

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 1960
OFFERED BY MR. POLIS OF COLORADO**

At the end of title XXVII, add the following new subtitle:

1 **Subtitle C—Defense Base Realign-**
2 **ment and Closure Authority in**
3 **2017**

4 **SEC. 2721. SHORT TITLE AND PURPOSE.**

5 (a) **SHORT TITLE.**—This subtitle may be cited as the
6 “Defense Base Realignment and Closure Act for 2017”.

7 (b) **PURPOSE.**—The purpose of this subtitle is to pro-
8 vide a fair process that will result in the timely closure
9 and realignment of military installations inside the United
10 States.

11 **SEC. 2722. THE COMMISSION.**

12 (a) **ESTABLISHMENT.**—There is established an inde-
13 pendent commission to be known as the “Defense Base
14 Realignment and Closure Commission”.

15 (b) **DUTIES.**—The Commission shall carry out the
16 duties specified for it in this subtitle.

17 (c) **APPOINTMENT.**—(1)(A) The Commission shall be
18 composed of nine members appointed by the President, by

1 and with the advice and consent of the Senate. In appoint-
2 ing individuals to serve on the Commission, the President
3 shall give consideration to individuals with a demonstrated
4 expertise on the current and future operational and train-
5 ing requirements of the Armed Forces, military infrastruc-
6 ture and environmental management, or the socioeconomic
7 impact of military installations on local communities, and
8 who have not serve on such a commission for the previous
9 Base Realignment and Closure round.

10 (B) Subject to the certifications required under sec-
11 tion 2723(b), the President may commence a round for
12 the selection of military installations for closure and re-
13 alignment under this subtitle in 2017 by transmitting to
14 the Senate, not later than March 1, 2017 nominations for
15 appointment to the Commission.

16 (C) If the President does not transmit to Congress
17 the nominations for appointment to the Commission on
18 or before the date specified, the process by which military
19 installations may be selected for closure or realignment
20 under this subtitle with respect to that year shall be termi-
21 nated.

22 (2) In selecting individuals for nominations for ap-
23 pointments to the Commission, the President should con-
24 sult with—

1 (A) the Speaker of the House of Representa-
2 tives concerning the appointment of two members;

3 (B) the majority leader of the Senate con-
4 cerning the appointment of two members;

5 (C) the minority leader of the House of Rep-
6 resentatives concerning the appointment of one
7 member; and

8 (D) the minority leader of the Senate con-
9 cerning the appointment of one member.

10 (3) At the time the President nominates individuals
11 for appointment to the Commission for each session of
12 Congress referred to in paragraph (1)(B), the President
13 shall designate one such individual who shall serve as
14 Chairman of the Commission.

15 (d) TERMS.—(1) Except as provided in paragraph
16 (2), each member of the Commission shall serve until the
17 adjournment of Congress sine die for the session during
18 which the member was appointed to the Commission.

19 (2) The Chairman of the Commission shall serve until
20 the confirmation of a successor.

21 (e) MEETINGS.—(1) The Commission shall meet only
22 during calendar year 2017.

23 (2)(A) Each meeting of the Commission, other than
24 meetings in which classified information is to be discussed,
25 shall be open to the public.

1 (B) All the proceedings, information, and delibera-
2 tions of the Commission shall be open, upon request, to
3 the following:

4 (i) The Chairman and the ranking minority
5 party member of the Committee on Armed Services
6 of the Senate, or such other members of the Com-
7 mittee designated by such Chairman or ranking mi-
8 nority party member.

9 (ii) The Chairman and the ranking minority
10 party member of the Committee on Armed Services
11 of the House of Representatives, or such other mem-
12 bers of the Committee designated by such Chairman
13 or ranking minority party member.

14 (iii) The Chairmen and ranking minority party
15 members of the subcommittees with jurisdiction for
16 military construction of the Committees on Appro-
17 priations of the Senate and of the House of Rep-
18 resentatives, or such other members of the sub-
19 committees designated by such Chairmen or ranking
20 minority party members.

21 (f) VACANCIES.—A vacancy in the Commission shall
22 be filled in the same manner as the original appointment,
23 but the individual appointed to fill the vacancy shall serve
24 only for the unexpired portion of the term for which the
25 individual's predecessor was appointed.

1 (g) PAY AND TRAVEL EXPENSES.—(1)(A) Each
2 member, other than the Chairman, shall be paid at a rate
3 equal to the daily equivalent of the minimum annual rate
4 of basic pay payable for level IV of the Executive Schedule
5 under section 5315 of title 5, United States Code, for each
6 day (including travel time) during which the member is
7 engaged in the actual performance of duties vested in the
8 Commission.

9 (B) The Chairman shall be paid for each day referred
10 to in subparagraph (A) at a rate equal to the daily equiva-
11 lent of the minimum annual rate of basic pay payable for
12 level III of the Executive Schedule under section 5314,
13 of title 5, United States Code.

14 (2) Members shall receive travel expenses, including
15 per diem in lieu of subsistence, in accordance with sections
16 5702 and 5703 of title 5, United States Code.

17 (h) DIRECTOR OF STAFF.—(1) The Commission
18 shall, without regard to section 5311 of title 5, United
19 States Code, appoint a Director who has not served on
20 active duty in the Armed Forces or as a civilian employee
21 of the Department of Defense during the one-year period
22 preceding the date of such appointment.

23 (2) The Director shall be paid at the rate of basic
24 pay payable for level IV of the Executive Schedule under
25 section 5315 of title 5, United States Code.

1 (i) STAFF.—(1) Subject to paragraphs (2) and (3),
2 the Director, with the approval of the Commission, may
3 appoint and fix the pay of additional personnel.

4 (2) The Director may make such appointments with-
5 out regard to the provisions of title 5, United States Code,
6 governing appointments in the competitive service, and
7 any personnel so appointed may be paid without regard
8 to the provisions of chapter 51 and subchapter III of chap-
9 ter 53 of that title relating to classification and General
10 Schedule pay rates, except that an individual so appointed
11 may not receive pay in excess of the annual rate of basic
12 pay payable for GS-15 of the General Schedule.

13 (3)(A) Not more than one-third of the personnel em-
14 ployed by or detailed to the Commission may be on detail
15 from the Department of Defense.

16 (B)(i) Not more than one-fifth of the professional an-
17 alysts of the Commission staff may be persons detailed
18 from the Department of Defense to the Commission.

19 (ii) No person detailed from the Department of De-
20 fense to the Commission may be assigned as the lead pro-
21 fessional analyst with respect to a military department or
22 defense agency.

23 (C) A person may not be detailed from the Depart-
24 ment of Defense to the Commission if, within 12 months
25 before the detail is to begin, that person participated per-

1 sonally and substantially in any matter within the Depart-
2 ment of Defense concerning the preparation of rec-
3 ommendations for closures or realignments of military in-
4 stallations.

5 (D) No member of the Armed Forces, and no officer
6 or employee of the Department of Defense, may—

7 (i) prepare any report concerning the effective-
8 ness, fitness, or efficiency of the performance on the
9 staff of the Commission of any person detailed from
10 the Department of Defense to that staff;

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

12 (iii) approve or disapprove such a report.

13 (4) Upon request of the Director, the head of any
14 Federal department or agency may detail any of the per-
15 sonnel of that department or agency to the Commission
16 to assist the Commission in carrying out its duties under
17 this subtitle.

18 (5) The Comptroller General of the United States
19 shall provide assistance, including the detailing of employ-
20 ees, to the Commission in accordance with an agreement
21 entered into with the Commission.

22 (6) The following restrictions relating to the per-
23 sonnel of the Commission shall apply during the period
24 beginning January 1, 2018 and ending April 15, 2018:

1 (A) There may not be more than 15 persons on
2 the staff at any one time.

3 (B) The staff may perform only such functions
4 as are necessary to prepare for the transition to new
5 membership on the Commission in the following
6 year.

7 (C) No member of the Armed Forces and no
8 employee of the Department of Defense may serve
9 on the staff.

10 (j) OTHER AUTHORITY.—(1) The Commission may
11 procure by contract, to the extent funds are available, the
12 temporary or intermittent services of experts or consult-
13 ants pursuant to section 3109 of title 5, United States
14 Code.

15 (2) The Commission may lease space and acquire per-
16 sonal property to the extent funds are available.

17 (k) FUNDING.—There are authorized to be appro-
18 priated to the Commission such funds as are necessary
19 to carry out its duties under this subtitle. Such funds shall
20 remain available until expended.

21 (l) TERMINATION.—The Commission shall terminate
22 on April 15, 2018.

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

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

3 **SEC. 2723. PROCEDURE FOR MAKING RECOMMENDATIONS**
4 **FOR BASE CLOSURES AND REALIGNMENTS.**

5 (a) FORCE-STRUCTURE PLAN AND INFRASTRUCTURE
6 INVENTORY.—

7 (1) PREPARATION AND SUBMISSION.—As part
8 of the budget justification documents submitted to
9 Congress in support of the budget for the Depart-
10 ment of Defense for fiscal year 2017, the Secretary
11 shall submit to Congress the following:

12 (A) A force-structure plan for the Armed
13 Forces based on an assessment by the Sec-
14 retary of the probable threats to the national
15 security during the 20-year period beginning
16 with that fiscal year, the probable end-strength
17 levels and major military force units (including
18 land force divisions, carrier and other major
19 combatant vessels, air wings, and other com-
20 parable units) needed to meet these threats,
21 and the anticipated levels of funding that will
22 be available for national defense purposes dur-
23 ing such period.

24 (B) A comprehensive inventory of military
25 installations world-wide for each military de-

1 department, with specifications of the number and
2 type of facilities in the active and reserve forces
3 of each military department.

4 (2) RELATIONSHIP OF PLAN AND INVEN-
5 TORY.—Using the force-structure plan and infra-
6 structure inventory prepared under paragraph (1),
7 the Secretary shall prepare (and include as part of
8 the submission of such plan and inventory) the fol-
9 lowing:

10 (A) A description of the infrastructure nec-
11 essary to support the force structure described
12 in the force-structure plan.

13 (B) A discussion of categories of excess in-
14 frastructure and infrastructure capacity within
15 the United States and its territories and the
16 Secretary's target for the reduction of such ex-
17 cess.

18 (C) A discussion of military force structure
19 and infrastructure requirements overseas to in-
20 clude an assessment of excess infrastructure
21 and infrastructure capacity and consideration of
22 the consolidation of overseas infrastructure.

23 (D) An economic analysis of the effect of
24 the closure or realignment of military installa-
25 tions to reduce excess infrastructure.

1 (3) SPECIAL CONSIDERATIONS.—In determining
2 the level of necessary versus excess infrastructure
3 under paragraph (2), the Secretary shall consider
4 the following:

5 (A) The anticipated continuing need for
6 and availability of military installations outside
7 the United States, taking into account current
8 restrictions on the use of military installations
9 outside the United States and the potential for
10 future prohibitions or restrictions on the use of
11 such military installations.

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

15 (4) REVISION.—The Secretary may revise the
16 force-structure plan and infrastructure inventory; If
17 the Secretary makes such a revision, the Secretary
18 shall submit the revised plan or inventory to Con-
19 gress not later than March 15th of the year fol-
20 lowing the year in which such plan was first sub-
21 mitted. For purposes of selecting military installa-
22 tions for closure or realignment under this subtitle
23 in the year in which a revision is submitted, no revi-
24 sion of the force-structure plan or infrastructure in-
25 ventory is authorized after that date.

1 (b) CERTIFICATION OF NEED FOR FURTHER CLO-
2 SURES AND REALIGNMENTS.—

3 (1) CERTIFICATION REQUIRED.—On the basis
4 of the force-structure plan and infrastructure inven-
5 tory prepared under subsection (a) and the descrip-
6 tions and economic analysis prepared under such
7 subsection, the Secretary shall include as part of the
8 submission of the plan and inventory—

9 (A) a certification regarding whether the
10 need exists for the closure or realignment of ad-
11 ditional military installations; and

12 (B) if such need exists, a certification that
13 the additional round of closures and realign-
14 ments would result in annual net savings for
15 each of the military departments beginning not
16 later than six years following the commence-
17 ment of such closures and realignments.

18 (2) EFFECT OF FAILURE TO CERTIFY.—If the
19 Secretary does not include the certifications referred
20 to in paragraph (1), the President may not com-
21 mence a round for the selection of military installa-
22 tions for closure and realignment under this subtitle
23 in the year following submission of the force-struc-
24 ture plan and infrastructure inventory.

25 (c) COMPTROLLER GENERAL EVALUATION.—

1 (1) EVALUATION REQUIRED.—If the certifi-
2 cation is provided under subsection (b), the Comp-
3 troller General shall prepare an evaluation of the fol-
4 lowing:

5 (A) The force-structure plan and infra-
6 structure inventory prepared under subsection
7 (a) and the final selection criteria specified in
8 paragraph (d), including an evaluation of the
9 accuracy and analytical sufficiency of such plan,
10 inventory, and criteria.

11 (B) The need for the closure or realign-
12 ment of additional military installations.

13 (2) SUBMISSION.—The Comptroller General
14 shall submit the evaluation to Congress not later
15 than 60 days after the date on which the force-
16 structure plan and infrastructure inventory are sub-
17 mitted to Congress.

18 (d) FINAL SELECTION CRITERIA.—

19 (1) IN GENERAL.—The final criteria to be used
20 by the Secretary in making recommendations for the
21 closure or realignment of military installations inside
22 the United States under this subtitle in 2017 shall
23 be the military value and other criteria specified in
24 paragraphs (2) and (3).

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

3 (A) The current and future mission capa-
4 bilities and the impact on operational readiness
5 of the total force of the Department of Defense,
6 including the impact on joint warfighting, train-
7 ing, and readiness.

8 (B) The availability and condition of land,
9 facilities, and associated airspace (including
10 training areas suitable for maneuver by ground,
11 naval, or air forces throughout a diversity of cli-
12 mate and terrain areas and staging areas for
13 the use of the Armed Forces in homeland de-
14 fense missions) at both existing and potential
15 receiving locations.

16 (C) The ability to accommodate contin-
17 gency, mobilization, surge, and future total
18 force requirements at both existing and poten-
19 tial receiving locations to support operations
20 and training.

21 (D) The cost of operations and the man-
22 power implications.

23 (3) OTHER CRITERIA.—The other criteria that
24 the Secretary shall use in making recommendations
25 for the closure or realignment of military installa-

1 tions inside the United States under this subtitle in
2 2017 are as follows:

3 (A) The extent and timing of potential
4 costs and savings, including the number of
5 years, beginning with the date of completion of
6 the closure or realignment, for the savings to
7 exceed the costs. When determining the costs
8 associated with a closure or realignment, the
9 Secretary shall consider costs associated with
10 military construction, information technology,
11 environmental remediation, termination of pub-
12 lic-private contracts, and other factors contrib-
13 uting to the cost of a closure or realignment
14 recommendation as determined by the Sec-
15 retary.

16 (B) The economic impact on existing com-
17 munities in the vicinity of military installations.

18 (C) The ability of the infrastructure of
19 both the existing and potential receiving com-
20 munities to support forces, missions, and per-
21 sonnel.

22 (D) The elimination of excess infrastruc-
23 ture and infrastructure capacity to meet the
24 targeted reduction established by the Secretary.

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

5 (e) PRIORITY GIVEN TO MILITARY VALUE.—The
6 Secretary shall give priority consideration to the military
7 value criteria specified in subsection (d)(2) in the making
8 of recommendations for the closure or realignment of mili-
9 tary installations.

10 (f) EFFECT ON DEPARTMENT AND OTHER AGENCY
11 COSTS.—The selection criteria relating to the cost savings
12 or return on investment from the proposed closure or re-
13 alignment of military installations shall take into account
14 the effect of the proposed closure or realignment on the
15 costs of any other activity of the Department of Defense
16 or any other Federal agency that may be required to as-
17 sume responsibility for activities at the military installa-
18 tions.

19 (g) RELATION TO OTHER MATERIALS.—The final se-
20 lection criteria specified in this section shall be the only
21 criteria to be used, along with the force-structure plan and
22 infrastructure inventory referred to in subsection (a), in
23 making recommendations for the closure or realignment
24 of military installations inside the United States under
25 this subtitle in 2017.

1 (h) DOD RECOMMENDATIONS.—(1) If the Secretary
2 makes the certifications required under subsection (b), the
3 Secretary shall, by no later than May 15, 2017, publish
4 in the Federal Register and transmit to the congressional
5 defense committees and to the Commission a list of the
6 military installations inside the United States that the
7 Secretary recommends for closure or realignment on the
8 basis of the force-structure plan and infrastructure inven-
9 tory prepared by the Secretary under subsection (a) and
10 the final selection criteria specified in subsection (d) that
11 are applicable to the year concerned.

12 (2) The Secretary shall include, with the list of rec-
13 ommendations published and transmitted pursuant to
14 paragraph (1), a summary of the selection process that
15 resulted in the recommendation for each installation, in-
16 cluding a justification for each recommendation. The Sec-
17 retary shall transmit the matters referred to in the pre-
18 ceding sentence not later than 7 days after the date of
19 the transmittal to the congressional defense committees
20 and the Commission of the list referred to in paragraph
21 (1).

22 (3)(A) In considering military installations for clo-
23 sure or realignment, the Secretary shall consider all mili-
24 tary installations inside the United States equally without
25 regard to whether the installation has been previously con-

1 sidered or proposed for closure or realignment by the De-
2 partment.

3 (B) In considering military installations for closure
4 or realignment, the Secretary may not take into account
5 for any purpose any advance conversion planning under-
6 taken by an affected community with respect to the antici-
7 pated closure or realignment of an installation.

8 (C) For purposes of subparagraph (B), in the case
9 of a community anticipating the economic effects of a clo-
10 sure or realignment of a military installation, advance con-
11 version planning—

12 (i) shall include community adjustment and eco-
13 nomic diversification planning undertaken by the
14 community before an anticipated selection of a mili-
15 tary installation in or near the community for clo-
16 sure or realignment; and

17 (ii) may include the development of contingency
18 redevelopment plans, plans for economic develop-
19 ment and diversification, and plans for the joint use
20 (including civilian and military use, public and pri-
21 vate use, civilian dual use, and civilian shared use)
22 of the property or facilities of the installation after
23 the anticipated closure or realignment.

24 (D) In making recommendations to the Commission,
25 the Secretary shall consider any notice received from a

1 local government in the vicinity of a military installation
2 that the government would approve of the closure or re-
3 alignment of the installation.

4 (E) Notwithstanding the requirement in subpara-
5 graph (D), the Secretary shall make the recommendations
6 referred to in that subparagraph based on the force-struc-
7 ture plan, infrastructure inventory, and final selection cri-
8 teria otherwise applicable to such recommendations.

9 (F) The recommendations shall include a statement
10 of the result of the consideration of any notice described
11 in subparagraph (D) that is received with respect to a
12 military installation covered by such recommendations.
13 The statement shall set forth the reasons for the result.

14 (4) In addition to making all information used by the
15 Secretary to prepare the recommendations under this sub-
16 section available to Congress (including any committee or
17 member of Congress), the Secretary shall also make such
18 information available to the Commission and the Comp-
19 troller General of the United States.

20 (5)(A) Each person referred to in subparagraph (B),
21 when submitting information to the Secretary of Defense
22 or the Commission concerning the closure or realignment
23 of a military installation, shall certify that such informa-
24 tion is accurate and complete to the best of that persons
25 knowledge and belief.

1 (B) Subparagraph (A) applies to the following per-
2 sons:

3 (i) The Secretaries of the military departments.

4 (ii) The heads of the Defense Agencies.

5 (iii) Each person who is in a position the duties
6 of which include personal and substantial involve-
7 ment in the preparation and submission of informa-
8 tion and recommendations concerning the closure or
9 realignment of military installations, as designated
10 in regulations which the Secretary of Defense shall
11 prescribe, regulations which the Secretary of each
12 military department shall prescribe for personnel
13 within that military department, or regulations
14 which the head of each Defense Agency shall pre-
15 scribe for personnel within that Defense Agency.

16 (6) Any information provided to the Commission by
17 a person described in paragraph (5)(B) shall also be sub-
18 mitted to the Senate and the House of Representatives
19 to be made available to the Members of the House con-
20 cerned in accordance with the rules of that House. The
21 information shall be submitted to the Senate and House
22 of Representatives within 48 hours after the submission
23 of the information to the Commission.

24 (i) REVIEW AND RECOMMENDATIONS BY THE COM-
25 MISSION.—(1) After receiving the recommendations from

1 the Secretary pursuant to subsection (h) for any year, the
2 Commission shall conduct public hearings on the rec-
3 ommendations. All testimony before the Commission at a
4 public hearing conducted under this paragraph shall be
5 presented under oath.

6 (2)(A) The Commission shall, by no later than Octo-
7 ber 1 of each year in which the Secretary transmits rec-
8 ommendations to it pursuant to subsection (h), transmit
9 to the President a report containing the Commission's
10 findings and conclusions based on a review and analysis
11 of the recommendations made by the Secretary, together
12 with the Commission's recommendations for closures and
13 realignments of military installations inside the United
14 States.

15 (B) Subject to subparagraphs (C) and (E), in making
16 its recommendations, the Commission may make changes
17 in any of the recommendations made by the Secretary if
18 the Commission determines that the Secretary deviated
19 substantially from the force-structure plan and final cri-
20 teria referred to in subsection (d)(1) in making rec-
21 ommendations.

22 (C) In the case of a change described in subpara-
23 graph (D) in the recommendations made by the Secretary,
24 the Commission may make the change only if—

25 (i) the Commission—

1 (I) makes the determination required by
2 subparagraph (B);

3 (II) determines that the change is con-
4 sistent with the force-structure plan and final
5 criteria referred to in subsection (d)(1);

6 (III) publishes a notice of the proposed
7 change in the Federal Register not less than 45
8 days before transmitting its recommendations
9 to the President pursuant to subparagraph (A);
10 and

11 (IV) conducts public hearings on the pro-
12 posed change;

13 (ii) at least two members of the Commission
14 visit the military installation before the date of the
15 transmittal of the report; and

16 (iii) the decision of the Commission to make the
17 change is supported by at least seven members of
18 the Commission.

19 (D) Subparagraph (C) shall apply to a change by the
20 Commission in the Secretary's recommendations that
21 would—

22 (i) add a military installation to the list of mili-
23 tary installations recommended by the Secretary for
24 closure;

1 (ii) add a military installation to the list of mili-
2 tary installations recommended by the Secretary for
3 realignment; or

4 (iii) increase the extent of a realignment of a
5 particular military installation recommended by the
6 Secretary.

7 (E) The Commission may not consider making a
8 change in the recommendations of the Secretary that
9 would add a military installation to the Secretary's list of
10 installations recommended for closure or realignment un-
11 less, in addition to the requirements of subparagraph
12 (C)—

13 (i) the Commission provides the Secretary with
14 at least a 15-day period, before making the change,
15 in which to submit an explanation of the reasons
16 why the installation was not included on the closure
17 or realignment list by the Secretary; and

18 (ii) the decision to add the installation for Com-
19 mission consideration is supported by at least seven
20 members of the Commission.

21 (F) In making recommendations under this para-
22 graph, the Commission may not take into account for any
23 purpose any advance conversion planning undertaken by
24 an affected community with respect to the anticipated clo-
25 sure or realignment of a military installation.

1 (3) The Commission shall explain and justify in its
2 report submitted to the President pursuant to paragraph
3 (2) any recommendation made by the Commission that is
4 different from the recommendations made by the Sec-
5 retary pursuant to subsection (h). The Commission shall
6 transmit a copy of such report to the congressional defense
7 committees on the same date on which it transmits its rec-
8 ommendations to the President under paragraph (2).

9 (4) After October 1 of each year in which the Com-
10 mission transmits recommendations to the President
11 under this subsection, the Commission shall promptly pro-
12 vide, upon request, to any Member of Congress informa-
13 tion used by the Commission in making its recommenda-
14 tions.

15 (5) The Comptroller General of the United States
16 shall—

17 (A) assist the Commission, to the extent re-
18 quested, in the Commission's review and analysis of
19 the recommendations made by the Secretary pursu-
20 ant to subsection (h); and

21 (B) by no later than July 1 of each year in
22 which the Secretary makes such recommendations,
23 transmit to the Congress and to the Commission a
24 report containing a detailed analysis of the Sec-
25 retary's recommendations and selection process.

1 (j) REVIEW BY THE PRESIDENT.—(1) The President
2 shall, by no later than October 15 of each year in which
3 the Commission makes recommendations under subsection
4 (i), transmit to the Commission and to the Congress a
5 report containing the President’s approval or disapproval
6 of the Commission’s recommendations.

7 (2) If the President approves all the recommenda-
8 tions of the Commission, the President shall transmit a
9 copy of such recommendations to the Congress, together
10 with a certification of such approval.

11 (3) If the President disapproves the recommendations
12 of the Commission, in whole or in part, the President shall
13 transmit to the Commission and the Congress the reasons
14 for that disapproval. The Commission shall then transmit
15 to the President, by no later than November 18 of the
16 year concerned, a revised list of recommendations for the
17 closure and realignment of military installations.

18 (4) If the President approves all of the revised rec-
19 ommendations of the Commission transmitted to the
20 President under paragraph (3), the President shall trans-
21 mit a copy of such revised recommendations to the Con-
22 gress, together with a certification of such approval.

23 (5) If the President does not transmit to the Con-
24 gress an approval and certification described in paragraph
25 (2) or (4) by December 2 of any year in which the Com-

1 mission has transmitted recommendations to the Presi-
2 dent under this subtitle, the process by which military in-
3 stallations may be selected for closure or realignment
4 under this subtitle with respect to that year shall be termi-
5 nated.

6 **SEC. 2724. REALIGNMENT AND CLOSURE OF MILITARY IN-**
7 **STALLATIONS.**

8 (a) IN GENERAL.—Subject to subsection (b), the Sec-
9 retary shall—

10 (1) close all military installations recommended
11 for closure by the Commission in each report trans-
12 mitted to the Congress by the President pursuant to
13 section 2723(j);

14 (2) realign all military installations rec-
15 ommended for realignment by such Commission in
16 each such report;

17 (3) carry out the privatization in place of a
18 military installation recommended for closure or re-
19 alignment by the Commission only if privatization in
20 place is a method of closure or realignment of the
21 military installation specified in the recommenda-
22 tions of the Commission in such report and is deter-
23 mined by the Commission to be the most cost-effec-
24 tive method of implementation of the recommenda-
25 tion;

1 (4) initiate all such closures and realignments
2 no later than two years after the date on which the
3 President transmits a report to the Congress pursu-
4 ant to section 2723(j) containing the recommenda-
5 tions for such closures or realignments; and

6 (5) complete all such closures and realignments
7 no later than the end of the six-year period begin-
8 ning on the date on which the President transmits
9 the report pursuant to section 2723(j) containing
10 the recommendations for such closures or realign-
11 ments.

12 (b) CONGRESSIONAL DISAPPROVAL.—(1) The Sec-
13 retary may not carry out any closure or realignment rec-
14 ommended by the Commission in a report transmitted
15 from the President pursuant to section 2723(j) if a joint
16 resolution is enacted, in accordance with the provisions of
17 section 2728, disapproving such recommendations of the
18 Commission before the earlier of—

19 (A) the end of the 45-day period beginning on
20 the date on which the President transmits such re-
21 port; or

22 (B) the adjournment of Congress sine die for
23 the session during which such report is transmitted.

24 (2) For purposes of paragraph (1) of this subsection
25 and subsections (a) and (c) of section 2728, the days on

1 which either House of Congress is not in session because
2 of adjournment of more than three days to a day certain
3 shall be excluded in the computation of a period.

4 **SEC. 2725. IMPLEMENTATION.**

5 (a) IN GENERAL.—(1) In closing or realigning any
6 military installation under this subtitle, the Secretary
7 may—

8 (A) take such actions as may be necessary to
9 close or realign any military installation, including
10 the acquisition of such land, the construction of such
11 replacement facilities, the performance of such ac-
12 tivities, and the conduct of such advance planning
13 and design as may be required to transfer functions
14 from a military installation being closed or realigned
15 to another military installation, and may use for
16 such purpose funds in the Account or funds appro-
17 priated to the Department of Defense for use in
18 planning and design, minor construction, or oper-
19 ation and maintenance;

20 (B) provide—

21 (i) economic adjustment assistance to any
22 community located near a military installation
23 being closed or realigned, and

24 (ii) community planning assistance to any
25 community located near a military installation

1 to which functions will be transferred as a re-
2 sult of the closure or realignment of a military
3 installation,

4 if the Secretary of Defense determines that the fi-
5 nancial resources available to the community (by
6 grant or otherwise) for such purposes are inad-
7 equate, and may use for such purposes funds in the
8 Account or funds appropriated to the Department of
9 Defense for economic adjustment assistance or com-
10 munity planning assistance;

11 (C) carry out activities for the purposes of envi-
12 ronmental restoration and mitigation at any such in-
13 stallation, and shall use for such purposes funds in
14 the Account;

15 (D) provide outplacement assistance to civilian
16 employees employed by the Department of Defense
17 at military installations being closed or realigned,
18 and may use for such purpose funds in the Account
19 or funds appropriated to the Department of Defense
20 for outplacement assistance to employees; and

21 (E) reimburse other Federal agencies for ac-
22 tions performed at the request of the Secretary with
23 respect to any such closure or realignment, and may
24 use for such purpose funds in the Account or funds

1 appropriated to the Department of Defense and
2 available for such purpose.

3 (2) In carrying out any closure or realignment under
4 this subtitle, the Secretary shall ensure that environmental
5 restoration of any property made excess to the needs of
6 the Department of Defense as a result of such closure or
7 realignment be carried out as soon as possible with funds
8 available for such purpose.

9 (b) MANAGEMENT AND DISPOSAL OF PROPERTY.—

10 (1) The Administrator of General Services shall delegate
11 to the Secretary of Defense, with respect to excess and
12 surplus real property, facilities, and personal property lo-
13 cated at a military installation closed or realigned under
14 this subtitle—

15 (A) the authority of the Administrator to utilize
16 excess property under subchapter II of chapter 5 of
17 title 40, United States Code;

18 (B) the authority of the Administrator to dis-
19 pose of surplus property under subchapter III of
20 chapter 5 of title 40, United States Code;

21 (C) the authority to dispose of surplus property
22 for public airports under sections 47151 through
23 47153 of title 49, United States Code; and

24 (D) the authority of the Administrator to deter-
25 mine the availability of excess or surplus real prop-

1 erty for wildlife conservation purposes in accordance
2 with the Act of May 19, 1948 (16 U.S.C. 667b).

3 (2)(A) Subject to subparagraph (B) and paragraphs
4 (3), (4), (5), and (6), the Secretary of Defense shall exer-
5 cise the authority delegated to the Secretary pursuant to
6 paragraph (1) in accordance with—

7 (i) all regulations governing the utilization of
8 excess property and the disposal of surplus property
9 under subtitle I of title 40, United States Code; and

10 (ii) all regulations governing the conveyance
11 and disposal of property under section 13(g) of the
12 Surplus Property Act of 1944 (50 U.S.C. App.
13 1622(g)).

14 (B) The Secretary may, with the concurrence of the
15 Administrator of General Services—

16 (i) prescribe general policies and methods for
17 utilizing excess property and disposing of surplus
18 property pursuant to the authority delegated under
19 paragraph (1); and

20 (ii) issue regulations relating to such policies
21 and methods, which shall supersede the regulations
22 referred to in subparagraph (A) with respect to that
23 authority.

24 (C) The Secretary of Defense may transfer real prop-
25 erty or facilities located at a military installation to be

1 closed or realigned under this subtitle, with or without re-
2 imbursement, to a military department or other entity (in-
3 cluding a nonappropriated fund instrumentality) within
4 the Department of Defense or the Coast Guard.

5 (D) Before any action may be taken with respect to
6 the disposal of any surplus real property or facility located
7 at any military installation to be closed or realigned under
8 this subtitle, the Secretary of Defense shall consult with
9 the Governor of the State and the heads of the local gov-
10 ernments concerned for the purpose of considering any
11 plan for the use of such property by the local community
12 concerned.

13 (E) If a military installation to be closed, realigned,
14 or placed in an inactive status under this subtitle includes
15 a road used for public access through, into, or around the
16 installation, the Secretary of Defense shall consult with
17 the Governor of the State and the heads of the local gov-
18 ernments concerned or the purpose of considering the con-
19 tinued availability of the road for public use after the in-
20 stallation is closed, realigned, or placed in an inactive sta-
21 tus.

22 (3)(A) Not later than 6 months after the date of ap-
23 proval of the closure or realignment of a military installa-
24 tion under this subtitle, the Secretary, in consultation with

1 the redevelopment authority with respect to the installa-
2 tion, shall—

3 (i) inventory the personal property located at
4 the installation; and

5 (ii) identify the items (or categories of items) of
6 such personal property that the Secretary deter-
7 mines to be related to real property and anticipates
8 will support the implementation of the redevelop-
9 ment plan with respect to the installation.

10 (B) If no redevelopment authority referred to in sub-
11 paragraph (A) exists with respect to an installation, the
12 Secretary shall consult with—

13 (i) the local government in whose jurisdiction
14 the installation is wholly located; or

15 (ii) a local government agency or State govern-
16 ment agency designated for the purpose of such con-
17 sultation by the chief executive officer of the State
18 in which the installation is located.

19 (C)(i) Except as provided in subparagraphs (E) and
20 (F), the Secretary may not carry out any of the activities
21 referred to in clause (ii) with respect to an installation
22 referred to in that clause until the earlier of—

23 (I) one week after the date on which the rede-
24 velopment plan for the installation is submitted to
25 the Secretary;

1 (II) the date on which the redevelopment au-
2 thority notifies the Secretary that it will not submit
3 such a plan;

4 (III) twenty-four months after the date of ap-
5 proval of the closure or realignment of the installa-
6 tion; or

7 (IV) ninety days before the date of the closure
8 or realignment of the installation.

9 (ii) The activities referred to in clause (i) are activi-
10 ties relating to the closure or realignment of an installa-
11 tion to be closed or realigned under this subtitle as follows:

12 (I) The transfer from the installation of items
13 of personal property at the installation identified in
14 accordance with subparagraph (A).

15 (II) The reduction in maintenance and repair of
16 facilities or equipment located at the installation
17 below the minimum levels required to support the
18 use of such facilities or equipment for nonmilitary
19 purposes.

20 (D) Except as provided in paragraph (4), the Sec-
21 retary may not transfer items of personal property located
22 at an installation to be closed or realigned under this sub-
23 title to another installation, or dispose of such items, if
24 such items are identified in the redevelopment plan for the
25 installation as items essential to the reuse or redevelo-

1 ment of the installation. In connection with the develop-
2 ment of the redevelopment plan for the installation, the
3 Secretary shall consult with the entity responsible for de-
4 veloping the redevelopment plan to identify the items of
5 personal property located at the installation, if any, that
6 the entity desires to be retained at the installation for
7 reuse or redevelopment of the installation.

8 (E) This paragraph shall not apply to any personal
9 property located at an installation to be closed or realigned
10 under this subtitle if the property—

11 (i) is required for the operation of a unit, func-
12 tion, component, weapon, or weapons system at an-
13 other installation;

14 (ii) is uniquely military in character, and is
15 likely to have no civilian use (other than use for its
16 material content or as a source of commonly used
17 components);

18 (iii) is not required for the reutilization or rede-
19 velopment of the installation (as jointly determined
20 by the Secretary and the redevelopment authority);

21 (iv) is stored at the installation for purposes of
22 distribution (including spare parts or stock items);
23 or

24 (v)(I) meets known requirements of an author-
25 ized program of another Federal department or

1 agency for which expenditures for similar property
2 would be necessary; and

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

5 (F) Notwithstanding subparagraphs (C)(i) and (D),
6 the Secretary may carry out any activity referred to in
7 subparagraph (C)(ii) or (D) if the Secretary determines
8 that the carrying out of such activity is in the national
9 security interest of the United States.

10 (4)(A) The Secretary may transfer real property and
11 personal property located at a military installation to be
12 closed or realigned under this subtitle to the redevelop-
13 ment authority with respect to the installation for pur-
14 poses of job generation on the installation.

15 (B) The transfer of property located at a military in-
16 stallation under subparagraph (A) may be for consider-
17 ation at or below the estimated fair market value or with-
18 out consideration. The determination of such consider-
19 ation may account for the economic conditions of the local
20 affected community and the estimated costs to redevelop
21 the property. The Secretary may accept, as consideration,
22 a share of the revenues that the redevelopment authority
23 receives from third-party buyers or lessees from sales and
24 long-term leases of the conveyed property, consideration
25 in kind (including goods and services), real property and

1 improvements, or such other consideration as the Sec-
2 retary considers appropriate. The transfer of property lo-
3 cated at a military installation under subparagraph (A)
4 may be made for consideration below the estimated fair
5 market value or without consideration only if the redev-
6 opment authority with respect to the installation—

7 (i) agrees that the proceeds from any sale or
8 lease of the property (or any portion thereof) re-
9 ceived by the redevelopment authority during at
10 least the first seven years after the date of the initial
11 transfer of property under subparagraph (A) shall
12 be used to support the economic redevelopment of,
13 or related to, the installation; and

14 (ii) executes the agreement for transfer of the
15 property and accepts control of the property within
16 a reasonable time after the date of the property dis-
17 posal record of decision or finding of no significant
18 impact under the National Environmental Policy Act
19 of 1969 (42 U.S.C. 4321 et seq.).

20 (C) For purposes of subparagraph (B)(i), the use of
21 proceeds from a sale or lease described in such subpara-
22 graph to pay for, or offset the costs of, public investment
23 on or related to the installation for any of the following
24 purposes shall be considered a use to support the economic
25 redevelopment of, or related to, the installation:

- 1 (i) Road construction.
- 2 (ii) Transportation management facilities.
- 3 (iii) Storm and sanitary sewer construction.
- 4 (iv) Police and fire protection facilities and
5 other public facilities.
- 6 (v) Utility construction.
- 7 (vi) Building rehabilitation.
- 8 (vii) Historic property preservation.
- 9 (viii) Pollution prevention equipment or facili-
10 ties.
- 11 (ix) Demolition.
- 12 (x) Disposal of hazardous materials generated
13 by demolition.
- 14 (xi) Landscaping, grading, and other site or
15 public improvements.
- 16 (xii) Planning for or the marketing of the devel-
17 opment and reuse of the installation.
- 18 (D) The Secretary may recoup from a redevelopment
19 authority such portion of the proceeds from a sale or lease
20 described in subparagraph (B) as the Secretary deter-
21 mines appropriate if the redevelopment authority does not
22 use the proceeds to support economic redevelopment of,
23 or related to, the installation for the period specified in
24 subparagraph (B).

1 (E)(i) The Secretary may transfer real property at
2 an installation approved for closure or realignment under
3 this subtitle (including property at an installation ap-
4 proved for realignment which will be retained by the De-
5 partment of Defense or another Federal agency after re-
6 alignment) to the redevelopment authority for the installa-
7 tion if the redevelopment authority agrees to lease, directly
8 upon transfer, one or more portions of the property trans-
9 ferred under this subparagraph to the Secretary or to the
10 head of another department or agency of the Federal Gov-
11 ernment. Subparagraph (B) shall apply to a transfer
12 under this subparagraph.

13 (ii) A lease under clause (i) shall be for a term of
14 not to exceed 50 years, but may provide for options for
15 renewal or extension of the term by the department or
16 agency concerned.

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

19 (iv) A lease under clause (i) shall include a provision
20 specifying that if the department or agency concerned
21 ceases requiring the use of the leased property before the
22 expiration of the term of the lease, the remainder of the
23 lease term may be satisfied by the same or another depart-
24 ment or agency of the Federal Government using the prop-
25 erty for a use similar to the use under the lease. Exercise

1 of the authority provided by this clause shall be made in
2 consultation with the redevelopment authority concerned.

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

14 (I) municipal services that a State or local gov-
15 ernment is required by law to provide to all land-
16 owners in its jurisdiction without direct charge; or

17 (II) firefighting or security-guard functions.

18 (F) The transfer of personal property under subpara-
19 graph (A) shall not be subject to the provisions of sub-
20 chapters II and III of chapter 5 of title 40, United States
21 Code, if the Secretary determines that the transfer of such
22 property is necessary for the effective implementation of
23 a redevelopment plan with respect to the installation at
24 which such property is located.

1 (G) The provisions of section 120(h) of the Com-
2 prehensive Environmental Response, Compensation, and
3 Liability Act of 1980 (42 U.S.C. 9620(h)) shall apply to
4 any transfer of real property under this paragraph.

5 (H) The Secretary may require any additional terms
6 and conditions in connection with a transfer under this
7 paragraph as such Secretary considers appropriate to pro-
8 tect the interests of the United States.

9 (5)(A) Except as provided in subparagraphs (B) and
10 (C), the Secretary shall take such actions as the Secretary
11 determines necessary to ensure that final determinations
12 under paragraph (1) regarding whether another depart-
13 ment or agency of the Federal Government has identified
14 a use for any portion of a military installation to be closed
15 or realigned under this subtitle, or will accept transfer of
16 any portion of such installation, are made not later than
17 6 months after the date of approval of closure or realign-
18 ment of that installation.

19 (B) The Secretary may, in consultation with the rede-
20 velopment authority with respect to an installation, post-
21 pone making the final determinations referred to in sub-
22 paragraph (A) with respect to the installation for such pe-
23 riod as the Secretary determines appropriate if the Sec-
24 retary determines that such postponement is in the best

1 interests of the communities affected by the closure or re-
2 alignment of the installation.

3 (C)(i) Before acquiring non-Federal real property as
4 the location for a new or replacement Federal facility of
5 any type, the head of the Federal agency acquiring the
6 property shall consult with the Secretary regarding the
7 feasibility and cost advantages of using Federal property
8 or facilities at a military installation closed or realigned
9 or to be closed or realigned under this subtitle as the loca-
10 tion for the new or replacement facility. In considering the
11 availability and suitability of a specific military installa-
12 tion, the Secretary and the head of the Federal agency
13 involved shall obtain the concurrence of the redevelopment
14 authority with respect to the installation and comply with
15 the redevelopment plan for the installation.

16 (ii) Not later than 30 days after acquiring non-Fed-
17 eral real property as the location for a new or replacement
18 Federal facility, the head of the Federal agency acquiring
19 the property shall submit to Congress a report containing
20 the results of the consultation under clause (i) and the
21 reasons why military installations referred to in such
22 clause that are located within the area to be served by
23 the new or replacement Federal facility or within a 200-
24 mile radius of the new or replacement facility, whichever

1 area is greater, were considered to be unsuitable or un-
2 available for the site of the new or replacement facility.

3 (6)(A) The disposal of buildings and property located
4 at installations approved for closure or realignment under
5 this subtitle shall be carried out in accordance with this
6 paragraph.

7 (B)(i) Not later than the date on which the Secretary
8 of Defense completes the final determinations referred to
9 in paragraph (5) relating to the use or transferability of
10 any portion of an installation covered by this paragraph,
11 the Secretary shall—

12 (I) identify the buildings and property at the
13 installation for which the Department of Defense
14 has a use, for which another department or agency
15 of the Federal Government has identified a use, or
16 of which another department or agency will accept
17 a transfer;

18 (II) take such actions as are necessary to iden-
19 tify any building or property at the installation not
20 identified under subclause (I) that is excess property
21 or surplus property;

22 (III) submit to the Secretary of Housing and
23 Urban Development and to the redevelopment au-
24 thority for the installation (or the chief executive of-
25 ficer of the State in which the installation is located

1 if there is no redevelopment authority for the instal-
2 lation at the completion of the determination de-
3 scribed in the stem of this sentence) information on
4 any building or property that is identified under sub-
5 clause (II); and

6 (IV) publish in the Federal Register and in a
7 newspaper of general circulation in the communities
8 in the vicinity of the installation information on the
9 buildings and property identified under subclause
10 (II).

11 (ii) Upon the recognition of a redevelopment author-
12 ity for an installation covered by this paragraph, the Sec-
13 retary of Defense shall publish in the Federal Register and
14 in a newspaper of general circulation in the communities
15 in the vicinity of the installation information on the rede-
16 velopment authority.

17 (C)(i) State and local governments, representatives of
18 the homeless, and other interested parties located in the
19 communities in the vicinity of an installation covered by
20 this paragraph shall submit to the redevelopment author-
21 ity for the installation a notice of the interest, if any, of
22 such governments, representatives, and parties in the
23 buildings or property, or any portion thereof, at the instal-
24 lation that are identified under subparagraph (B)(i)(II).
25 A notice of interest under this clause shall describe the

1 need of the government, representative, or party concerned
2 for the buildings or property covered by the notice.

3 (ii) The redevelopment authority for an installation
4 shall assist the governments, representatives, and parties
5 referred to in clause (i) in evaluating buildings and prop-
6 erty at the installation for purposes of this subparagraph.

7 (iii) In providing assistance under clause (ii), a rede-
8 velopment authority shall—

9 (I) consult with representatives of the homeless
10 in the communities in the vicinity of the installation
11 concerned; and

12 (II) undertake outreach efforts to provide infor-
13 mation on the buildings and property to representa-
14 tives of the homeless, and to other persons or enti-
15 ties interested in assisting the homeless, in such
16 communities.

17 (iv) It is the sense of Congress that redevelopment
18 authorities should begin to conduct outreach efforts under
19 clause (iii)(II) with respect to an installation as soon as
20 is practicable after the date of approval of closure or re-
21 alignment of the installation.

22 (D)(i) State and local governments, representatives
23 of the homeless, and other interested parties shall submit
24 a notice of interest to a redevelopment authority under

1 subparagraph (C) not later than the date specified for
2 such notice by the redevelopment authority.

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

4 (I) in the case of an installation for which a re-
5 development authority has been recognized as of the
6 date of the completion of the determinations referred
7 to in paragraph (5), not earlier than 3 months and
8 not later than 6 months after the date of publication
9 of such determination in a newspaper of general cir-
10 culation in the communities in the vicinity of the in-
11 stallation under subparagraph (B)(i)(IV); and

12 (II) in the case of an installation for which a
13 redevelopment authority is not recognized as of such
14 date, not earlier than 3 months and not later than
15 6 months after the date of the recognition of a rede-
16 velopment authority for the installation.

17 (iii) Upon specifying a date for an installation under
18 this subparagraph, the redevelopment authority for the in-
19 stallation shall—

20 (I) publish the date specified in a newspaper of
21 general circulation in the communities in the vicinity
22 of the installation concerned; and

23 (II) notify the Secretary of Defense of the date.

24 (E)(i) In submitting to a redevelopment authority
25 under subparagraph (C) a notice of interest in the use

1 of buildings or property at an installation to assist the
2 homeless, a representative of the homeless shall submit the
3 following:

4 (I) A description of the homeless assistance
5 program that the representative proposes to carry
6 out at the installation.

7 (II) An assessment of the need for the program.

8 (III) A description of the extent to which the
9 program is or will be coordinated with other home-
10 less assistance programs in the communities in the
11 vicinity of the installation.

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

15 (V) A description of the financial plan, the or-
16 ganization, and the organizational capacity of the
17 representative to carry out the program.

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

20 (ii) A redevelopment authority may not release to the
21 public any information submitted to the redevelopment au-
22 thority under clause (i)(V) without the consent of the rep-
23 resentative of the homeless concerned unless such release
24 is authorized under Federal law and under the law of the

1 State and communities in which the installation concerned
2 is located.

3 (F)(i) The redevelopment authority for each installa-
4 tion covered by this paragraph shall prepare a redevel-
5 opment plan for the installation. The redevelopment author-
6 ity shall, in preparing the plan, consider the interests in
7 the use to assist the homeless of the buildings and prop-
8 erty at the installation that are expressed in the notices
9 submitted to the redevelopment authority under subpara-
10 graph (C).

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

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

1 event that such buildings and property cease being used
2 for that purpose.

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

8 (iv) A redevelopment authority shall complete prepa-
9 ration of a redevelopment plan for an installation and sub-
10 mit the plan under subparagraph (G) not later than 9
11 months after the date specified by the redevelopment au-
12 thority for the installation under subparagraph (D).

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

18 (ii) A redevelopment authority shall include in an ap-
19 plication under clause (i) the following:

20 (I) A copy of the redevelopment plan, including
21 a summary of any public comments on the plan re-
22 ceived by the redevelopment authority under sub-
23 paragraph (F)(iii).

24 (II) A copy of each notice of interest of use of
25 buildings and property to assist the homeless that

1 was submitted to the redevelopment authority under
2 subparagraph (C), together with a description of the
3 manner, if any, in which the plan addresses the in-
4 terest expressed in each such notice and, if the plan
5 does not address such an interest, an explanation
6 why the plan does not address the interest.

7 (III) A summary of the outreach undertaken by
8 the redevelopment authority under subparagraph
9 (C)(iii)(II) in preparing the plan.

10 (IV) A statement identifying the representatives
11 of the homeless and the homeless assistance plan-
12 ning boards, if any, with which the redevelopment
13 authority consulted in preparing the plan, and the
14 results of such consultations.

15 (V) An assessment of the manner in which the
16 redevelopment plan balances the expressed needs of
17 the homeless and the need of the communities in the
18 vicinity of the installation for economic redevelop-
19 ment and other development.

20 (VI) Copies of the agreements that the redevelop-
21 ment authority proposes to enter into under sub-
22 paragraph (F)(ii).

23 (H)(i) Not later than 60 days after receiving a rede-
24 velopment plan under subparagraph (G), the Secretary of
25 Housing and Urban Development shall complete a review

1 of the plan. The purpose of the review is to determine
2 whether the plan, with respect to the expressed interest
3 and requests of representatives of the homeless—

4 (I) takes into consideration the size and nature
5 of the homeless population in the communities in the
6 vicinity of the installation, the availability of existing
7 services in such communities to meet the needs of
8 the homeless in such communities, and the suit-
9 ability of the buildings and property covered by the
10 plan for the use and needs of the homeless in such
11 communities;

12 (II) takes into consideration any economic im-
13 pact of the homeless assistance under the plan on
14 the communities in the vicinity of the installation;

15 (III) balances in an appropriate manner the
16 needs of the communities in the vicinity of the in-
17 stallation for economic redevelopment and other de-
18 velopment with the needs of the homeless in such
19 communities;

20 (IV) was developed in consultation with rep-
21 resentatives of the homeless and the homeless assist-
22 ance planning boards, if any, in the communities in
23 the vicinity of the installation; and

24 (V) specifies the manner in which buildings and
25 property, resources, and assistance on or off the in-

1 stallation will be made available for homeless assist-
2 ance purposes.

3 (ii) It is the sense of Congress that the Secretary of
4 Housing and Urban Development shall, in completing the
5 review of a plan under this subparagraph, take into con-
6 sideration and be receptive to the predominant views on
7 the plan of the communities in the vicinity of the installa-
8 tion covered by the plan.

9 (iii) The Secretary of Housing and Urban Develop-
10 ment may engage in negotiations and consultations with
11 a redevelopment authority before or during the course of
12 a review under clause (i) with a view toward resolving any
13 preliminary determination of the Secretary that a redevel-
14 opment plan does not meet a requirement set forth in that
15 clause. The redevelopment authority may modify the rede-
16 velopment plan as a result of such negotiations and con-
17 sultations.

18 (iv) Upon completion of a review of a redevelopment
19 plan under clause (i), the Secretary of Housing and Urban
20 Development shall notify the Secretary of Defense and the
21 redevelopment authority concerned of the determination of
22 the Secretary of Housing and Urban Development under
23 that clause.

24 (v) If the Secretary of Housing and Urban Develop-
25 ment determines as a result of such a review that a rede-

1 velopment plan does not meet the requirements set forth
2 in clause (i), a notice under clause (iv) shall include—

3 (I) an explanation of that determination; and

4 (II) a statement of the actions that the redevelop-
5 opment authority must undertake in order to ad-
6 dress that determination.

7 (I)(i) Upon receipt of a notice under subparagraph
8 (H)(iv) of a determination that a redevelopment plan does
9 not meet a requirement set forth in subparagraph (H)(i),
10 a redevelopment authority shall have the opportunity to—

11 (I) revise the plan in order to address the deter-
12 mination; and

13 (II) submit the revised plan to the Secretary of
14 Defense and the Secretary of Housing and Urban
15 Development.

16 (ii) A redevelopment authority shall submit a revised
17 plan under this subparagraph to such Secretaries, if at
18 all, not later than 90 days after the date on which the
19 redevelopment authority receives the notice referred to in
20 clause (i).

21 (J)(i) Not later than 30 days after receiving a revised
22 redevelopment plan under subparagraph (I), the Secretary
23 of Housing and Urban Development shall review the re-
24 vised plan and determine if the plan meets the require-
25 ments set forth in subparagraph (H)(i).

1 (ii) The Secretary of Housing and Urban Develop-
2 ment shall notify the Secretary of Defense and the redevelop-
3 opment authority concerned of the determination of the
4 Secretary of Housing and Urban Development under this
5 subparagraph.

6 (K)(i) Upon receipt of a notice under subparagraph
7 (H)(iv) or (J)(ii) of the determination of the Secretary of
8 Housing and Urban Development that a redevelopment
9 plan for an installation meets the requirements set forth
10 in subparagraph (H)(i), the Secretary of Defense shall dis-
11 pose of the buildings and property at the installation.

12 (ii) For purposes of carrying out an environmental
13 assessment of the closure or realignment of an installa-
14 tion, the Secretary of Defense shall treat the redevelop-
15 ment plan for the installation (including the aspects of the
16 plan providing for disposal to State or local governments,
17 representatives of the homeless, and other interested par-
18 ties) as part of the proposed Federal action for the instal-
19 lation.

20 (iii) The Secretary of Defense shall dispose of build-
21 ings and property under clause (i) in accordance with the
22 record of decision or other decision document prepared by
23 the Secretary in accordance with the National Environ-
24 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.). In
25 preparing the record of decision or other decision docu-

1 ment, the Secretary shall give substantial deference to the
2 redevelopment plan concerned.

3 (iv) The disposal under clause (i) of buildings and
4 property to assist the homeless shall be without consider-
5 ation.

6 (v) In the case of a request for a conveyance under
7 clause (i) of buildings and property for public benefit
8 under section 550 of title 40, United States Code, or sec-
9 tions 47151 through 47153 of title 49, United States
10 Code, the sponsoring Federal agency shall use the eligi-
11 bility criteria set forth in such section or subchapter II
12 of chapter 471 of title 49, United States Code (as the case
13 may be) to determine the eligibility of the applicant and
14 use proposed in the request for the public benefit convey-
15 ance. The determination of such eligibility should be made
16 before submission of the redevelopment plan concerned
17 under subparagraph (G).

18 (L)(i) If the Secretary of Housing and Urban Devel-
19 opment determines under subparagraph (J) that a revised
20 redevelopment plan for an installation does not meet the
21 requirements set forth in subparagraph (H)(i), or if no
22 revised plan is so submitted, that Secretary shall—

23 (I) review the original redevelopment plan sub-
24 mitted to that Secretary under subparagraph (G),
25 including the notice or notices of representatives of

1 the homeless referred to in clause (ii)(II) of that
2 subparagraph;

3 (II) consult with the representatives referred to
4 in subclause (I), if any, for purposes of evaluating
5 the continuing interest of such representatives in the
6 use of buildings or property at the installation to as-
7 sist the homeless;

8 (III) request that each such representative sub-
9 mit to that Secretary the items described in clause
10 (ii); and

11 (IV) based on the actions of that Secretary
12 under subclauses (I) and (II), and on any informa-
13 tion obtained by that Secretary as a result of such
14 actions, indicate to the Secretary of Defense the
15 buildings and property at the installation that meet
16 the requirements set forth in subparagraph (H)(i).

17 (ii) The Secretary of Housing and Urban Develop-
18 ment may request under clause (i)(III) that a representa-
19 tive of the homeless submit to that Secretary the following:

20 (I) A description of the program of such rep-
21 resentative to assist the homeless.

22 (II) A description of the manner in which the
23 buildings and property that the representative pro-
24 poses to use for such purpose will assist the home-
25 less.

1 (III) Such information as that Secretary re-
2 quires in order to determine the financial capacity of
3 the representative to carry out the program and to
4 ensure that the program will be carried out in com-
5 pliance with Federal environmental law and Federal
6 law against discrimination.

7 (IV) A certification that police services, fire
8 protection services, and water and sewer services
9 available in the communities in the vicinity of the in-
10 stallation concerned are adequate for the program.

11 (iii) Not later than 90 days after the date of the re-
12 ceipt of a revised plan for an installation under subpara-
13 graph (J), the Secretary of Housing and Urban Develop-
14 ment shall—

15 (I) notify the Secretary of Defense and the re-
16 development authority concerned of the buildings
17 and property at an installation under clause (i)(IV)
18 that the Secretary of Housing and Urban Develop-
19 ment determines are suitable for use to assist the
20 homeless; and

21 (II) notify the Secretary of Defense of the ex-
22 tent to which the revised plan meets the criteria set
23 forth in subparagraph (H)(i).

24 (iv)(I) Upon notice from the Secretary of Housing
25 and Urban Development with respect to an installation

1 under clause (iii), the Secretary of Defense shall dispose
2 of buildings and property at the installation in consulta-
3 tion with the Secretary of Housing and Urban Develop-
4 ment and the redevelopment authority concerned.

5 (II) For purposes of carrying out an environmental
6 assessment of the closure or realignment of an installa-
7 tion, the Secretary of Defense shall treat the redevelop-
8 ment plan submitted by the redevelopment authority for
9 the installation (including the aspects of the plan pro-
10 viding for disposal to State or local governments, rep-
11 resentatives of the homeless, and other interested parties)
12 as part of the proposed Federal action for the installation.
13 The Secretary of Defense shall incorporate the notification
14 of the Secretary of Housing and Urban Development
15 under clause (iii)(I) as part of the proposed Federal action
16 for the installation only to the extent, if any, that the Sec-
17 retary of Defense considers such incorporation to be ap-
18 propriate and consistent with the best and highest use of
19 the installation as a whole, taking into consideration the
20 redevelopment plan submitted by the redevelopment au-
21 thority.

22 (III) The Secretary of Defense shall dispose of build-
23 ings and property under subclause (I) in accordance with
24 the record of decision or other decision document prepared
25 by the Secretary in accordance with the National Environ-

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

6 (IV) The disposal under subclause (I) of buildings
7 and property to assist the homeless shall be without con-
8 sideration.

9 (V) In the case of a request for a conveyance under
10 subclause (I) of buildings and property for public benefit
11 under section 550 of title 40, United States Code, or sec-
12 tions 47151 through 47153 of title 49, United States
13 Code, the sponsoring Federal agency shall use the eligi-
14 bility criteria set forth in such section or subchapter II
15 of chapter 471 of title 49, United States Code (as the case
16 may be) to determine the eligibility of the applicant and
17 use proposed in the request for the public benefit convey-
18 ance. The determination of such eligibility should be made
19 before submission of the redevelopment plan concerned
20 under subparagraph (G).

21 (M)(i) In the event of the disposal of buildings and
22 property of an installation pursuant to subparagraph (K)
23 or (L), the redevelopment authority for the installation
24 shall be responsible for the implementation of and compli-

1 ance with agreements under the redevelopment plan de-
2 scribed in that subparagraph for the installation.

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

11 (N) The Secretary of Defense may postpone or ex-
12 tend any deadline provided for under this paragraph in
13 the case of an installation covered by this paragraph for
14 such period as the Secretary considers appropriate if the
15 Secretary determines that such postponement is in the in-
16 terests of the communities affected by the closure or re-
17 alignment of the installation. The Secretary shall make
18 such determinations in consultation with the redevelop-
19 ment authority concerned and, in the case of deadlines
20 provided for under this paragraph with respect to the Sec-
21 retary of Housing and Urban Development, in consulta-
22 tion with the Secretary of Housing and Urban Develop-
23 ment.

24 (O) For purposes of this paragraph, the term “com-
25 munities in the vicinity of the installation”, in the case

1 of an installation, means the communities that constitute
2 the political jurisdictions (other than the State in which
3 the installation is located) that comprise the redevelop-
4 ment authority for the installation.

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

12 (7)(A) Subject to subparagraph (C), the Secretary
13 may enter into agreements (including contracts, coopera-
14 tive agreements, or other arrangements for reimburse-
15 ment) with local governments for the provision of police
16 or security services, fire protection services, airfield oper-
17 ation services, or other community services by such gov-
18 ernments at military installations to be closed under this
19 subtitle, or at facilities not yet transferred or otherwise
20 disposed of in the case of installations closed under this
21 subtitle, if the Secretary determines that the provision of
22 such services under such agreements is in the best inter-
23 ests of the Department of Defense.

1 (B) The Secretary may exercise the authority pro-
2 vided under this paragraph without regard to the provi-
3 sions of chapter 146 of title 10, United States Code.

4 (C) The Secretary may not exercise the authority
5 under subparagraph (A) with respect to an installation
6 earlier than 180 days before the date on which the instal-
7 lation is to be closed.

8 (D) The Secretary shall include in a contract for serv-
9 ices entered into with a local government under this para-
10 graph a clause that requires the use of professionals to
11 furnish the services to the extent that professionals are
12 available in the area under the jurisdiction of such govern-
13 ment.

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

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

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

24 (ii) during the process of relocating functions

25 from a military installation being closed or realigned

1 to another military installation after the receiving in-
2 stallation has been selected but before the functions
3 are relocated.

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

9 (i) the need for closing or realigning the mili-
10 tary installation which has been recommended for
11 closure or realignment by the Commission;

12 (ii) the need for transferring functions to any
13 military installation which has been selected as the
14 receiving installation; or

15 (iii) military installations alternative to those
16 recommended or selected.

17 (3) A civil action for judicial review, with respect to
18 any requirement of the National Environmental Policy Act
19 of 1969 to the extent such Act is applicable under para-
20 graph (2), of any act or failure to act by the Department
21 of Defense during the closing, realigning, or relocating of
22 functions referred to in clauses (i) and (ii) of paragraph
23 (2)(A), may not be brought more than 60 days after the
24 date of such act or failure to act.

1 (d) WAIVER.—The Secretary of Defense may close or
2 realign military installations under this subtitle without
3 regard to—

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

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

10 (e) TRANSFER AUTHORITY IN CONNECTION WITH
11 PAYMENT OF ENVIRONMENTAL REMEDIATION COSTS.—

12 (1)(A) Subject to paragraph (2) of this subsection and sec-
13 tion 120(h) of the Comprehensive Environmental Re-
14 sponse, Compensation, and Liability Act of 1980 (42
15 U.S.C. 9620(h)), the Secretary may enter into an agree-
16 ment to transfer by deed real property or facilities referred
17 to in subparagraph (B) with any person who agrees to
18 perform all environmental restoration, waste management,
19 and environmental compliance activities that are required
20 for the property or facilities under Federal and State laws,
21 administrative decisions, agreements (including schedules
22 and milestones), and concurrences.

23 (B) The real property and facilities referred to in
24 subparagraph (A) are the real property and facilities lo-
25 cated at an installation closed or to be closed, or realigned

1 or to be realigned, under this subtitle that are available
2 exclusively for the use, or expression of an interest in a
3 use, of a redevelopment authority under subsection
4 (b)(6)(F) during the period provided for that use, or ex-
5 pression of interest in use, under that subsection. The real
6 property and facilities referred to in subparagraph (A) are
7 also the real property and facilities located at an installa-
8 tion approved for closure or realignment under this sub-
9 title after 2001 that are available for purposes other than
10 to assist the homeless.

11 (C) The Secretary may require any additional terms
12 and conditions in connection with an agreement author-
13 ized by subparagraph (A) as the Secretary considers ap-
14 propriate to protect the interests of the United States.

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

18 (A) the costs of all environmental restoration,
19 waste management, and environmental compliance
20 activities otherwise to be paid by the Secretary with
21 respect to the property or facilities are equal to or
22 greater than the fair market value of the property
23 or facilities to be transferred, as determined by the
24 Secretary; or

1 (B) if such costs are lower than the fair market
2 value of the property or facilities, the recipient of
3 the property or facilities agrees to pay the difference
4 between the fair market value and such costs.

5 (3) In the case of property or facilities covered by
6 a certification under paragraph (2)(A), the Secretary may
7 pay the recipient of such property or facilities an amount
8 equal to the lesser of—

9 (A) the amount by which the costs incurred by
10 the recipient of such property or facilities for all en-
11 vironmental restoration, waste, management, and
12 environmental compliance activities with respect to
13 such property or facilities exceed the fair market
14 value of such property or facilities as specified in
15 such certification; or

16 (B) the amount by which the costs (as deter-
17 mined by the Secretary) that would otherwise have
18 been incurred by the Secretary for such restoration,
19 management, and activities with respect to such
20 property or facilities exceed the fair market value of
21 such property or facilities as so specified

22 (4) As part of an agreement under paragraph (1),
23 the Secretary shall disclose to the person to whom the
24 property or facilities will be transferred any information
25 of the Secretary regarding the environmental restoration,

1 waste management, and environmental compliance activi-
2 ties described in paragraph (1) that relate to the property
3 or facilities. The Secretary shall provide such information
4 before entering into the agreement.

5 (5) Nothing in this subsection shall be construed to
6 modify, alter, or amend the Comprehensive Environmental
7 Response, Compensation, and Liability Act of 1980 (42
8 U.S.C. 9601 et seq.) or the Solid Waste Disposal Act (42
9 U.S.C. 6901 et seq.).

10 (6) Section 330 of the National Defense Authoriza-
11 tion Act for Fiscal Year 1993 (Public Law 102–484; 10
12 U.S.C. 2687 note) shall not apply to any transfer under
13 this subsection to persons or entities described in sub-
14 section (a)(2) of such section 330, except in the case of
15 releases or threatened releases not disclosed pursuant to
16 paragraph (4).

17 **SEC. 2726. DEPARTMENT OF DEFENSE BASE CLOSURE AC-**
18 **COUNT 2017.**

19 (a) IN GENERAL.—(1) If the Secretary makes the
20 certifications required under section 2723(b), there shall
21 be established on the books of the Treasury an account
22 to be known as the “Department of Defense Base Closure
23 Account 2017” (in this section referred to as the “Ac-
24 count”). The Account shall be administered by the Sec-
25 retary as a single account.

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

2 (A) funds authorized for and appropriated to
3 the Account;

4 (B) any funds that the Secretary may, subject
5 to approval in an appropriation Act, transfer to the
6 Account from funds appropriated to the Department
7 of Defense for any purpose, except that such funds
8 may be transferred only after the date on which the
9 Secretary transmits written notice of, and justifica-
10 tion for, such transfer to the congressional defense
11 committees; and

12 (C) except as provided in subsection (d), pro-
13 ceeds received from the lease, transfer, or disposal of
14 any property at a military installation that is closed
15 or realigned under this subtitle.

16 (3) The Account shall be closed at the time and in
17 the manner provided for appropriation accounts under sec-
18 tion 1555 of title 31, United States Code. Unobligated
19 funds which remain in the Account upon closure shall be
20 held by the Secretary of the Treasury until transferred
21 by law after the congressional defense committees receive
22 the final report transmitted under subsection (c)(2).

23 (b) USE OF FUNDS.—(1) The Secretary may use the
24 funds in the Account only for the purposes described in

1 section 2725 with respect to military installations ap-
2 proved for closure or realignment under this subtitle.

3 (2) When a decision is made to use funds in the Ac-
4 count to carry out a construction project under section
5 2725(a) and the cost of the project will exceed the max-
6 imum amount authorized by law for a minor military con-
7 struction project, the Secretary shall notify in writing the
8 congressional defense committees of the nature of, and
9 justification for, the project and the amount of expendi-
10 tures for” such project. Any such construction project may
11 be carried out without regard to section 2802(a) of title
12 10, United States Code.

13 (c) REPORTS.—(1)(A) No later than 60 days after
14 the end of each fiscal year in which the Secretary carries
15 out activities under this subtitle using amounts in the Ac-
16 count, the Secretary shall transmit a report to the con-
17 gressional defense committees of—

18 (i) the amount and nature of the deposits into,
19 and the expenditures from, the Account during such
20 fiscal year;

21 (ii) the amount and nature of other expendi-
22 tures made pursuant to section 2725(a) during such
23 fiscal year;

24 (iii) the amount and nature of anticipated de-
25 posits to be made into, and the anticipated expendi-

1 tures to be made from, the Account during the first
2 fiscal year commencing after the submission of the
3 report; and

4 (iv) the amount and nature of anticipated ex-
5 penditures to be made pursuant to section 2725(a)
6 during the first fiscal year commencing after the
7 submission of the report.

8 (B) The report for a fiscal year shall include the fol-
9 lowing:

10 (i) The obligations and expenditures from the
11 Account during the fiscal year, identified by sub-
12 account and installation, for each military depart-
13 ment and Defense Agency.

14 (ii) The fiscal year in which appropriations for
15 such expenditures were made and the fiscal year in
16 which finds were obligated for such expenditures.

17 (iii) Each military construction project for
18 which such obligations and expenditures were made,
19 identified by installation and project title.

20 (iv) A description and explanation of the extent,
21 if any, to which expenditures for military construc-
22 tion projects for the fiscal year differed from pro-
23 posals for projects and funding levels that were in-
24 cluded in the justification transmitted to Congress
25 under section 2727(1), or otherwise, for the funding

1 proposals for the Account for such fiscal year, in-
2 cluding an explanation of—

3 (I) any failure to carry out military con-
4 struction projects that were so proposed; and

5 (II) any expenditures for military construc-
6 tion projects that were not so proposed.

7 (v) An estimate of the net revenues to be re-
8 ceived from property disposals to be completed dur-
9 ing the first fiscal year commencing after the sub-
10 mission of the report at military installations ap-
11 proved for closure or realignment under this subtitle.

12 (2) No later than 60 days after the closure of the
13 Account under subsection (a)(3), the Secretary shall
14 transmit to the congressional defense committees a report
15 containing an accounting of—

16 (A) all the funds deposited into and expended
17 from the Account or otherwise expended under this
18 subtitle with respect to such installations; and

19 (B) any amount remaining in the Account.

20 (d) DISPOSAL OR TRANSFER OF COMMISSARY
21 STORES AND PROPERTY PURCHASED WITH NON-
22 APPROPRIATED FUNDS.—(1) If any real property or facil-
23 ity acquired, constructed, or improved (in whole or in part)
24 with commissary store funds or nonappropriated funds is
25 transferred or disposed of in connection with the closure

1 or realignment of a military installation under this sub-
2 title, a portion of the proceeds of the transfer or other
3 disposal of property on that installation shall be deposited
4 in the reserve account established under section
5 204(b)(7)(C) of the Defense Authorization Amendments
6 and Base Closure and Realignment Act (10 U.S.C. 2687
7 note).

8 (2) The amount so deposited shall be equal to the
9 depreciated value of the investment made with such funds
10 in the acquisition, construction, or improvement of that
11 particular real property or facility. The depreciated value
12 of the investment shall be computed in accordance with
13 regulations prescribed by the Secretary.

14 (3) The Secretary may use amounts in the reserve
15 account, without further appropriation, for the purpose of
16 acquiring, constructing, and improving—

17 (A) commissary stores; and

18 (B) real property and facilities for non-
19 appropriated fund instrumentalities.

20 (4) As used in this subsection:

21 (A) The term “commissary store funds” means
22 funds received from the adjustment of, or surcharge
23 on, selling prices at commissary stores fixed under
24 section 2685 of title 10, United States Code.

1 (B) The term “nonappropriated funds” means
2 funds received from a nonappropriated fund instru-
3 mentality.

4 (C) The term “nonappropriated fund instru-
5 mentality” means an instrumentality of the United
6 States under the jurisdiction of the Armed Forces
7 (including the Army and Air Force Exchange Serv-
8 ice, the Navy Resale and Services Support Office,
9 and the Marine Corps exchanges) which is conducted
10 for the comfort, pleasure, contentment, or physical
11 or mental improvement of members of the Armed
12 Forces.

13 (e) ACCOUNT EXCLUSIVE SOURCE OF FUNDS FOR
14 ENVIRONMENTAL RESTORATION PROJECTS.—Except for
15 funds deposited into the Account under subsection (a),
16 funds appropriated to the Department of Defense may not
17 be used for purposes described in section 2725(a)(1)(C).
18 The prohibition in this subsection shall expire upon the
19 closure of the Account under subsection (a)(3).

20 (f) AUTHORIZED COST AND SCOPE OF WORK VARI-
21 ATIONS.—(1) Subject to paragraphs (2) and (3), the cost
22 authorized for a military construction project or military
23 family housing project to be carried out using funds in
24 the Account may not be increased or reduced by more than
25 20 percent or \$ 2,000,000, whichever is less, of the

1 amount specified for the project in the conference report
2 to accompany the Military Construction Authorization Act
3 authorizing the project. The scope of work for such a
4 project may not be reduced by more than 25 percent from
5 the scope specified in the most recent budget documents
6 for the projects listed in such conference report.

7 (2) Paragraph (1) shall not apply to a military con-
8 struction project or military family housing project to be
9 carried out using funds in the Account with an estimated
10 cost of less than \$5,000,000, unless the project has not
11 been previously identified in any budget submission for the
12 Account and exceeds the applicable minor construction
13 threshold under section 2805 of title 10, United States
14 Code.

15 (3) The limitation on cost or scope variation in para-
16 graph (1) shall not apply if the Secretary of Defense
17 makes a determination that an increase or reduction in
18 cost or a reduction in the scope of work for a military
19 construction project or military family housing project to
20 be carried out using funds in the Account needs to be
21 made for the sole purpose of meeting unusual variations
22 in cost or scope. If the Secretary makes such a determina-
23 tion, the Secretary shall notify the congressional defense
24 committees of the variation in cost or scope not later than
25 21 days before the date on which the variation is made

1 in connection with the project or, if the notification is pro-
2 vided in an electronic medium pursuant to section 480 of
3 title 10, United States Code, not later than 14 days before
4 the date on which the variation is made. The Secretary
5 shall include the reasons for the variation in the notifica-
6 tion.

7 **SEC. 2727. REPORTS.**

8 (a) **REPORTING REQUIREMENT.**—As part of the
9 budget request for fiscal year 2019 and for each fiscal
10 year thereafter through fiscal year 2030 for the Depart-
11 ment of Defense, the Secretary shall transmit to the con-
12 gressional defense committees—

13 (1) a schedule of the closure actions to be car-
14 ried out under this subtitle in the fiscal year for
15 which the request is made and an estimate of the
16 total expenditures required and cost savings to be
17 achieved by each such closure and of the time period
18 in which these savings are to be achieved in each
19 case, together with the Secretary's assessment of the
20 environmental effects of such actions;

21 (2) a description of the military installations,
22 including those under construction and those
23 planned for construction, to which functions are to
24 be transferred as a result of such closures, together

1 with the Secretary's assessment of the environmental
2 effects of such transfers;

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

8 (A) a redevelopment authority has been
9 recognized by the Secretary for the installation;

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

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

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

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

1 pated transfer of the property to such agencies, the
2 acreage involved in such transfers, and an expla-
3 nation for any delays in such transfers;

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

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

14 **SEC. 2728. CONGRESSIONAL CONSIDERATION OF COMMIS-**
15 **SION REPORT.**

16 (a) **TERMS OF THE RESOLUTION.**—For purposes of
17 section 2724(b), the term “joint resolution” means only
18 a joint resolution which is introduced within the 10-day
19 period beginning on the date on which the President trans-
20 mits the report to the Congress under section 2723(j),
21 and—

22 (1) which does not have a preamble;

23 (2) the matter after the resolving clause of
24 which is as follows: “That Congress disapproves the
25 recommendations of the Defense Base Realignment

1 and Closure Commission as submitted by the Presi-
2 dent on”, the blank space being filled in with the ap-
3 propriate date; and

4 (3) the title of which is as follows: “Joint reso-
5 lution disapproving the recommendations of the De-
6 fense Base Realignment and Closure Commission.”.

7 (b) REFERRAL.—A resolution described in subsection
8 (a) that is introduced in the House of Representatives
9 shall be referred to the Committee on Armed Services of
10 the House of Representatives. A resolution described in
11 subsection (a) introduced in the Senate shall be referred
12 to the Committee on Armed Services of the Senate.

13 (c) DISCHARGE.—If the committee to which a resolu-
14 tion described in subsection (a) is referred has not re-
15 ported such a resolution (or an identical resolution) by the
16 end of the 20-day period beginning on the date on which
17 the President transmits the report to the Congress under
18 section 2723(j), such committee shall be, at the end of
19 such period, discharged from further consideration of such
20 resolution, and such resolution shall be placed on the ap-
21 propriate calendar of the House involved.

22 (d) CONSIDERATION.—(1) On or after the third day
23 after the date on which the committee to which such a
24 resolution is referred has reported, or has been discharged
25 (under subsection (c)) from further consideration of, such

1 a resolution, it is in order (even though a previous motion
2 to the same effect has been disagreed to) for any Member
3 of the respective House to move to proceed to the consider-
4 ation of the resolution. A member may make the motion
5 only on the day after the calendar day on which the Mem-
6 ber announces to the House concerned the Member's in-
7 tention to make the motion, except that, in the case of
8 the House of Representatives, the motion may be made
9 without such prior announcement if the motion is made
10 by direction of the committee to which the resolution was
11 referred. All points of order against the resolution (and
12 against consideration of the resolution) are waived. The
13 motion is highly privileged in the House of Representatives
14 and is privileged in the Senate and is not debatable. The
15 motion is not subject to amendment, or to a motion to
16 postpone, or to a motion to proceed to the consideration
17 of other business. A motion to reconsider the vote by
18 which the motion is agreed to or disagreed to shall not
19 be in order. If a motion to proceed to the consideration
20 of the resolution is agreed to, the respective House shall
21 immediately proceed to consideration of the joint resolu-
22 tion without intervening motion, order, or other business,
23 and the resolution shall remain the unfinished business of
24 the respective House until disposed of.

1 (2) Debate on the resolution, and on all debatable
2 motions and appeals in connection therewith, shall be lim-
3 ited to not more than 2 hours, which shall be divided
4 equally between those favoring and those opposing the res-
5 olution. An amendment to the resolution is not in order.
6 A motion further to limit debate is in order and not debat-
7 able. A motion to postpone, or a motion to proceed to the
8 consideration of other business, or a motion to recommit
9 the resolution is not in order. A motion to reconsider the
10 vote by which the resolution is agreed to or disagreed to
11 is not in order.

12 (3) Immediately following the conclusion of the de-
13 bate on a resolution described in subsection (a) and a sin-
14 gle quorum call at the conclusion of the debate if re-
15 quested in accordance with the rules of the appropriate
16 House, the vote on final passage of the resolution shall
17 occur.

18 (4) Appeals from the decisions of the Chair relating
19 to the application of the rules of the Senate or the House
20 of Representatives, as the case may be, to the procedure
21 relating to a resolution described in subsection (a) shall
22 be decided without debate.

23 (e) CONSIDERATION BY OTHER HOUSE.—(1) If, be-
24 fore the passage by one House of a resolution of that
25 House described in subsection (a), that House receives

1 from the other House a resolution described in subsection
2 (a), then the following procedures shall apply:

3 (A) The resolution of the other House shall not
4 be referred to a committee and may not be consid-
5 ered in the House receiving it except in the case of
6 final passage as provided in subparagraph (B)(ii).

7 (B) With respect to a resolution described in
8 subsection (a) of the House receiving the resolu-
9 tion—

10 (i) the procedure in that House shall be
11 the same as if no resolution had been received
12 from the other House; but

13 (ii) the vote on final passage shall be on
14 the resolution of the other House.

15 (2) Upon disposition of the resolution received from
16 the other House, it shall no longer be in order to consider
17 the resolution that originated in the receiving House.

18 (f) RULES OF THE SENATE AND HOUSE.—This sec-
19 tion is enacted by Congress—

20 (1) as an exercise of the rulemaking power of
21 the Senate and House of Representatives, respec-
22 tively, and as such it is deemed a part of the rules
23 of each House, respectively, but applicable only with
24 respect to the procedure to be followed in that
25 House in the case of a resolution described in sub-

1 section (a), and it supersedes other rules only to the
2 extent that it is inconsistent with such rules; and

3 (2) with full recognition of the constitutional
4 right of either House to change the rules (so far as
5 relating to the procedure of that House) at any time,
6 in the same manner, and to the same extent as in
7 the case of any other rule of that House.

8 **SEC. 2729. RESTRICTION ON OTHER BASE CLOSURE AU-**
9 **THORITY.**

10 (a) IN GENERAL.—Except as provided in subsection
11 (c), during the period beginning on the date of the enact-
12 ment of this Act, and ending on April 15, 2018, this sub-
13 title shall be the exclusive authority for selecting for clo-
14 sure or realignment, or for carrying out any closure or
15 realignment of, a military installation inside the United
16 States.

17 (b) RESTRICTION.—Except as provided in subsection
18 (c), none of the funds available to the Department of De-
19 fense may be used, other than under this subtitle, during
20 the period specified in subsection (a)—

21 (1) to identify, through any transmittal to the
22 Congress or through any other public announcement
23 or notification, any military installation inside the
24 United States as an installation to be closed or re-

1 aligned or as an installation under consideration for
2 closure or realignment; or

3 (2) to carry out any closure or realignment of
4 a military installation inside the United States.

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

12 **SEC. 2730. DEFINITIONS.**

13 As used in this subtitle:

14 (1) The term “Account” means the Department
15 of Defense Base Closure Account established by sec-
16 tion 2726(a)(1).

17 (2) The term “congressional defense commit-
18 tees” means the Committee on Armed Services and
19 the Committee on Appropriations of the Senate and
20 the Committee on Armed Services and the Com-
21 mittee on Appropriations of the House of Represent-
22 atives.

23 (3) The term “Commission” means the Com-
24 mission established by section 2722.

1 (4) The term “military installation” means a
2 base, camp, post, station, yard, center, homeport fa-
3 cility for any ship, or other activity under the juris-
4 diction of the Department of Defense, including any
5 leased facility. Such term does not include any facil-
6 ity used primarily for civil works, rivers and harbors
7 projects, flood control, or other projects not under
8 the primary jurisdiction or control of the Depart-
9 ment of Defense.

10 (5) The term “realignment” includes any action
11 which both reduces and relocates functions and civil-
12 ian personnel positions but does not include a reduc-
13 tion in force resulting from workload adjustments,
14 reduced personnel or funding levels, or skill imbal-
15 ances.

16 (6) The term “Secretary” means the Secretary
17 of Defense.

18 (7) The term “United States” means the 50
19 States, the District of Columbia, the Commonwealth
20 of Puerto Rico, Guam, the Virgin Islands, American
21 Samoa, and any other commonwealth, territory, or
22 possession of the United States.

23 (8) The term “date of approval”, with respect
24 to a closure or realignment of an installation, means
25 the date on which the authority of Congress to dis-

1 approve a recommendation of closure or realign-
2 ment, as the case may be, of such installation under
3 this subtitle expires.

4 (9) The term “redevelopment authority”, in the
5 case of an installation to be closed or realigned
6 under this subtitle, means any entity (including an
7 entity established by a State or local government)
8 recognized by the Secretary of Defense as the entity
9 responsible for developing the redevelopment plan
10 with respect to the installation or for directing the
11 implementation of such plan.

12 (10) The term “redevelopment plan” in the
13 case of an installation to be closed or realigned
14 under this subtitle, means a plan that—

15 (A) is agreed to by the local redevelopment
16 authority with respect to the installation; and

17 (B) provides for the reuse or redevelop-
18 ment of the real property and personal property
19 of the installation that is available for such
20 reuse and redevelopment as a result of the clo-
21 sure or realignment of the installation.

22 (11) The term “representative of the homeless”
23 has the meaning given such term in section
24 501(i)(4) of the Stewart B. McKinney Homeless As-
25 sistance Act (42 U.S.C. 11411(i)(4)).

1 **SEC. 2731. TREATMENT AS A BASE CLOSURE LAW FOR PUR-**
2 **POSES OF OTHER PROVISIONS OF LAW.**

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

7 “(D) The Defense Base Realignment and
8 Closure Act for 2017.”.

9 (b) DEFINITION OF “BASE CLOSURE LAW” IN
10 OTHER LAWS.—

11 (1) Section 131(b) of Public Law 107–249 (10
12 U.S.C. 221 note) is amended by striking “means”
13 and all that follows and inserting “has the meaning
14 given the term”base closure law“ in section
15 101(a)(17) of title 10, United States Code.”.

16 (2) Section 1334(k)(1) of the National Defense
17 Authorization Act for Fiscal Year 1994 (Public Law
18 103–160; 10 U.S.C. 2701 note) is amended by add-
19 ing at the end the following new subparagraph:

20 “(C) The Defense Base Realignment and
21 Closure Act for 2017.”.

22 (3) Section 2918(a)(1) of the National Defense
23 Authorization Act for Fiscal Year 1994 (Public Law
24 103–160; 10 U.S.C. 2687 note) is amended by add-
25 ing at the end the following new subparagraph:

1 “(C) The Defense Base Realignment and
2 Closure Act for 2017.”.

3 **SEC. 2732. CONFORMING AMENDMENTS.**

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

6 (1) in paragraph (5), by striking “on or after
7 January 1, 2005,” and inserting “from January 1,
8 2005 through December 31, 2005,”; and

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

11 “(6) Money rentals received by the United
12 States from a lease under subsection (g) at a mili-
13 tary installation approved for closure or realignment
14 under a base closure law on or after January 1,
15 2006, shall be deposited into the account established
16 under section 2726 of the Defense Base Realign-
17 ment and Closure Act for 2017.”.

18 (b) REQUESTS BY PUBLIC AGENCIES FOR PROPERTY
19 FOR PUBLIC AIRPORTS.—Section 47151(g) of title 49,
20 United States Code, is amended by striking “section 2687
21 of title 10, section 201 of the Defense Authorization
22 Amendments and Base Closure and Realignment Act (10
23 U.S.C. 2687 note), or section 2725 of the Defense Base
24 Closure and Realignment Act of 1990 (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,”.

3 (c) RESTORED LEAVE.—Section 6304(d)(3)(A) of
4 title 5, United States Code, is amended by striking “the
5 Defense Base Closure and Realignment Act of 1990 (part
6 A of title XXIX of Public Law 101–510; 10 U.S.C. 2687
7 note)” and inserting “a base closure law, as that term is
8 defined in section 101(a)(17) of title 10,”.

