

114TH CONGRESS
2D SESSION

H. R. 5540

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 21, 2016

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

A BILL

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

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

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

2 (a) SHORT TITLE.—This Act may be cited as the
 3 “Military Infrastructure Consolidation and Efficiency Act
 4 of 2016”.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (a) FORCE STRUCTURE.—

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

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

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

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

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

18 (b) INFRASTRUCTURE.—

19 (1) INVENTORY REQUIRED.—The Secretary
20 shall conduct a comprehensive inventory of military
21 installations world-wide for each military depart-
22 ment, to include the specific number and type of fa-
23 cilities in the regular and reserve components.

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

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

6 (i) the force structure plan; and

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

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

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

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

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

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

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

12 (1) The force structure plan.

13 (2) The infrastructure inventory.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 modernization requirements of the Armed
2 Forces; and

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

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

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

21 (f) COMPTROLLER GENERAL EVALUATION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (d) EFFECT OF ADVANCE CONVERSION PLANNING.—

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

1 tion, closure, or realignment of a military installa-
2 tion.

3 (2) ELEMENTS.—For the purposes of this sub-
4 section, advanced conversion planning—

5 (A) shall include community adjustment
6 and economic diversification planning under-
7 taken by the community before an anticipated
8 selection of a military installation in or near the
9 community for consolidation, closure, or re-
10 alignment; and

11 (B) may include the development of contin-
12 gency redevelopment plans, plans for economic
13 development and diversification, and plans for
14 the joint use (including civilian and military
15 use, public and private use, civilian dual use,
16 and civilian shared use) of the property or fa-
17 cilities of the military installation after the an-
18 ticipated consolidation, closure, or realignment.

19 (e) EFFECT OF LOCAL GOVERNMENT APPROVAL.—

20 (1) CONSIDERATION AUTHORIZED.—Except as
21 provided in paragraph (2), in developing rec-
22 ommendations for the consolidation, closure, and re-
23 alignment of military installations under this Act,
24 the Secretary shall consider any notice received from
25 a local government in the vicinity of a military in-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (d) PAY AND TRAVEL EXPENSES.—

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

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

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

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

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

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

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

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

25 (4) STAFF RESTRICTIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

8 (g) FUNDING.—

9 (1) AUTHORIZATION OF APPROPRIATIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 (A) April 15, 2019.

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

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

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

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

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

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

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

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

3 (1) The Secretaries of the military departments.

4 (2) The heads of the Defense Agencies.

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

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

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

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

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

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

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

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

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

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

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

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

1 (d) REPORT TO PRESIDENT.—

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

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

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

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

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

19 (A) October 1, 2019.

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

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

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

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

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

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

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

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

19 (f) PROCESS FOR MAKING CHANGES.—

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

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

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

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

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

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

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

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

9 (A) the Commission—

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

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

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

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

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

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

11 (g) RESPONSIBILITY TO RECUSE.—

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

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

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

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

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

5 (a) APPROVAL OR DISAPPROVAL.—

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

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

15 (A) October 15, 2019.

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

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

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

25 (2) a certification of such approval.

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

5 (1) the reasons for disapproval; and

6 (2) a certification of such disapproval.

7 (d) REVISION.—

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

14 (A) November 30, 2019.

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

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

22 (A) a copy of the revised recommendations;

23 and

24 (B) a certification of such approval.

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

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

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

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

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

4 **SEC. 12. IMPLEMENTATION.**

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

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

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

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

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

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

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

5 (b) ACTIONS TO BE TAKEN.—

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

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

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

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

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

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

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

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

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

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

14 (b) MANAGEMENT AND DISPOSAL OF PROPERTY.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (i) Road construction.

22 (ii) Transportation management facilities.

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

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

3 (v) Utility construction.

4 (vi) Building rehabilitation.

5 (vii) Historic property preservation.

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

8 (ix) Demolition.

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

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

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

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

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

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

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

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

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

1 in consultation with the redevelopment authority
2 concerned.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (C)(i) State and local governments, representatives of
6 the homeless, and other interested parties located in the
7 communities in the vicinity of an installation covered by
8 this paragraph shall submit to the redevelopment author-
9 ity for the installation a notice of the interest, if any, of
10 such governments, representatives, and parties in the
11 buildings or property, or any portion thereof, at the instal-
12 lation that are identified under subparagraph (B)(i)(II).
13 A notice of interest under this clause shall describe the
14 need of the government, representative, or party concerned
15 for the buildings or property covered by the notice.

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

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

22 (I) consult with representatives of the homeless
23 in the communities in the vicinity of the installation
24 concerned; and

1 (II) undertake outreach efforts to provide infor-
2 mation on the buildings and property to representa-
3 tives of the homeless, and to other persons or enti-
4 ties interested in assisting the homeless, in such
5 communities.

6 (iv) It is the sense of Congress that redevelopment
7 authorities should begin to conduct outreach efforts under
8 clause (iii)(II) with respect to an installation as soon as
9 is practicable after the date of approval of closure or re-
10 alignment of the installation.

11 (D)(i) State and local governments, representatives
12 of the homeless, and other interested parties shall submit
13 a notice of interest to a redevelopment authority under
14 subparagraph (C) not later than the date specified for
15 such notice by the redevelopment authority.

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

17 (I) in the case of an installation for which a re-
18 development authority has been recognized as of the
19 date of the completion of the determinations referred
20 to in paragraph (5), not earlier than 3 months and
21 not later than 6 months after the date of publication
22 of such determination in a newspaper of general cir-
23 culation in the communities in the vicinity of the in-
24 stallation under subparagraph (B)(i)(IV); and

1 (II) in the case of an installation for which a
2 redevelopment authority is not recognized as of such
3 date, not earlier than 3 months and not later than
4 6 months after the date of the recognition of a rede-
5 velopment authority for the installation.

6 (iii) Upon specifying a date for an installation under
7 this subparagraph, the redevelopment authority for the in-
8 stallation shall—

9 (I) publish the date specified in a newspaper of
10 general circulation in the communities in the vicinity
11 of the installation concerned; and

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

13 (E)(i) In submitting to a redevelopment authority
14 under subparagraph (C) a notice of interest in the use
15 of buildings or property at an installation to assist the
16 homeless, a representative of the homeless shall submit the
17 following:

18 (I) A description of the homeless assistance
19 program that the representative proposes to carry
20 out at the installation.

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

22 (III) A description of the extent to which the
23 program is or will be coordinated with other home-
24 less assistance programs in the communities in the
25 vicinity of the installation.

1 (IV) A description of the buildings and property
2 at the installation that are necessary in order to
3 carry out the program.

4 (V) A description of the financial plan, the or-
5 ganization, and the organizational capacity of the
6 representative to carry out the program.

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

9 (ii) A redevelopment authority may not release to the
10 public any information submitted to the redevelopment au-
11 thority under clause (i)(V) without the consent of the rep-
12 resentative of the homeless concerned unless such release
13 is authorized under Federal law and under the law of the
14 State and communities in which the installation concerned
15 is located.

16 (F)(i) The redevelopment authority for each installa-
17 tion covered by this paragraph shall prepare a redevel-
18 opment plan for the installation. The redevelopment author-
19 ity shall, in preparing the plan, consider the interests in
20 the use to assist the homeless of the buildings and prop-
21 erty at the installation that are expressed in the notices
22 submitted to the redevelopment authority under subpara-
23 graph (C).

24 (ii)(I) In connection with a redevelopment plan for
25 an installation, a redevelopment authority and representa-

1 tives of the homeless shall prepare legally binding agree-
2 ments that provide for the use to assist the homeless of
3 buildings and property, resources, and assistance on or off
4 the installation. The implementation of such agreements
5 shall be contingent upon the decision regarding the dis-
6 posal of the buildings and property covered by the agree-
7 ments by the Secretary of Defense under subparagraph
8 (K) or (L).

9 (II) Agreements under this clause shall provide for
10 the reversion to the redevelopment authority concerned, or
11 to such other entity or entities as the agreements shall
12 provide, of buildings and property that are made available
13 under this paragraph for use to assist the homeless in the
14 event that such buildings and property cease being used
15 for that purpose.

16 (iii) A redevelopment authority shall provide oppor-
17 tunity for public comment on a redevelopment plan before
18 submission of the plan to the Secretary of Defense and
19 the Secretary of Housing and Urban Development under
20 subparagraph (G).

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

1 (G)(i) Upon completion of a redevelopment plan
2 under subparagraph (F), a redevelopment authority shall
3 submit an application containing the plan to the Secretary
4 of Defense and to the Secretary of Housing and Urban
5 Development.

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

8 (I) A copy of the redevelopment plan, including
9 a summary of any public comments on the plan re-
10 ceived by the redevelopment authority under sub-
11 paragraph (F)(iii).

12 (II) A copy of each notice of interest of use of
13 buildings and property to assist the homeless that
14 was submitted to the redevelopment authority under
15 subparagraph (C), together with a description of the
16 manner, if any, in which the plan addresses the in-
17 terest expressed in each such notice and, if the plan
18 does not address such an interest, an explanation
19 why the plan does not address the interest.

20 (III) A summary of the outreach undertaken by
21 the redevelopment authority under subparagraph
22 (C)(iii)(II) in preparing the plan.

23 (IV) A statement identifying the representatives
24 of the homeless and the homeless assistance plan-
25 ning boards, if any, with which the redevelopment

1 authority consulted in preparing the plan, and the
2 results of such consultations.

3 (V) An assessment of the manner in which the
4 redevelopment plan balances the expressed needs of
5 the homeless and the need of the communities in the
6 vicinity of the installation for economic redevelopment
7 and other development.

8 (VI) Copies of the agreements that the redevelopment
9 authority proposes to enter into under subparagraph
10 (F)(ii).

11 (H)(i) Not later than 60 days after receiving a redevelopment
12 plan under subparagraph (G), the Secretary of
13 Housing and Urban Development shall complete a review
14 of the plan. The purpose of the review is to determine
15 whether the plan, with respect to the expressed interest
16 and requests of representatives of the homeless—

17 (I) takes into consideration the size and nature
18 of the homeless population in the communities in the
19 vicinity of the installation, the availability of existing
20 services in such communities to meet the needs of
21 the homeless in such communities, and the suitability
22 of the buildings and property covered by the
23 plan for the use and needs of the homeless in such
24 communities;

1 (II) takes into consideration any economic im-
2 pact of the homeless assistance under the plan on
3 the communities in the vicinity of the installation;

4 (III) balances in an appropriate manner the
5 needs of the communities in the vicinity of the in-
6 stallation for economic redevelopment and other de-
7 velopment with the needs of the homeless in such
8 communities;

9 (IV) was developed in consultation with rep-
10 resentatives of the homeless and the homeless assist-
11 ance planning boards, if any, in the communities in
12 the vicinity of the installation; and

13 (V) specifies the manner in which buildings and
14 property, resources, and assistance on or off the in-
15 stallation will be made available for homeless assist-
16 ance purposes.

17 (ii) It is the sense of Congress that the Secretary of
18 Housing and Urban Development shall, in completing the
19 review of a plan under this subparagraph, take into con-
20 sideration and be receptive to the predominant views on
21 the plan of the communities in the vicinity of the installa-
22 tion covered by the plan.

23 (iii) The Secretary of Housing and Urban Develop-
24 ment may engage in negotiations and consultations with
25 a redevelopment authority before or during the course of

1 a review under clause (i) with a view toward resolving any
2 preliminary determination of the Secretary that a redevel-
3 opment plan does not meet a requirement set forth in that
4 clause. The redevelopment authority may modify the rede-
5 velopment plan as a result of such negotiations and con-
6 sultations.

7 (iv) Upon completion of a review of a redevelopment
8 plan under clause (i), the Secretary of Housing and Urban
9 Development shall notify the Secretary of Defense and the
10 redevelopment authority concerned of the determination of
11 the Secretary of Housing and Urban Development under
12 that clause.

13 (v) If the Secretary of Housing and Urban Develop-
14 ment determines as a result of such a review that a rede-
15 velopment plan does not meet the requirements set forth
16 in clause (i), a notice under clause (iv) shall include—

17 (I) an explanation of that determination; and

18 (II) a statement of the actions that the redevel-
19 opment authority must undertake in order to ad-
20 dress that determination.

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

1 (I) revise the plan in order to address the deter-
2 mination; and

3 (II) submit the revised plan to the Secretary of
4 Defense and the Secretary of Housing and Urban
5 Development.

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

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

16 (ii) The Secretary of Housing and Urban Develop-
17 ment shall notify the Secretary of Defense and the redevel-
18 opment authority concerned of the determination of the
19 Secretary of Housing and Urban Development under this
20 subparagraph.

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

1 in subparagraph (H)(i), the Secretary of Defense shall dis-
2 pose of the buildings and property at the installation.

3 (ii) For purposes of carrying out an environmental
4 assessment of the closure or realignment of an installa-
5 tion, the Secretary of Defense shall treat the redevelop-
6 ment plan for the installation (including the aspects of the
7 plan providing for disposal to State or local governments,
8 representatives of the homeless, and other interested par-
9 ties) as part of the proposed Federal action for the instal-
10 lation.

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

19 (iv) The disposal under clause (i) of buildings and
20 property to assist the homeless shall be without consider-
21 ation.

22 (v) In the case of a request for a conveyance under
23 clause (i) of buildings and property for public benefit
24 under section 550 of title 40, United States Code, or sec-
25 tions 47151 through 47153 of title 49, United States

1 Code, the sponsoring Federal agency shall use the eligi-
2 bility criteria set forth in such section or such subchapter
3 (as the case may be) to determine the eligibility of the
4 applicant and use proposed in the request for the public
5 benefit conveyance. The determination of such eligibility
6 should be made before submission of the redevelopment
7 plan concerned under subparagraph (G).

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

13 (I) review the original redevelopment plan sub-
14 mitted to that Secretary under subparagraph (G),
15 including the notice or notices of representatives of
16 the homeless referred to in clause (ii)(II) of that
17 subparagraph;

18 (II) consult with the representatives referred to
19 in subclause (I), if any, for purposes of evaluating
20 the continuing interest of such representatives in the
21 use of buildings or property at the installation to as-
22 sist the homeless;

23 (III) request that each such representative sub-
24 mit to that Secretary the items described in clause
25 (ii); and

1 (IV) based on the actions of that Secretary
2 under subclauses (I) and (II), and on any informa-
3 tion obtained by that Secretary as a result of such
4 actions, indicate to the Secretary of Defense the
5 buildings and property at the installation that meet
6 the requirements set forth in subparagraph (H)(i).

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

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

12 (II) A description of the manner in which the
13 buildings and property that the representative pro-
14 poses to use for such purpose will assist the home-
15 less.

16 (III) Such information as that Secretary re-
17 quires in order to determine the financial capacity of
18 the representative to carry out the program and to
19 ensure that the program will be carried out in com-
20 pliance with Federal environmental law and Federal
21 law against discrimination.

22 (IV) A certification that police services, fire
23 protection services, and water and sewer services
24 available in the communities in the vicinity of the in-
25 stallation concerned are adequate for the program.

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

5 (I) notify the Secretary of Defense and the re-
6 development authority concerned of the buildings
7 and property at an installation under clause (i)(IV)
8 that the Secretary of Housing and Urban Develop-
9 ment determines are suitable for use to assist the
10 homeless; and

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

14 (iv)(I) Upon notice from the Secretary of Housing
15 and Urban Development with respect to an installation
16 under clause (iii), the Secretary of Defense shall dispose
17 of buildings and property at the installation in consulta-
18 tion with the Secretary of Housing and Urban Develop-
19 ment and the redevelopment authority concerned.

20 (II) For purposes of carrying out an environmental
21 assessment of the closure or realignment of an installa-
22 tion, the Secretary of Defense shall treat the redevel-
23 opment plan submitted by the redevelopment authority for
24 the installation (including the aspects of the plan pro-
25 viding for disposal to State or local governments, rep-

1 representatives of the homeless, and other interested parties)
2 as part of the proposed Federal action for the installation.
3 The Secretary of Defense shall incorporate the notification
4 of the Secretary of Housing and Urban Development
5 under clause (iii)(I) as part of the proposed Federal action
6 for the installation only to the extent, if any, that the Sec-
7 retary of Defense considers such incorporation to be ap-
8 propriate and consistent with the best and highest use of
9 the installation as a whole, taking into consideration the
10 redevelopment plan submitted by the redevelopment au-
11 thority.

12 (III) The Secretary of Defense shall dispose of build-
13 ings and property under subclause (I) in accordance with
14 the record of decision or other decision document prepared
15 by the Secretary in accordance with the National Environ-
16 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.). In
17 preparing the record of decision or other decision docu-
18 ment, the Secretary shall give deference to the redevel-
19 opment plan submitted by the redevelopment authority for
20 the installation.

21 (IV) The disposal under subclause (I) of buildings
22 and property to assist the homeless shall be without con-
23 sideration.

24 (V) In the case of a request for a conveyance under
25 subclause (I) of buildings and property for public benefit

1 under section 550 of title 40, United States Code, or sec-
2 tions 47151 through 47153 of title 49, United States
3 Code, the sponsoring Federal agency shall use the eligi-
4 bility criteria set forth in such section or such subchapter
5 (as the case may be) to determine the eligibility of the
6 applicant and use proposed in the request for the public
7 benefit conveyance. The determination of such eligibility
8 should be made before submission of the redevelopment
9 plan concerned under subparagraph (G).

10 (M)(i) In the event of the disposal of buildings and
11 property of an installation pursuant to subparagraph (K)
12 or (L), the redevelopment authority for the installation
13 shall be responsible for the implementation of and compli-
14 ance with agreements under the redevelopment plan de-
15 scribed in that subparagraph for the installation.

16 (ii) If a building or property reverts to a redevel-
17 opment authority under such an agreement, the redevel-
18 opment authority shall take appropriate actions to secure,
19 to the maximum extent practicable, the utilization of the
20 building or property by other homeless representatives to
21 assist the homeless. A redevelopment authority may not
22 be required to utilize the building or property to assist
23 the homeless.

24 (N) The Secretary of Defense may postpone or ex-
25 tend any deadline provided for under this paragraph in

1 the case of an installation covered by this paragraph for
2 such period as the Secretary considers appropriate if the
3 Secretary determines that such postponement is in the in-
4 terests of the communities affected by the closure or re-
5 alignment of the installation. The Secretary shall make
6 such determinations in consultation with the redevelop-
7 ment authority concerned and, in the case of deadlines
8 provided for under this paragraph with respect to the Sec-
9 retary of Housing and Urban Development, in consulta-
10 tion with the Secretary of Housing and Urban Develop-
11 ment.

12 (O) For purposes of this paragraph, the term “com-
13 munities in the vicinity of the installation”, in the case
14 of an installation, means the communities that constitute
15 the political jurisdictions (other than the State in which
16 the installation is located) that comprise the redevelop-
17 ment authority for the installation.

18 (P) For purposes of this paragraph, the term “other
19 interested parties”, in the case of an installation, includes
20 any parties eligible for the conveyance of property of the
21 installation under section 550 of title 40, United States
22 Code, or sections 47151 through 47153 of title 49, United
23 States Code, whether or not the parties assist the home-
24 less.

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

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

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

11 (ii) during the process of relocating functions
12 from a military installation being closed or realigned
13 to another military installation after the receiving in-
14 stallation has been selected but before the functions
15 are relocated.

16 (B) In applying the provisions of the National Envi-
17 ronmental Policy Act of 1969 to the processes referred
18 to in subparagraph (A), the Secretary of Defense and the
19 Secretary of the military departments concerned shall not
20 have to consider—

21 (i) the need for closing or realigning the mili-
22 tary installation which has been recommended for
23 the consolidation, closure, or realignment by the
24 Commission;

1 (ii) the need for transferring functions to any
2 military installation which has been selected as the
3 receiving installation; or

4 (iii) military installations alternative to those
5 recommended or selected.

6 (3) A civil action for judicial review, with respect to
7 any requirement of the National Environmental Policy Act
8 of 1969 to the extent such Act is applicable under para-
9 graph (2), of any act or failure to act by the Department
10 of Defense during the closing, realigning, or relocating of
11 functions referred to in clauses (i) and (ii) of paragraph
12 (2)(A), may not be brought more than 60 days after the
13 date of such act or failure to act.

14 (d) WAIVER.—The Secretary of Defense may close or
15 realign military installations under this Act without regard
16 to—

17 (1) any provision of law restricting the use of
18 funds for closing or realigning military installations
19 included in any appropriations or authorization Act;
20 and

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

23 (e) TRANSFER AUTHORITY IN CONNECTION WITH
24 PAYMENT OF ENVIRONMENTAL REMEDIATION COSTS.—

1 (1)(A) Subject to paragraph (2) of this sub-
2 section and section 120(h) of the Comprehensive En-
3 vironmental Response, Compensation, and Liability
4 Act of 1980 (42 U.S.C. 9620(h)), the Secretary may
5 enter into an agreement to transfer by deed real
6 property or facilities referred to in subparagraph (B)
7 with any person who agrees to perform all environ-
8 mental restoration, waste management, and environ-
9 mental compliance activities that are required for
10 the property or facilities under Federal and State
11 laws, administrative decisions, agreements (including
12 schedules and milestones), and concurrences.

13 (B) The real property and facilities referred to
14 in subparagraph (A) are the real property and facili-
15 ties located at an installation closed or to be closed,
16 or realigned or to be realigned, under this Act that
17 are available exclusively for the use, or expression of
18 an interest in a use, of a redevelopment authority
19 under subsection (b)(6)(F) during the period pro-
20 vided for that use, or expression of interest in use,
21 under that subsection. The real property and facili-
22 ties referred to in subparagraph (A) are also the real
23 property and facilities located at an installation ap-
24 proved for consolidation, closure, or realignment

1 under this Act after 2001 that are available for pur-
2 poses other than to assist the homeless.

3 (C) The Secretary may require any additional
4 terms and conditions in connection with an agree-
5 ment authorized by subparagraph (A) as the Sec-
6 retary considers appropriate to protect the interests
7 of the United States.

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

11 (A) the costs of all environmental restora-
12 tion, waste management, and environmental
13 compliance activities otherwise to be paid by the
14 Secretary with respect to the property or facili-
15 ties are equal to or greater than the fair market
16 value of the property or facilities to be trans-
17 ferred, as determined by the Secretary; or

18 (B) if such costs are lower than the fair
19 market value of the property or facilities, the
20 recipient of the property or facilities agrees to
21 pay the difference between the fair market
22 value and such costs.

23 (3) In the case of property or facilities covered
24 by a certification under paragraph (2)(A), the Sec-

1 retary may pay the recipient of such property or fa-
2 cilities an amount equal to the lesser of—

3 (A) the amount by which the costs in-
4 curred by the recipient of such property or fa-
5 cilities for all environmental restoration, waste,
6 management, and environmental compliance ac-
7 tivities with respect to such property or facili-
8 ties exceed the fair market value of such prop-
9 erty or facilities as specified in such certifi-
10 cation; or

11 (B) the amount by which the costs (as de-
12 termined by the Secretary) that would other-
13 wise have been incurred by the Secretary for
14 such restoration, management, and activities
15 with respect to such property or facilities exceed
16 the fair market value of such property or facili-
17 ties as so specified.

18 (4) As part of an agreement under paragraph
19 (1), the Secretary shall disclose to the person to
20 whom the property or facilities will be transferred
21 any information of the Secretary regarding the envi-
22 ronmental restoration, waste management, and envi-
23 ronmental compliance activities described in para-
24 graph (1) that relate to the property or facilities.

1 The Secretary shall provide such information before
2 entering into the agreement.

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

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

15 **SEC. 14. ACCOUNT.**

16 (a) ESTABLISHMENT.—

17 (1) If the Secretary makes the certification re-
18 quired under section (1)(d), there shall be estab-
19 lished on the books of the Treasury an account to
20 be known as the “Military Infrastructure Consolida-
21 tion and Efficiency 2019.” The Account shall be ad-
22 ministered by the Secretary as a single account.

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

24 (A) funds authorized for an appropriated
25 to the Account;

1 (B) any funds that the Secretary may,
2 subject to approval in an appropriations Act,
3 transfer to the Account from funds appro-
4 priated to the Department of Defense for any
5 purpose, except that such funds may be trans-
6 ferred only after the date on which the Sec-
7 retary transmits written notice of, and justifica-
8 tion for, such transfer to the congressional de-
9 fense committees; and

10 (C) except as provided in subsection (c),
11 proceeds received from the lease, transfer, or
12 disposal of any property at a military installa-
13 tion that is consolidated, closed, or realigned
14 under this Act.

15 (3) The Account shall be closed at the time and
16 in the manner provided for appropriation accounts
17 under section 1555 of title 31, United States Code.
18 Unobligated funds which remain in the Account
19 upon the closure shall be held by the Secretary of
20 the Treasury until transferred by law after the con-
21 gressional defense committees receive the final re-
22 port transmitted under section 14(a)(3).

23 (b) USE OF FUNDS.—

24 (1) In such amounts as may be provided in ad-
25 vance in appropriation Acts, the Secretary may use

1 the Account only for the purposes described in sec-
2 tion 12 with respect to military installations ap-
3 proved for consolidation, closure, or realignment
4 under this Act.

5 (2) When a decision is made to use funds in the
6 Account to carry out a military construction project
7 under section 11(b)(1) and the cost of the project
8 will exceed the maximum amount authorized by law
9 for a minor military construction project, the Sec-
10 retary shall notify, in writing, the congressional de-
11 fense committees of the nature of, and justification
12 for, the project and the amount of expenditures for
13 such project. Any such project may be carried out
14 without regard to section 2802(a) of title 10, United
15 States Code.

16 (c) AUTHORIZED COST VARIATIONS.—

17 (1) MAXIMUM INCREASE.—Subject to para-
18 graph (2), the total cost authorized for a closure or
19 realignment action to be carried out using funds in
20 the Account may not be increased by more than 25
21 percent of the amount specified for such closure or
22 realignment action in the report transmitted by the
23 Commission to the President pursuant to section
24 9(d).

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

3 (A) the Secretary of Defense notifies the
4 congressional defense committees, in writing, of
5 the cost increase and the reason therefor and
6 certifies that the increased cost is necessary in
7 order to implement the recommendation; and

8 (B) a period of 60 days has elapsed after
9 the date on which such notification is provided
10 or, if the notification is provided in an elec-
11 tronic medium pursuant to section 480 of title
12 10, United States Code, a period of 45 days has
13 elapsed.

14 (d) DISPOSAL OR TRANSFER OF COMMISSARY
15 STORES AND PROPERTY PURCHASED WITH NON-
16 APPROPRIATED FUNDS.—

17 (1) If any real property or facility acquired,
18 constructed, or improved (in whole or in part) with
19 commissary store funds or nonappropriated funds is
20 transferred or disposed of in connection with the
21 consolidation, closure, or realignment of a military
22 installation under this Act, a portion of the proceeds
23 of the transfer or other disposal of property on that
24 installation shall be deposited in the reserve account
25 established under section 204(b)(7)(C) of the De-

1 fense Authorization Amendments and Base Closure
2 and Realignment Act (10 U.S.C. 2687 note).

3 (2) The amount so deposited shall be equal to
4 the depreciated value of the investment made with
5 such funds in the acquisition, construction, or im-
6 provement of that particular real property or facility.
7 The depreciated value of the investment shall be
8 computed in accordance with regulations prescribed
9 by the Secretary of Defense.

10 (3) In such amounts as may be provided in ad-
11 vance in appropriations Acts, the Secretary may use
12 amounts in the reserve account for the purpose of
13 acquiring, constructing, and improving commissary
14 stores and real property and facilities for non-
15 appropriated fund instrumentalities.

16 (e) ACCOUNT EXCLUSIVE SOURCE OF FUNDS FOR
17 ENVIRONMENTAL RESTORATION PROJECTS.—Except for
18 funds deposited into the Account under subsection (a),
19 funds appropriated to the Department of Defense may not
20 be used for purposes described in section 12. The prohibi-
21 tion in this subsection shall expire upon the closure of the
22 account under subsection (a)(3).

1 **SEC. 15. RESTRICTION ON OTHER BASE CLOSURE AUTHOR-**
2 **ITY.**

3 (a) IN GENERAL.—Except as provided in subsection
4 (c), during the period beginning on the date of enactment
5 of this Act, and ending on April 15, 2020, this Act shall
6 be the exclusive authority for selecting for consolidation,
7 closure, or realignment, or for carrying out any consolida-
8 tion, closure, or realignment of, a military installation in-
9 side the United States.

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

14 (1) to identify, through any transmittal to the
15 Congress or through any other public announcement
16 or notification, any military installation inside the
17 United States as an installation to be consolidated,
18 closed, or realigned, or as an installation under con-
19 sideration for consolidation, closure, or realignment;
20 or

21 (2) to carry out any consolidation, closure, or
22 realignment of a military installation inside the
23 United States.

24 (c) EXCEPTION.—Nothing in this title affects the au-
25 thority of the Secretary of Defense to carry out closures
26 or realignments to which section 2687 of title 10, United

1 States Code, is not applicable, including closures and re-
2 alignments carried out for reasons of national security or
3 a military emergency referred to in subsection (c) of such
4 section.

5 **SEC. 16. REQUIRED REPORTS.**

6 (a) **MILITARY INFRASTRUCTURE CONSOLIDATION**
7 **AND EFFICIENCY ACCOUNT.—**

8 (1) **REPORT REQUIRED.**—No later than 60 days
9 after the end of each fiscal year in which the Sec-
10 retary carries out activities under this Act using
11 amounts in the Account, the Secretary of Defense
12 shall transmit a report to the congressional defense
13 committees of—

14 (A) the amount and nature of the deposits
15 into, and the expenditures from, the Account
16 during such fiscal year;

17 (B) the amount and nature of other ex-
18 penditures made pursuant to section 12 during
19 such fiscal year;

20 (C) the amount and nature of anticipated
21 deposits to be made into, and the anticipated
22 expenditures to be made from, the Account dur-
23 ing the first fiscal year commencing after the
24 submission of the report; and

1 (D) the amount and nature of anticipated
2 expenditures to be made pursuant to section 12
3 during the first fiscal year commencing after
4 the submission of the report.

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

7 (A) The obligations and expenditures from
8 the Account during the fiscal year, identified by
9 subaccount and installation, for each military
10 department and Defense Agency.

11 (B) The fiscal year in which appropriations
12 for such expenditures were made and the fiscal
13 year in which funds were obligated for such ex-
14 penditure.

15 (C) Each military construction project for
16 which such obligations and expenditures were
17 made, identified by installation and project title.

18 (D) A description and explanation of the
19 extent, if any, to which expenditures for mili-
20 tary construction projects for the fiscal year dif-
21 fered from proposals for projects and funding
22 levels that were included in the justification
23 transmitted to Congress under subsection (b),
24 or otherwise, for the funding proposals for the
25 Account for such fiscal year, including expla-

1 nations of any failure to carry out military con-
2 struction projects that were so proposed and
3 any expenditures for military construction
4 projects that were not so proposed.

5 (E) An estimate of the net revenues to be
6 received from property disposals to be com-
7 pleted during the first fiscal year commencing
8 after the submission of the report at military
9 installations approved for consolidation, closure,
10 or realignment under this Act.

11 (3) FINAL REPORT.—Not later than 60 days
12 after the closure of the Account under section 14,
13 the Secretary shall transmit to the congressional de-
14 fense committees a report containing an accounting
15 of all the funds deposited into and expended from
16 the Account or otherwise expended under this Act
17 with respect to such installations, and any amount
18 remaining in the account.

19 (b) ANNUAL MILITARY INFRASTRUCTURE CONSOLI-
20 DATION AND EFFICIENCY IMPLEMENTATION REPORT.—
21 As part of the budget request for fiscal year 2021, and
22 for each fiscal year thereafter through fiscal year 2032,
23 for the Department, the Secretary shall transmit to the
24 congressional defense committees—

1 (1) a schedule of the closure actions to be car-
2 ried out under this Act in the fiscal year for which
3 the request is made and an estimate of the total ex-
4 penditures required and cost savings to be achieved
5 by each such closure and of the time period in which
6 these savings are to be achieved in each case, to-
7 gether with the Secretary's assessment of the envi-
8 ronmental effects of such actions;

9 (2) a description of the military installations,
10 including those under construction and those
11 planned for construction, to which functions are to
12 be transferred as a result of such closure, together
13 with the Secretary's assessment of the environmental
14 effects of such transfers;

15 (3) a description of the closure actions already
16 carried out at each military installation since the
17 date of the installation's approval for closure under
18 this Act and the current status of the closure of the
19 installation, including whether—

20 (A) a redevelopment authority has been
21 recognizes by the Secretary for the installation;

22 (B) the screening of property at the instal-
23 lation for other Federal use has been com-
24 pleted; and

1 (C) a redevelopment plan has been agreed
2 to by the redevelopment authority for the in-
3 stallation;

4 (4) a description of redevelopment plans for
5 military installations approved for closure under this
6 Act, the quantity of property remaining to be dis-
7 posed of at each installation as part of its closure,
8 and the quantity of property already disposed of at
9 each installation;

10 (5) a list of Federal agencies that have re-
11 quested property during the screening process for
12 each military installation approved for closure under
13 this Act, including the date of transfer or antici-
14 pated transfer of the property to such agencies, the
15 acreage involved in such transfers, and an expla-
16 nation for any delays in such transfer;

17 (6) a list of known environmental remediation
18 issues at each military installation approved for clo-
19 sure under this Act, including the acreage affected
20 by these issues, an estimate of the cost to complete
21 such environmental remediation, and the plans (and
22 timelines) to address such environmental remedi-
23 ation; and

24 (7) an estimate of the date for the completion
25 of all closure actions at each military installation ap-

1 proved for consolidation, closure, or realignment
2 under this Act.

3 **SEC. 17. DEFINITIONS.**

4 In this Act:

5 (1) The term “Account” means the Military In-
6 frastructure Consolidation and Efficiency Account
7 established by section 14(a).

8 (2) The term “congressional defense commit-
9 tees” means the Committees on Armed Services and
10 the Committees on Appropriations of the Senate and
11 the House of Representatives.

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

15 (4) The term “date of approval”, with respect
16 to a consolidation, closure, or realignment of a mili-
17 tary installation, means the date on which the au-
18 thority of Congress to disapprove a recommendation
19 of consolidation, closure, or realignment, as the case
20 may be, of such installation under this Act expires.

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

23 (6) The term “final selection criteria” means
24 the final selection criteria specified in section 6,

1 which consists of military value criteria and certain
2 additional criteria.

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

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

9 (9) The term “military installation” means a
10 base, camp, post, station, yard, center, homeport fa-
11 cility for any ship, or other activity under the juris-
12 diction of the Department, including any leased fa-
13 cility. Such term does not include any facility used
14 primarily for civil works, rivers and harbors projects,
15 flood control, or other projects not under the pri-
16 mary jurisdiction or control of the Department.

17 (10) The term “realignment” includes any ac-
18 tion which both reduces and relocates functions and
19 civilian personnel positions but does not include a re-
20 duction in force resulting from workload adjust-
21 ments, reduced personnel or funding levels, or skill
22 imbalances.

23 (11) The term “redevelopment authority”, in
24 the case of a military installation to be closed or re-
25 aligned under this Act, means any entity (including

1 an entity established by a State or local government)
2 recognized by the Secretary of Defense as the entity
3 responsible for developing the redevelopment plan
4 with respect to the military installation or for direct-
5 ing the implementation of the redevelopment plan.

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

9 (A) is agreed to by the local redevelopment
10 authority with respect to the military installa-
11 tion; and

12 (B) provides for the reuse or redevelop-
13 ment of the real property and personal property
14 of the military installation that is available for
15 such reuse and redevelopment as a result of the
16 consolidation, closure, or realignment of the
17 military installation.

18 (13) The term “representative of the homeless”
19 has the meaning given such term in section
20 501(i)(4) of the Stewart B. McKinney Homeless As-
21 sistance Act (42 U.S.C. 11411(i)(4)).

22 (14) The term “Secretary” means the Secretary
23 of Defense.

24 (15) The term “United States” means the 50
25 States, the District of Columbia, the Commonwealth

1 of Puerto Rico, Guam, the Virgin Islands, American
2 Samoa, the Virgin Islands of the United States, the
3 Commonwealth of the Northern Mariana Islands,
4 and any other commonwealth, territory, or posses-
5 sion of the United States.

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

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

12 “(D) Military Infrastructure Consolidation
13 and Efficiency Act of 2016.”.

14 (b) DEFINITION OF “BASE CLOSURE LAW” IN
15 OTHER LAWS.—

16 (1) Section 131(b) of Public Law 107–249 (10
17 U.S.C. 221 note) is amended by striking “means”
18 and all that follows and inserting “has the meaning
19 given the term ‘base closure law’ in section
20 101(a)(17) of title 10, United States Code.”.

21 (2) Section 1334(k)(1) of the National Defense
22 Authorization Act for Fiscal Year 1994 (Public Law
23 103–160; 10 U.S.C. 2701 note) is amended by add-
24 ing at the end the following new subparagraph:

1 “(C) Military Infrastructure Consolidation
2 and Efficiency Act of 2016.”.

3 (3) Section 2918(a)(1) of the National Defense
4 Authorization Act for Fiscal Year 1994 (Public Law
5 103–160; 10 U.S.C. 2687 note) is amended by add-
6 ing at the end the following new subparagraph:

7 “(C) Military Infrastructure Consolidation
8 and Efficiency Act of 2016.”.

9 **SEC. 19. CONFORMING AMENDMENTS.**

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

12 (1) in paragraph (5), by striking “on or after
13 January 1, 2005,” and inserting “from January 1,
14 2005 through December 31, 2005,”; and

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

17 “(6) Money rentals received by the United
18 States from a lease under subsection (g) at a mili-
19 tary installation approved for consolidation, closure,
20 or realignment under a base closure law on or after
21 January 1, 2006, shall be deposited into the Account
22 established under section 14(a) of the Military Infra-
23 structure Consolidation and Efficiency Act of
24 2016.”.

1 (b) REQUESTS BY PUBLIC AGENCIES FOR PROPERTY
2 FOR PUBLIC AIRPORTS.—Section 47151(g) of title 49,
3 United States Code, is amended by striking “section 2687
4 of title 10, section 201 of the Defense Authorization
5 Amendments and Base Closure and Realignment Act (10
6 U.S.C. 2687 note), or section 2905 of the Defense Base
7 Closure and Realignment Act of 1990 (10 U.S.C. 2687
8 note)” and inserting “a base closure law, as that term is
9 defined in section 101(a)(17) of title 10,”.

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

○