

110TH CONGRESS  
1ST SESSION

# H. R. 3254

To limit cost growth associated with major defense base closures and realignments implemented as part of the 2005 round of defense base closure and realignment.

---

## IN THE HOUSE OF REPRESENTATIVES

JULY 31, 2007

Mr. HOLT (for himself, Mr. PALLONE, Mr. SMITH of New Jersey, and Mr. SAXTON) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

---

## A BILL

To limit cost growth associated with major defense base closures and realignments implemented as part of the 2005 round of defense base closure and realignment.

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

**3 SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “BRAC Cost Overruns  
5 Protection Act of 2007” or the “BRAC COP Act of  
6 2007”.

1     **SEC. 2. LIMITATION ON COST GROWTH ASSOCIATED WITH**  
2                   **2005 ROUND OF DEFENSE BASE CLOSURE**  
3                   **AND REALIGNMENT.**

4     The Defense Base Closure and Realignment Act of  
5     1990 (part A of title XXIX of Public Law 101-510; 10  
6     U.S.C. 2687 note) is amended by adding at the end the  
7     following new section:

8     **“SEC. 2915. LIMITATION ON COST GROWTH APPLICABLE TO**  
9                   **MAJOR CLOSURES AND REALIGNMENTS**  
10                  **UNDER 2005 ROUND.**

11     “(a) SEMIANNUAL REPORT ON IMPLEMENTATION  
12     COSTS.—

13         “(1) IN GENERAL.—Not later than October 7,  
14         2007, and every 180 days thereafter, the Secretary  
15         of Defense shall submit to the congressional defense  
16         committees a report on the costs of implementing  
17         the recommendations of the Commission contained  
18         in the report transmitted to Congress on September  
19         15, 2005, under section 2903(e) that relate to clo-  
20         sures and realignments that have not been fully im-  
21         plemented.

22         “(2) ESTIMATES REQUIRED.—Each report sub-  
23         mitted under paragraph (1) shall include, for each  
24         individual recommended major base closure or re-  
25         alignment—

1                   “(A) the baseline estimate of one-time im-  
2                   plementation costs; and

3                   “(B) the current estimate of one-time im-  
4                   plementation costs, including any increase at-  
5                   tributable to actual or anticipated costs due to  
6                   inflation.

7                   “(b) SPECIAL PROCEDURES REQUIRED TO ADDRESS  
8                   CERTAIN COST INCREASES.—

9                   “(1) NOTIFICATION REQUIREMENT.—In the  
10                   event that the Secretary of Defense determines,  
11                   based on a report prepared under subsection (a),  
12                   that the current estimate of one-time implementa-  
13                   tion costs for an individual major base closure or re-  
14                   alignment is at least 25 percent greater than the  
15                   baseline estimate of one-time implementation costs  
16                   for such closure or realignment (in this section re-  
17                   ferred to as a ‘substantially over budget major base  
18                   closure or realignment’), the Secretary shall prompt-  
19                   ly provide notification of such determination, includ-  
20                   ing the amount of the expected increase and the  
21                   date the determination was made, to the chairman  
22                   and ranking member of each of the congressional de-  
23                   fense committees.

24                   “(2) BUSINESS PLAN TO CONTROL COSTS.—  
25                   The Secretary of Defense shall develop a business

1 plan to reduce the costs of any individual substantially over budget major base closure or realignment  
2 to a level less than 25 percent greater than the baseline estimate for such closure or realignment.  
3  
4

5       “(c) IMPLEMENTATION OF SUBSTANTIALLY OVER  
6 BUDGET MAJOR BASE CLOSURES AND REALIGNMENTS.—

7           “(1) RECOMMENDATIONS.—Not later than 45  
8 days after an individual base closure or realignment  
9 is identified in a report required under subsection  
10 (a) as a substantially over budget major base closure  
11 or realignment, the Secretary of Defense shall submit to the President a recommendation regarding  
12 whether to continue implementation of such closure  
13 or realignment.  
14

15           “(2) JUSTIFICATION REQUIRED.—In the event  
16 the Secretary recommends that an individual substantially over budget major base closure or realignment should continue to be implemented despite the  
17 excessive cost overruns, the Secretary shall include  
18 the justification for continuing such closure or realignment.  
19  
20

22           “(3) REPORT TO CONGRESS.—Not later than  
23 30 days after receiving a recommendation regarding  
24 whether to continue implementation of an individual substantially over budget major base closure or re-

1 alignment under paragraph (1), the President shall  
2 submit to Congress a report including the rec-  
3 ommendation of the President regarding the imple-  
4 mentation of such closure or realignment.

5       “(4) CONGRESSIONAL DISAPPROVAL.—

6           “(A) IN GENERAL.—The Secretary of De-  
7 fense may not continue or discontinue the im-  
8 plementation of an individual substantially over  
9 budget major base closure or realignment rec-  
10 ommended by the President under paragraph  
11 (3) if a joint resolution is enacted, in accord-  
12 ance with the provisions of subsection (d), dis-  
13 approving such recommendation of the Presi-  
14 dent before the earlier of—

15               “(i) the end of the 45-day period be-  
16 ginning on the date on which the President  
17 submits to Congress a report under para-  
18 graph (3) that includes a recommendation  
19 regarding the implementation of an indi-  
20 vidual substantially over budget major base  
21 closure or realignment; or

22               “(ii) the adjournment of Congress  
23 sine die for the session during which such  
24 report is submitted.

1                         “(B) COMPUTATION OF PERIOD.—For pur-  
2                         poses of subparagraph (A) of this paragraph  
3                         and paragraphs (1) and (2) of subsection (d),  
4                         the days on which either House of Congress is  
5                         not in session because of an adjournment of  
6                         more than three days to a day certain shall be  
7                         excluded in the computation of a period.

8                         “(d) CONGRESSIONAL CONSIDERATION OF REC-  
9                         OMMENDATION REGARDING IMPLEMENTATION OF SUB-  
10                         STANTIALLY OVER BUDGET MAJOR BASE CLOSURES OR  
11                         REALIGNMENT.—

12                         “(1) TERMS OF THE RESOLUTION.—For pur-  
13                         poses of subsection (c)(4), the term ‘joint resolution’  
14                         means only a joint resolution which is introduced  
15                         within the 10-day period beginning on the date on  
16                         which the President submits to Congress a report  
17                         under subsection (c)(3) that includes a recommenda-  
18                         tion regarding the implementation of a substantially  
19                         over budget major base closure or realignment,  
20                         and—

21                         “(A) which does not have a preamble;  
22                         “(B) the matter after the resolving clause  
23                         of which is as follows: ‘That Congress dis-  
24                         approves the recommendation of the President  
25                         on \_\_\_\_\_ with respect to

6                             “(C) the title of which is as follows: ‘Joint  
7                             resolution disapproving the recommendation of  
8                             the President regarding implementation of a  
9                             substantially over budget major base closure or  
10                            realignment.’.

“(2) REFERRAL.—A resolution described in paragraph (1) that is introduced in the House of Representatives shall be referred to the Committee on Armed Services of the House of Representatives. A resolution described in paragraph (1) introduced in the Senate shall be referred to the Committee on Armed Services of the Senate.

18       “(3) DISCHARGE.—If the committee to which a  
19       resolution described in paragraph (1) is referred has  
20       not reported such resolution (or an identical resolu-  
21       tion) by the end of the 20-day period beginning on  
22       the date on which the President submits to Congress  
23       a report under subsection (c)(3) that includes a rec-  
24       ommendation regarding the implementation of a  
25       substantially over budget major base closure or re-

1 alignment, such committee shall be, at the end of  
2 such period, discharged from further consideration  
3 of such resolution, and such resolution shall be  
4 placed on the appropriate calendar of the House in-  
5 volved.

6       “(4) CONSIDERATION.—

7           “(A) IN GENERAL.—On or after the third  
8 day after the date on which the committee to  
9 which such a resolution is referred has re-  
10 ported, or has been discharged (under para-  
11 graph (3)) from further consideration of, such  
12 a resolution, it is in order (even though a pre-  
13 vious motion to the same effect has been dis-  
14 agreed to) for any Member of the respective  
15 House to move to proceed to the consideration  
16 of the resolution. A Member may make the mo-  
17 tion only on the day after the calendar day on  
18 which the Member announces to the House con-  
19 cerned the Member’s intention to make the mo-  
20 tion, except that, in the case of the House of  
21 Representatives, the motion may be made with-  
22 out such prior announcement if the motion is  
23 made by direction of the committee to which  
24 the resolution was referred. All points of order  
25 against the resolution (and against consider-

17                             “(B) DEBATE.—Debate on the resolution,  
18                             and on all debatable motions and appeals in  
19                             connection therewith, shall be limited to not  
20                             more than 2 hours, which shall be divided  
21                             equally between those favoring and those oppos-  
22                             ing the resolution. An amendment to the resolu-  
23                             tion is not in order. A motion further to limit  
24                             debate is in order and not debatable. A motion  
25                             to postpone, or a motion to proceed to the con-

1           sideration of other business, or a motion to re-  
2           commit the resolution is not in order. A motion  
3           to reconsider the vote by which the resolution is  
4           agreed to or disagreed to is not in order.

5           “(C) VOTE ON FINAL PASSAGE.—Imme-  
6           diately following the conclusion of the debate on  
7           a resolution described in paragraph (1) and a  
8           single quorum call at the conclusion of the de-  
9           bate if requested in accordance with the rules of  
10           the appropriate House, the vote on final pas-  
11           sage of the resolution shall occur.

12           “(D) APPEALS.—Appeals from the deci-  
13           sions of the Chair relating to the application of  
14           the rules of the Senate or the House of Rep-  
15           resentatives, as the case may be, to the proce-  
16           dure relating to a resolution described in para-  
17           graph (1) shall be decided without debate.

18           “(5) CONSIDERATION BY OTHER HOUSE.—

19           “(A) PROCEDURES.—If, before the passage  
20           by one House of a resolution of that House de-  
21           scribed in paragraph (1), that House receives  
22           from the other House a resolution described in  
23           paragraph (1), then the following procedures  
24           shall apply:

1                     “(i) The resolution of the other House  
2                     shall not be referred to a committee and  
3                     may not be considered in the House receiv-  
4                     ing it except in the case of final passage as  
5                     provided in clause (ii)(II).

6                     “(ii) With respect to a resolution de-  
7                     scribed in paragraph (1) of the House re-  
8                     ceiving the resolution—

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

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

16                     “(B) DISPOSITION.—Upon disposition of  
17                     the resolution received from the other House, it  
18                     shall no longer be in order to consider the reso-  
19                     lution that originated in the receiving House.

20                     “(6) RULES OF THE SENATE AND HOUSE.—

21                     This section is enacted by Congress—

22                         “(A) as an exercise of the rulemaking  
23                     power of the Senate and House of Representa-  
24                     tives, respectively, and as such it is deemed a  
25                     part of the rules of each House, respectively,

1           but applicable only with respect to the proce-  
2           dure to be followed in that House in the case  
3           of a resolution described in paragraph (1), and  
4           it supersedes other rules only to the extent that  
5           it is inconsistent with such rules; and

6           “(B) with full recognition of the constitu-  
7           tional right of either House to change the rules  
8           (so far as relating to the procedure of that  
9           House) at any time, in the same manner, and  
10           to the same extent as in the case of any other  
11           rule of that House.

12           “(e) DEFINITIONS.—In this Act:

13           “(1) MAJOR BASE CLOSURE OR REALIGN-  
14           MENT.—The term ‘major base closure and realign-  
15           ment’ means any base closure or realignment that  
16           requires \$150,000,000 or more in military construc-  
17           tion costs and an overall, one-time implementation  
18           cost of \$300,000,000 or more.

19           “(2) BASELINE ESTIMATE OF ONE-TIME IMPLE-  
20           MENTATION COSTS.—The term ‘baseline estimate of  
21           one-time implementation costs’ means the applicable  
22           cost set forth in the Cost of Base Realignment Ac-  
23           tions (COBRA) report used and released by the Sec-  
24           retary of Defense at the time the Secretary pub-  
25           lished in the Federal Register and transmitted to the

1 congressional defense committees and the Commis-  
2 sion the initial list of recommendations for closure or  
3 realignment of military installations under section  
4 2914(a).”.

○