clause (ii) with respect to an  
9           installation referred to in that clause until the ear-  
10          lier of—

11           (I) one week after the date on which the  
12           redevelopment plan for the installation is sub-  
13           mitted to the Secretary;

14           (II) the date on which the redevelopment  
15           authority notifies the Secretary that it will not  
16           submit such a plan;

17           (III) twenty-four months after the date of  
18           approval of the consolidation, closure, or re-  
19           alignment of the installation; or

20           (IV) ninety days before the date of the  
21           consolidation, closure, or realignment of the in-  
22           stallation.

23           (ii) The activities referred to in clause (i) are  
24           activities relating to the consolidation, closure, or re-

1 alignment of an installation to be closed or realigned  
2 under this Act as follows:

3 (I) The transfer from the installation of  
4 items of personal property at the installation  
5 identified in accordance with subparagraph (A).

6 (II) The reduction in maintenance and re-  
7 pair of facilities or equipment located at the in-  
8 stallation below the minimum levels required to  
9 support the use of such facilities or equipment  
10 for nonmilitary purposes.

11 (D) Except as provided in paragraph (4), the  
12 Secretary may not transfer items of personal prop-  
13 erty located at an installation to be closed or re-  
14 aligned under this Act to another installation, or dis-  
15 pose of such items, if such items are identified in the  
16 redevelopment plan for the installation as items es-  
17 sential to the reuse or redevelopment of the installa-  
18 tion. In connection with the development of the rede-  
19 velopment plan for the installation, the Secretary  
20 shall consult with the entity responsible for devel-  
21 oping the redevelopment plan to identify the items of  
22 personal property located at the installation, if any,  
23 that the entity desires to be retained at the installa-  
24 tion for reuse or redevelopment of the installation.

1           (E) This paragraph shall not apply to any per-  
2       sonal property located at an installation to be closed  
3       or realigned under this Act if the property—

4               (i) is required for the operation of a unit,  
5       function, component, weapon, or weapons sys-  
6       tem at another installation;

7               (ii) is uniquely military in character, and is  
8       likely to have no civilian use (other than use for  
9       its material content or as a source of commonly  
10      used components);

11              (iii) is not required for the reutilization or  
12      redevelopment of the installation (as jointly de-  
13      termined by the Secretary and the redevelop-  
14      ment authority);

15              (iv) is stored at the installation for pur-  
16      poses of distribution (including spare parts or  
17      stock items); or

18              (v)(I) meets known requirements of an au-  
19      thorized program of another Federal depart-  
20      ment or agency for which expenditures for simi-  
21      lar property would be necessary; and

22              (II) is the subject of a written request by  
23      the head of the department or agency.

24           (F) Notwithstanding subparagraphs (C)(i) and  
25      (D), the Secretary may carry out any activity re-

1       ferred to in subparagraph (C)(ii) or (D) if the Sec-  
2       retary determines that the carrying out of such ac-  
3       tivity is in the national security interest of the  
4       United States.

5           (4)(A) The Secretary may transfer real prop-  
6       erty and personal property located at a military in-  
7       stallation to be closed or realigned under this Act to  
8       the redevelopment authority with respect to the in-  
9       stallation for purposes of job generation on the in-  
10      stallation.

11          (B) The Secretary may transfer real property  
12      and personal property located at a military installa-  
13      tion to be closed or realigned under this Act that is  
14      subject to a ground lease to a military housing pri-  
15      vatization partner established pursuant to the Mili-  
16      tary Housing Privatization Initiative under sub-  
17      chapter IV of chapter 169 of title 10, United States  
18      Code, to the lessee under such ground lease.

19          (C) The transfer of property located at a mili-  
20      tary installation under subparagraph (A) or sub-  
21      paragraph (B) may be for consideration at or below  
22      the estimated fair market value or without consider-  
23      ation. In determining the amount of consideration to  
24      be required, the Secretary shall make a good faith  
25      effort to ensure that the conveyance of the property

1 achieves an economical and appropriate outcome for  
2 the Department, considering the operations and  
3 maintenance costs for the Department to continue  
4 the carry the property on its records and the ability  
5 to help the redevelopment authority implement its  
6 approved redevelopment plan. The determination of  
7 such consideration may account for the economic  
8 conditions of the local affected community and the  
9 estimated costs to redevelop the property. The Sec-  
10 retary may accept, as consideration, a share of the  
11 revenues that the redevelopment authority receives  
12 from third-party buyers or lessees from sales and  
13 long-term leases of the conveyed property, a portion  
14 of the profits obtained over time from the develop-  
15 ment of the conveyed property, consideration in-kind  
16 (including goods and services), real property and im-  
17 provements, or such other consideration as the Sec-  
18 retary considers appropriate. The transfer of prop-  
19 erty located at a military installation under subpara-  
20 graph (A) may be made for consideration below the  
21 estimated fair market value or without consideration  
22 only if the redevelopment authority with respect to  
23 the installation—

24 (i) agrees that the proceeds from any sale  
25 or lease of the property (or any portion thereof)



1 received by the redevelopment authority during  
2 at least the first seven years after the date of  
3 the initial transfer of property under subpara-  
4 graph (A) shall be used to support the economic  
5 redevelopment of, or related to, the installation;  
6 and

7 (ii) executes the agreement for transfer of  
8 the property and accepts control of the property  
9 within a reasonable time after the date of the  
10 property disposal record of decision or finding  
11 of no significant impact under the National En-  
12 vironmental Policy Act of 1969 (42 U.S.C.  
13 4321 et seq.).

14 (D) For purposes of subparagraph (B)(i), the  
15 use of proceeds from a sale or lease described in  
16 such subparagraph to pay for, or offset the costs of,  
17 public investment on or related to the installation  
18 for any of the following purposes shall be considered  
19 a use to support the economic redevelopment of, or  
20 related to, the installation:

21 (i) Road construction.

22 (ii) Transportation management facilities.

23 (iii) Storm and sanitary sewer construc-  
24 tion.

1 (iv) Police and fire protection facilities and  
2 other public facilities.

3 (v) Utility construction.

4 (vi) Building rehabilitation.

5 (vii) Historic property preservation.

6 (viii) Pollution prevention equipment or fa-  
7 cilities.

8 (ix) Demolition.

9 (x) Disposal of hazardous materials gen-  
10 erated by demolition.

11 (xi) Landscaping, grading, and other site  
12 or public improvements.

13 (xii) Planning for or the marketing of the  
14 development and reuse of the installation.

15 (E) The Secretary may recoup from a redevel-  
16 opment authority such portion of the proceeds from  
17 a sale or lease described in subparagraph (B) as the  
18 Secretary determines appropriate if the redevel-  
19 opment authority does not use the proceeds to support  
20 economic redevelopment of, or related to, the instal-  
21 lation for the period specified in subparagraph (B).

22 (F)(i) The Secretary may transfer real property  
23 at an installation approved for consolidation, closure,  
24 or realignment under this Act (including property at  
25 an installation approved for realignment which will

1 be retained by the Department of Defense or an-  
2 other Federal agency after realignment) to the rede-  
3 velopment authority for the installation if the rede-  
4 velopment authority agrees to lease, directly upon  
5 transfer, one or more portions of the property trans-  
6 ferred under this subparagraph to the Secretary or  
7 to the head of another department or agency of the  
8 Federal Government. Subparagraph (B) shall apply  
9 to a transfer under this subparagraph.

10 (ii) A lease under clause (i) shall be for a term  
11 of not to exceed 50 years, but may provide for op-  
12 tions for renewal or extension of the term by the de-  
13 partment or agency concerned.

14 (iii) A lease under clause (i) may not require  
15 rental payments by the United States.

16 (iv) A lease under clause (i) shall include a pro-  
17 vision specifying that if the department or agency  
18 concerned ceases requiring the use of the leased  
19 property before the expiration of the term of the  
20 lease, the remainder of the lease term may be satis-  
21 fied by the same or another department or agency  
22 of the Federal Government using the property for a  
23 use similar to the use under the lease. Exercise of  
24 the authority provided by this clause shall be made

1 in consultation with the redevelopment authority  
2 concerned.

3 (v) Notwithstanding clause (iii), if a lease under  
4 clause (i) involves a substantial portion of the instal-  
5 lation, the department or agency concerned may ob-  
6 tain facility services for the leased property and  
7 common area maintenance from the redevelopment  
8 authority or the redevelopment authority's assignee  
9 as a provision of the lease. The facility services and  
10 common area maintenance shall be provided at a  
11 rate no higher than the rate charged to non-Federal  
12 tenants of the transferred property. Facility services  
13 and common area maintenance covered by the lease  
14 shall not include—

15 (I) municipal services that a State or local  
16 government is required by law to provide to all  
17 landowners in its jurisdiction without direct  
18 charge; or

19 (II) firefighting or security guard func-  
20 tions.

21 (G) The transfer of personal property under  
22 subparagraph (A) shall not be subject to the provi-  
23 sions of subchapters II and III of chapter 5 of title  
24 40, United States Code, if the Secretary determines  
25 that the transfer of such property is necessary for

1 the effective implementation of a redevelopment plan  
2 with respect to the installation at which such prop-  
3 erty is located.

4 (H) The provisions of section 120(h) of the  
5 Comprehensive Environmental Response, Compensa-  
6 tion, and Liability Act of 1980 (42 U.S.C. 9620(h))  
7 shall apply to any transfer of real property under  
8 this paragraph.

9 (I) The Secretary may require any additional  
10 terms and conditions in connection with a transfer  
11 under this paragraph as such Secretary considers  
12 appropriate to protect the interests of the United  
13 States.

14 (5)(A) Except as provided in subparagraphs  
15 (B) and (C), the Secretary shall take such actions  
16 as the Secretary determines necessary to ensure that  
17 final determinations under paragraph (1) regarding  
18 whether another department or agency of the Fed-  
19 eral Government has identified a use for any portion  
20 of a military installation to be closed or realigned  
21 under this Act, or will accept transfer of any portion  
22 of such installation, are made not later than 6  
23 months after the date of approval of the consolida-  
24 tion, closure, or realignment of that installation.

1           (B) The Secretary may, in consultation with the  
2       redevelopment authority with respect to an installa-  
3       tion, postpone making the final determinations re-  
4       ferred to in subparagraph (A) with respect to the in-  
5       stallation for such period as the Secretary deter-  
6       mines appropriate if the Secretary determines that  
7       such postponement is in the best interests of the  
8       communities affected by the consolidation, closure,  
9       or realignment of the installation.

10          (C)(i) Before acquiring non-Federal real prop-  
11       erty as the location for a new or replacement Fed-  
12       eral facility of any type, the head of the Federal  
13       agency acquiring the property shall consult with the  
14       Secretary regarding the feasibility and cost advan-  
15       tages of using Federal property or facilities at a  
16       military installation closed or realigned or to be  
17       closed or realigned under this Act as the location for  
18       the new or replacement facility. In considering the  
19       availability and suitability of a specific military in-  
20       stallation, the Secretary and the head of the Federal  
21       agency involved shall obtain the concurrence of the  
22       redevelopment authority with respect to the installa-  
23       tion and comply with the redevelopment plan for the  
24       installation.

1           (ii) Not later than 30 days after acquiring non-  
2       Federal real property as the location for a new or  
3       replacement Federal facility, the head of the Federal  
4       agency acquiring the property shall submit to Con-  
5       gress a report containing the results of the consulta-  
6       tion under clause (i) and the reasons why military  
7       installations referred to in such clause that are lo-  
8       cated within the area to be served by the new or re-  
9       placement Federal facility or within a 200-mile ra-  
10      dius of the new or replacement facility, whichever  
11      area is greater, were considered to be unsuitable or  
12      unavailable for the site of the new or replacement fa-  
13      cility.

14           (6)(A) The disposal of buildings and property  
15      located at installations approved consolidation, clo-  
16      sure, or realignment under this title shall be carried  
17      out in accordance with this paragraph.

18           (B)(i) Not later than the date on which the  
19      Secretary of Defense completes the final determina-  
20      tions referred to in paragraph (5) relating to the use  
21      or transferability of any portion of an installation  
22      covered by this paragraph, the Secretary shall—

23           (I) identify the buildings and property at  
24           the installation for which the Department of  
25           Defense has a use, for which another depart-

1           ment or agency of the Federal Government has  
2           identified a use, or of which another depart-  
3           ment or agency will accept a transfer;

4           (II) take such actions as are necessary to  
5           identify any building or property at the installa-  
6           tion not identified under subclause (I) that is  
7           excess property or surplus property;

8           (III) submit to the Secretary of Housing  
9           and Urban Development and to the redevelop-  
10          ment authority for the installation (or the chief  
11          executive officer of the State in which the in-  
12          stallation is located if there is no redevelopment  
13          authority for the installation at the completion  
14          of the determination described in the stem of  
15          this sentence) information on any building or  
16          property that is identified under subclause (II);  
17          and

18          (IV) publish in the Federal Register and in  
19          a newspaper of general circulation in the com-  
20          munities in the vicinity of the installation infor-  
21          mation on the buildings and property identified  
22          under subclause (II).

23          (ii) Upon the recognition of a redevelopment  
24          authority for an installation covered by this para-  
25          graph, the Secretary of Defense shall publish in the



1 Federal Register and in a newspaper of general cir-  
2 culation in the communities in the vicinity of the in-  
3 stallation information on the redevelopment author-  
4 ity.

5 (C)(i) State and local governments, representa-  
6 tives of the homeless, and other interested parties lo-  
7 cated in the communities in the vicinity of an instal-  
8 lation covered by this paragraph shall submit to the  
9 redevelopment authority for the installation a notice  
10 of the interest, if any, of such governments, rep-  
11 resentatives, and parties in the buildings or prop-  
12 erty, or any portion thereof, at the installation that  
13 are identified under subparagraph (B)(i)(II). A no-  
14 tice of interest under this clause shall describe the  
15 need of the government, representative, or party  
16 concerned for the buildings or property covered by  
17 the notice.

18 (ii) The redevelopment authority for an installa-  
19 tion shall assist the governments, representatives,  
20 and parties referred to in clause (i) in evaluating  
21 buildings and property at the installation for pur-  
22 poses of this subparagraph.

23 (iii) In providing assistance under clause (ii), a  
24 redevelopment authority shall—

1 (I) consult with representatives of the  
2 homeless in the communities in the vicinity of  
3 the installation concerned; and

4 (II) undertake outreach efforts to provide  
5 information on the buildings and property to  
6 representatives of the homeless, and to other  
7 persons or entities interested in assisting the  
8 homeless, in such communities.

9 (iv) It is the sense of Congress that redevelop-  
10 ment authorities should begin to conduct outreach  
11 efforts under clause (iii)(II) with respect to an in-  
12 stallation as soon as is practicable after the date of  
13 approval of closure or realignment of the installa-  
14 tion.

15 (D)(i) State and local governments, representa-  
16 tives of the homeless, and other interested parties  
17 shall submit a notice of interest to a redevelopment  
18 authority under subparagraph (C) not later than the  
19 date specified for such notice by the redevelopment  
20 authority.

21 (ii) The date specified under clause (i) shall  
22 be—

23 (I) in the case of an installation for which  
24 a redevelopment authority has been recognized  
25 as of the date of the completion of the deter-

1 minations referred to in paragraph (5), not ear-  
2 lier than 3 months and not later than 6 months  
3 after the date of publication of such determina-  
4 tion in a newspaper of general circulation in the  
5 communities in the vicinity of the installation  
6 under subparagraph (B)(i)(IV); and

7 (II) in the case of an installation for which  
8 a redevelopment authority is not recognized as  
9 of such date, not earlier than 3 months and not  
10 later than 6 months after the date of the rec-  
11 ognition of a redevelopment authority for the  
12 installation.

13 (iii) Upon specifying a date for an installation  
14 under this subparagraph, the redevelopment author-  
15 ity for the installation shall—

16 (I) publish the date specified in a news-  
17 paper of general circulation in the communities  
18 in the vicinity of the installation concerned; and

19 (II) notify the Secretary of Defense of the  
20 date.

21 (E)(i) In submitting to a redevelopment author-  
22 ity under subparagraph (C) a notice of interest in  
23 the use of buildings or property at an installation to  
24 assist the homeless, a representative of the homeless  
25 shall submit the following:

1 (I) A description of the homeless assist-  
2 ance program that the representative proposes  
3 to carry out at the installation.

4 (II) An assessment of the need for the pro-  
5 gram.

6 (III) A description of the extent to which  
7 the program is or will be coordinated with other  
8 homeless assistance programs in the commu-  
9 nities in the vicinity of the installation.

10 (IV) A description of the buildings and  
11 property at the installation that are necessary  
12 in order to carry out the program.

13 (V) A description of the financial plan, the  
14 organization, and the organizational capacity of  
15 the representative to carry out the program.

16 (VI) An assessment of the time required in  
17 order to commence carrying out the program.

18 (ii) A redevelopment authority may not release  
19 to the public any information submitted to the rede-  
20 velopment authority under clause (i)(V) without the  
21 consent of the representative of the homeless con-  
22 cerned unless such release is authorized under Fed-  
23 eral law and under the law of the State and commu-  
24 nities in which the installation concerned is located.

1           (F)(i) The redevelopment authority for each in-  
2           stallation covered by this paragraph shall prepare a  
3           redevelopment plan for the installation. The redevel-  
4           opment authority shall, in preparing the plan, con-  
5           sider the interests in the use to assist the homeless  
6           of the buildings and property at the installation that  
7           are expressed in the notices submitted to the rede-  
8           velopment authority under subparagraph (C).

9           (ii)(I) In connection with a redevelopment plan  
10          for an installation, a redevelopment authority and  
11          representatives of the homeless shall prepare legally  
12          binding agreements that provide for the use to assist  
13          the homeless of buildings and property, resources,  
14          and assistance on or off the installation. The imple-  
15          mentation of such agreements shall be contingent  
16          upon the decision regarding the disposal of the  
17          buildings and property covered by the agreements by  
18          the Secretary of Defense under subparagraph (K) or  
19          (L).

20          (II) Agreements under this clause shall provide  
21          for the reversion to the redevelopment authority con-  
22          cerned, or to such other entity or entities as the  
23          agreements shall provide, of buildings and property  
24          that are made available under this paragraph for use

1 to assist the homeless in the event that such build-  
2 ings and property cease being used for that purpose.

3 (iii) A redevelopment authority shall provide op-  
4 portunity for public comment on a redevelopment  
5 plan before submission of the plan to the Secretary  
6 of Defense and the Secretary of Housing and Urban  
7 Development under subparagraph (G).

8 (iv) A redevelopment authority shall complete  
9 preparation of a redevelopment plan for an installa-  
10 tion and submit the plan under subparagraph (G)  
11 not later than 9 months after the date specified by  
12 the redevelopment authority for the installation  
13 under subparagraph (D).

14 (G)(i) Upon completion of a redevelopment plan  
15 under subparagraph (F), a redevelopment authority  
16 shall submit an application containing the plan to  
17 the Secretary of Defense and to the Secretary of  
18 Housing and Urban Development.

19 (ii) A redevelopment authority shall include in  
20 an application under clause (i) the following:

21 (I) A copy of the redevelopment plan, in-  
22 cluding a summary of any public comments on  
23 the plan received by the redevelopment author-  
24 ity under subparagraph (F)(iii).

1           (II) A copy of each notice of interest of use  
2 of buildings and property to assist the homeless  
3 that was submitted to the redevelopment au-  
4 thority under subparagraph (C), together with  
5 a description of the manner, if any, in which  
6 the plan addresses the interest expressed in  
7 each such notice and, if the plan does not ad-  
8 dress such an interest, an explanation why the  
9 plan does not address the interest.

10           (III) A summary of the outreach under-  
11 taken by the redevelopment authority under  
12 subparagraph (C)(iii)(II) in preparing the plan.

13           (IV) A statement identifying the represent-  
14 atives of the homeless and the homeless assist-  
15 ance planning boards, if any, with which the re-  
16 development authority consulted in preparing  
17 the plan, and the results of such consultations.

18           (V) An assessment of the manner in which  
19 the redevelopment plan balances the expressed  
20 needs of the homeless and the need of the com-  
21 munities in the vicinity of the installation for  
22 economic redevelopment and other development.

23           (VI) Copies of the agreements that the re-  
24 development authority proposes to enter into  
25 under subparagraph (F)(ii).

1           (H)(i) Not later than 60 days after receiving a  
2           redevelopment plan under subparagraph (G), the  
3           Secretary of Housing and Urban Development shall  
4           complete a review of the plan. The purpose of the  
5           review is to determine whether the plan, with respect  
6           to the expressed interest and requests of representa-  
7           tives of the homeless—

8                   (I) takes into consideration the size and  
9                   nature of the homeless population in the com-  
10                  munities in the vicinity of the installation, the  
11                  availability of existing services in such commu-  
12                  nities to meet the needs of the homeless in such  
13                  communities, and the suitability of the build-  
14                  ings and property covered by the plan for the  
15                  use and needs of the homeless in such commu-  
16                  nities;

17                  (II) takes into consideration any economic  
18                  impact of the homeless assistance under the  
19                  plan on the communities in the vicinity of the  
20                  installation;

21                  (III) balances in an appropriate manner  
22                  the needs of the communities in the vicinity of  
23                  the installation for economic redevelopment and  
24                  other development with the needs of the home-  
25                  less in such communities;



1           (IV) was developed in consultation with  
2           representatives of the homeless and the home-  
3           less assistance planning boards, if any, in the  
4           communities in the vicinity of the installation;  
5           and

6           (V) specifies the manner in which buildings  
7           and property, resources, and assistance on or  
8           off the installation will be made available for  
9           homeless assistance purposes.

10          (ii) It is the sense of Congress that the Sec-  
11          retary of Housing and Urban Development shall, in  
12          completing the review of a plan under this subpara-  
13          graph, take into consideration and be receptive to  
14          the predominant views on the plan of the commu-  
15          nities in the vicinity of the installation covered by  
16          the plan.

17          (iii) The Secretary of Housing and Urban De-  
18          velopment may engage in negotiations and consulta-  
19          tions with a redevelopment authority before or dur-  
20          ing the course of a review under clause (i) with a  
21          view toward resolving any preliminary determination  
22          of the Secretary that a redevelopment plan does not  
23          meet a requirement set forth in that clause. The re-  
24          development authority may modify the redevel-

1       ment plan as a result of such negotiations and con-  
2       sultations.

3           (iv) Upon completion of a review of a redevelop-  
4       ment plan under clause (i), the Secretary of Housing  
5       and Urban Development shall notify the Secretary of  
6       Defense and the redevelopment authority concerned  
7       of the determination of the Secretary of Housing  
8       and Urban Development under that clause.

9           (v) If the Secretary of Housing and Urban De-  
10      velopment determines as a result of such a review  
11      that a redevelopment plan does not meet the require-  
12      ments set forth in clause (i), a notice under clause  
13      (iv) shall include—

14           (I) an explanation of that determination;  
15      and

16           (II) a statement of the actions that the re-  
17      development authority must undertake in order  
18      to address that determination.

19           (I)(i) Upon receipt of a notice under subpara-  
20      graph (H)(iv) of a determination that a redevelop-  
21      ment plan does not meet a requirement set forth in  
22      subparagraph (H)(i), a redevelopment authority  
23      shall have the opportunity to—

24           (I) revise the plan in order to address the  
25      determination; and

1                   (II) submit the revised plan to the Sec-  
2                   retary of Defense and the Secretary of Housing  
3                   and Urban Development.

4                   (ii) A redevelopment authority shall submit a  
5                   revised plan under this subparagraph to such Secre-  
6                   taries, if at all, not later than 90 days after the date  
7                   on which the redevelopment authority receives the  
8                   notice referred to in clause (i).

9                   (J)(i) Not later than 30 days after receiving a  
10                  revised redevelopment plan under subparagraph (I),  
11                  the Secretary of Housing and Urban Development  
12                  shall review the revised plan and determine if the  
13                  plan meets the requirements set forth in subpara-  
14                  graph (H)(i).

15                  (ii) The Secretary of Housing and Urban Devel-  
16                  opment shall notify the Secretary of Defense and the  
17                  redevelopment authority concerned of the determina-  
18                  tion of the Secretary of Housing and Urban Devel-  
19                  opment under this subparagraph.

20                  (K)(i) Upon receipt of a notice under subpara-  
21                  graph (H)(iv) or (J)(ii) of the determination of the  
22                  Secretary of Housing and Urban Development that  
23                  a redevelopment plan for an installation meets the  
24                  requirements set forth in subparagraph (H)(i), the

1 Secretary of Defense shall dispose of the buildings  
2 and property at the installation.

3 (ii) For purposes of carrying out an environ-  
4 mental assessment of the closure or realignment of  
5 an installation, the Secretary of Defense shall treat  
6 the redevelopment plan for the installation (includ-  
7 ing the aspects of the plan providing for disposal to  
8 State or local governments, representatives of the  
9 homeless, and other interested parties) as part of  
10 the proposed Federal action for the installation.

11 (iii) The Secretary of Defense shall dispose of  
12 buildings and property under clause (i) in accord-  
13 ance with the record of decision or other decision  
14 document prepared by the Secretary in accordance  
15 with the National Environmental Policy Act of 1969  
16 (42 U.S.C. 4321 et seq.). In preparing the record of  
17 decision or other decision document, the Secretary  
18 shall give substantial deference to the redevelopment  
19 plan concerned.

20 (iv) The disposal under clause (i) of buildings  
21 and property to assist the homeless shall be without  
22 consideration.

23 (v) In the case of a request for a conveyance  
24 under clause (i) of buildings and property for public  
25 benefit under section 550 of title 40, United States

1 Code, or sections 47151 through 47153 of title 49,  
2 United States Code, the sponsoring Federal agency  
3 shall use the eligibility criteria set forth in such sec-  
4 tion or such subchapter (as the case may be) to de-  
5 termine the eligibility of the applicant and use pro-  
6 posed in the request for the public benefit convey-  
7 ance. The determination of such eligibility should be  
8 made before submission of the redevelopment plan  
9 concerned under subparagraph (G).

10 (L)(i) If the Secretary of Housing and Urban  
11 Development determines under subparagraph (J)  
12 that a revised redevelopment plan for an installation  
13 does not meet the requirements set forth in subpara-  
14 graph (H)(i), or if no revised plan is so submitted,  
15 that Secretary shall—

16 (I) review the original redevelopment plan  
17 submitted to that Secretary under subpara-  
18 graph (G), including the notice or notices of  
19 representatives of the homeless referred to in  
20 clause (ii)(II) of that subparagraph;

21 (II) consult with the representatives re-  
22 ferred to in subclause (I), if any, for purposes  
23 of evaluating the continuing interest of such  
24 representatives in the use of buildings or prop-  
25 erty at the installation to assist the homeless;

1           (III) request that each such representative  
2           submit to that Secretary the items described in  
3           clause (ii); and

4           (IV) based on the actions of that Secretary  
5           under subclauses (I) and (II), and on any infor-  
6           mation obtained by that Secretary as a result of  
7           such actions, indicate to the Secretary of De-  
8           fense the buildings and property at the installa-  
9           tion that meet the requirements set forth in  
10          subparagraph (H)(i).

11          (ii) The Secretary of Housing and Urban Devel-  
12          opment may request under clause (i)(III) that a rep-  
13          resentative of the homeless submit to that Secretary  
14          the following:

15               (I) A description of the program of such  
16               representative to assist the homeless.

17               (II) A description of the manner in which  
18               the buildings and property that the representa-  
19               tive proposes to use for such purpose will assist  
20               the homeless.

21               (III) Such information as that Secretary  
22               requires in order to determine the financial ca-  
23               pacity of the representative to carry out the  
24               program and to ensure that the program will be  
25               carried out in compliance with Federal environ-

1           mental law and Federal law against discrimina-  
2           tion.

3           (IV) A certification that police services,  
4           fire protection services, and water and sewer  
5           services available in the communities in the vi-  
6           cinity of the installation concerned are adequate  
7           for the program.

8           (iii) Not later than 90 days after the date of  
9           the receipt of a revised plan for an installation under  
10          subparagraph (J), the Secretary of Housing and  
11          Urban Development shall—

12           (I) notify the Secretary of Defense and the  
13           redevelopment authority concerned of the build-  
14           ings and property at an installation under  
15           clause (i)(IV) that the Secretary of Housing  
16           and Urban Development determines are suit-  
17           able for use to assist the homeless; and

18           (II) notify the Secretary of Defense of the  
19           extent to which the revised plan meets the cri-  
20           teria set forth in subparagraph (H)(i).

21           (iv)(I) Upon notice from the Secretary of Hous-  
22           ing and Urban Development with respect to an in-  
23           stallation under clause (iii), the Secretary of Defense  
24           shall dispose of buildings and property at the instal-  
25           lation in consultation with the Secretary of Housing

1 and Urban Development and the redevelopment au-  
2 thority concerned.

3 (II) For purposes of carrying out an environ-  
4 mental assessment of the closure or realignment of  
5 an installation, the Secretary of Defense shall treat  
6 the redevelopment plan submitted by the redevel-  
7 opment authority for the installation (including the as-  
8 pects of the plan providing for disposal to State or  
9 local governments, representatives of the homeless,  
10 and other interested parties) as part of the proposed  
11 Federal action for the installation. The Secretary of  
12 Defense shall incorporate the notification of the Sec-  
13 retary of Housing and Urban Development under  
14 clause (iii)(I) as part of the proposed Federal action  
15 for the installation only to the extent, if any, that  
16 the Secretary of Defense considers such incorpora-  
17 tion to be appropriate and consistent with the best  
18 and highest use of the installation as a whole, taking  
19 into consideration the redevelopment plan submitted  
20 by the redevelopment authority.

21 (III) The Secretary of Defense shall dispose of  
22 buildings and property under subclause (I) in ac-  
23 cordance with the record of decision or other deci-  
24 sion document prepared by the Secretary in accord-  
25 ance with the National Environmental Policy Act of



1       1969 (42 U.S.C. 4321 et seq.). In preparing the  
2       record of decision or other decision document, the  
3       Secretary shall give deference to the redevelopment  
4       plan submitted by the redevelopment authority for  
5       the installation.

6               (IV) The disposal under subclause (I) of build-  
7       ings and property to assist the homeless shall be  
8       without consideration.

9               (V) In the case of a request for a conveyance  
10       under subclause (I) of buildings and property for  
11       public benefit under section 550 of title 40, United  
12       States Code, or sections 47151 through 47153 of  
13       title 49, United States Code, the sponsoring Federal  
14       agency shall use the eligibility criteria set forth in  
15       such section or such subchapter (as the case may  
16       be) to determine the eligibility of the applicant and  
17       use proposed in the request for the public benefit  
18       conveyance. The determination of such eligibility  
19       should be made before submission of the develop-  
20       ment plan concerned under subparagraph (G).

21               (M)(i) In the event of the disposal of buildings  
22       and property of an installation pursuant to subpara-  
23       graph (K) or (L), the redevelopment authority for  
24       the installation shall be responsible for the imple-  
25       mentation of and compliance with agreements under

1 the redevelopment plan described in that subpara-  
2 graph for the installation.

3 (ii) If a building or property reverts to a rede-  
4 velopment authority under such an agreement, the  
5 redevelopment authority shall take appropriate ac-  
6 tions to secure, to the maximum extent practicable,  
7 the utilization of the building or property by other  
8 homeless representatives to assist the homeless. A  
9 redevelopment authority may not be required to uti-  
10 lize the building or property to assist the homeless.

11 (N) The Secretary of Defense may postpone or  
12 extend any deadline provided for under this para-  
13 graph in the case of an installation covered by this  
14 paragraph for such period as the Secretary considers  
15 appropriate if the Secretary determines that such  
16 postponement is in the interests of the communities  
17 affected by the closure or realignment of the instal-  
18 lation. The Secretary shall make such determina-  
19 tions in consultation with the redevelopment author-  
20 ity concerned and, in the case of deadlines provided  
21 for under this paragraph with respect to the Sec-  
22 retary of Housing and Urban Development, in con-  
23 sultation with the Secretary of Housing and Urban  
24 Development.

1           (O) For purposes of this paragraph, the term  
2           “communities in the vicinity of the installation”, in  
3           the case of an installation, means the communities  
4           that constitute the political jurisdictions (other than  
5           the State in which the installation is located) that  
6           comprise the redevelopment authority for the instal-  
7           lation.

8           (P) For purposes of this paragraph, the term  
9           “other interested parties”, in the case of an installa-  
10          tion, includes any parties eligible for the conveyance  
11          of property of the installation under section 550 of  
12          title 40, United States Code, or sections 47151  
13          through 47153 of title 49, United States Code,  
14          whether or not the parties assist the homeless.

15          (c) APPLICABILITY OF NATIONAL ENVIRONMENTAL  
16          POLICY ACT OF 1969.—(1) The provisions of the National  
17          Environmental Policy Act of 1969 (42 U.S.C. 4321 et  
18          seq.) shall not apply to the actions of the President, the  
19          Commission, and, except as provided in paragraph (2), the  
20          Department of Defense in carrying out this Act.

21          (2)(A) The provisions of the National Environmental  
22          Policy Act of 1969 shall apply to actions of the Depart-  
23          ment of Defense under this Act—

24                 (i) during the process of property disposal; and

1           (ii) during the process of relocating functions  
2           from a military installation being closed or realigned  
3           to another military installation after the receiving in-  
4           stallation has been selected but before the functions  
5           are relocated.

6           (B) In applying the provisions of the National Envi-  
7           ronmental Policy Act of 1969 to the processes referred  
8           to in subparagraph (A), the Secretary of Defense and the  
9           Secretary of the military departments concerned shall not  
10          have to consider—

11           (i) the need for closing or realigning the mili-  
12           tary installation which has been recommended for  
13           the consolidation, closure, or realignment by the  
14           Commission;

15           (ii) the need for transferring functions to any  
16           military installation which has been selected as the  
17           receiving installation; or

18           (iii) military installations alternative to those  
19           recommended or selected.

20          (3) A civil action for judicial review, with respect to  
21          any requirement of the National Environmental Policy Act  
22          of 1969 to the extent such Act is applicable under para-  
23          graph (2), of any act or failure to act by the Department  
24          of Defense during the closing, realigning, or relocating of  
25          functions referred to in clauses (i) and (ii) of paragraph

1 (2)(A), may not be brought more than 60 days after the  
2 date of such act or failure to act.

3 (d) WAIVER.—The Secretary of Defense may close or  
4 realign military installations under this Act without regard  
5 to—

6 (1) any provision of law restricting the use of  
7 funds for closing or realigning military installations  
8 included in any appropriations or authorization Act;  
9 and

10 (2) sections 2662 and 2687 of title 10, United  
11 States Code.

12 (e) TRANSFER AUTHORITY IN CONNECTION WITH  
13 PAYMENT OF ENVIRONMENTAL REMEDIATION COSTS.—

14 (1)(A) Subject to paragraph (2) of this sub-  
15 section and section 120(h) of the Comprehensive En-  
16 vironmental Response, Compensation, and Liability  
17 Act of 1980 (42 U.S.C. 9620(h)), the Secretary may  
18 enter into an agreement to transfer by deed real  
19 property or facilities referred to in subparagraph (B)  
20 with any person who agrees to perform all environ-  
21 mental restoration, waste management, and environ-  
22 mental compliance activities that are required for  
23 the property or facilities under Federal and State  
24 laws, administrative decisions, agreements (including  
25 schedules and milestones), and concurrences.

1           (B) The real property and facilities referred to  
2           in subparagraph (A) are the real property and facili-  
3           ties located at an installation closed or to be closed,  
4           or realigned or to be realigned, under this Act that  
5           are available exclusively for the use, or expression of  
6           an interest in a use, of a redevelopment authority  
7           under subsection (b)(6)(F) during the period pro-  
8           vided for that use, or expression of interest in use,  
9           under that subsection. The real property and facili-  
10          ties referred to in subparagraph (A) are also the real  
11          property and facilities located at an installation ap-  
12          proved for consolidation, closure, or realignment  
13          under this Act after 2001 that are available for pur-  
14          poses other than to assist the homeless.

15          (C) The Secretary may require any additional  
16          terms and conditions in connection with an agree-  
17          ment authorized by subparagraph (A) as the Sec-  
18          retary considers appropriate to protect the interests  
19          of the United States.

20          (2) A transfer of real property or facilities may  
21          be made under paragraph (1) only if the Secretary  
22          certifies to Congress that—

23                  (A) the costs of all environmental restora-  
24                  tion, waste management, and environmental  
25                  compliance activities otherwise to be paid by the

1 Secretary with respect to the property or facili-  
2 ties are equal to or greater than the fair market  
3 value of the property or facilities to be trans-  
4 ferred, as determined by the Secretary; or

5 (B) if such costs are lower than the fair  
6 market value of the property or facilities, the  
7 recipient of the property or facilities agrees to  
8 pay the difference between the fair market  
9 value and such costs.

10 (3) In the case of property or facilities covered  
11 by a certification under paragraph (2)(A), the Sec-  
12 retary may pay the recipient of such property or fa-  
13 cilities an amount equal to the lesser of—

14 (A) the amount by which the costs in-  
15 curred by the recipient of such property or fa-  
16 cilities for all environmental restoration, waste,  
17 management, and environmental compliance ac-  
18 tivities with respect to such property or facili-  
19 ties exceed the fair market value of such prop-  
20 erty or facilities as specified in such certifi-  
21 cation; or

22 (B) the amount by which the costs (as de-  
23 termined by the Secretary) that would other-  
24 wise have been incurred by the Secretary for  
25 such restoration, management, and activities

1           with respect to such property or facilities exceed  
2           the fair market value of such property or facili-  
3           ties as so specified.

4           (4) As part of an agreement under paragraph  
5           (1), the Secretary shall disclose to the person to  
6           whom the property or facilities will be transferred  
7           any information of the Secretary regarding the envi-  
8           ronmental restoration, waste management, and envi-  
9           ronmental compliance activities described in para-  
10          graph (1) that relate to the property or facilities.  
11          The Secretary shall provide such information before  
12          entering into the agreement.

13          (5) Nothing in this subsection shall be con-  
14          strued to modify, alter, or amend the Comprehensive  
15          Environmental Response, Compensation, and Liabil-  
16          ity Act of 1980 (42 U.S.C. 9601 et seq.) or the  
17          Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

18          (6) Section 330 of the National Defense Au-  
19          thorization Act for Fiscal Year 1993 (Public Law  
20          102–484; 10 U.S.C. 2687 note) shall not apply to  
21          any transfer under this subsection to persons or en-  
22          tities described in subsection (a)(2) of such section  
23          330, except in the case of releases or threatened re-  
24          leases not disclosed pursuant to paragraph (4).



1 **SEC. 14. ACCOUNT.**

2 (a) ESTABLISHMENT.—

3 (1) If the Secretary makes the certification re-  
4 quired under section 3(d), there shall be established  
5 on the books of the Treasury an account to be  
6 known as the “Military Infrastructure Consolidation  
7 and Efficiency 2019”. The Account shall be admin-  
8 istered by the Secretary as a single account.

9 (2) There shall be deposited into the Account—

10 (A) funds authorized for an appropriation  
11 to the Account;

12 (B) any funds that the Secretary may,  
13 subject to approval in an appropriations Act,  
14 transfer to the Account from funds appro-  
15 priated to the Department of Defense for any  
16 purpose, except that such funds may be trans-  
17 ferred only after the date on which the Sec-  
18 retary transmits written notice of, and justifica-  
19 tion for, such transfer to the congressional de-  
20 fense committees; and

21 (C) except as provided in subsection (c),  
22 proceeds received from the lease, transfer, or  
23 disposal of any property at a military installa-  
24 tion that is consolidated, closed, or realigned  
25 under this Act.

1           (3) The Account shall be closed at the time and  
2           in the manner provided for appropriation accounts  
3           under section 1555 of title 31, United States Code.  
4           Unobligated funds which remain in the Account  
5           upon the closure shall be held by the Secretary of  
6           the Treasury until transferred by law after the con-  
7           gressional defense committees receive the final re-  
8           port transmitted under section 14(a)(3).

9           (b) USE OF FUNDS.—

10           (1) In such amounts as may be provided in ad-  
11           vance in appropriation Acts, the Secretary may use  
12           the Account only for the purposes described in sec-  
13           tion 12 with respect to military installations ap-  
14           proved for consolidation, closure, or realignment  
15           under this Act.

16           (2) When a decision is made to use funds in the  
17           Account to carry out a military construction project  
18           under section 11(b)(1) and the cost of the project  
19           will exceed the maximum amount authorized by law  
20           for a minor military construction project, the Sec-  
21           retary shall notify, in writing, the congressional de-  
22           fense committees of the nature of, and justification  
23           for, the project and the amount of expenditures for  
24           such project. Any such project may be carried out

1 without regard to section 2802(a) of title 10, United  
2 States Code.

3 (c) AUTHORIZED COST VARIATIONS.—

4 (1) MAXIMUM INCREASE.—Subject to para-  
5 graph (2), the total cost authorized for a closure or  
6 realignment action to be carried out using funds in  
7 the Account may not be increased by more than 25  
8 percent of the amount specified for such closure or  
9 realignment action in the report transmitted by the  
10 Commission to the President pursuant to section  
11 9(d).

12 (2) EXCEPTION.—The limitation on cost vari-  
13 ations in paragraph (1) shall not apply if—

14 (A) the Secretary of Defense notifies the  
15 congressional defense committees, in writing, of  
16 the cost increase and the reason therefor and  
17 certifies that the increased cost is necessary in  
18 order to implement the recommendation; and

19 (B) a period of 60 days has elapsed after  
20 the date on which such notification is provided  
21 or, if the notification is provided in an elec-  
22 tronic medium pursuant to section 480 of title  
23 10, United States Code, a period of 45 days has  
24 elapsed.

1       (d) DISPOSAL OR TRANSFER OF COMMISSARY  
2 STORES AND PROPERTY PURCHASED WITH NON-  
3 APPROPRIATED FUNDS.—

4           (1) If any real property or facility acquired,  
5 constructed, or improved (in whole or in part) with  
6 commissary store funds or nonappropriated funds is  
7 transferred or disposed of in connection with the  
8 consolidation, closure, or realignment of a military  
9 installation under this Act, a portion of the proceeds  
10 of the transfer or other disposal of property on that  
11 installation shall be deposited in the reserve account  
12 established under section 204(b)(7)(C) of the De-  
13 fense Authorization Amendments and Base Closure  
14 and Realignment Act (10 U.S.C. 2687 note).

15          (2) The amount so deposited shall be equal to  
16 the depreciated value of the investment made with  
17 such funds in the acquisition, construction, or im-  
18 provement of that particular real property or facility.  
19 The depreciated value of the investment shall be  
20 computed in accordance with regulations prescribed  
21 by the Secretary of Defense.

22          (3) In such amounts as may be provided in ad-  
23 vance in appropriations Acts, the Secretary may use  
24 amounts in the reserve account for the purpose of  
25 acquiring, constructing, and improving commissary

1 stores and real property and facilities for non-  
2 appropriated fund instrumentalities.

3 (e) ACCOUNT EXCLUSIVE SOURCE OF FUNDS FOR  
4 ENVIRONMENTAL RESTORATION PROJECTS.—Except for  
5 funds deposited into the Account under subsection (a),  
6 funds appropriated to the Department of Defense may not  
7 be used for purposes described in section 12. The prohibi-  
8 tion in this subsection shall expire upon the closure of the  
9 account under subsection (a)(3).

10 **SEC. 15. RESTRICTION ON OTHER BASE CLOSURE AUTHOR-**  
11 **ITY.**

12 (a) IN GENERAL.—Except as provided in subsection  
13 (c), during the period beginning on the date of enactment  
14 of this Act, and ending on April 15, 2020, this Act shall  
15 be the exclusive authority for selecting for consolidation,  
16 closure, or realignment, or for carrying out any consolida-  
17 tion, closure, or realignment of, a military installation in-  
18 side the United States.

19 (b) RESTRICTION.—Except as provided in subsection  
20 (c), none of the funds available to the Department may  
21 be used, other than under this Act, during the period spec-  
22 ified in subsection (a)—

23 (1) to identify, through any transmittal to the  
24 Congress or through any other public announcement  
25 or notification, any military installation inside the

1 United States as an installation to be consolidated,  
2 closed, or realigned, or as an installation under con-  
3 sideration for consolidation, closure, or realignment;  
4 or

5 (2) to carry out any consolidation, closure, or  
6 realignment of a military installation inside the  
7 United States.

8 (c) EXCEPTION.—Nothing in this title affects the au-  
9 thority of the Secretary of Defense to carry out closures  
10 or realignments to which section 2687 of title 10, United  
11 States Code, is not applicable, including closures and re-  
12 alignments carried out for reasons of national security or  
13 a military emergency referred to in subsection (c) of such  
14 section.

15 **SEC. 16. REQUIRED REPORTS.**

16 (a) MILITARY INFRASTRUCTURE CONSOLIDATION  
17 AND EFFICIENCY ACCOUNT.—

18 (1) REPORT REQUIRED.—No later than 60 days  
19 after the end of each fiscal year in which the Sec-  
20 retary carries out activities under this Act using  
21 amounts in the Account, the Secretary of Defense  
22 shall transmit a report to the congressional defense  
23 committees of—

1 (A) the amount and nature of the deposits  
2 into, and the expenditures from, the Account  
3 during such fiscal year;

4 (B) the amount and nature of other ex-  
5 penditures made pursuant to section 12 during  
6 such fiscal year;

7 (C) the amount and nature of anticipated  
8 deposits to be made into, and the anticipated  
9 expenditures to be made from, the Account dur-  
10 ing the first fiscal year commencing after the  
11 submission of the report; and

12 (D) the amount and nature of anticipated  
13 expenditures to be made pursuant to section 12  
14 during the first fiscal year commencing after  
15 the submission of the report.

16 (2) ADDITIONAL ELEMENTS OF REPORT.—The  
17 report for a fiscal year shall include the following:

18 (A) The obligations and expenditures from  
19 the Account during the fiscal year, identified by  
20 subaccount and installation, for each military  
21 department and Defense Agency.

22 (B) The fiscal year in which appropriations  
23 for such expenditures were made and the fiscal  
24 year in which funds were obligated for such ex-  
25 penditure.

1           (C) Each military construction project for  
2           which such obligations and expenditures were  
3           made, identified by installation and project title.

4           (D) A description and explanation of the  
5           extent, if any, to which expenditures for mili-  
6           tary construction projects for the fiscal year dif-  
7           fered from proposals for projects and funding  
8           levels that were included in the justification  
9           transmitted to Congress under subsection (b),  
10          or otherwise, for the funding proposals for the  
11          Account for such fiscal year, including expla-  
12          nations of any failure to carry out military con-  
13          struction projects that were so proposed and  
14          any expenditures for military construction  
15          projects that were not so proposed.

16          (E) An estimate of the net revenues to be  
17          received from property disposals to be com-  
18          pleted during the first fiscal year commencing  
19          after the submission of the report at military  
20          installations approved for consolidation, closure,  
21          or realignment under this Act.

22          (3) FINAL REPORT.—Not later than 60 days  
23          after the closure of the Account under section 14,  
24          the Secretary shall transmit to the congressional de-  
25          fense committees a report containing an accounting



1 of all the funds deposited into and expended from  
2 the Account or otherwise expended under this Act  
3 with respect to such installations, and any amount  
4 remaining in the account.

5 (b) ANNUAL MILITARY INFRASTRUCTURE CONSOLI-  
6 DATION AND EFFICIENCY IMPLEMENTATION REPORT.—  
7 As part of the budget request for fiscal year 2021, and  
8 for each fiscal year thereafter through fiscal year 2032,  
9 for the Department, the Secretary shall transmit to the  
10 congressional defense committees—

11 (1) a schedule of the closure actions to be car-  
12 ried out under this Act in the fiscal year for which  
13 the request is made and an estimate of the total ex-  
14 penditures required and cost savings to be achieved  
15 by each such closure and of the time period in which  
16 these savings are to be achieved in each case, to-  
17 gether with the Secretary's assessment of the envi-  
18 ronmental effects of such actions;

19 (2) a description of the military installations,  
20 including those under construction and those  
21 planned for construction, to which functions are to  
22 be transferred as a result of such closure, together  
23 with the Secretary's assessment of the environmental  
24 effects of such transfers;

1           (3) a description of the closure actions already  
2           carried out at each military installation since the  
3           date of the installation's approval for closure under  
4           this Act and the current status of the closure of the  
5           installation, including whether—

6                   (A) a redevelopment authority has been  
7                   recognizes by the Secretary for the installation;

8                   (B) the screening of property at the instal-  
9                   lation for other Federal use has been com-  
10                  pleted; and

11                  (C) a redevelopment plan has been agreed  
12                  to by the redevelopment authority for the in-  
13                  stallation;

14           (4) a description of redevelopment plans for  
15           military installations approved for closure under this  
16           Act, the quantity of property remaining to be dis-  
17           posed of at each installation as part of its closure,  
18           and the quantity of property already disposed of at  
19           each installation;

20           (5) a list of Federal agencies that have re-  
21           quested property during the screening process for  
22           each military installation approved for closure under  
23           this Act, including the date of transfer or antici-  
24           pated transfer of the property to such agencies, the

1        acreage involved in such transfers, and an expla-  
2        nation for any delays in such transfer;

3            (6) a list of known environmental remediation  
4        issues at each military installation approved for clo-  
5        sure under this Act, including the acreage affected  
6        by these issues, an estimate of the cost to complete  
7        such environmental remediation, and the plans (and  
8        timelines) to address such environmental remedi-  
9        ation; and

10           (7) an estimate of the date for the completion  
11        of all closure actions at each military installation ap-  
12        proved for consolidation, closure, or realignment  
13        under this Act.

14   **SEC. 17. DEFINITIONS.**

15        In this Act:

16           (1) The term “Account” means the Military In-  
17        frastructure Consolidation and Efficiency Account  
18        established by section 14(a).

19           (2) The term “congressional defense commit-  
20        tees” means the Committees on Armed Services and  
21        the Committees on Appropriations of the Senate and  
22        the House of Representatives.

23           (3) The term “Commission” means the Military  
24        Infrastructure Consolidation and Efficiency Commis-  
25        sion of 2019 established by section 7.

1           (4) The term “date of approval”, with respect  
2           to a consolidation, closure, or realignment of a mili-  
3           tary installation, means the date on which the au-  
4           thority of Congress to disapprove a recommendation  
5           of consolidation, closure, or realignment, as the case  
6           may be, of such installation under this Act expires.

7           (5) The term “Department” means the Depart-  
8           ment of Defense.

9           (6) The term “final selection criteria” means  
10          the final selection criteria specified in section 6,  
11          which consists of military value criteria and certain  
12          additional criteria.

13          (7) The term “force structure plan” means the  
14          force structure plan developed by the Secretary  
15          under section 3(a).

16          (8) The term “infrastructure inventory” means  
17          the infrastructure inventory conducted by the Sec-  
18          retary under section 3(b).

19          (9) The term “military installation” means a  
20          base, camp, post, station, yard, center, homeport fa-  
21          cility for any ship, or other activity under the juris-  
22          diction of the Department, including any leased fa-  
23          cility. Such term does not include any facility used  
24          primarily for civil works, rivers and harbors projects,

1 flood control, or other projects not under the pri-  
2 mary jurisdiction or control of the Department.

3 (10) The term “realignment” includes any ac-  
4 tion which both reduces and relocates functions and  
5 civilian personnel positions but does not include a re-  
6 duction in force resulting from workload adjust-  
7 ments, reduced personnel or funding levels, or skill  
8 imbalances.

9 (11) The term “redevelopment authority”, in  
10 the case of a military installation to be closed or re-  
11 aligned under this Act, means any entity (including  
12 an entity established by a State or local government)  
13 recognized by the Secretary of Defense as the entity  
14 responsible for developing the redevelopment plan  
15 with respect to the military installation or for direct-  
16 ing the implementation of the redevelopment plan.

17 (12) The term “redevelopment plan”, in the  
18 case of a military installation to be closed or re-  
19 aligned under this Act, means a plan that—

20 (A) is agreed to by the local redevelopment  
21 authority with respect to the military installa-  
22 tion; and

23 (B) provides for the reuse or redevelop-  
24 ment of the real property and personal property  
25 of the military installation that is available for

1           such reuse and redevelopment as a result of the  
2           consolidation, closure, or realignment of the  
3           military installation.

4           (13) The term “representative of the homeless”  
5           has the meaning given such term in section  
6           501(i)(4) of the Stewart B. McKinney Homeless As-  
7           sistance Act (42 U.S.C. 11411(i)(4)).

8           (14) The term “Secretary” means the Secretary  
9           of Defense.

10          (15) The term “United States” means the 50  
11          States, the District of Columbia, the Commonwealth  
12          of Puerto Rico, Guam, the Virgin Islands, American  
13          Samoa, the Virgin Islands of the United States, the  
14          Commonwealth of the Northern Mariana Islands,  
15          and any other commonwealth, territory, or posses-  
16          sion of the United States.

17   **SEC. 18. TREATMENT AS A BASE CLOSURE LAW FOR PUR-**  
18                   **POSES OF OTHER PROVISIONS OF LAW.**

19          (a) DEFINITION OF “BASE CLOSURE LAW” IN TITLE  
20   10.—Section 101(a)(17) of title 10, United States Code,  
21   is amended by adding at the end the following new sub-  
22   paragraph:

23                   “(D) Military Infrastructure Consolidation  
24                   and Efficiency Act of 2017.”.

1 (b) DEFINITION OF “BASE CLOSURE LAW” IN  
2 OTHER LAWS.—

3 (1) Section 131(b) of Public Law 107–249 (10  
4 U.S.C. 221 note) is amended by striking “means”  
5 and all that follows and inserting “has the meaning  
6 given the term ‘base closure law’ in section  
7 101(a)(17) of title 10, United States Code.”.

8 (2) Section 1334(k)(1) of the National Defense  
9 Authorization Act for Fiscal Year 1994 (Public Law  
10 103–160; 10 U.S.C. 2701 note) is amended by add-  
11 ing at the end the following new subparagraph:

12 “(C) Military Infrastructure Consolidation  
13 and Efficiency Act of 2017.”.

14 (3) Section 2918(a)(1) of the National Defense  
15 Authorization Act for Fiscal Year 1994 (Public Law  
16 103–160; 10 U.S.C. 2687 note) is amended by add-  
17 ing at the end the following new subparagraph:

18 “(C) Military Infrastructure Consolidation  
19 and Efficiency Act of 2017.”.

20 **SEC. 19. CONFORMING AMENDMENTS.**

21 (a) DEPOSIT AND USE OF LEASE PROCEEDS.—Sec-  
22 tion 2667(e) of title 10, United States Code, is amended—

23 (1) in paragraph (5), by striking “on or after  
24 January 1, 2005,” and inserting “from January 1,  
25 2005 through December 31, 2005,”; and

1           (2) by adding at the end the following new  
2 paragraph:

3           “(6) Money rentals received by the United  
4 States from a lease under subsection (g) at a mili-  
5 tary installation approved for consolidation, closure,  
6 or realignment under a base closure law on or after  
7 January 1, 2006, shall be deposited into the Account  
8 established under section 14(a) of the Military Infra-  
9 structure Consolidation and Efficiency Act of  
10 2017.”.

11       (b) REQUESTS BY PUBLIC AGENCIES FOR PROPERTY  
12 FOR PUBLIC AIRPORTS.—Section 47151(g) of title 49,  
13 United States Code, is amended by striking “section 2687  
14 of title 10, section 201 of the Defense Authorization  
15 Amendments and Base Closure and Realignment Act (10  
16 U.S.C. 2687 note), or section 2905 of the Defense Base  
17 Closure and Realignment Act of 1990 (10 U.S.C. 2687  
18 note)” and inserting “a base closure law, as that term is  
19 defined in section 101(a)(17) of title 10,”.

20       (c) RESTORED LEAVE.—Section 6304(d)(3)(A) of  
21 title 5, United States Code, is amended by striking “the  
22 Defense Base Closure and Realignment Act of 1990 (part  
23 A of title XXIX of Public Law 101–510; 10 U.S.C. 2687



- 1 note)” and inserting “a base closure law, as that term is
- 2 defined in section 101(a)(17) of title 10,”.

