

115TH CONGRESS
2D SESSION

H. R. 5320

To amend title 10, United States Code, to prohibit the Secretary of a military department from entering into a lease of real property for the use of the department unless the Secretary first certifies that facilities of real property owned by the United States may not be reconfigured to support the purpose of the proposed lease in an appropriate and cost-effective manner, to require the Secretary of the Defense to provide more accurate information on the costs incurred in leasing real property for the use of the Department of Defense, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 15, 2018

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

A BILL

To amend title 10, United States Code, to prohibit the Secretary of a military department from entering into a lease of real property for the use of the department unless the Secretary first certifies that facilities of real property owned by the United States may not be reconfigured to support the purpose of the proposed lease in an appropriate and cost-effective manner, to require the Secretary of the Defense to provide more accurate information on the costs incurred in leasing real property for the use of the Department of Defense, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Responsible DOD
5 Leasing Act of 2018”.

6 **SEC. 2. REQUIRING CERTIFICATION BY SECRETARIES OF**
7 **MILITARY DEPARTMENTS PRIOR TO ENTER-**
8 **ING INTO LEASES THAT PROPERTY OWNED**
9 **BY UNITED STATES IS NOT AVAILABLE TO**
10 **CARRY OUT PURPOSE OF LEASE.**

11 (a) ADDITIONAL REQUIREMENT IN REPORTS ON
12 LEASES OF REAL PROPERTY.—Section 2662(a)(5)(B) of
13 title 10, United States Code, as amended by section 2812
14 of the National Defense Authorization Act for Fiscal Year
15 2018 (Public Law 115–91; 131 Stat. 1849), is amended—

16 (1) by striking “or” at the end of clause (ii);

17 (2) by striking the period at the end of clause

18 (iii) and inserting “; or”; and

19 (3) by adding at the end the following new
20 clause:

21 “(iv) facilities in property under the juris-

22 diction of the Department of Defense may not

23 be reconfigured to support the purpose of the

24 proposed lease in an appropriate and cost-effec-

25 tive manner.”.

1 (b) EFFECTIVE DATE; NOTICE OF COMPLIANCE.—

2 (1) EFFECTIVE DATE.—The amendment made
3 by subsection (a) shall apply with respect to leases
4 entered into or renewed on or after the expiration of
5 the 60-day period which begins on the date of the
6 enactment of this Act.

7 (2) REPORT ON STEPS TAKEN TO ENSURE FU-
8 TURE COMPLIANCE.—Upon the completion of any
9 general steps necessary to ensure that the Depart-
10 ment of Defense will be able to meet the require-
11 ments of subsection (a)(5) of section 2662 of title
12 10, United States Code (as amended by subsection
13 (a)) with respect to all leases entered into or re-
14 newed after the expiration of the period described in
15 paragraph (1), including the promulgation of any
16 regulations or the issuance of other guidance, the
17 Secretary of Defense shall submit a one-time report
18 to the Committees on Armed Services of the House
19 of Representatives and Senate and shall post a copy
20 of the report on the public website of the Depart-
21 ment of Defense.

1 **SEC. 3. IMPROVING ACCURACY OF INFORMATION IN RE-**
2 **PORTS BY SECRETARY OF DEFENSE ON REAL**
3 **PROPERTY LEASES.**

4 (a) INFORMATION ON COSTS OF LEASES.—In pre-
5 paring any inventory or report on real property leased by
6 the Department of Defense, including information on
7 property included in a Base Structure Report and infor-
8 mation in the Real Property Asset Database of the De-
9 partment of Defense, the Secretary of Defense shall—

10 (1) in the case of a lease which covers multiple
11 assets of the Department, provide a separate break-
12 down of the rent and other costs (including parking)
13 associated with each such asset; and

14 (2) in the case of real property which is subject
15 to multiple leases entered into by the Department,
16 provide a separate breakdown for each such lease
17 and the costs associated with each such lease.

18 (b) REPORT.—Not later than 1 year after the date
19 of the enactment of this Act, or at the time of publishing
20 the next Base Structure Report prepared after the date
21 of the enactment of this Act (whichever occurs earlier),
22 the Secretary of Defense shall submit to the Committees
23 on Armed Services of the House of Representatives and
24 Senate a report detailing the steps the Secretary has taken
25 to ensure compliance with the requirements of subsection
26 (a).

1 **SEC. 4. REVIEW BY GOVERNMENT ACCOUNTABILITY OF-**
2 **FICE.**

3 Not later than 1 year after the date on which the
4 Secretary of Defense submits the one-time report required
5 under paragraph (2) of section 2(b), the Comptroller Gen-
6 eral of the United States shall prepare and submit to Con-
7 gress a report on—

8 (1) the extent to which the Department is in
9 compliance with subsection (a)(5) of section 2662 of
10 title 10, United States Code (as amended by section
11 2(a)), including the regulations and guidance pro-
12 mulgated and issued by the Secretary to ensure com-
13 pliance with such subsection, as of the date on which
14 the Secretary submits the report; and

15 (2) the extent to which the Secretary is includ-
16 ing the information required under section 3 in in-
17 ventories and reports on real property leased by the
18 Department, as of the date on which the Secretary
19 submits the report.

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