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AMENDMENT TO H.R. 4435

OFFERED BY MR. SMITH OF WASHINGTON

Strike sections 2711 and 2721.

At the end of division B, add the following new title:

1 **TITLE XXX—ADDITIONAL BASE**
2 **REALIGNMENT AND CLOSURE**
3 **(BRAC) ROUND IN 2017**

4 **SEC. 3001. SHORT TITLE; PURPOSE; FINDINGS.**

5 (a) **SHORT TITLE.**—This title may be cited as the
6 “Defense Base Closure and Realignment Act of 2014”.

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

11 (c) **FINDINGS.**—Congress makes the following find-
12 ings:

13 (1) By implementing the recommendations of
14 the previous authorized base realignment and closure
15 (BRAC) rounds (1988, 1991, 1993, 1995, and
16 2005), the Department of Defense has realized a
17 combined annual net recurring savings of approxi-
18 mately \$12 billion.

1 (2) While the most recent BRAC round is often
2 criticized for costing too much and not saving
3 enough, the majority of the recommendations of the
4 2005 BRAC round were focused on transformation
5 rather than efficiency or closure.

6 (3) According to the Department of Defense,
7 the efficiency-related recommendations of the 2005
8 BRAC round cost \$6 billion, compared to the \$35
9 billion total cost of the 2005 BRAC round, and re-
10 sulted in an annual recurring payback of \$3 billion,
11 which is consistent with the costs and savings of
12 previous BRAC rounds.

13 (4) A future BRAC round must look more like
14 the 1988, 1991, 1993, and 1995 BRAC rounds, or
15 like the efficiency-related elements of the 2005
16 BRAC round, in terms of costs and annual recurring
17 savings.

18 (5) In 2004, before implementing the rec-
19 ommendations of the 2005 BRAC round, a Depart-
20 ment of Defense assessment indicated an aggregate
21 excess infrastructure capacity for the Armed Forces
22 of approximately 24 percent, but implementation of
23 the recommendations of the 2005 BRAC round only
24 reduced the infrastructure capacity by approximately
25 3 percent.

1 (6) In prepared testimony to Congress in March
2 2014, the Army indicated that it has completed ini-
3 tial efforts to analyze facility capacity to determine
4 the current amount of excess capacity in light of
5 force structure decisions, and preliminary results in-
6 dicate that the Army will have nearly 18 percent ex-
7 cess capacity, totaling over 167 million square feet
8 of facilities.

9 (7) Similarly, the Air Force testified regarding
10 a reduction of more than 500 aircraft and 8 percent
11 of active-duty end strength since the 2005 BRAC
12 round, in which the Air Force only closed eight
13 minor installations despite the 2004 analysis indi-
14 cating the Air Force had 25 percent excess infra-
15 structure capacity.

16 (8) The amount of excess infrastructure capac-
17 ity that remains following the 2005 BRAC round,
18 combined with the force structure reductions that
19 are either planned or have occurred since the 2005
20 round, indicates the Department of Defense con-
21 tinues to have excess infrastructure capacity.

22 (9) While the Department of Defense has re-
23 quested an additional BRAC round, the Department
24 has already undertaken a number of initiatives to re-
25 duce the Department's overseas footprint, including

1 the relocation and consolidation of United States fa-
2 cilities in Japan and Korea and the conduct of the
3 European Infrastructure Consolidation review, which
4 will build on previous initiatives that have reduced
5 the number of United States military sites in Eu-
6 rope by 30 percent since 2000.

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

15 (11) In a time when the Department of Defense
16 needs to reduce excess infrastructure capacity and
17 realize efficiencies in its real property inventory, a
18 new BRAC round provides the most transparent
19 means to do so while also affording an independent
20 commission, Congress, and community groups a sig-
21 nificant voice and role in the process.

22 **SEC. 3002. DEFENSE BASE CLOSURE AND REALIGNMENT**
23 **COMMISSION OF 2017.**

24 (a) ESTABLISHMENT.—Subject to the certifications
25 required under section 3003(b)—

1 (1) there is established an independent commis-
2 sion to be known as the “Defense Base Closure and
3 Realignment Commission of 2017”; and

4 (2) the President may commence a round for
5 the selection of military installations for closure and
6 realignment under this title in 2017 by transmitting
7 to the Senate, not later than February 1, 2017,
8 nominations for appointment to the Commission.

9 (b) APPOINTMENT.—(1)(A) The Commission shall be
10 composed of nine members appointed by the President, by
11 and with the advice and consent of the Senate.

12 (B) If the President does not transmit to Congress
13 the nominations for appointment to the Commission on
14 or before the date specified in subsection (a)(2), the proc-
15 ess by which military installations may be selected for clo-
16 sure or realignment under this title shall be terminated.

17 (2) In appointing individuals to serve on the Commis-
18 sion, the President shall give priority consideration to indi-
19 viduals who—

20 (A) have a demonstrated expertise regarding
21 the current and future operational and training re-
22 quirements of the Armed Forces, military installa-
23 tion infrastructure and environmental management,
24 or the socioeconomic impact of military installations
25 on local communities; and

1 (B) have not served on such a commission for
2 a previous BRAC round.

3 (3) In selecting individuals for nominations for ap-
4 pointments to the Commission, the President should con-
5 sult with—

6 (A) the Speaker of the House of Representa-
7 tives concerning the appointment of two members;

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

10 (C) the minority leader of the House of Rep-
11 resentatives concerning the appointment of one
12 member; and

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

15 (4) At the time the President nominates individuals
16 for appointment to the Commission, the President shall
17 designate one such individual who shall serve as Chairman
18 of the Commission.

19 (c) DUTIES.—The Commission shall carry out the
20 duties specified for it in this title.

21 (d) TERMS.—(1) Each member of the Commission
22 shall serve until the termination of the Commission as pro-
23 vided in subsection (j).

24 (2) A vacancy in the Commission shall be filled in
25 the same manner as the original appointment.

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

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

6 (B) All the proceedings, information, and delibera-
7 tions of the Commission shall be open, upon request, to
8 the following:

9 (i) The chairmen and the ranking members of
10 the Committees on Armed Services of the Senate
11 and the House of Representatives, or such other
12 members of the Committees designated by such
13 Chairmen or ranking members.

14 (ii) The chairmen and ranking members of the
15 Subcommittees on Military Construction, Veterans
16 Affairs, and Related Agencies of the Committees on
17 Appropriations of the Senate and the House of Rep-
18 resentatives, or such other members of the sub-
19 committees designated by such Chairmen or ranking
20 members.

21 (iii) The chairmen and ranking members of the
22 Subcommittees on Defense of the Committees on
23 Appropriations of the Senate and the House of Rep-
24 resentatives, or such other members of the sub-

1 committees designated by such chairmen or ranking
2 members.

3 (C) A member of the Commission shall recuse himself
4 or herself from consideration of a matter before the Com-
5 mission, in accordance with section 208 of title 18, United
6 States Code. In addition, a member of the Commission
7 shall recuse himself or herself from consideration of a mat-
8 ter before the Commission in the event that the member
9 is concerned that other circumstances would raise a ques-
10 tion regarding the legitimacy and impartiality of the Com-
11 mission's final recommendations. In recusing himself or
12 herself from consideration of a matter, the member shall
13 not participate in the deliberations on, or vote regarding,
14 such a matter.

15 (f) PAY AND TRAVEL EXPENSES.—(1)(A) Each
16 member, other than the Chairman, shall be paid at a rate
17 equal to the daily equivalent of the minimum annual rate
18 of basic pay payable for level IV of the Executive Schedule
19 under section 5315 of title 5, United States Code, for each
20 day (including travel time) during which the member is
21 engaged in the actual performance of duties vested in the
22 Commission.

23 (B) The Chairman shall be paid for each day referred
24 to in subparagraph (A) at a rate equal to the daily equiva-
25 lent of the minimum annual rate of basic pay payable for

1 level III of the Executive Schedule under section 5314,
2 of title 5, United States Code.

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

6 (g) STAFF.—(1)(A) The Commission shall appoint,
7 without regard to section 5311 of title 5, United States
8 Code, a Director who has not served on active duty in the
9 Armed Forces or as a civilian employee of the Department
10 of Defense during the one-year period preceding the date
11 of such appointment.

12 (B) The Director shall be paid at the rate of basic
13 pay payable for level IV of the Executive Schedule under
14 section 5315 of title 5, United States Code.

15 (2) Subject to the approval of the Commission, the
16 Director may appoint and fix the pay of additional staff
17 personnel. The Director may make such appointments
18 without regard to the provisions of title 5, United States
19 Code, governing appointments in the competitive service,
20 and any personnel so appointed may be paid without re-
21 gard to the provisions of chapter 51 and subchapter III
22 of chapter 53 of that title relating to classification and
23 General Schedule pay rates, except that an individual so
24 appointed may not receive pay in excess of the annual rate
25 of basic pay payable for GS-15 of the General Schedule.

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

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

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

11 (C) A person may not be detailed from the Depart-
12 ment of Defense to the Commission if, within 12 months
13 before the detail is to begin, that person participated per-
14 sonally and substantially in any matter within the Depart-
15 ment of Defense concerning the preparation of rec-
16 ommendations for closures or realignments of military in-
17 stallations.

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

20 (i) prepare any report concerning the effective-
21 ness, fitness, or efficiency of the performance on the
22 staff of the Commission of any person detailed from
23 the Department of Defense to that staff;

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

25 (iii) approve or disapprove such a report.

1 (4) Upon request of the Director, the head of any
2 Federal department or agency may detail any of the per-
3 sonnel of that department or agency to the Commission
4 to assist the Commission in carrying out its duties under
5 this title.

6 (5) The Comptroller General of the United States
7 shall provide assistance, including the detailing of employ-
8 ees, to the Commission in accordance with an agreement
9 entered into with the Commission.

10 (6) Not later than April 1, 2017, the Chairman of
11 the Commission shall certify to the congressional defense
12 committees whether the Commission's staff has adequate
13 capacity to review the recommendations to be submitted
14 by the Secretary of Defense pursuant to section 3003.

15 (7) The following restrictions relating to the staff of
16 the Commission shall apply during the period beginning
17 January 1, 2018, and ending April 15, 2018:

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

20 (B) The staff may perform only such functions
21 as are necessary to prepare for the termination of
22 the commission and transfer of all records to the
23 Department of Defense or the National Archives.

1 (C) No member of the Armed Forces and no
2 employee of the Department of Defense may serve
3 on the staff.

4 (h) OTHER AUTHORITY.—(1) The Commission may
5 procure by contract, to the extent funds are available, the
6 temporary or intermittent services of experts or consult-
7 ants pursuant to section 3109 of title 5, United States
8 Code.

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

11 (i) FUNDING.—(1) There are authorized to be appro-
12 priated to the Commission such funds as are necessary
13 to carry out its duties under this title. Funds so appro-
14 priated shall remain available to the Commission for such
15 purposes until expended.

16 (2) If no funds are appropriated to the Commission
17 by the end of the second session of the 114th Congress,
18 the Secretary of Defense may transfer to the Commission,
19 from funds appropriated after the date of enactment of
20 this Act and otherwise available to the Secretary, such
21 funds as the Commission may require to carry out its ac-
22 tivities under this title. Funds so transferred shall remain
23 available to the Commission for such purposes until ex-
24 pended.

1 (j) **TERMINATION.**—The Commission shall terminate
2 on April 15, 2018.

3 (k) **PROHIBITION AGAINST RESTRICTING COMMU-**
4 **NICATIONS.**—Section 1034 of title 10, United States
5 Code, shall apply with respect to communications with the
6 Commission.

7 **SEC. 3003. PROCEDURE FOR MAKING RECOMMENDATIONS**
8 **FOR BASE CLOSURES AND REALIGNMENTS.**

9 (a) **FORCE-STRUCTURE PLAN AND INFRASTRUCTURE**
10 **INVENTORY.**—

11 (1) **PREPARATION AND SUBMISSION.**—As part
12 of the budget justification documents submitted to
13 Congress in support of the budget for the Depart-
14 ment of Defense for fiscal year 2017, the Secretary
15 shall submit to Congress the following:

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

1 be available for national defense purposes dur-
2 ing such period.

3 (B) A comprehensive inventory of military
4 installations world-wide for each military de-
5 partment, with specifications of the number and
6 type of facilities in the regular and reserve
7 forces of each military department.

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

14 (A) A description of the infrastructure nec-
15 essary to support the force structure described
16 in the force-structure plan.

17 (B) A discussion of categories of excess in-
18 frastructure and infrastructure capacity.

19 (C) An economic analysis of the effect of
20 the closure or realignment of military installa-
21 tions to reduce excess infrastructure.

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

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

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

11 (4) REVISION.—The Secretary may revise the
12 force-structure plan and infrastructure inventory, ex-
13 cept that, if the Secretary makes such a revision, the
14 Secretary shall submit the revised plan or inventory
15 to Congress not later than February 15, 2017. For
16 purposes of selecting military installations for clo-
17 sure or realignment under this title, no revision of
18 the force-structure plan or infrastructure inventory
19 is authorized after that date.

20 (b) CERTIFICATION OF NEED FOR FURTHER CLO-
21 SURES AND REALIGNMENTS.—

22 (1) CERTIFICATIONS REQUIRED.—On the basis
23 of the force-structure plan and infrastructure inven-
24 tory prepared under subsection (a) and the descrip-
25 tions and economic analysis prepared under para-

1 graph (2) of such subsection, the Secretary shall in-
2 clude as part of the submission of the plan and in-
3 ventory—

4 (A) a certification regarding whether the
5 need exists for the closure or realignment of ad-
6 ditional military installations; and

7 (B) if such need exists, an additional cer-
8 tification that the additional round of closures
9 and realignments—

10 (i) will result in annual net savings
11 for each of the military departments begin-
12 ning not later than six years following the
13 commencement of such closures and re-
14 alignments; and

15 (ii) will have the primary objective of
16 eliminating excess infrastructure capacity
17 within the Department of Defense and re-
18 configuring the remaining infrastructure to
19 maximize efficiency.

20 (2) EFFECT OF FAILURE TO CERTIFY.—If the
21 Secretary does not include the certifications referred
22 to in paragraph (1), the President may not com-
23 mence a round for the selection of military installa-
24 tions for closure and realignment under this title.

25 (c) COMPTROLLER GENERAL EVALUATION.—

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

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

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

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

18 (d) FINAL SELECTION CRITERIA.—The final criteria
19 to be used by the Secretary in making recommendations
20 for the closure or realignment of military installations in-
21 side the United States under this title shall be following:

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

24 (A) The current and future mission capa-
25 bilities, the ability to support technological in-

1 novation, and the impact on operational readi-
2 ness of the total force of the Department of De-
3 fense, including the impact on joint warfighting,
4 training, and readiness.

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

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

18 (D) The cost of operations and the man-
19 power implications.

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

22 (A) The extent and timing of potential
23 costs and savings, including the number of
24 years, beginning with the date of completion of

1 the closure or realignment, for the savings to
2 exceed the costs.

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

5 (C) The ability of the infrastructure of
6 both the existing and potential receiving com-
7 munities to support forces, missions, and per-
8 sonnel.

9 (D) The environmental impact, including
10 the impact of costs related to potential environ-
11 mental restoration, waste management, and en-
12 vironmental compliance activities.

13 (e) APPLICATION OF THE CRITERIA.—

14 (1) PRIORITIES.—In the making of rec-
15 ommendations for the closure or realignment of mili-
16 tary installations, the Secretary shall give priority
17 consideration—

18 (A) to the military value criteria, as speci-
19 fied in subsection (d)(1); and

20 (B) the potential costs and savings, as
21 specified in subsection (d)(2)(A).

22 (2) TIME-PERIOD FOR ACHIEVING SAVINGS.—

23 An emphasis shall be placed on recommendations
24 that yield net-savings within five years of completing
25 the closure or realignment. No recommendations

1 shall be considered that do not demonstrate net sav-
2 ings within 20 years, unless the Secretary deter-
3 mines that the military value of such recommenda-
4 tion supports or enhances a critical national security
5 interest of the United States.

6 (3) COVERED COSTS.—When determining the
7 costs associated with a closure or realignment rec-
8 ommendation, the Secretary shall consider costs as-
9 sociated with military construction, information
10 technology, termination of public-private contracts,
11 guarantees, and other factors contributing to the
12 cost of the closure or realignment recommendation,
13 as determined by the Secretary.

14 (4) EFFECT ON DEPARTMENT AND OTHER
15 AGENCY COSTS.—The selection criteria relating to
16 the cost savings or return on investment from a clo-
17 sure or realignment recommendation shall take into
18 account the effect of the proposed closure or realign-
19 ment on the costs of any other activity of the De-
20 partment of Defense or any other Federal agency
21 that may be required to assume responsibility for ac-
22 tivities at a military installation.

23 (5) CONSIDERATION OF ALL INSTALLATIONS.—
24 In considering military installations for closure or
25 realignment, the Secretary shall consider all military

1 installations inside the United States equally without
2 regard to whether the installation has been pre-
3 viously considered or proposed for closure or realign-
4 ment by the Department.

5 (6) EFFECT OF ADVANCE CONVERSION PLAN-
6 NING.—In considering military installations for clo-
7 sure or realignment, the Secretary may not take into
8 account for any purpose any advance conversion
9 planning undertaken by an affected community with
10 respect to the anticipated closure or realignment of
11 an installation. For purposes of this subparagraph,
12 advance conversion planning—

13 (A) shall include community adjustment
14 and economic diversification planning under-
15 taken by the community before an anticipated
16 selection of a military installation in or near the
17 community for closure or realignment; and

18 (B) may include the development of contin-
19 ugency redevelopment plans, plans for economic
20 development and diversification, and plans for
21 the joint use (including civilian and military
22 use, public and private use, civilian dual use,
23 and civilian shared use) of the property or fa-
24 cilities of the installation after the anticipated
25 closure or realignment.

1 (7) EFFECT OF LOCAL GOVERNMENT AP-
2 PROVAL.—In making recommendations to the Com-
3 mission, the Secretary shall consider any notice re-
4 ceived from a local government in the vicinity of a
5 military installation that the government would ap-
6 prove of the closure or realignment of the installa-
7 tion, except that, notwithstanding receiving such a
8 notice, the Secretary—

9 (A) still shall make recommendations
10 based on the force-structure plan, infrastruc-
11 ture inventory, and final selection criteria; and

12 (B) shall include a statement of the result
13 of the consideration of such a notice.

14 (f) RELATION TO OTHER MATERIALS.—The final se-
15 lection criteria specified in this section shall be the only
16 criteria used, along with the force-structure plan and in-
17 frastructure inventory referred to in subsection (a), in
18 making recommendations for the closure or realignment
19 of military installations inside the United States under
20 this title.

21 (g) DOD RECOMMENDATIONS.—

22 (1) PUBLICATION AND TRANSMITTAL OF REC-
23 COMMENDATIONS.—If the Secretary makes the certifi-
24 cations required under subsection (b), then not later
25 than April 15, 2017, the Secretary shall publish in

1 the Federal Register and transmit to the congressional
2 defense committees and to the Commission a
3 list of the military installations inside the United
4 States that the Secretary recommends for closure or
5 realignment on the basis of the force-structure plan
6 and infrastructure inventory prepared by the Secretary
7 under subsection (a) and the final selection
8 criteria specified in subsection (d).

9 (2) TRANSMITTAL OF ADDITIONAL MATERIALS.—Not later than 7 days after the date of the
10 transmittal of the list of recommendations under
11 paragraph (1), the Secretary also shall transmit to
12 the congressional defense committees and the Commission
13 the following:

14 (A) A summary of the selection process
15 that resulted in the recommendation for each
16 installation, including a justification for each
17 recommendation based on the selection criteria
18 under subsection (d).

19 (B) A master plan for each recommendation
20 containing the required scope of work, cost,
21 and timing for all facility actions at receiving
22 locations, including construction of new facilities
23 and repair or renovation of existing facilities.
24
25

1 (3) AVAILABILITY OF INFORMATION.—(A) In
2 addition to making all information used by the Sec-
3 retary to prepare the recommendations under this
4 subsection available to Congress (including any com-
5 mittee or Member of Congress), the Secretary shall
6 also make such information available to the Commis-
7 sion, the Comptroller General of the United States,
8 and to the public by means of the Internet or an-
9 other electronic format.

10 (B) The information covered by subparagraph
11 (A) includes, but not limited to, unclassified assess-
12 ment data on the current condition of facilities and
13 infrastructure, an environmental baseline of known
14 contamination and remediation activities, and stand-
15 ard rules used to calculate annual recurring savings.

16 (C) Any and all information provided to the
17 Commission by a person described in paragraph
18 (4)(B) shall also be make available for the public
19 record and be submitted in written form to the Sen-
20 ate and the House of Representatives, to be made
21 available to the Members of the House concerned in
22 accordance with the rules of that House. The infor-
23 mation shall be submitted to the Senate and House
24 of Representatives within 48 hours after the submis-
25 sion of the information to the Commission.

1 (4) CERTIFICATION OF ACCURACY AND COM-
2 PLETENESS OF INFORMATION.—(A) Each person re-
3 ferred to in subparagraph (B), when submitting in-
4 formation to the Secretary of Defense or the Com-
5 mission concerning the closure or realignment of a
6 military installation, shall certify that such informa-
7 tion is accurate and complete to the best of that per-
8 sons knowledge and belief.

9 (B) Subparagraph (A) applies to the following
10 persons:

11 (i) The Secretaries of the military depart-
12 ments.

13 (ii) The heads of the Defense Agencies.

14 (iii) Each person who is in a position the
15 duties of which include personal and substantial
16 involvement in the preparation and submission
17 of information and recommendations concerning
18 the closure or realignment of military installa-
19 tions, as designated in regulations which the
20 Secretary of Defense shall prescribe, regulations
21 which the Secretary of each military depart-
22 ment shall prescribe for personnel within that
23 military department, or regulations which the
24 head of each Defense Agency shall prescribe for
25 personnel within that Defense Agency.

1 (h) REVIEW AND RECOMMENDATIONS BY THE COM-
2 MISSION.—

3 (1) PUBLIC HEARING AND TESTIMONY.—After
4 receiving the recommendations from the Secretary
5 pursuant to subsection (g), the Commission shall
6 conduct public hearings on the recommendations. All
7 testimony before the Commission at a public hearing
8 conducted under this paragraph shall be presented
9 under oath.

10 (2) REPORT.—(A) Not later than October 1,
11 2017, the Commission shall transmit to the Presi-
12 dent a report containing the Commission's findings
13 and conclusions based on a review and analysis of
14 the recommendations made by the Secretary, to-
15 gether with the Commission's recommendations for
16 closures and realignments of military installations
17 inside the United States.

18 (B) Subject to subparagraphs (C) and (E), in
19 making its recommendations, the Commission may
20 make changes in any of the recommendations made
21 by the Secretary if the Commission determines that
22 the Secretary deviated substantially from the force-
23 structure plan and final criteria referred to in sub-
24 section (d) in making recommendations.

1 (C) In the case of a change described in sub-
2 paragraph (D) in the recommendations made by the
3 Secretary, the Commission may make the change
4 only if—

5 (i) the Commission—

6 (I) makes the determination required
7 by subparagraph (B);

8 (II) determines that the change is
9 consistent with the force-structure plan
10 and final criteria referred to in subsection
11 (d);

12 (III) publishes a notice of the pro-
13 posed change in the Federal Register not
14 less than 45 days before transmitting its
15 recommendations to the President pursu-
16 ant to subparagraph (A); and

17 (IV) conducts public hearings on the
18 proposed change;

19 (ii) at least two members of the Commis-
20 sion visit the military installation before the
21 date of the transmittal of the report; and

22 (iii) the decision of the Commission to
23 make the change is supported by at least seven
24 members of the Commission.

1 (D) Subparagraph (C) shall apply to a change
2 by the Commission in the Secretary's recommenda-
3 tions that would—

4 (i) add a military installation to the list of
5 military installations recommended by the Sec-
6 retary for closure;

7 (ii) add a military installation to the list of
8 military installations recommended by the Sec-
9 retary for realignment; or

10 (iii) increase the extent of a realignment of
11 a particular military installation recommended
12 by the Secretary.

13 (E) The Commission may not consider making
14 a change in the recommendations of the Secretary
15 that would add a military installation to the Sec-
16 retary's list of installations recommended for closure
17 or realignment unless, in addition to the require-
18 ments of subparagraph (C)—

19 (i) the Commission provides the Secretary
20 with at least a 15-day period, before making
21 the change, in which to submit an explanation
22 of the reasons why the installation was not in-
23 cluded on the closure or realignment list by the
24 Secretary; and

1 (ii) the decision to add the installation for
2 Commission consideration is supported by at
3 least seven members of the Commission.

4 (F) In making recommendations under this
5 paragraph, the Commission may not take into ac-
6 count for any purpose any advance conversion plan-
7 ning undertaken by an affected community with re-
8 spect to the anticipated closure or realignment of a
9 military installation.

10 (G) In the case of the Commission making a
11 change in the recommendations of the Secretary, for
12 each change, a master plan containing the required
13 scope of work, cost, and timing for all facility ac-
14 tions at receiving locations, including construction of
15 new facilities and repair or renovation of existing fa-
16 cilities shall be updated or developed in coordination
17 with the Secretary.

18 (3) EXPLANATION OF DIFFERENCES; SUBMIS-
19 SION.—The Commission shall explain and justify in
20 its report submitted to the President pursuant to
21 paragraph (2) any recommendation made by the
22 Commission that is different from the recommenda-
23 tions made by the Secretary pursuant to subsection
24 (g). The Commission shall transmit a copy of such
25 report to the congressional defense committees on

1 the same date on which it transmits its rec-
2 ommendations to the President under paragraph (2).

3 (4) PROVISION OF INFORMATION.—After the
4 Commission transmits recommendations to the
5 President under this subsection, the Commission
6 shall promptly provide, upon request, to any Member
7 of Congress information used by the Commission in
8 making its recommendations.

9 (5) COMPTROLLER GENERAL ROLE.—The
10 Comptroller General of the United States shall—

11 (A) assist the Commission, to the extent
12 requested, in the Commission’s review and anal-
13 ysis of the recommendations made by the Sec-
14 retary pursuant to subsection (g); and

15 (B) by no later than June 1, 2017, trans-
16 mit to the Congress and to the Commission a
17 report containing a detailed analysis of the Sec-
18 retary’s recommendations and selection process.

19 (i) REVIEW BY THE PRESIDENT.—

20 (1) APPROVAL OR DISAPPROVAL REPORT.—Not
21 later than October 15, 2017, the President shall
22 transmit to the Commission and to Congress a re-
23 port containing the President’s approval or dis-
24 approval of the Commission’s recommendations.

1 (2) EFFECT OF APPROVAL.—(A) If the Presi-
2 dent approves all the recommendations of the Com-
3 mission, the President shall transmit a copy of such
4 recommendations to the Congress, together with a
5 certification of such approval.

6 (B) If the President approves all of the revised
7 recommendations of the Commission transmitted to
8 the President under paragraph (3), the President
9 shall transmit a copy of such revised recommenda-
10 tions to the Congress, together with a certification
11 of such approval.

12 (3) EFFECT OF DISAPPROVAL; REVISION.—If
13 the President disapproves the recommendations of
14 the Commission, in whole or in part, the President
15 shall transmit to the Commission and the Congress
16 the reasons for that disapproval. The Commission
17 shall then transmit to the President, by no later
18 than November 18, 2017, a revised list of rec-
19 ommendations for the closure and realignment of
20 military installations.

21 (4) TERMINATION OF BRAC ROUND.—If the
22 President does not transmit to the Congress an ap-
23 proval and certification described in paragraph (2)
24 by December 2, 2017, the process by which military

1 installations may be selected for closure or realign-
2 ment under this title shall be terminated.

3 **SEC. 3004. CLOSURE AND REALIGNMENT OF MILITARY IN-**
4 **STALLATIONS.**

5 (a) IN GENERAL.—Subject to subsection (b), 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 3003(i);

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

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

23 (4) initiate all such closures and realignments
24 no later than two years after the date on which the
25 President transmits the report to the Congress pur-

1 suant to section 3003(i) containing the recommenda-
2 tions for such closures or realignments;

3 (5) complete all such closures and realignments
4 no later than the end of the five-year period begin-
5 ning on the date on which the President transmits
6 the report pursuant to section 3003(i) containing
7 the recommendations for such closures or realign-
8 ments; and

9 (6) develop a schedule and plan for the imple-
10 mentation of the actions required by the preceding
11 paragraphs in a manner that maximizes efficiency
12 and return on investment.

13 (b) CONGRESSIONAL DISAPPROVAL.—(1) The Sec-
14 retary may not carry out any closure or realignment rec-
15 ommended by the Commission in the report transmitted
16 from the President pursuant to section 3003(i) if a joint
17 resolution is enacted, in accordance with the provisions of
18 section 3008, disapproving such recommendations of the
19 Commission before the earlier of—

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

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

1 (2) For purposes of paragraph (1) of this subsection
2 and subsections (a) and (c) of section 3008, the days on
3 which either House of Congress is not in session because
4 of adjournment of more than three days to a day certain
5 shall be excluded in the computation of a period.

6 **SEC. 3005. IMPLEMENTATION.**

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

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

22 (B) provide—

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

1 (ii) community planning assistance to any
2 community located near a military installation
3 to which functions will be transferred as a re-
4 sult of the closure or realignment of a military
5 installation,

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

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

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

23 (E) reimburse other Federal agencies for ac-
24 tions performed at the request of the Secretary with
25 respect to any such closure or realignment, and may

1 use for such purpose funds in the Account or funds
2 appropriated to the Department of Defense and
3 available for such purpose.

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

10 (b) MANAGEMENT AND DISPOSAL OF PROPERTY.—

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

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

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

22 (C) the authority to dispose of surplus property
23 for public airports under sections 47151 through
24 47153 of title 49, United States Code; and

1 (D) the authority of the Administrator to deter-
2 mine the availability of excess or surplus real prop-
3 erty for wildlife conservation purposes in accordance
4 with the Act of May 19, 1948 (16 U.S.C. 667b).

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

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

12 (ii) all regulations governing the conveyance
13 and disposal of property under section 13(g) of the
14 Surplus Property Act of 1944 (50 U.S.C. App.
15 1622(g)).

16 (B) The Secretary may, with the concurrence of the
17 Administrator of General Services—

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

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

1 (C) The Secretary of Defense may transfer real prop-
2 erty or facilities located at a military installation to be
3 closed or realigned under this title, with or without reim-
4 bursement, to a military department or other entity (in-
5 cluding a nonappropriated fund instrumentality) within
6 the Department of Defense or the Coast Guard.

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

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

24 (3)(A) Not later than 6 months after the date of ap-
25 proval of the closure or realignment of a military installa-

1 tion under this title, the Secretary, in consultation with
2 the redevelopment authority with respect to the installa-
3 tion, shall—

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

6 (ii) identify the items (or categories of
7 items) of such personal property that the Sec-
8 retary determines to be related to real property
9 and anticipates will support the implementation
10 of the redevelopment plan with respect to the
11 installation.

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

15 (i) the local government in whose jurisdiction
16 the installation is wholly located; or

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

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

1 (I) one week after the date on which the rede-
2 velopment plan for the installation is submitted to
3 the Secretary;

4 (II) the date on which the redevelopment au-
5 thority notifies the Secretary that it will not submit
6 such a plan;

7 (III) twenty-four months after the date of ap-
8 proval of the closure or realignment of the installa-
9 tion; or

10 (IV) ninety days before the date of the closure
11 or realignment of the installation.

12 (ii) The activities referred to in clause (i) are activi-
13 ties relating to the closure or realignment of an installa-
14 tion to be closed or realigned under this title as follows:

15 (I) The transfer from the installation of items
16 of personal property at the installation identified in
17 accordance with subparagraph (A).

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

23 (D) Except as provided in paragraph (4), the Sec-
24 retary may not transfer items of personal property located
25 at an installation to be closed or realigned under this title

1 to another installation, or dispose of such items, if such
2 items are identified in the redevelopment plan for the in-
3 stallation as items essential to the reuse or redevelopment
4 of the installation. In connection with the development of
5 the redevelopment plan for the installation, the Secretary
6 shall consult with the entity responsible for developing the
7 redevelopment plan to identify the items of personal prop-
8 erty located at the installation, if any, that the entity de-
9 sires to be retained at the installation for reuse or redevel-
10 opment of the installation.

11 (E) This paragraph shall not apply to any personal
12 property located at an installation to be closed or realigned
13 under this title if the property—

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

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

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

1 (iv) is stored at the installation for purposes of
2 distribution (including spare parts or stock items);
3 or

4 (v)(I) meets known requirements of an author-
5 ized program of another Federal department or
6 agency for which expenditures for similar property
7 would be necessary; and

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

10 (F) Notwithstanding subparagraphs (C)(i) and (D),
11 the Secretary may carry out any activity referred to in
12 subparagraph (C)(ii) or (D) if the Secretary determines
13 that the carrying out of such activity is in the national
14 security interest of the United States.

15 (4)(A) The Secretary may transfer real property and
16 personal property located at a military installation to be
17 closed or realigned under this title to the redevelopment
18 authority with respect to the installation for purposes of
19 job generation on the installation.

20 (B) The transfer of property located at a military in-
21 stallation under subparagraph (A) may be for consider-
22 ation at or below the estimated fair market value or with-
23 out consideration. The determination of such consider-
24 ation may account for the economic conditions of the local
25 affected community and the estimated costs to redevelop

1 the property. The Secretary may accept, as consideration,
2 a share of the revenues that the redevelopment authority
3 receives from third-party buyers or lessees from sales and
4 long-term leases of the conveyed property, a portion of the
5 profits obtained over time from the development of the
6 conveyed property, consideration in kind (including goods
7 and services), real property and improvements, or such
8 other consideration as the Secretary considers appro-
9 priate. The transfer of property located at a military in-
10 stallation under subparagraph (A) may be made for con-
11 sideration below the estimated fair market value or with-
12 out consideration only if the redevelopment authority with
13 respect to the installation—

14 (i) agrees that the proceeds from any sale or
15 lease of the property (or any portion thereof) re-
16 ceived by the redevelopment authority during at
17 least the first seven years after the date of the initial
18 transfer of property under subparagraph (A) shall
19 be used to support the economic redevelopment of,
20 or related to, the installation; and

21 (ii) executes the agreement for transfer of the
22 property and accepts control of the property within
23 a reasonable time after the date of the property dis-
24 posal record of decision or finding of no significant

1 impact under the National Environmental Policy Act
2 of 1969 (42 U.S.C. 4321 et seq.).

3 (C) For purposes of subparagraph (B)(i), the use of
4 proceeds from a sale or lease described in such subpara-
5 graph to pay for, or offset the costs of, public investment
6 on or related to the installation for any of the following
7 purposes shall be considered a use to support the economic
8 redevelopment of, or related to, the installation:

9 (i) Road construction.

10 (ii) Transportation management facilities.

11 (iii) Storm and sanitary sewer construction.

12 (iv) Police and fire protection facilities and
13 other public facilities.

14 (v) Utility construction.

15 (vi) Building rehabilitation.

16 (vii) Historic property preservation.

17 (viii) Pollution prevention equipment or facili-
18 ties.

19 (ix) Demolition.

20 (x) Disposal of hazardous materials generated
21 by demolition.

22 (xi) Landscaping, grading, and other site or
23 public improvements.

24 (xii) Planning for or the marketing of the devel-
25 opment and reuse of the installation.

1 (D) The Secretary may recoup from a redevelopment
2 authority such portion of the proceeds from a sale or lease
3 described in subparagraph (B) as the Secretary deter-
4 mines appropriate if the redevelopment authority does not
5 use the proceeds to support economic redevelopment of,
6 or related to, the installation for the period specified in
7 subparagraph (B).

8 (E)(i) The Secretary may transfer real property at
9 an installation approved for closure or realignment under
10 this title (including property at an installation approved
11 for realignment which will be retained by the Department
12 of Defense or another Federal agency after realignment)
13 to the redevelopment authority for the installation if the
14 redevelopment authority agrees to lease, directly upon
15 transfer, one or more portions of the property transferred
16 under this subparagraph to the Secretary or to the head
17 of another department or agency of the Federal Govern-
18 ment. Subparagraph (B) shall apply to a transfer under
19 this subparagraph.

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

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

1 (iv) A lease under clause (i) shall include a provision
2 specifying that if the department or agency concerned
3 ceases requiring the use of the leased property before the
4 expiration of the term of the lease, the remainder of the
5 lease term may be satisfied by the same or another depart-
6 ment or agency of the Federal Government using the prop-
7 erty for a use similar to the use under the lease. Exercise
8 of the authority provided by this clause shall be made in
9 consultation with the redevelopment authority concerned.

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

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

24 (II) firefighting or security-guard functions.

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

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

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

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

1 (B) The Secretary may, in consultation with the rede-
2 velopment authority with respect to an installation, post-
3 pone making the final determinations referred to in sub-
4 paragraph (A) with respect to the installation for such pe-
5 riod as the Secretary determines appropriate if the Sec-
6 retary determines that such postponement is in the best
7 interests of the communities affected by the closure or re-
8 alignment of the installation.

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

22 (ii) Not later than 30 days after acquiring non-Fed-
23 eral real property as the location for a new or replacement
24 Federal facility, the head of the Federal agency acquiring
25 the property shall submit to Congress a report containing

1 the results of the consultation under clause (i) and the
2 reasons why military installations referred to in such
3 clause that are located within the area to be served by
4 the new or replacement Federal facility or within a 200-
5 mile radius of the new or replacement facility, whichever
6 area is greater, were considered to be unsuitable or un-
7 available for the site of the new or replacement facility.

8 (6)(A) The disposal of buildings and property located
9 at installations approved for closure or realignment under
10 this title shall be carried out in accordance with this para-
11 graph.

12 (B)(i) Not later than the date on which the Secretary
13 of Defense completes the final determinations referred to
14 in paragraph (5) relating to the use or transferability of
15 any portion of an installation covered by this paragraph,
16 the Secretary shall—

17 (I) identify the buildings and property at the
18 installation for which the Department of Defense
19 has a use, for which another department or agency
20 of the Federal Government has identified a use, or
21 of which another department or agency will accept
22 a transfer;

23 (II) take such actions as are necessary to iden-
24 tify any building or property at the installation not

1 identified under subclause (I) that is excess property
2 or surplus property;

3 (III) submit to the Secretary of Housing and
4 Urban Development and to the redevelopment au-
5 thority for the installation (or the chief executive of-
6 ficer of the State in which the installation is located
7 if there is no redevelopment authority for the instal-
8 lation at the completion of the determination de-
9 scribed in the stem of this sentence) information on
10 any building or property that is identified under sub-
11 clause (II); and

12 (IV) publish in the Federal Register and in a
13 newspaper of general circulation in the communities
14 in the vicinity of the installation information on the
15 buildings and property identified under subclause
16 (II).

17 (ii) Upon the recognition of a redevelopment author-
18 ity for an installation covered by this paragraph, the Sec-
19 retary of Defense shall publish in the Federal Register and
20 in a newspaper of general circulation in the communities
21 in the vicinity of the installation information on the rede-
22 velopment authority.

23 (C)(i) State and local governments, representatives of
24 the homeless, and other interested parties located in the
25 communities in the vicinity of an installation covered by

1 this paragraph shall submit to the redevelopment author-
2 ity for the installation a notice of the interest, if any, of
3 such governments, representatives, and parties in the
4 buildings or property, or any portion thereof, at the instal-
5 lation that are identified under subparagraph (B)(i)(II).
6 A notice of interest under this clause shall describe the
7 need of the government, representative, or party concerned
8 for the buildings or property covered by the notice.

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

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

15 (I) consult with representatives of the homeless
16 in the communities in the vicinity of the installation
17 concerned; and

18 (II) undertake outreach efforts to provide infor-
19 mation on the buildings and property to representa-
20 tives of the homeless, and to other persons or enti-
21 ties interested in assisting the homeless, in such
22 communities.

23 (iv) It is the sense of Congress that redevelopment
24 authorities should begin to conduct outreach efforts under
25 clause (iii)(II) with respect to an installation as soon as

1 is practicable after the date of approval of closure or re-
2 alignment of the installation.

3 (D)(i) State and local governments, representatives
4 of the homeless, and other interested parties shall submit
5 a notice of interest to a redevelopment authority under
6 subparagraph (C) not later than the date specified for
7 such notice by the redevelopment authority.

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

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

17 (II) in the case of an installation for which a
18 redevelopment authority is not recognized as of such
19 date, not earlier than 3 months and not later than
20 6 months after the date of the recognition of a rede-
21 velopment authority for the installation.

22 (iii) Upon specifying a date for an installation under
23 this subparagraph, the redevelopment authority for the in-
24 stallation shall—

1 (I) publish the date specified in a newspaper of
2 general circulation in the communities in the vicinity
3 of the installation concerned; and

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

5 (E)(i) In submitting to a redevelopment authority
6 under subparagraph (C) a notice of interest in the use
7 of buildings or property at an installation to assist the
8 homeless, a representative of the homeless shall submit the
9 following:

10 (I) A description of the homeless assistance
11 program that the representative proposes to carry
12 out at the installation.

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

14 (III) A description of the extent to which the
15 program is or will be coordinated with other home-
16 less assistance programs in the communities in the
17 vicinity of the installation.

18 (IV) A description of the buildings and property
19 at the installation that are necessary in order to
20 carry out the program.

21 (V) A description of the financial plan, the or-
22 ganization, and the organizational capacity of the
23 representative to carry out the program.

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

1 (ii) A redevelopment authority may not release to the
2 public any information submitted to the redevelopment au-
3 thority under clause (i)(V) without the consent of the rep-
4 resentative of the homeless concerned unless such release
5 is authorized under Federal law and under the law of the
6 State and communities in which the installation concerned
7 is located.

8 (F)(i) The redevelopment authority for each installa-
9 tion covered by this paragraph shall prepare a redevelo-
10 pment plan for the installation. The redevelopment author-
11 ity shall, in preparing the plan, consider the interests in
12 the use to assist the homeless of the buildings and prop-
13 erty at the installation that are expressed in the notices
14 submitted to the redevelopment authority under subpara-
15 graph (C).

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

1 (II) Agreements under this clause shall provide for
2 the reversion to the redevelopment authority concerned, or
3 to such other entity or entities as the agreements shall
4 provide, of buildings and property that are made available
5 under this paragraph for use to assist the homeless in the
6 event that such buildings and property cease being used
7 for that purpose.

8 (iii) A redevelopment authority shall provide oppor-
9 tunity for public comment on a redevelopment plan before
10 submission of the plan to the Secretary of Defense and
11 the Secretary of Housing and Urban Development under
12 subparagraph (G).

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

18 (G)(i) Upon completion of a redevelopment plan
19 under subparagraph (F), a redevelopment authority shall
20 submit an application containing the plan to the Secretary
21 of Defense and to the Secretary of Housing and Urban
22 Development.

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

1 (I) A copy of the redevelopment plan, including
2 a summary of any public comments on the plan re-
3 ceived by the redevelopment authority under sub-
4 paragraph (F)(iii).

5 (II) A copy of each notice of interest of use of
6 buildings and property to assist the homeless that
7 was submitted to the redevelopment authority under
8 subparagraph (C), together with a description of the
9 manner, if any, in which the plan addresses the in-
10 terest expressed in each such notice and, if the plan
11 does not address such an interest, an explanation
12 why the plan does not address the interest.

13 (III) A summary of the outreach undertaken by
14 the redevelopment authority under subparagraph
15 (C)(iii)(II) in preparing the plan.

16 (IV) A statement identifying the representatives
17 of the homeless and the homeless assistance plan-
18 ning boards, if any, with which the redevelopment
19 authority consulted in preparing the plan, and the
20 results of such consultations.

21 (V) An assessment of the manner in which the
22 redevelopment plan balances the expressed needs of
23 the homeless and the need of the communities in the
24 vicinity of the installation for economic redevelop-
25 ment and other development.

1 (VI) Copies of the agreements that the redevelop-
2 opment authority proposes to enter into under sub-
3 paragraph (F)(ii).

4 (H)(i) Not later than 60 days after receiving a rede-
5 velopment plan under subparagraph (G), the Secretary of
6 Housing and Urban Development shall complete a review
7 of the plan. The purpose of the review is to determine
8 whether the plan, with respect to the expressed interest
9 and requests of representatives of the homeless—

10 (I) takes into consideration the size and nature
11 of the homeless population in the communities in the
12 vicinity of the installation, the availability of existing
13 services in such communities to meet the needs of
14 the homeless in such communities, and the suit-
15 ability of the buildings and property covered by the
16 plan for the use and needs of the homeless in such
17 communities;

18 (II) takes into consideration any economic im-
19 pact of the homeless assistance under the plan on
20 the communities in the vicinity of the installation;

21 (III) balances in an appropriate manner the
22 needs of the communities in the vicinity of the in-
23 stallation for economic redevelopment and other de-
24 velopment with the needs of the homeless in such
25 communities;

1 (IV) was developed in consultation with rep-
2 resentatives of the homeless and the homeless assist-
3 ance planning boards, if any, in the communities in
4 the vicinity of the installation; and

5 (V) specifies the manner in which buildings and
6 property, resources, and assistance on or off the in-
7 stallation will be made available for homeless assist-
8 ance purposes.

9 (ii) It is the sense of Congress that the Secretary of
10 Housing and Urban Development shall, in completing the
11 review of a plan under this subparagraph, take into con-
12 sideration and be receptive to the predominant views on
13 the plan of the communities in the vicinity of the installa-
14 tion covered by the plan.

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

24 (iv) Upon completion of a review of a redevelopment
25 plan under clause (i), the Secretary of Housing and Urban

1 Development shall notify the Secretary of Defense and the
2 redevelopment authority concerned of the determination of
3 the Secretary of Housing and Urban Development under
4 that clause.

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

9 (I) an explanation of that determination; and

10 (II) a statement of the actions that the redevel-
11 opment authority must undertake in order to ad-
12 dress that determination.

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

17 (I) revise the plan in order to address the deter-
18 mination; and

19 (II) submit the revised plan to the Secretary of
20 Defense and the Secretary of Housing and Urban
21 Development.

22 (J)(i) Not later than 30 days after receiving a revised
23 redevelopment plan under subparagraph (I), the Secretary
24 of Housing and Urban Development shall review the re-

1 vised plan and determine if the plan meets the require-
2 ments set forth in subparagraph (H)(i).

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

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

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

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

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

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

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

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

1 (I) review the original redevelopment plan sub-
2 mitted to that Secretary under subparagraph (G),
3 including the notice or notices of representatives of
4 the homeless referred to in clause (ii)(II) of that
5 subparagraph;

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

11 (III) request that each such representative sub-
12 mit to that Secretary the items described in clause
13 (ii); and

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

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

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

1 (II) A description of the manner in which the
2 buildings and property that the representative pro-
3 poses to use for such purpose will assist the home-
4 less.

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

11 (IV) A certification that police services, fire
12 protection services, and water and sewer services
13 available in the communities in the vicinity of the in-
14 stallation concerned are adequate for the program.

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

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

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

4 (iv)(I) Upon notice from the Secretary of Housing
5 and Urban Development with respect to an installation
6 under clause (iii), the Secretary of Defense shall dispose
7 of buildings and property at the installation in consulta-
8 tion with the Secretary of Housing and Urban Develop-
9 ment and the redevelopment authority concerned.

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

1 redevelopment plan submitted by the redevelopment au-
2 thority.

3 (III) The Secretary of Defense shall dispose of build-
4 ings and property under subclause (I) in accordance with
5 the record of decision or other decision document prepared
6 by the Secretary in accordance with the National Environ-
7 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.). In
8 preparing the record of decision or other decision docu-
9 ment, the Secretary shall give deference to the redevelop-
10 ment plan submitted by the redevelopment authority for
11 the installation.

12 (IV) The disposal under subclause (I) of buildings
13 and property to assist the homeless shall be without con-
14 sideration.

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

1 before submission of the redevelopment plan concerned
2 under subparagraph (G).

3 (M)(i) In the event of the disposal of buildings and
4 property of an installation pursuant to subparagraph (K)
5 or (L), the redevelopment authority for the installation
6 shall be responsible for the implementation of and compli-
7 ance with agreements under the redevelopment plan de-
8 scribed in that subparagraph for the installation.

9 (ii) If a building or property reverts to a redevelo-
10 pment authority under such an agreement, the redevelo-
11 pment authority shall take appropriate actions to secure,
12 to the maximum extent practicable, the utilization of the
13 building or property by other homeless representatives to
14 assist the homeless. A redevelopment authority may not
15 be required to utilize the building or property to assist
16 the homeless.

17 (N) The Secretary of Defense may postpone or ex-
18 tend any deadline provided for under this paragraph in
19 the case of an installation covered by this paragraph for
20 such period as the Secretary considers appropriate if the
21 Secretary determines that such postponement is in the in-
22 terests of the communities affected by the closure or re-
23 alignment of the installation. The Secretary shall make
24 such determinations in consultation with the redevelo-
25 pment authority concerned and, in the case of deadlines

1 provided for under this paragraph with respect to the Sec-
2 retary of Housing and Urban Development, in consulta-
3 tion with the Secretary of Housing and Urban Develop-
4 ment.

5 (O) For purposes of this paragraph, the term “com-
6 munities in the vicinity of the installation”, in the case
7 of an installation, means the communities that constitute
8 the political jurisdictions (other than the State in which
9 the installation is located) that comprise the redevelop-
10 ment authority for the installation.

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

18 (7)(A) Subject to subparagraph (C), the Secretary
19 may enter into agreements (including contracts, coopera-
20 tive agreements, or other arrangements for reimburse-
21 ment) with local governments for the provision of police
22 or security services, fire protection services, airfield oper-
23 ation services, or other community services by such gov-
24 ernments at military installations to be closed under this
25 title, or at facilities not yet transferred or otherwise dis-

1 posed of in the case of installations closed under this title,
2 if the Secretary determines that the provision of such serv-
3 ices under such agreements is in the best interests of the
4 Department of Defense.

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

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

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

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

24 (2)(A) The provisions of the National Environmental
25 Policy Act of 1969 shall apply to actions of the Depart-

1 ment of Defense under this title (i) during the process of
2 property disposal, and (ii) during the process of relocating
3 functions from a military installation being closed or re-
4 aligned to another military installation after the receiving
5 installation has been selected but before the functions are
6 relocated.

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

12 (i) the need for closing or realigning the mili-
13 tary installation which has been recommended for
14 closure or realignment by the Commission;

15 (ii) the need for transferring functions to any
16 military installation which has been selected as the
17 receiving installation; or

18 (iii) military installations alternative to those
19 recommended or selected.

20 (3) A civil action for judicial review, with respect to
21 any requirement of the National Environmental Policy Act
22 of 1969 to the extent such Act is applicable under para-
23 graph (2), of any act or failure to act by the Department
24 of Defense during the closing, realigning, or relocating of
25 functions referred to in clauses (i) and (ii) of paragraph

1 (2)(A), may not be brought more than 60 days after the
2 date of such act or failure to act.

3 (d) WAIVER.—The Secretary of Defense may close or
4 realign military installations under this title without re-
5 gard to—

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

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

12 (e) TRANSFER AUTHORITY IN CONNECTION WITH
13 PAYMENT OF ENVIRONMENTAL REMEDIATION COSTS.—

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

1 (B) The real property and facilities referred to in
2 subparagraph (A) are the real property and facilities lo-
3 cated at an installation closed or to be closed, or realigned
4 or to be realigned, under this title that are available exclu-
5 sively for the use, or expression of an interest in a use,
6 of a redevelopment authority under subsection (b)(6)(F)
7 during the period provided for that use, or expression of
8 interest in use, under that subsection. The real property
9 and facilities referred to in subparagraph (A) are also the
10 real property and facilities located at an installation ap-
11 proved for closure or realignment under this title that are
12 available for purposes other than to assist the homeless.

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

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

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

1 or facilities to be transferred, as determined by the
2 Secretary; or

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

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

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

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

24 (4) As part of an agreement under paragraph (1),
25 the Secretary shall disclose to the person to whom the

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

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

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

19 **SEC. 3006. DEPARTMENT OF DEFENSE BASE CLOSURE AC-**
20 **COUNT 2017.**

21 (a) ESTABLISHMENT.—

22 (1) If the Secretary makes the certifications re-
23 quired under section 3003(b), there shall be estab-
24 lished on the books of the Treasury an account to
25 be known as the “Department of Defense Base Clo-

1 sure Account 2017”. The Account shall be adminis-
2 tered by the Secretary as a single account.

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

4 (A) funds authorized for and appropriated
5 to the Account;

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

15 (C) except as provided in subsection (d),
16 proceeds received from the lease, transfer, or
17 disposal of any property at a military installa-
18 tion that is closed or realigned under this title.

19 (3) The Account shall be closed at the time and
20 in the manner provided for appropriation accounts
21 under section 1555 of title 31, United States Code.
22 Unobligated funds which remain in the Account
23 upon closure shall be held by the Secretary of the
24 Treasury until transferred by law after the congres-

1 sional defense committees receive the final report
2 transmitted under subsection (c)(2),

3 (b) USE OF FUNDS.—

4 (1) The Secretary may use the funds in the Ac-
5 count only for the purposes described in section
6 3005 with respect to military installations approved
7 for closure or realignment under this title.

8 (2) When a decision is made to use funds in the
9 Account to carry out a military construction project
10 under section 3005(a), of this title only military con-
11 struction projects contained in the master plan for
12 approved recommendations shall be carried out with-
13 out regard to section 2802(a) of title 10, United
14 States Code

15 (3) Except as provided by section 2853 of title
16 10, United States Code, the cost and scope of work
17 for a military construction project identified in a
18 master plan for an approved recommendation may
19 not be change.

20 (4) In the case of military construction projects
21 that are not contained in the master plan for ap-
22 proved recommendations, such construction projects
23 shall be conducted in accordance with the applicable
24 sections of chapter 169 of title 10, United States
25 Code.

1 (c) REPORTS.—

2 (1)(A) No later than 60 days after the end of
3 each fiscal year in which the Secretary carries out
4 activities under this title using amounts in the Ac-
5 count, the Secretary shall transmit a report to the
6 congressional defense committees of—

7 (i) the amount and nature of the de-
8 posits into, and the expenditures from, the
9 Account during such fiscal year;

10 (ii) the amount and nature of other
11 expenditures made pursuant to section
12 3005(a) during such fiscal year;

13 (iii) the amount and nature of antici-
14 pated deposits to be made into, and the
15 anticipated expenditures to be made from,
16 the Account during the first fiscal year
17 commencing after the submission of the re-
18 port; and

19 (iv) the amount and nature of antici-
20 pated expenditures to be made pursuant to
21 section 3005(a) during the first fiscal year
22 commencing after the submission of the re-
23 port.

24 (B) The report for a fiscal year shall include
25 the following:

1 (i) The obligations and expenditures from
2 the Account during the fiscal year, identified by
3 subaccount and installation, for each military
4 department and Defense Agency.

5 (ii) The fiscal year in which appropriations
6 for such expenditures were made and the fiscal
7 year in which finds were obligated for such ex-
8 penditures.

9 (iii) Each military construction project for
10 which such obligations and expenditures were
11 made, identified by installation and project title.

12 (iv) A description and explanation of the
13 extent, if any, to which expenditures for mili-
14 tary construction projects for the fiscal year dif-
15 fered from proposals for projects and funding
16 levels that were included in the justification
17 transmitted to Congress under section 3007(1),
18 or otherwise, for the funding proposals for the
19 Account for such fiscal year, including an expla-
20 nation of—

21 (I) any failure to carry out military
22 construction projects that were so pro-
23 posed; and

1 (II) any expenditures for military con-
2 struction projects that were not so pro-
3 posed.

4 (v) An estimate of the net revenues to be
5 received from property disposals to be com-
6 pleted during the first fiscal year commencing
7 after the submission of the report at military
8 installations approved for closure or realign-
9 ment under this title.

10 (2) No later than 60 days after the closure of
11 the Account under subsection (a)(3), the Secretary
12 shall transmit to the congressional defense commit-
13 tees a report containing an accounting of—

14 (A) all the funds deposited into and ex-
15 pended from the Account or otherwise expended
16 under this title with respect to such installa-
17 tions; and

18 (B) any amount remaining in the Account.

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

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

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

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

15 (A) commissary stores; and

16 (B) real property and facilities for non-
17 appropriated fund instrumentalities.

18 (4) As used in this subsection:

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

23 (B) The term “nonappropriated funds” means
24 funds received from a nonappropriated fund instru-
25 mentality.

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

10 (e) ACCOUNT EXCLUSIVE SOURCE OF FUNDS FOR
11 ENVIRONMENTAL RESTORATION PROJECTS.—Except for
12 funds deposited into the Account under subsection (a),
13 funds appropriated to the Department of Defense may not
14 be used for purposes described in section 3005(a)(1)(C).
15 The prohibition in this subsection shall expire upon the
16 closure of the Account under subsection (a)(3).

17 (f) AUTHORIZED COST AND SCOPE OF WORK VARI-
18 ATIONS.—(1) Subject to paragraphs (2) and (3), the cost
19 authorized for a military construction project or military
20 family housing project to be carried out using funds in
21 the Account may not be increased or reduced by more than
22 20 percent or \$2,000,000, whichever is less, of the amount
23 specified for the project in the conference report to accom-
24 pany the Military Construction Authorization Act author-
25 izing the project. The scope of work for such a project

1 may not be reduced by more than 25 percent from the
2 scope specified in the most recent budget documents for
3 the projects listed in such conference report.

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

12 (3) The limitation on cost or scope variation in para-
13 graph (1) shall not apply if the Secretary of Defense
14 makes a determination that an increase or reduction in
15 cost or a reduction in the scope of work for a military
16 construction project or military family housing project to
17 be carried out using funds in the Account needs to be
18 made for the sole purpose of meeting unusual variations
19 in cost or scope. If the Secretary makes such a determina-
20 tion, the Secretary shall notify the congressional defense
21 committees of the variation in cost or scope not later than
22 21 days before the date on which the variation is made
23 in connection with the project or, if the notification is pro-
24 vided in an electronic medium pursuant to section 480 of
25 title 10, United States Code, not later than 14 days before

1 the date on which the variation is made. The Secretary
2 shall include the reasons for the variation in the notifica-
3 tion.

4 **SEC. 3007. REPORTS.**

5 As part of the budget request for fiscal year 2019
6 and for each fiscal year thereafter through fiscal year
7 2029 for the Department of Defense, the Secretary shall
8 transmit to the congressional defense committees—

9 (1) a schedule of the closure actions to be car-
10 ried out under this title in the fiscal year for which
11 the request is made and an estimate of the total ex-
12 penditures required and cost savings to be achieved
13 by each such closure and of the time period in which
14 these savings are to be achieved in each case, to-
15 gether with the Secretary's assessment of the envi-
16 ronmental effects of such actions;

17 (2) a description of the military installations,
18 including those under construction and those
19 planned for construction, to which functions are to
20 be transferred as a result of such closures, together
21 with the Secretary's assessment of the environmental
22 effects of such transfers;

23 (3) a description of the closure actions already
24 carried out at each military installation since the
25 date of the installation's approval for closure under

1 this title and the current status of the closure of the
2 installation, including whether—

3 (A) a redevelopment authority has been
4 recognized by the Secretary for the installation;

5 (B) the screening of property at the instal-
6 lation for other Federal use has been com-
7 pleted; and

8 (C) a redevelopment plan has been agreed
9 to by the redevelopment authority for the in-
10 stallation;

11 (4) a description of redevelopment plans for
12 military installations approved for closure under this
13 title, the quantity of property remaining to be dis-
14 posed of at each installation as part of its closure,
15 and the quantity of property already disposed of at
16 each installation;

17 (5) a list of the Federal agencies that have re-
18 quested property during the screening process for
19 each military installation approved for closure under
20 this title, including the date of transfer or antici-
21 pated transfer of the property to such agencies, the
22 acreage involved in such transfers, and an expla-
23 nation for any delays in such transfers;

24 (6) a list of known environmental remediation
25 issues at each military installation approved for clo-

1 sure under this title, including the acreage affected
2 by these issues, an estimate of the cost to complete
3 such environmental remediation, and the plans (and
4 timelines) to address such environmental remedi-
5 ation; and

6 (7) an estimate of the date for the completion
7 of all closure actions at each military installation ap-
8 proved for closure or realignment under this title.

9 **SEC. 3008. CONGRESSIONAL CONSIDERATION OF COMMIS-**
10 **SION REPORT.**

11 (a) **TERMS OF THE RESOLUTION.**—For purposes of
12 section 3004(b), the term “joint resolution” means only
13 a joint resolution which is introduced within the 10-day
14 period beginning on the date on which the President trans-
15 mits the report to the Congress under section 3003(i),
16 and—

17 (1) which does not have a preamble;

18 (2) the matter after the resolving clause of
19 which is as follows: “That Congress disapproves the
20 recommendations of the Defense Base Closure and
21 Realignment Commission as submitted by the Presi-
22 dent on”, the blank space being filled in with the ap-
23 propriate date; and

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

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

10 (c) DISCHARGE.—If the committee to which a resolu-
11 tion described in subsection (a) is referred has not re-
12 ported such a resolution (or an identical resolution) by the
13 end of the 20-day period beginning on the date on which
14 the President transmits the report to the Congress under
15 section 3003(i), such committee shall be, at the end of
16 such period, discharged from further consideration of such
17 resolution, and such resolution shall be placed on the ap-
18 propriate calendar of the House involved.

19 (d) CONSIDERATION.—(1) On or after the third day
20 after the date on which the committee to which such a
21 resolution is referred has reported, or has been discharged
22 (under subsection (c)) from further consideration of, such
23 a resolution, it is in order (even though a previous motion
24 to the same effect has been disagreed to) for any Member
25 of the respective House to move to proceed to the consider-

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

22 (2) Debate on the resolution, and on all debatable
23 motions and appeals in connection therewith, shall be lim-
24 ited to not more than 2 hours, which shall be divided
25 equally between those favoring and those opposing the res-

1 olution. An amendment to the resolution is not in order.
2 A motion further to limit debate is in order and not debat-
3 able. A motion to postpone, or a motion to proceed to the
4 consideration of other business, or a motion to recommit
5 the resolution is not in order. A motion to reconsider the
6 vote by which the resolution is agreed to or disagreed to
7 is not in order.

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

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

19 (e) CONSIDERATION BY OTHER HOUSE.—(1) If, be-
20 fore the passage by one House of a resolution of that
21 House described in subsection (a), that House receives
22 from the other House a resolution described in subsection
23 (a), then the following procedures shall apply:

24 (A) The resolution of the other House shall not
25 be referred to a committee and may not be consid-

1 ered in the House receiving it except in the case of
2 final passage as provided in subparagraph (B)(ii).

3 (B) With respect to a resolution described in
4 subsection (a) of the House receiving the resolu-
5 tion—

6 (i) the procedure in that House shall be
7 the same as if no resolution had been received
8 from the other House; but

9 (ii) the vote on final passage shall be on
10 the resolution of the other House.

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

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

16 (1) as an exercise of the rulemaking power of
17 the Senate and House of Representatives, respec-
18 tively, and as such it is deemed a part of the rules
19 of each House, respectively, but applicable only with
20 respect to the procedure to be followed in that
21 House in the case of a resolution described in sub-
22 section (a), and it supersedes other rules only to the
23 extent that it is inconsistent with such rules; and

24 (2) with full recognition of the constitutional
25 right of either House to change the rules (so far as

1 relating to the procedure of that House) at any time,
2 in the same manner, and to the same extent as in
3 the case of any other rule of that House.

4 **SEC. 3009. RESTRICTION ON OTHER BASE CLOSURE AU-**
5 **THORITY.**

6 (a) **IN GENERAL.**—Except as provided in subsection
7 (c), during the period beginning on the date of the enact-
8 ment of this title, and ending on April 15, 2018, this title
9 shall be the exclusive authority for selecting for closure
10 or realignment, or for carrying out any closure or realign-
11 ment of, a military installation inside the United States.

12 (b) **RESTRICTION.**—Except as provided in subsection
13 (c), none of the funds available to the Department of De-
14 fense may be used, other than under this title, during the
15 period specified in subsection (a)—

16 (1) to identify, through any transmittal to the
17 Congress or through any other public announcement
18 or notification, any military installation inside the
19 United States as an installation to be closed or re-
20 aligned or as an installation under consideration for
21 closure or realignment; or

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

24 (c) **EXCEPTION.**—Nothing in this title affects the au-
25 thority of the Secretary to carry out closures and realign-

1 ments to which section 2687 of title 10, United States
2 Code, is not applicable, including closures and realign-
3 ments carried out for reasons of national security or a
4 military emergency referred to in subsection (c) of such
5 section.

6 **SEC. 3010. DEFINITIONS.**

7 As used in this title:

8 (1) The term “Account” means the Department
9 of Defense Base Closure Account 2017 established
10 by section 3006(a)(1).

11 (2) The term “BRAC round” means a base re-
12 alignment and closure round authorized by—

13 (A) this title;

14 (B) the Defense Base Closure and Realign-
15 ment Act of 1990 (part A of title XXIX of
16 Public Law 101–510; 10 U.S.C. 2687 note); or

17 (C) title II of the Defense Authorization
18 Amendments and Base Closure and Realign-
19 ment Act (Public Law 100–526; 10 U.S.C.
20 2687 note).

21 (3) The term “congressional defense commit-
22 tees” means the Committee on Armed Services and
23 the Committee on Appropriations of the Senate and
24 the Committee on Armed Services and the Com-

1 mittee on Appropriations of the House of Represent-
2 atives.

3 (4) The term “Commission” means the Defense
4 Base Closure and Realignment Commission of 2017
5 established by section 3002.

6 (5) The term “date of approval”, with respect
7 to a closure or realignment of an installation, means
8 the date on which the authority of Congress to dis-
9 approve a recommendation of closure or realign-
10 ment, as the case may be, of such installation under
11 this title expires.

12 (6) The term “master plan” means a list of
13 each facility action (including construction, develop-
14 ment, conversion, or extension, any acquisition of
15 land necessary to produce a complete and usable fa-
16 cility or a complete and usable improvement to an
17 existing facility) required to carry out a decision, in-
18 cluding the scope, costs and timing of each construc-
19 tion activity as documented in military construction
20 project data justifications.

21 (7) The term “military installation” means a
22 base, camp, post, station, yard, center, homeport fa-
23 cility for any ship, or other activity under the juris-
24 diction of the Department of Defense, including any
25 leased facility. Such term does not include any facil-

1 ity used primarily for civil works, rivers and harbors
2 projects, flood control, or other projects not under
3 the primary jurisdiction or control of the Depart-
4 ment of Defense.

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

11 (9) The term “redevelopment authority”, in the
12 case of an installation to be closed or realigned
13 under this title, means any entity (including an enti-
14 ty established by a State or local government) recog-
15 nized by the Secretary of Defense as the entity re-
16 sponsible for developing the redevelopment plan with
17 respect to the installation or for directing the imple-
18 mentation of such plan.

19 (10) The term “redevelopment plan” in the
20 case of an installation to be closed or realigned
21 under this title, means a plan that—

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

24 (B) provides for the reuse or redevelop-
25 ment of the real property and personal property

1 of the installation that is available for such
2 reuse and redevelopment as a result of the clo-
3 sure or realignment of the installation.

4 (11) The term “representative of the homeless”
5 has the meaning given such term in section
6 501(i)(4) of the Stewart B. McKinney Homeless As-
7 sistance Act (42 U.S.C. 11411(i)(4)).

8 (12) The term “Secretary” means the Secretary
9 of Defense.

10 (13) The term “United States” means the 50
11 States, the District of Columbia, the Commonwealth
12 of Puerto Rico, Guam, the United States Virgin Is-
13 lands, American Samoa, and any other common-
14 wealth, territory, or possession of the United States.

15 **SEC. 3011. TREATMENT AS A BASE CLOSURE LAW FOR PUR-**
16 **POSES OF OTHER PROVISIONS OF LAW.**

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

21 “(D) The Defense Base Closure and Re-
22 alignment Act of 2014.”.

23 (b) DEFINITION OF “BASE CLOSURE LAW” IN
24 OTHER LAWS.—

1 (1) Section 131(b) of Public Law 107–249 (10
2 U.S.C. 221 note) is amended by striking “means”
3 and all that follows and inserting “has the meaning
4 given the term ‘base closure law’ in section
5 101(a)(17) of title 10, United States Code.”.

6 (2) Section 1334(k)(1) of the National Defense
7 Authorization Act for Fiscal Year 1994 (Public Law
8 103-160; 10 U.S.C. 2701 note) is amended by add-
9 ing at the end the following new subparagraph:

10 “(C) The Defense Base Closure and Re-
11 alignment Act of 2014.”.

12 (3) Section 2918(a)(1) of the National Defense
13 Authorization Act for Fiscal Year 1994 (Public Law
14 103–160; 10 U.S.C. 2687 note) is amended by add-
15 ing at the end the following new subparagraph:

16 “(C) The Defense Base Closure and Re-
17 alignment Act of 2014.”.

18 **SEC. 3012. CONFORMING AMENDMENTS.**

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

21 (1) in paragraph (5), by striking “on or after
22 January 1, 2005,” and inserting “from January 1,
23 2005 through December 31, 2005,”; and

24 (2) by adding at the end the following new
25 paragraph:

1 “(6) Money rentals received by the United States
2 from a lease under subsection (g) at a military installation
3 approved for closure or realignment under the Defense
4 Base Closure and Realignment Act of 2014 shall be depos-
5 ited into the account established under section 3006 of
6 such Act.”.

7 (b) REQUESTS BY PUBLIC AGENCIES FOR PROPERTY
8 FOR PUBLIC AIRPORTS.—Section 47151(g) of title 49,
9 United States Code, is amended by striking “section 2687
10 of title 10, section 201 of the Defense Authorization
11 Amendments and Base Closure and Realignment Act (10
12 U.S.C. 2687 note), or section 2905 of the Defense Base
13 Closure and Realignment Act of 1990 (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,”.

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

