

106TH CONGRESS
1ST SESSION

S. 258

To authorize additional rounds of base closures and realignments under the Defense Base Closure and Realignment Act of 1990 in 2001 and 2003, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 20, 1999

Mr. MCCAIN (for himself, Mr. LEVIN, and Mr. ROBB) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To authorize additional rounds of base closures and realignments under the Defense Base Closure and Realignment Act of 1990 in 2001 and 2003, and for other purposes.

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

3 **SECTION 1. AUTHORITY TO CARRY OUT BASE CLOSURE**
4 **ROUNDS IN 2001 AND 2003.**

5 (a) COMMISSION MATTERS.—

6 (1) APPOINTMENT.—Subsection (c)(1) of sec-
7 tion 2902 of the Defense Base Closure and Realign-
8 ment Act of 1990 (part A of title XXIX of Public
9 Law 101–510; 10 U.S.C. 2687 note) is amended—

1 (A) in subparagraph (B)—

2 (i) by striking “and” at the end of
3 clause (ii);

4 (ii) by striking the period at the end
5 of clause (iii) and inserting a semicolon;
6 and

7 (iii) by adding at the end the follow-
8 ing new clauses (iv) and (v):

9 “(iv) by no later than March 1, 2001, in the
10 case of members of the Commission whose terms will
11 expire at the end of the first session of the 107th
12 Congress; and

13 “(v) by no later than January 3, 2003, in the
14 case of members of the Commission whose terms will
15 expire at the end of the first session of the 108th
16 Congress.”; and

17 (B) in subparagraph (C), by striking “or
18 for 1995 in clause (iii) of such subparagraph”
19 and inserting “, for 1995 in clause (iii) of that
20 subparagraph, for 2001 in clause (iv) of that
21 subparagraph, or for 2003 in clause (v) of that
22 subparagraph”.

23 (2) MEETINGS.—Subsection (e) of that section
24 is amended by striking “and 1995” and inserting
25 “1995, 2001, and 2003”.

1 (3) STAFF.—Subsection (i)(6) of that section is
 2 amended in the matter preceding subparagraph (A)
 3 by striking “and 1994” and inserting “, 1994, and
 4 2002”.

5 (4) FUNDING.—Subsection (k) of that section is
 6 amended by adding at the end the following new
 7 paragraph (4):

8 “(4) If no funds are appropriated to the Commission
 9 by the end of the second session of the 106th Congress
 10 for the activities of the Commission in 2001 or 2003, the
 11 Secretary may transfer to the Commission for purposes
 12 of its activities under this part in either of those years
 13 such funds as the Commission may require to carry out
 14 such activities. The Secretary may transfer funds under
 15 the preceding sentence from any funds available to the
 16 Secretary. Funds so transferred shall remain available to
 17 the Commission for such purposes until expended.”.

18 (5) TERMINATION.—Subsection (l) of that sec-
 19 tion is amended by striking “December 31, 1995”
 20 and inserting “December 31, 2003”.

21 (b) PROCEDURES.—

22 (1) FORCE-STRUCTURE PLAN.—Subsection
 23 (a)(1) of section 2903 of that Act is amended by
 24 striking “and 1996,” and inserting “1996, 2002,
 25 and 2004,”.

1 (2) SELECTION CRITERIA.—Subsection (b) of
2 such section 2903 is amended—

3 (A) in paragraph (1), by inserting “and by
4 no later than January 28, 2001, for purposes
5 of activities of the Commission under this part
6 in 2001 and 2003,” after “December 31,
7 1990,”; and

8 (B) in paragraph (2)(A)—

9 (i) in the first sentence, by inserting
10 “and by no later than March 15, 2001, for
11 purposes of activities of the Commission
12 under this part in 2001 and 2003,” after
13 “February 15, 1991,”; and

14 (ii) in the second sentence, by insert-
15 ing “, or enacted on or before April 15,
16 2001, in the case of criteria published and
17 transmitted under the preceding sentence
18 in 2001” after “March 15, 1991”.

19 (3) DEPARTMENT OF DEFENSE RECOMMENDA-
20 TIONS.—Subsection (c) of such section 2903 is
21 amended—

22 (A) in paragraph (1), by striking “and
23 March 1, 1995,” and inserting “March 1, 1995,
24 May 1, 2001, and March 1, 2003,”;

1 (B) by redesignating paragraphs (4), (5),
2 and (6) as paragraphs (5), (6), and (7), respec-
3 tively;

4 (C) by inserting after paragraph (3) the
5 following new paragraph (4):

6 “(4)(A) In making recommendations to the Commis-
7 sion under this subsection in any year after 1999, the Sec-
8 retary shall consider any notice received from a local gov-
9 ernment in the vicinity of a military installation that the
10 government would approve of the closure or realignment
11 of the installation.

12 “(B) Notwithstanding the requirement in subpara-
13 graph (A), the Secretary shall make the recommendations
14 referred to in that subparagraph based on the force-struc-
15 ture plan and final criteria otherwise applicable to such
16 recommendations under this section.

17 “(C) The recommendations made by the Secretary
18 under this subsection in any year after 1999 shall include
19 a statement of the result of the consideration of any notice
20 described in subparagraph (A) that is received with re-
21 spect to an installation covered by such recommendations.
22 The statement shall set forth the reasons for the result.”;
23 and

24 (D) in paragraph (7), as so redesignated—

1 (i) in the first sentence, by striking
 2 “paragraph (5)(B)” and inserting “para-
 3 graph (6)(B)”; and

4 (ii) in the second sentence, by striking
 5 “24 hours” and inserting “48 hours”.

6 (4) COMMISSION REVIEW AND RECOMMENDA-
 7 TIONS.—Subsection (d) of such section 2903 is
 8 amended—

9 (A) in paragraph (2)(A), by inserting “or
 10 by no later than September 1 in the case of rec-
 11 ommendations in 2001,” after “pursuant to
 12 subsection (c),”;

13 (B) in paragraph (4), by inserting “or
 14 after September 1 in the case of recommenda-
 15 tions in 2001,” after “under this subsection,”;
 16 and

17 (C) in paragraph (5)(B), by inserting “or
 18 by no later than June 15 in the case of such
 19 recommendations in 2001,” after “such rec-
 20 ommendations,”.

21 (5) REVIEW BY PRESIDENT.—Subsection (e) of
 22 such section 2903 is amended—

23 (A) in paragraph (1), by inserting “or by
 24 no later than September 15 in the case of rec-

1 ommendations in 2001,” after “under sub-
2 section (d),”;

3 (B) in the second sentence of paragraph
4 (3), by inserting “or by no later than October
5 15 in the case of 2001,” after “the year con-
6 cerned,”; and

7 (C) in paragraph (5), by inserting “or by
8 November 1 in the case of recommendations in
9 2001,” after “under this part,”.

10 (c) CLOSURE AND REALIGNMENT OF INSTALLA-
11 TIONS.—Section 2904(a) of that Act is amended—

12 (1) by redesignating paragraphs (3) and (4) as
13 paragraphs (4) and (5), respectively; and

14 (2) by inserting after paragraph (2) the follow-
15 ing new paragraph (3):

16 “(3) carry out the privatization in place of a
17 military installation recommended for closure or re-
18 alignment by the Commission in each such report
19 after 1999 only if privatization in place is a method
20 of closure or realignment of the installation specified
21 in the recommendation of the Commission in such
22 report and is determined to be the most-cost effec-
23 tive method of implementation of the recommenda-
24 tion;”.

1 (d) RELATIONSHIP TO OTHER BASE CLOSURE AU-
 2 THORITY.—Section 2909(a) of that Act is amended by
 3 striking “December 31, 1995,” and inserting “December
 4 31, 2003,”.

5 (e) TECHNICAL AND CLARIFYING AMENDMENTS.—

6 (1) COMMENCEMENT OF PERIOD FOR NOTICE
 7 OF INTEREST IN PROPERTY FOR HOMELESS.—Sec-
 8 tion 2905(b)(7)(D)(ii)(I) of that Act is amended by
 9 striking “that date” and inserting “the date of pub-
 10 lication of such determination in a newspaper of
 11 general circulation in the communities in the vicinity
 12 of the installation under subparagraph (B)(i)(IV)”.

13 (2) OTHER CLARIFYING AMENDMENTS.—

14 (A) That Act is further amended by insert-
 15 ing “or realignment” after “closure” each place
 16 it appears in the following provisions:

- 17 (i) Section 2905(b)(3).
- 18 (ii) Section 2905(b)(4)(B)(ii).
- 19 (iii) Section 2905(b)(5).
- 20 (iv) Section 2905(b)(7)(B)(iv).
- 21 (v) Section 2905(b)(7)(N).
- 22 (vi) Section 2910(10)(B).

23 (B) That Act is further amended by insert-
 24 ing “or realigned” after “closed” each place it
 25 appears in the following provisions:

1 (i) Section 2905(b)(3)(C)(ii).

2 (ii) Section 2905(b)(3)(D).

3 (iii) Section 2905(b)(3)(E).

4 (iv) Section 2905(b)(4)(A).

5 (v) Section 2905(b)(5)(A).

6 (vi) Section 2910(9).

7 (vii) Section 2910(10).

8 (C) Section 2905(e)(1)(B) of that Act is
9 amended by inserting “, or realigned or to be
10 realigned,” after “closed or to be closed”.

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