

118TH CONGRESS
1ST SESSION

H. R. 2886

To amend title 10, United States Code, to direct the Secretary of Defense to make certain improvements relating to access to military installations in the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 26, 2023

Mr. GARAMENDI (for himself and Mr. NORCROSS) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to direct the Secretary of Defense to make certain improvements relating to access to military installations in the United States, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Base Access Privileges
5 Improvement Act”.

6 **SEC. 2. IMPROVEMENTS RELATING TO ACCESS TO MILI-**
7 **TARY INSTALLATIONS IN UNITED STATES.**

8 (a) IMPROVEMENTS.—

1 (1) ADDITIONAL CATEGORIES FOR EXPEDITED
2 ACCESS.—Chapter 159 of title 10, United States
3 Code, is amended by adding at the end the following
4 new section (and conforming the table of sections at
5 the beginning of such chapter accordingly):

6 **“§ 2698. Access to military installations: standards for**
7 **entry to military installations in United**
8 **States**

9 “(a) ACCESS TO MILITARY INSTALLATIONS IN
10 UNITED STATES.—(1) The Secretary of Defense shall
11 maintain access standards applicable to all military instal-
12 lations in the United States. Such standards shall require
13 screening standards appropriate to the type of installation
14 involved, the security level of the installation, the category
15 of individuals authorized to visit the installation, and the
16 level of access to be granted, including—

17 “(A) protocols and criteria to determine the fit-
18 ness of the individual to enter an installation;

19 “(B) standards and methods for verifying the
20 identity of the individual; and

21 “(C) other factors the Secretary determines ap-
22 propriate.

23 “(2) In developing the standards under paragraph
24 (1), the Secretary shall, with respect to military installa-
25 tions in the United States—

1 “(A) include procedures for recurring
2 unescorted access to facilitate future visits to the in-
3 stallation for individuals who—

4 “(i) are non-Department of Defense per-
5 sonnel; and

6 “(ii) are determined to be eligible under
7 such standards; and

8 “(B) ensure that access for such individuals is
9 based on the use of credentials non-Department of
10 Defense personnel already possess, to the extent
11 practical.

12 “(3) Upon publication in the Federal Register of final
13 regulations to carry out paragraph (1), the Secretary shall
14 publish the standards set forth therein on a publicly acces-
15 sible Internet website of the Department of Defense.

16 “(4) In carrying out this subsection, the Secretary
17 shall seek to procure and field existing identification
18 screening technology (including technology to enable the
19 Secretary to validate other Federally recognized access
20 credentials) and develop additional technology only to the
21 extent necessary to assist commanders of military installa-
22 tions in the United States in implementing the standards
23 under paragraph (1) at points of entry for such installa-
24 tions.

1 “(b) PRE-ARRIVAL REGISTRATION AND SCREENING
2 PROTOCOL FOR ACCESS TO MILITARY INSTALLATIONS IN
3 UNITED STATES.—The Secretary shall ensure that the
4 standards under subsection (a) include a protocol for the
5 voluntary pre-arrival registration and screening of individ-
6 uals anticipating a need for access to a military installa-
7 tion in the United States, to establish the fitness and pur-
8 pose of such individual with respect to such access. Under
9 such protocol—

10 “(1) such a screening shall occur not less than
11 24 hours, and not more than 14 days, prior to the
12 initial time of such access; and

13 “(2) if an individual is determined fit to enter
14 the installation for a specified period of time pursu-
15 ant to the pre-arrival registration and screening, ac-
16 cess may only be granted upon arrival at the mili-
17 tary installation during such period of time and for
18 the purpose so established, following a verification of
19 the identity of the individual;

20 “(c) UNESCORTED ACCESS TO MILITARY INSTALLA-
21 TIONS IN UNITED STATES FOR CERTAIN INDIVIDUALS.—
22 The Secretary shall maintain guidance regarding the
23 granting of unescorted access to military installations in
24 the United States for covered individuals and ensure such

1 guidance is circulated to the commanders of each such
2 military installation. Such guidance shall—

3 “(1) identify the categories of covered individ-
4 uals that may obtain such unescorted access;

5 “(2) include a list of credentials that can be
6 used for access to an installation that are, to the ex-
7 tent practical, types of identification non-Depart-
8 ment of Defense personnel already possess;

9 “(3) be consistent across military installations
10 in the United States; and

11 “(4) be in accordance with any privileges or
12 benefits accorded under, procedures developed pur-
13 suant to, or requirements of, each covered provision
14 and subsection (a).

15 “(d) PHYSICAL ENTRANCES TO CERTAIN MILITARY
16 INSTALLATIONS.—The Secretary shall ensure that, to the
17 extent practicable—

18 “(1) each military installation in the United
19 States has a designated main entrance that, at all
20 times, is manned by at least one member of the
21 Armed Forces or civilian employee of the Depart-
22 ment;

23 “(2) the location of each such designated main
24 entrance is published on a publicly accessible Inter-
25 net website of the Department;

1 “(3) if a military installation in the United
2 States has any additional entrance designated for
3 commercial deliveries to the military installation, the
4 location of such entrance (and any applicable days
5 or hours of operation for such entrance) is published
6 on the same Internet website specified in paragraph
7 (2); and

8 “(4) the information published on the Internet
9 website specified in paragraph (2) is reviewed and,
10 as necessary, updated on a basis that is not less fre-
11 quent than annually.

12 “(e) REVIEWS AND SUBMISSION TO CONGRESS.—On
13 a basis that is not less frequent than once every five years,
14 the Secretary shall—

15 “(1) review the standards and guidance under
16 this section, and make such updates as may be de-
17 termined appropriate by the Secretary; and

18 “(2) submit to the Committees on Armed Serv-
19 ices of the House of Representatives and the Senate
20 the most recently reviewed and, as applicable, up-
21 dated version of such standards and guidance.

22 “(f) DEFINITIONS.—In this section:

23 “(1) The term ‘covered individual’ means, with
24 respect to a military installation in the United
25 States, the following:

1 “(A) A member of the armed forces or ci-
2 vilian employee of the Department of Defense,
3 or an employee or family member of such mem-
4 ber or employee, who resides, attends school, re-
5 ceives health care services, or shops at a com-
6 missary or exchange store on the installation.

7 “(B) A retired member of the armed
8 forces, including the reserve components, or a
9 family member of such retired member, who re-
10 sides, attend schools, receives health care serv-
11 ices, or shops at a commissary or exchange
12 store on the installation.

13 “(C) An individual performing work at the
14 installation under a contract or subcontract (at
15 any tier), including a military construction
16 project, military family housing project, or a
17 Facilities Sustainment, Restoration, and Mod-
18 ernization project.

19 “(D) A motor carrier or household goods
20 motor carrier providing transportation services
21 for the United States Transportation Com-
22 mand.

23 “(E) An official who is employed by an
24 agency of the State in which the installation is
25 located that enforces laws relating to workers’

1 compensation or minimum wage with respect to
2 such State and who is seeking such access per-
3 taining to a specific military construction
4 project, military family housing project, or Fa-
5 cilities Sustainment, Restoration, and Mod-
6 ernization project.

7 “(F) A representative of any labor organi-
8 zation, including a member of any labor man-
9 agement committee described in section 205A
10 of the Labor Management Relations Act, 1947
11 (29 U.S.C. 175a), who is—

12 “(i) seeking access to an individual
13 performing work at the installation who is
14 a member of such labor organization—

15 “(I) in connection with a specific
16 military construction project, military
17 family housing project, or Facilities
18 Sustainment, Restoration, and Mod-
19 ernization project; or

20 “(II) pursuant to a concessions
21 or service contract subject to chapter
22 67 of title 41 (known as the ‘McNa-
23 mara-O’Hara Service Contract Act of
24 1965’); or

1 “(ii) seeking access to an individual
2 performing work at the installation for the
3 purposes of soliciting such individual to
4 join such labor organization.

5 “(G) A representative of any labor organi-
6 zation, including a member of any labor man-
7 agement committee described in section 205A
8 of the Labor Management Relations Act, 1947
9 (29 U.S.C. 175a), or a representative of a pro-
10 gram registered under the Act of August 16,
11 1937 (commonly known as the ‘National Ap-
12 prenticeship Act’; 29 U.S.C. 50 et seq.), con-
13 ducting a vocational training, job fair, or simi-
14 lar workforce development event for members of
15 the armed forces or veterans at the installation.

16 “(2) The term ‘covered provision’ means the
17 following:

18 “(A) Chapter 54 of this title.

19 “(B) Section 202 of the REAL ID Act of
20 2005 (Public Law 109–13; 49 U.S.C. 30301
21 note).

22 “(C) Section 2812 of the National Defense
23 Authorization Act for Fiscal Year 2013 (Public
24 Law 112–239; 126 Stat. 2150; 10 U.S.C. 113
25 note).

1 “(D) Sections 346 and 1050 of the Na-
2 tional Defense Authorization Act for Fiscal
3 Year 2017 (Public Law 114–328; 10 U.S.C.
4 113 note).

5 “(E) Section 626 of the John S. McCain
6 National Defense Authorization Act for Fiscal
7 Year 2019 (Public Law 115–232; 132 Stat.
8 1802; 10 U.S.C. 113 note).

9 “(F) Section 1090 of the William M.
10 (Mac) Thornberry National Defense Authoriza-
11 tion Act for Fiscal Year 2021 (Public Law
12 116–283; 134 Stat. 3879; 10 U.S.C. 113 note).

13 “(3) The term ‘Federally recognized access cre-
14 dential’ means a credential authorized by Federal
15 law or otherwise issued by the head of a Federal de-
16 partment or agency that requires the vetting of an
17 individual for access to a facility, area, or program.

18 “(4) The terms ‘household goods’, ‘household
19 goods motor carrier’, and ‘motor carrier’ have the
20 meanings given those terms in section 13102 of title
21 49.

22 “(5) The terms ‘labor organization’ and ‘rep-
23 resentative’ have the meanings given those terms in
24 section 2 of the National Labor Relations Act (29
25 U.S.C. 152).

1 “(6) The term ‘military installation’ has the
2 meaning given that term in section 2801 of this
3 title.

4 “(7) The term ‘State’ means any of the several
5 States, the District of Columbia, the Commonwealth
6 of Puerto Rico, Guam, American Samoa, the Virgin
7 Islands of the United States, or the Commonwealth
8 of the Northern Mariana Islands.

9 “(8) The term ‘United States’ includes each
10 State, as such term is defined in this subsection.”.

11 (2) DEADLINE FOR FIRST REVIEW AND SUBMIS-
12 SION TO CONGRESS.—Not later than 180 days after
13 the date of the enactment of this Act, the Secretary
14 of Defense shall—

15 (A) conduct the first review of the stand-
16 ards and guidance required under section 2698
17 of title 10, United States Code (as added by
18 paragraph (1)); and

19 (B) submit to the Committees on Armed
20 Services of the House of Representatives and
21 the Senate the reviewed and, as applicable, up-
22 dated version of such standards and guidance.

23 (3) MODIFICATION TO CERTAIN NOTIFICATION
24 REQUIREMENT.—Section 1090(b)(2)(B) of the Wil-
25 liam M. (Mac) Thornberry National Defense Author-

1 ization Act for Fiscal Year 2021 (Public Law 116–
2 283; 134 Stat. 3879; 10 U.S.C. 113 note) is amend-
3 ed by striking “is” and inserting “and, as appro-
4 priate, the Secretary of Homeland Security and the
5 Director of the Federal Bureau of Investigation,
6 are”.

7 (4) TECHNICAL AND CONFORMING AMEND-
8 MENTS.—

9 (A) REPEAL OF DUPLICATE PROVISION.—

10 Section 1069 of the National Defense Author-
11 ization Act for Fiscal Year 2008 (Public Law
12 110–181; 122 Stat. 326) is repealed.

13 (B) CONFORMING AMENDMENTS TO PRIOR
14 NATIONAL DEFENSE AUTHORIZATION ACT.—

15 Section 1050 of the National Defense Author-
16 ization Act for Fiscal Year 2017 (10 U.S.C.
17 113 note; 130 Stat. 2396) is amended—

18 (i) in subsection (a), by striking “De-
19 partment of Defense installations” and in-
20 serting “military installations in the
21 United States”;

22 (ii) in subsection (b), by striking “De-
23 partment of Defense facilities” and insert-
24 ing “military installations in the United
25 States”; and

1 (iii) by adding at the end the fol-
2 lowing new subsection:

3 “(c) DEFINITIONS.—In this section, the terms ‘mili-
4 tary installation’ and ‘United States’ have the meanings
5 given such terms in section 2698(e) of title 10, United
6 States Code.”.

7 (b) REPORT ON IMPLEMENTATION OF TASK FORCE
8 RECOMMENDATIONS.—

9 (1) SUBMISSION.—Not later than 90 days after
10 the date of enactment of this Act, the Secretary of
11 Defense shall submit to Congress a report on the
12 implementation by the Secretary of Defense of the
13 recommendations contained in the report published
14 on February 7, 2022, by the White House Task
15 Force on Worker Organizing and Empowerment es-
16 tablished under Executive Order 14025 (86 Fed.
17 Reg. 22829, relating to worker organizing and em-
18 powerment) (in this subsection referred to as the
19 “Task Force”).

20 (2) MATTERS.—The report under paragraph
21 (1) shall include an assessment of the implementa-
22 tion of the recommendation of the Task Force to
23 standardize guidelines for access to military installa-
24 tions by union organizers, including access to such
25 installations by such organizers for the purpose of

- 1 seeking access to contractors or subcontractors (at
- 2 any tier) performing work at such installations.

