

1 **TITLE XXIX—DEFENSE BASE CLOSURE AND REALIGNMENT**

2
3 **SEC. 2901. SHORT TITLE AND PURPOSE.**

4
5 (a) **SHORT TITLE.**—This title may be cited as the “Defense Base Closure and Realignment
6 Act of 2012”.

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

10
11 **SEC. 2902. THE COMMISSION.**

12
13 (a) **ESTABLISHMENT.**—There is established an independent commission to be known as
14 the “Defense Base Closure and Realignment Commission”.

15
16 (b) **DUTIES.**—The Commission shall carry out the duties specified for it in this title.

17
18 (c) **APPOINTMENT.**—(1)(A) The Commission shall be composed of nine members
19 appointed by the President, by and with the advice and consent of the Senate.

20 (B) Subject to the certifications required under section 2903(b), the President may
21 commence a round for the selection of military installations for closure and realignment under
22 this title in 2013 and 2015 by transmitting to the Senate, nominations for appointment to the
23 Commission—

24 (i) by no later than March 1, 2013, in the case of members of the Commission
25 whose terms will expire at the end of the first session of the 113th Congress; and

26 (ii) by no later than March 2, 2015, in the case of members of the Commission
27 whose terms will expire at the end of the first session of the 114th Congress.

28 (C) If the President does not transmit to Congress the nominations for appointment to the
29 Commission on or before the date specified, the process by which military installations may be
30 selected for closure or realignment under this title with respect to that year shall be terminated.

31 (2) In selecting individuals for nominations for appointments to the Commission, the
32 President should consult with—

33 (A) the Speaker of the House of Representatives concerning the appointment of
34 two members;

35 (B) the majority leader of the Senate concerning the appointment of two
36 members;

37 (C) the minority leader of the House of Representatives concerning the
38 appointment of one member; and

39 (D) the minority leader of the Senate concerning the appointment of one member.

40 (3) At the time the President nominates individuals for appointment to the Commission
41 for each session of Congress referred to in paragraph (1)(B), the President shall designate one
42 such individual who shall serve as Chairman of the Commission.

43
44 (d) **TERMS.**—(1) Except as provided in paragraph (2), each member of the Commission
45 shall serve until the adjournment of Congress sine die for the session during which the member
46 was appointed to the Commission.

1 (2) The Chairman of the Commission shall serve until the confirmation of a successor.

2
3 (e) MEETINGS.—(1) The Commission shall meet only during calendar years 2013 and
4 2015.

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

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

9 (i) The Chairman and the ranking minority party member of the Subcommittee on
10 Readiness and Management Support of the Committee on Armed Services of the Senate,
11 or such other members of the Subcommittee designated by such Chairman or ranking
12 minority party member.

13 (ii) The Chairman and the ranking minority party member of the Subcommittee
14 on Readiness of the Committee on Armed Services of the House of Representatives, or
15 such other members of the Subcommittee designated by such Chairman or ranking
16 minority party member.

17 (iii) The Chairmen and ranking minority party members of the subcommittees
18 with jurisdiction for military construction of the Committees on Appropriations of the
19 Senate and of the House of Representatives, or such other members of the subcommittees
20 designated by such Chairmen or ranking minority party members.

21
22 (f) VACANCIES.—A vacancy in the Commission shall be filled in the same manner as the
23 original appointment, but the individual appointed to fill the vacancy shall serve only for the
24 unexpired portion of the term for which the individual's predecessor was appointed.

25
26 (g) PAY AND TRAVEL EXPENSES.—(1)(A) Each member, other than the Chairman, shall
27 be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable
28 for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each
29 day (including travel time) during which the member is engaged in the actual performance of
30 duties vested in the Commission.

31 (B) The Chairman shall be paid for each day referred to in subparagraph (A) at a rate
32 equal to the daily equivalent of the minimum annual rate of basic pay payable for level III of the
33 Executive Schedule under section 5314, of title 5, United States Code.

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

36
37 (h) DIRECTOR OF STAFF.—(1) The Commission shall, without regard to section 5311 of
38 title 5, United States Code, appoint a Director who has not served on active duty in the Armed
39 Forces or as a civilian employee of the Department of Defense during the one-year period
40 preceding the date of such appointment.

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

43
44 (i) STAFF.—(1) Subject to paragraphs (2) and (3), the Director, with the approval of the
45 Commission, may appoint and fix the pay of additional personnel.

46 (2) The Director may make such appointments without regard to the provisions of title 5,

1 United States Code, governing appointments in the competitive service, and any personnel so
2 appointed may be paid without regard to the provisions of chapter 51 and subchapter III of
3 chapter 53 of that title relating to classification and General Schedule pay rates, except that an
4 individual so appointed may not receive pay in excess of the annual rate of basic pay payable for
5 GS-15 of the General Schedule.

6 (3)(A) Not more than one-third of the personnel employed by or detailed to the
7 Commission may be on detail from the Department of Defense.

8 (B)(i) Not more than one-fifth of the professional analysts of the Commission staff may
9 be persons detailed from the Department of Defense to the Commission.

10 (ii) No person detailed from the Department of Defense to the Commission may be
11 assigned as the lead professional analyst with respect to a military department or defense agency.

12 (C) A person may not be detailed from the Department of Defense to the Commission if,
13 within 12 months before the detail is to begin, that person participated personally and
14 substantially in any matter within the Department of Defense concerning the preparation of
15 recommendations for closures or realignments of military installations.

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

18 (i) prepare any report concerning the effectiveness, fitness, or efficiency of the
19 performance on the staff of the Commission of any person detailed from the Department
20 of Defense to that staff;

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

22 (iii) approve or disapprove such a report.

23 (4) Upon request of the Director, the head of any Federal department or agency may
24 detail any of the personnel of that department or agency to the Commission to assist the
25 Commission in carrying out its duties under this title.

26 (5) The Comptroller General of the United States shall provide assistance, including the
27 detailing of employees, to the Commission in accordance with an agreement entered into with
28 the Commission.

29 (6) The following restrictions relating to the personnel of the Commission shall apply
30 during 2014:

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

32 (B) The staff may perform only such functions as are necessary to prepare for the
33 transition to new membership on the Commission in the following year.

34 (C) No member of the Armed Forces and no employee of the Department of
35 Defense may serve on the staff.

36
37 (j) OTHER AUTHORITY.—(1) The Commission may procure by contract, to the extent
38 funds are available, the temporary or intermittent services of experts or consultants pursuant to
39 section 3109 of title 5, United States Code.

40 (2) The Commission may lease space and acquire personal property to the extent funds
41 are available.

42
43 (k) FUNDING.—(1) There are authorized to be appropriated to the Commission such funds
44 as are necessary to carry out its duties under this title. Such funds shall remain available until
45 expended.

46 (2) If no funds are appropriated to the Commission by the end of the second session of

1 the 112th Congress for activities of the Commission in 2013 or by the end of the second session
2 of the 113th Congress for the activities of the Commission in 2015, the Secretary of Defense may
3 transfer to the Commission for purposes of its activities under this title in that year such funds as
4 the Commission may require to carry out such activities. The Secretary may transfer funds under
5 the preceding sentence from any funds available to the Secretary. Funds so transferred shall
6 remain available to the Commission for such purposes until expended.

7
8 (l) TERMINATION.—The Commission shall terminate on April 15, 2016.

9
10 (m) PROHIBITION AGAINST RESTRICTING COMMUNICATIONS.—Section 1034 of title 10,
11 United States Code, shall apply with respect to communications with the Commission.

12
13 **SEC. 2903. PROCEDURE FOR MAKING RECOMMENDATIONS FOR BASE**
14 **CLOSURES AND REALIGNMENTS.**

15
16 (a) FORCE-STRUCTURE PLAN AND INFRASTRUCTURE INVENTORY.—

17 (1) PREPARATION AND SUBMISSION.—Not later than 60 days after the date of the
18 enactment of this Act, with respect to a round of base closures and realignments in
19 calendar year 2013, and as part of the budget justification documents submitted to
20 Congress in support of the budget for the Department of Defense for fiscal year 2015
21 with respect to a round of base closures and realignments in calendar year 2015, the
22 Secretary shall submit to Congress the following:

23 (A) A force-structure plan for the Armed Forces based on an assessment
24 by the Secretary of the probable threats to the national security during the 20-year
25 period beginning with that fiscal year, the probable end-strength levels and major
26 military force units (including land force divisions, carrier and other major
27 combatant vessels, air wings, and other comparable units) needed to meet these
28 threats, and the anticipated levels of funding that will be available for national
29 defense purposes during such period.

30 (B) A comprehensive inventory of military installations world-wide for
31 each military department, with specifications of the number and type of facilities
32 in the active and reserve forces of each military department.

33 (2) RELATIONSHIP OF PLAN AND INVENTORY.—Using the force-structure plan and
34 infrastructure inventory prepared under paragraph (1), the Secretary shall prepare (and
35 include as part of the submission of such plan and inventory) the following:

36 (A) A description of the infrastructure necessary to support the force
37 structure described in the force-structure plan.

38 (B) A discussion of categories of excess infrastructure and infrastructure
39 capacity.

40 (C) An economic analysis of the effect of the closure or realignment of
41 military installations to reduce excess infrastructure.

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

44 (A) The anticipated continuing need for and availability of military
45 installations outside the United States, taking into account current restrictions on
46 the use of military installations outside the United States and the potential for

1 future prohibitions or restrictions on the use of such military installations.

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

4 (4) REVISION.—The Secretary may revise the force-structure plan and
5 infrastructure inventory; If the Secretary makes such a revision, the Secretary shall
6 submit the revised plan or inventory to Congress not later than March 15th of the year
7 following the year in which such plan was first submitted. For purposes of selecting
8 military installations for closure or realignment under this title in the year in which a
9 revision is submitted, no revision of the force-structure plan or infrastructure inventory is
10 authorized after that date.

11
12 (b) CERTIFICATION OF NEED FOR FURTHER CLOSURES AND REALIGNMENTS.—

13 (1) CERTIFICATION REQUIRED.—On the basis of the force-structure plan and
14 infrastructure inventory prepared under subsection (a) and the descriptions and economic
15 analysis prepared under such subsection, the Secretary shall include as part of the
16 submission of the plan and inventory—

17 (A) a certification regarding whether the need exists for the closure or
18 realignment of additional military installations; and

19 (B) if such need exists, a certification that the additional round of closures
20 and realignments would result in annual net savings for each of the military de-
21 partments beginning not later than six years following the commencement of such
22 closures and realignments.

23 (2) EFFECT OF FAILURE TO CERTIFY.—If the Secretary does not include the
24 certifications referred to in paragraph (1), the President may not commence a round for
25 the selection of military installations for closure and realignment under this title in the
26 year following submission of the force-structure plan and infrastructure inventory.

27
28 (c) COMPTROLLER GENERAL EVALUATION.—

29 (1) EVALUATION REQUIRED.—If the certification is provided under subsection (b),
30 the Comptroller General shall prepare an evaluation of the following:

31 (A) The force-structure plan and infrastructure inventory prepared under
32 subsection (a) and the final selection criteria specified in paragraph (d), including
33 an evaluation of the accuracy and analytical sufficiency of such plan, inventory,
34 and criteria.

35 (B) The need for the closure or realignment of additional military
36 installations.

37 (2) SUBMISSION.—The Comptroller General shall submit the evaluation to
38 Congress not later than 60 days after the date on which the force-structure plan and infra-
39 structure inventory are submitted to Congress.

40
41 (d) FINAL SELECTION CRITERIA.—

42 (1) IN GENERAL.—The final criteria to be used by the Secretary in making
43 recommendations for the closure or realignment of military installations inside the United
44 States under this title in 2013 and 2015 shall be the military value and other criteria
45 specified in paragraphs (2) and (3).

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

1 (A) The current and future mission capabilities and the impact on
2 operational readiness of the total force of the Department of Defense, including
3 the impact on joint warfighting, training, and readiness.

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

9 (C) The ability to accommodate contingency, mobilization, surge, and
10 future total force requirements at both existing and potential receiving locations to
11 support operations and training.

12 (D) The cost of operations and the manpower implications.

13 (3) OTHER CRITERIA.—The other criteria that the Secretary shall use in making
14 recommendations for the closure or realignment of military installations inside the United
15 States under this title in 2013 and 2015 are as follows:

16 (A) The extent and timing of potential costs and savings, including the
17 number of years, beginning with the date of completion of the closure or
18 realignment, for the savings to exceed the costs.

19 (B) The economic impact on existing communities in the vicinity of
20 military installations.

21 (C) The ability of the infrastructure of both the existing and potential
22 receiving communities to support forces, missions, and personnel.

23 (D) The environmental impact, including the impact of costs related to
24 potential environmental restoration, waste management, and environmental
25 compliance activities.

26
27 (e) PRIORITY GIVEN TO MILITARY VALUE.—The Secretary shall give priority
28 consideration to the military value criteria specified in subsection (d)(2) in the making of
29 recommendations for the closure or realignment of military installations.

30
31 (f) EFFECT ON DEPARTMENT AND OTHER AGENCY COSTS.—The selection criteria relating
32 to the cost savings or return on investment from the proposed closure or realignment of military
33 installations shall take into account the effect of the proposed closure or realignment on the costs
34 of any other activity of the Department of Defense or any other Federal agency that may be
35 required to assume responsibility for activities at the military installations.

36
37 (g) RELATION TO OTHER MATERIALS.—The final selection criteria specified in this
38 section shall be the only criteria to be used, along with the force-structure plan and infrastructure
39 inventory referred to in subsection (a), in making recommendations for the closure or
40 realignment of military installations inside the United States under this title in 2013 and 2015.

41
42 (h) DOD RECOMMENDATIONS.—(1) If the Secretary makes the certifications required
43 under subsection (b), the Secretary shall, by no later than May 17, 2013, and May 15, 2015,
44 publish in the Federal Register and transmit to the congressional defense committees and to the
45 Commission a list of the military installations inside the United States that the Secretary
46 recommends for closure or realignment on the basis of the force-structure plan and infrastructure

1 inventory prepared by the Secretary under subsection (a) and the final selection criteria specified
2 in subsection (d) that are applicable to the year concerned.

3 (2) The Secretary shall include, with the list of recommendations published and
4 transmitted pursuant to paragraph (1), a summary of the selection process that resulted in the
5 recommendation for each installation, including a justification for each recommendation. The
6 Secretary shall transmit the matters referred to in the preceding sentence not later than 7 days
7 after the date of the transmittal to the congressional defense committees and the Commission of
8 the list referred to in paragraph (1).

9 (3)(A) In considering military installations for closure or realignment, the Secretary shall
10 consider all military installations inside the United States equally without regard to whether the
11 installation has been previously considered or proposed for closure or realignment by the
12 Department.

13 (B) In considering military installations for closure or realignment, the Secretary may not
14 take into account for any purpose any advance conversion planning undertaken by an affected
15 community with respect to the anticipated closure or realignment of an installation.

16 (C) For purposes of subparagraph (B), in the case of a community anticipating the
17 economic effects of a closure or realignment of a military installation, advance conversion
18 planning—

19 (i) shall include community adjustment and economic diversification planning
20 undertaken by the community before an anticipated selection of a military installation in
21 or near the community for closure or realignment; and

22 (ii) may include the development of contingency redevelopment plans, plans for
23 economic development and diversification, and plans for the joint use (including civilian
24 and military use, public and private use, civilian dual use, and civilian shared use) of the
25 property or facilities of the installation after the anticipated closure or realignment.

26 (D) In making recommendations to the Commission, the Secretary shall consider any
27 notice received from a local government in the vicinity of a military installation that the
28 government would approve of the closure or realignment of the installation,

29 (E) Notwithstanding the requirement in subparagraph (D), the Secretary shall make the
30 recommendations referred to in that subparagraph based on the force-structure plan,
31 infrastructure inventory, and final selection criteria otherwise applicable to such
32 recommendations.

33 (F) The recommendations shall include a statement of the result of the consideration of
34 any notice described in subparagraph (D) that is received with respect to a military installation
35 covered by such recommendations. The statement shall set forth the reasons for the result.

36 (4) In addition to making all information used by the Secretary to prepare the
37 recommendations under this subsection available to Congress (including any committee or
38 member of Congress), the Secretary shall also make such information available to the
39 Commission and the Comptroller General of the United States.

40 (5)(A) Each person referred to in subparagraph (B), when submitting information to the
41 Secretary of Defense or the Commission concerning the closure or realignment of a military
42 installation, shall certify that such information is accurate and complete to the best of that
43 persons knowledge and belief.

44 (B) Subparagraph (A) applies to the following persons:

45 (i) The Secretaries of the military departments.

46 (ii) The heads of the Defense Agencies.

1 (iii) Each person who is in a position the duties of which include personal and
2 substantial involvement in the preparation and submission of information and
3 recommendations concerning the closure or realignment of military installations, as
4 designated in regulations which the Secretary of Defense shall prescribe, regulations
5 which the Secretary of each military department shall prescribe for personnel within that
6 military department, or regulations which the head of each Defense Agency shall
7 prescribe for personnel within that Defense Agency.

8 (6) Any information provided to the Commission by a person described in paragraph
9 (5)(B) shall also be submitted to the Senate and the House of Representatives to be made
10 available to the Members of the House concerned in accordance with the rules of that House.
11 The information shall be submitted to the Senate and House of Representatives within 48 hours
12 after the submission of the information to the Commission.

13
14 (i) REVIEW AND RECOMMENDATIONS BY THE COMMISSION.—(1) After receiving the
15 recommendations from the Secretary pursuant to subsection (h) for any year, the Commission
16 shall conduct public hearings on the recommendations. All testimony before the Commission at a
17 public hearing conducted under this paragraph shall be presented under oath.

18 (2)(A) The Commission shall, by no later than October 1 of each year in which the
19 Secretary transmits recommendations to it pursuant to subsection (h), transmit to the President a
20 report containing the Commission's findings and conclusions based on a review and analysis of
21 the recommendations made by the Secretary, together with the Commission's recommendations
22 for closures and realignments of military installations inside the United States.

23 (B) Subject to subparagraphs (C) and (E), in making its recommendations, the
24 Commission may make changes in any of the recommendations made by the Secretary if the
25 Commission determines that the Secretary deviated substantially from the force-structure plan
26 and final criteria referred to in subsection (d)(1) in making recommendations.

27 (C) In the case of a change described in subparagraph (D) in the recommendations made
28 by the Secretary, the Commission may make the change only if—

29 (i) the Commission—

30 (I) makes the determination required by subparagraph (B);

31 (II) determines that the change is consistent with the force-structure plan
32 and final criteria referred to in subsection (d)(1);

33 (III) publishes a notice of the proposed change in the *Federal Register* not
34 less than 45 days before transmitting its recommendations to the President
35 pursuant to subparagraph (A); and

36 (IV) conducts public hearings on the proposed change;

37 (ii) at least two members of the Commission visit the military installation before
38 the date of the transmittal of the report; and

39 (iii) the decision of the Commission to make the change is supported by at least
40 seven members of the Commission.

41 (D) Subparagraph (C) shall apply to a change by the Commission in the Secretary's
42 recommendations that would—

43 (i) add a military installation to the list of military installations recommended by
44 the Secretary for closure;

45 (ii) add a military installation to the list of military installations recommended by
46 the Secretary for realignment; or

1 (iii) increase the extent of a realignment of a particular military installation
2 recommended by the Secretary.

3 (E) The Commission may not consider making a change in the recommendations of the
4 Secretary that would add a military installation to the Secretary's list of installations
5 recommended for closure or realignment unless, in addition to the requirements of subparagraph
6 (C)—

7 (i) the Commission provides the Secretary with at least a 15-day period, before
8 making the change, in which to submit an explanation of the reasons why the installation
9 was not included on the closure or realignment list by the Secretary; and

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

12 (F) In making recommendations under this paragraph, the Commission may not take into
13 account for any purpose any advance conversion planning undertaken by an affected community
14 with respect to the anticipated closure or realignment of a military installation.

15 (3) The Commission shall explain and justify in its report submitted to the President
16 pursuant to paragraph (2) any recommendation made by the Commission that is different from
17 the recommendations made by the Secretary pursuant to subsection (h). The Commission shall
18 transmit a copy of such report to the congressional defense committees on the same date on
19 which it transmits its recommendations to the President under paragraph (2).

20 (4) After October 1 of each year in which the Commission transmits recommendations to
21 the President under this subsection, the Commission shall promptly provide, upon request, to any
22 Member of Congress information used by the Commission in making its recommendations.

23 (5) The Comptroller General of the United States shall—

24 (A) assist the Commission, to the extent requested, in the Commission's review
25 and analysis of the recommendations made by the Secretary pursuant to subsection (h);
26 and

27 (B) by no later than July 1 of each year in which the Secretary makes such
28 recommendations, transmit to the Congress and to the Commission a report containing a
29 detailed analysis of the Secretary's recommendations and selection process.

30
31 (j) REVIEW BY THE PRESIDENT.—(1) The President shall, by no later than October 15 of
32 each year in which the Commission makes recommendations under subsection (i), transmit to the
33 Commission and to the Congress a report containing the President's approval or disapproval of
34 the Commission's recommendations.

35 (2) If the President approves all the recommendations of the Commission, the President
36 shall transmit a copy of such recommendations to the Congress, together with a certification of
37 such approval.

38 (3) If the President disapproves the recommendations of the Commission, in whole or in
39 part, the President shall transmit to the Commission and the Congress the reasons for that
40 disapproval. The Commission shall then transmit to the President, by no later than November 18
41 of the year concerned, a revised list of recommendations for the closure and realignment of
42 military installations.

43 (4) If the President approves all of the revised recommendations of the Commission
44 transmitted to the President under paragraph (3), the President shall transmit a copy of such
45 revised recommendations to the Congress, together with a certification of such approval.

46 (5) If the President does not transmit to the Congress an approval and certification

1 described in paragraph (2) or (4) by December 2 of any year in which the Commission has
2 transmitted recommendations to the President under this title, the process by which military
3 installations may be selected for closure or realignment under this title with respect to that year
4 shall be terminated.

5
6 **SEC. 2904. CLOSURE AND REALIGNMENT OF MILITARY INSTALLATIONS.**
7

8 (a) IN GENERAL.—Subject to subsection (b), the Secretary shall—

9 (1) close all military installations recommended for closure by the Commission in
10 each report transmitted to the Congress by the President pursuant to section 2903(j);

11 (2) realign all military installations recommended for realignment by such
12 Commission in each such report;

13 (3) carry out the privatization in place of a military installation recommended for
14 closure or realignment by the Commission only if privatization in place is a method of
15 closure or realignment of the military installation specified in the recommendations of the
16 Commission in such report and is determined by the Commission to be the most cost-
17 effective method of implementation of the recommendation;

18 (4) initiate all such closures and realignments no later than two years after the date
19 on which the President transmits a report to the Congress pursuant to section 2903(j)
20 containing the recommendations for such closures or realignments; and

21 (5) complete all such closures and realignments no later than the end of the six-
22 year period beginning on the date on which the President transmits the report pursuant to
23 section 2903(j) containing the recommendations for such closures or realignments.
24

25 (b) CONGRESSIONAL DISAPPROVAL.—(1) The Secretary may not carry out any closure or
26 realignment recommended by the Commission in a report transmitted from the President
27 pursuant to section 2903(j) if a joint resolution is enacted, in accordance with the provisions of
28 section 2908, disapproving such recommendations of the Commission before the earlier of—

29 (A) the end of the 45-day period beginning on the date on which the President
30 transmits such report; or

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

33 (2) For purposes of paragraph (1) of this subsection and subsections (a) and (c) of section
34 2908, the days on which either House of Congress is not in session because of adjournment of
35 more than three days to a day certain shall be excluded in the computation of a period.
36

37 **SEC. 2905. IMPLEMENTATION.**

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

40 (A) take such actions as may be necessary to close or realign any military
41 installation, including the acquisition of such land, the construction of such replacement
42 facilities, the performance of such activities, and the conduct of such advance planning
43 and design as may be required to transfer functions from a military installation being
44 closed or realigned to another military installation, and may use for such purpose funds in
45 the Account or funds appropriated to the Department of Defense for use in planning and
46 design, minor construction, or operation and maintenance;

1 (B) provide—

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

4 (ii) community planning assistance to any community located near a
5 military installation to which functions will be transferred as a result of the
6 closure or realignment of a military installation,

7 if the Secretary of Defense determines that the financial resources available to the
8 community (by grant or otherwise) for such purposes are inadequate, and may use for
9 such purposes funds in the Account or funds appropriated to the Department of Defense
10 for economic adjustment assistance or community planning assistance;

11 (C) carry out activities for the purposes of environmental restoration and
12 mitigation at any such installation, and shall use for such purposes funds in the Account.

13 (D) provide outplacement assistance to civilian employees employed by the
14 Department of Defense at military installations being closed or realigned, and may use
15 for such purpose funds in the Account or funds appropriated to the Department of
16 Defense for outplacement assistance to employees; and

17 (E) reimburse other Federal agencies for actions performed at the request of the
18 Secretary with respect to any such closure or realignment, and may use for such purpose
19 funds in the Account or funds appropriated to the Department of Defense and available
20 for such purpose.

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

25
26 (b) MANAGEMENT AND DISPOSAL OF PROPERTY.—(1) The Administrator of General
27 Services shall delegate to the Secretary of Defense, with respect to excess and surplus real
28 property, facilities, and personal property located at a military installation closed or realigned
29 under this title—

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

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

34 (C) the authority to dispose of surplus property for public airports under sections
35 47151 through 47153 of title 49, United States Code; and

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

39 (2)(A) Subject to subparagraph (B) and paragraphs (3), (4), (5), and (6), the Secretary of
40 Defense shall exercise the authority delegated to the Secretary pursuant to paragraph (1) in
41 accordance with—

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

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

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

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

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

5 (C) The Secretary of Defense may transfer real property or facilities located at a military
6 installation to be closed or realigned under this title, with or without reimbursement, to a military
7 department or other entity (including a nonappropriated fund instrumentality) within the
8 Department of Defense or the Coast Guard.

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

14 (E) If a military installation to be closed, realigned, or placed in an inactive status under
15 this title includes a road used for public access through, into, or around the installation, the
16 Secretary of Defense shall consult with the Governor of the State and the heads of the local
17 governments concerned or the purpose of considering the continued availability of the road for
18 public use after the installation is closed, realigned, or placed in an inactive status.

19 (3)(A) Not later than 6 months after the date of approval of the closure or realignment of
20 a military installation under this title, the Secretary, in consultation with the redevelopment
21 authority with respect to the installation, shall—

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

23 (ii) identify the items (or categories of items) of such personal property that the
24 Secretary determines to be related to real property and anticipates will support the
25 implementation of the redevelopment plan with respect to the installation.

26 (B) If no redevelopment authority referred to in subparagraph (A) exists with respect to
27 an installation, the Secretary shall consult with—

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

29 (ii) a local government agency or State government agency designated for the
30 purpose of such consultation by the chief executive officer of the State in which the
31 installation is located.

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

35 (I) one week after the date on which the redevelopment plan for the
36 installation is submitted to the Secretary;

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

39 (III) twenty-four months after the date of approval of the closure or
40 realignment of the installation; or

41 (IV) ninety days before the date of the closure or realignment of the
42 installation.

43 (ii) The activities referred to in clause (i) are activities relating to the closure or
44 realignment of an installation to be closed or realigned under this title as follows:

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

1 (II) The reduction in maintenance and repair of facilities or equipment located at
2 the installation below the minimum levels required to support the use of such facilities or
3 equipment for nonmilitary purposes.

4 (D) Except as provided in paragraph (4), the Secretary may not transfer items of personal
5 property located at an installation to be closed or realigned under this title to another installation,
6 or dispose of such items, if such items are identified in the redevelopment plan for the
7 installation as items essential to the reuse or redevelopment of the installation. In connection
8 with the development of the redevelopment plan for the installation, the Secretary shall consult
9 with the entity responsible for developing the redevelopment plan to identify the items of
10 personal property located at the installation, if any, that the entity desires to be retained at the
11 installation for reuse or redevelopment of the installation.

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

14 (i) is required for the operation of a unit, function, component, weapon, or
15 weapons system at another installation;

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

18 (iii) is not required for the reutilization or redevelopment of the installation (as
19 jointly determined by the Secretary and the redevelopment authority);

20 (iv) is stored at the installation for purposes of distribution (including spare parts
21 or stock items); or

22 (v)(I) meets known requirements of an authorized program of another Federal
23 department or agency for which expenditures for similar property would be necessary,
24 and (II) is the subject of a written request by the head of the department or agency.

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

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

31 (B) The transfer of property located at a military installation under subparagraph (A) may
32 be for consideration at or below the estimated fair market value or without consideration. The
33 determination of such consideration may account for the economic conditions of the local
34 affected community and the estimated costs to redevelop the property. The Secretary may accept,
35 as consideration, a share of the revenues that the redevelopment authority receives from third-
36 party buyers or lessees from sales and long-term leases of the conveyed property, consideration
37 in kind (including goods and services), real property and improvements, or such other
38 consideration as the Secretary considers appropriate. The transfer of property located at a
39 military installation under subparagraph (A) may be made for consideration below the estimated
40 fair market value or without consideration only if the redevelopment authority with respect to the
41 installation—

42 (i) agrees that the proceeds from any sale or lease of the property (or any portion
43 thereof) received by the redevelopment authority during at least the first seven years after
44 the date of the initial transfer of property under subparagraph (A) shall be used to support
45 the economic redevelopment of, or related to, the installation; and

46 (ii) executes the agreement for transfer of the property and accepts control of the

1 property within a reasonable time after the date of the property disposal record of
2 decision or finding of no significant impact under the National Environmental Policy Act
3 of 1969 (42 U.S.C. 4321 et seq.).

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

8 (i) Road construction.

9 (ii) Transportation management facilities.

10 (iii) Storm and sanitary sewer construction.

11 (iv) Police and fire protection facilities and other public facilities.

12 (v) Utility construction.

13 (vi) Building rehabilitation.

14 (vii) Historic property preservation.

15 (viii) Pollution prevention equipment or facilities.

16 (ix) Demolition.

17 (x) Disposal of hazardous materials generated by demolition.

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

19 (xii) Planning for or the marketing of the development and reuse of the
20 installation.

21 (D) The Secretary may recoup from a redevelopment authority such portion of the
22 proceeds from a sale or lease described in subparagraph (B) as the Secretary determines
23 appropriate if the redevelopment authority does not use the proceeds to support economic
24 redevelopment of, or related to, the installation for the period specified in subparagraph (B).

25 (E)(i) The Secretary may transfer real property at an installation approved for closure or
26 realignment under this title (including property at an installation approved for realignment which
27 will be retained by the Department of Defense or another Federal agency after realignment) to
28 the redevelopment authority for the installation if the redevelopment authority agrees to lease,
29 directly upon transfer, one or more portions of the property transferred under this subparagraph
30 to the Secretary or to the head of another department or agency of the Federal Government.
31 Subparagraph (B) shall apply to a transfer under this subparagraph.

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

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

35 (iv) A lease under clause (i) shall include a provision specifying that if the department or
36 agency concerned ceases requiring the use of the leased property before the expiration of the
37 term of the lease, the remainder of the lease term may be satisfied by the same or another
38 department or agency of the Federal Government using the property for a use similar to the use
39 under the lease. Exercise of the authority provided by this clause shall be made in consultation
40 with the redevelopment authority concerned.

41 (v) Notwithstanding clause (iii), if a lease under clause (i) involves a substantial portion
42 of the installation, the department or agency concerned may obtain facility services for the leased
43 property and common area maintenance from the redevelopment authority or the redevelopment
44 authority's assignee as a provision of the lease. The facility services and common area
45 maintenance shall be provided at a rate no higher than the rate charged to non-Federal tenants of
46 the transferred property. Facility services and common area maintenance covered by the lease

1 shall not include—

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

4 (II) firefighting or security-guard functions.

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

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

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

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

21 (B) The Secretary may, in consultation with the redevelopment authority with respect to
22 an installation, postpone making the final determinations referred to in subparagraph (A) with
23 respect to the installation for such period as the Secretary determines appropriate if the Secretary
24 determines that such postponement is in the best interests of the communities affected by the
25 closure or realignment of the installation.

26 (C)(i) Before acquiring non-Federal real property as the location for a new or
27 replacement Federal facility of any type, the head of the Federal agency acquiring the property
28 shall consult with the Secretary regarding the feasibility and cost advantages of using Federal
29 property or facilities at a military installation closed or realigned or to be closed or realigned
30 under this title as the location for the new or replacement facility. In considering the availability
31 and suitability of a specific military installation, the Secretary and the head of the Federal agency
32 involved shall obtain the concurrence of the redevelopment authority with respect to the
33 installation and comply with the redevelopment plan for the installation.

34 (ii) Not later than 30 days after acquiring non-Federal real property as the location for a
35 new or replacement Federal facility, the head of the Federal agency acquiring the property shall
36 submit to Congress a report containing the results of the consultation under clause (i) and the
37 reasons why military installations referred to in such clause that are located within the area to be
38 served by the new or replacement Federal facility or within a 200-mile radius of the new or
39 replacement facility, whichever area is greater, were considered to be unsuitable or unavailable
40 for the site of the new or replacement facility.

41 (6)(A) The disposal of buildings and property located at installations approved for closure
42 or realignment under this title shall be carried out in accordance with this paragraph.

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

46 (I) identify the buildings and property at the installation for which the Department

1 of Defense has a use, for which another department or agency of the Federal Government
2 has identified a use, or of which another department or agency will accept a transfer;

3 (II) take such actions as are necessary to identify any building or property at the
4 installation not identified under subclause (I) that is excess property or surplus property;

5 (III) submit to the Secretary of Housing and Urban Development and to the
6 redevelopment authority for the installation (or the chief executive officer of the State in
7 which the installation is located if there is no redevelopment authority for the installation
8 at the completion of the determination described in the stem of this sentence) information
9 on any building or property that is identified under subclause (II); and

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

13 (ii) Upon the recognition of a redevelopment authority for an installation covered by this
14 paragraph, the Secretary of Defense shall publish in the Federal Register and in a newspaper of
15 general circulation in the communities in the vicinity of the installation information on the
16 redevelopment authority.

17 (C)(i) State and local governments, representatives of the homeless, and other interested
18 parties located in the communities in the vicinity of an installation covered by this paragraph
19 shall submit to the redevelopment authority for the installation a notice of the interest, if any, of
20 such governments, representatives, and parties in the buildings or property, or any portion
21 thereof, at the installation that are identified under subparagraph (B)(i)(II). A notice of interest
22 under this clause shall describe the need of the government, representative, or party concerned
23 for the buildings or property covered by the notice.

24 (ii) The redevelopment authority for an installation shall assist the governments,
25 representatives, and parties referred to in clause (i) in evaluating buildings and property at the
26 installation for purposes of this subparagraph.

27 (iii) In providing assistance under clause (ii), a redevelopment authority shall—

28 (I) consult with representatives of the homeless in the communities in the vicinity
29 of the installation concerned; and

30 (II) undertake outreach efforts to provide information on the buildings and
31 property to representatives of the homeless, and to other persons or entities interested in
32 assisting the homeless, in such communities.

33 (iv) It is the sense of Congress that redevelopment authorities should begin to conduct
34 outreach efforts under clause (iii)(II) with respect to an installation as soon as is practicable after
35 the date of approval of closure or realignment of the installation.

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

39 (ii) The date specified under clause (i) shall be-

40 (I) in the case of an installation for which a redevelopment authority has been
41 recognized as of the date of the completion of the determinations referred to in paragraph
42 (5), not earlier than 3 months and not later than 6 months after the date of publication of
43 such determination in a newspaper of general circulation in the communities in the
44 vicinity of the installation under subparagraph (B)(i)(IV); and

45 (II) in the case of an installation for which a redevelopment authority is not
46 recognized as of such date, not earlier than 3 months and not later than 6 months after the

1 date of the recognition of a redevelopment authority for the installation.

2 (iii) Upon specifying a date for an installation under this subparagraph, the
3 redevelopment authority for the installation shall—

4 (I) publish the date specified in a newspaper of general circulation in the
5 communities in the vicinity of the installation concerned; and

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

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

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

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

13 (III) A description of the extent to which the program is or will be coordinated
14 with other homeless assistance programs in the communities in the vicinity of the
15 installation.

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

18 (V) A description of the financial plan, the organization, and the organizational
19 capacity of the representative to carry out the program.

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

22 (ii) A redevelopment authority may not release to the public any information submitted to
23 the redevelopment authority under clause (i)(V) without the consent of the representative of the
24 homeless concerned unless such release is authorized under Federal law and under the law of the
25 State and communities in which the installation concerned is located.

26 (F)(i) The redevelopment authority for each installation covered by this paragraph shall
27 prepare a redevelopment plan for the installation. The redevelopment authority shall, in
28 preparing the plan, consider the interests in the use to assist the homeless of the buildings and
29 property at the installation that are expressed in the notices submitted to the redevelopment
30 authority under subparagraph (C).

31 (ii)(I) In connection with a redevelopment plan for an installation, a redevelopment
32 authority and representatives of the homeless shall prepare legally binding agreements that
33 provide for the use to assist the homeless of buildings and property, resources, and assistance on
34 or off the installation. The implementation of such agreements shall be contingent upon the
35 decision regarding the disposal of the buildings and property covered by the agreements by the
36 Secretary of Defense under subparagraph (K) or (L).

37 (II) Agreements under this clause shall provide for the reversion to the redevelopment
38 authority concerned, or to such other entity or entities as the agreements shall provide, of
39 buildings and property that are made available under this paragraph for use to assist the homeless
40 in the event that such buildings and property cease being used for that purpose.

41 (iii) A redevelopment authority shall provide opportunity for public comment on a
42 redevelopment plan before submission of the plan to the Secretary of Defense and the Secretary
43 of Housing and Urban Development under subparagraph (G).

44 (iv) A redevelopment authority shall complete preparation of a redevelopment plan for an
45 installation and submit the plan under subparagraph (G) not later than 9 months after the date
46 specified by the redevelopment authority for the installation under subparagraph (D).

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

4 (ii) A redevelopment authority shall include in an application under clause (i) the
5 following:

6 (I) A copy of the redevelopment plan, including a summary of any public
7 comments on the plan received by the redevelopment authority under subparagraph
8 (F)(iii).

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

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

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

19 (V) An assessment of the manner in which the redevelopment plan balances the
20 expressed needs of the homeless and the need of the communities in the vicinity of the
21 installation for economic redevelopment and other development.

22 (VI) Copies of the agreements that the redevelopment authority proposes to enter
23 into under subparagraph (F)(ii).

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

28 (I) takes into consideration the size and nature of the homeless population in the
29 communities in the vicinity of the installation, the availability of existing services in such
30 communities to meet the needs of the homeless in such communities, and the suitability
31 of the buildings and property covered by the plan for the use and needs of the homeless in
32 such communities;

33 (II) takes into consideration any economic impact of the homeless assistance
34 under the plan on the communities in the vicinity of the installation;

35 (III) balances in an appropriate manner the needs of the communities in the
36 vicinity of the installation for economic redevelopment and other development with the
37 needs of the homeless in such communities;

38 (IV) was developed in consultation with representatives of the homeless and the
39 homeless assistance planning boards, if any, in the communities in the vicinity of the
40 installation; and

41 (V) specifies the manner in which buildings and property, resources, and
42 assistance on or off the installation will be made available for homeless assistance
43 purposes.

44 (ii) It is the sense of Congress that the Secretary of Housing and Urban Development
45 shall, in completing the review of a plan under this subparagraph, take into consideration and be
46 receptive to the predominant views on the plan of the communities in the vicinity of the

1 installation covered by the plan.

2 (iii) The Secretary of Housing and Urban Development may engage in negotiations and
3 consultations with a redevelopment authority before or during the course of a review under
4 clause (i) with a view toward resolving any preliminary determination of the Secretary that a
5 redevelopment plan does not meet a requirement set forth in that clause. The redevelopment
6 authority may modify the redevelopment plan as a result of such negotiations and consultations.

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

11 (v) If the Secretary of Housing and Urban Development determines as a result of such a
12 review that a redevelopment plan does not meet the requirements set forth in clause (i), a notice
13 under clause (iv) shall include—

14 (I) an explanation of that determination; and

15 (II) a statement of the actions that the redevelopment authority must undertake in
16 order to address that determination.

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

20 (I) revise the plan in order to address the determination; and

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

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

26 (J)(i) Not later than 30 days after receiving a revised redevelopment plan under
27 subparagraph (I), the Secretary of Housing and Urban Development shall review the revised plan
28 and determine if the plan meets the requirements set forth in subparagraph (H)(i).

29 (ii) The Secretary of Housing and Urban Development shall notify the Secretary of
30 Defense and the redevelopment authority concerned of the determination of the Secretary of
31 Housing and Urban Development under this subparagraph.

32 (K)(i) Upon receipt of a notice under subparagraph (H)(iv) or (J)(ii) of the determination
33 of the Secretary of Housing and Urban Development that a redevelopment plan for an
34 installation meets the requirements set forth in subparagraph (H)(i), the Secretary of Defense
35 shall dispose of the buildings and property at the installation.

36 (ii) For purposes of carrying out an environmental assessment of the closure or
37 realignment of an installation, the Secretary of Defense shall treat the redevelopment plan for the
38 installation (including the aspects of the plan providing for disposal to State or local
39 governments, representatives of the homeless, and other interested parties) as part of the
40 proposed Federal action for the installation.

41 (iii) The Secretary of Defense shall dispose of buildings and property under clause (i) in
42 accordance with the record of decision or other decision document prepared by the Secretary in
43 accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). In
44 preparing the record of decision or other decision document, the Secretary shall give substantial
45 deference to the redevelopment plan concerned.

46 (iv) The disposal under clause (i) of buildings and property to assist the homeless shall be

1 without consideration.

2 (v) In the case of a request for a conveyance under clause (i) of buildings and property for
3 public benefit under section 550 of title 40, United States Code, or sections 47151 through 47153
4 of title 49, United States Code, the sponsoring Federal agency shall use the eligibility criteria set
5 forth in such section or subchapter II of chapter 471 of title 49, United States Code (as the case
6 may be) to determine the eligibility of the applicant and use proposed in the request for the
7 public benefit conveyance. The determination of such eligibility should be made before
8 submission of the redevelopment plan concerned under subparagraph (G).

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

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

16 (II) consult with the representatives referred to in subclause (I), if any, for
17 purposes of evaluating the continuing interest of such representatives in the use of
18 buildings or property at the installation to assist the homeless;

19 (III) request that each such representative submit to that Secretary the items
20 described in clause (ii); and

21 (IV) based on the actions of that Secretary under subclauses (I) and (II), and on
22 any information obtained by that Secretary as a result of such actions, indicate to the
23 Secretary of Defense the buildings and property at the installation that meet the
24 requirements set forth in subparagraph (H)(i).

25 (ii) The Secretary of Housing and Urban Development may request under clause (i)(III)
26 that a representative of the homeless submit to that Secretary the following:

27 (I) A description of the program of such representative to assist the homeless.

28 (II) A description of the manner in which the buildings and property that the
29 representative proposes to use for such purpose will assist the homeless.

30 (III) Such information as that Secretary requires in order to determine the
31 financial capacity of the representative to carry out the program and to ensure that the
32 program will be carried out in compliance with Federal environmental law and Federal
33 law against discrimination.

34 (IV) A certification that police services, fire protection services, and water and
35 sewer services available in the communities in the vicinity of the installation concerned
36 are adequate for the program.

37 (iii) Not later than 90 days after the date of the receipt of a revised plan for an installation
38 under subparagraph (J), the Secretary of Housing and Urban Development shall—

39 (I) notify the Secretary of Defense and the redevelopment authority concerned of
40 the buildings and property at an installation under clause (i)(IV) that the Secretary of
41 Housing and Urban Development determines are suitable for use to assist the homeless;
42 and

43 (II) notify the Secretary of Defense of the extent to which the revised plan meets
44 the criteria set forth in subparagraph (H)(i).

45 (iv)(I) Upon notice from the Secretary of Housing and Urban Development with respect
46 to an installation under clause (iii), the Secretary of Defense shall dispose of buildings and

1 property at the installation in consultation with the Secretary of Housing and Urban
2 Development and the redevelopment authority concerned.

3 (II) For purposes of carrying out an environmental assessment of the closure or
4 realignment of an installation, the Secretary of Defense shall treat the redevelopment plan
5 submitted by the redevelopment authority for the installation (including the aspects of the plan
6 providing for disposal to State or local governments, representatives of the homeless, and other
7 interested parties) as part of the proposed Federal action for the installation. The Secretary of
8 Defense shall incorporate the notification of the Secretary of Housing and Urban Development
9 under clause (iii)(I) as part of the proposed Federal action for the installation only to the extent, if
10 any, that the Secretary of Defense considers such incorporation to be appropriate and consistent
11 with the best and highest use of the installation as a whole, taking into consideration the
12 redevelopment plan submitted by the redevelopment authority.

13 (III) The Secretary of Defense shall dispose of buildings and property under subclause (I)
14 in accordance with the record of decision or other decision document prepared by the Secretary
15 in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). In
16 preparing the record of decision or other decision document, the Secretary shall give deference to
17 the redevelopment plan submitted by the redevelopment authority for the installation.

18 (IV) The disposal under subclause (I) of buildings and property to assist the homeless
19 shall be without consideration.

20 (V) In the case of a request for a conveyance under subclause (I) of buildings and
21 property for public benefit under section 550 of title 40, United States Code, or sections 47151
22 through 47153 of title 49, United States Code, the sponsoring Federal agency shall use the
23 eligibility criteria set forth in such section or subchapter II of chapter 471 of title 49, United
24 States Code (as the case may be) to determine the eligibility of the applicant and use proposed in
25 the request for the public benefit conveyance. The determination of such eligibility should be
26 made before submission of the redevelopment plan concerned under subparagraph (G).

27 (M)(i) In the event of the disposal of buildings and property of an installation pursuant to
28 subparagraph (K) or (L), the redevelopment authority for the installation shall be responsible for
29 the implementation of and compliance with agreements under the redevelopment plan described
30 in that subparagraph for the installation.

31 (ii) If a building or property reverts to a redevelopment authority under such an
32 agreement, the redevelopment authority shall take appropriate actions to secure, to the maximum
33 extent practicable, the utilization of the building or property by other homeless representatives to
34 assist the homeless. A redevelopment authority may not be required to utilize the building or
35 property to assist the homeless.

36 (N) The Secretary of Defense may postpone or extend any deadline provided for under
37 this paragraph in the case of an installation covered by this paragraph for such period as the
38 Secretary considers appropriate if the Secretary determines that such postponement is in the
39 interests of the communities affected by the closure or realignment of the installation. The
40 Secretary shall make such determinations in consultation with the redevelopment authority
41 concerned and, in the case of deadlines provided for under this paragraph with respect to the
42 Secretary of Housing and Urban Development, in consultation with the Secretary of Housing and
43 Urban Development.

44 (O) For purposes of this paragraph, the term “communities in the vicinity of the
45 installation”, in the case of an installation, means the communities that constitute the political
46 jurisdictions (other than the State in which the installation is located) that comprise the

1 redevelopment authority for the installation.

2 (P) For purposes of this paragraph, the term “other interested parties”, in the case of an
3 installation, includes any parties eligible for the conveyance of property of the installation under
4 section 550 of title 40, United States Code, or sections 47151 through 47153 of title 49, United
5 States Code, whether or not the parties assist the homeless.

6 (7)(A) Subject to subparagraph (C), the Secretary may enter into agreements (including
7 contracts, cooperative agreements, or other arrangements for reimbursement) with local
8 governments for the provision of police or security services, fire protection services, airfield
9 operation services, or other community services by such governments at military installations to
10 be closed under this title, or at facilities not yet transferred or otherwise disposed of in the case of
11 installations closed under this title, if the Secretary determines that the provision of such services
12 under such agreements is in the best interests of the Department of Defense.

13 (B) The Secretary may exercise the authority provided under this paragraph without
14 regard to the provisions of chapter 146 of title 10, United States Code.

15 (C) The Secretary may not exercise the authority under subparagraph (A) with respect to
16 an installation earlier than 180 days before the date on which the installation is to be closed.

17 (D) The Secretary shall include in a contract for services entered into with a local
18 government under this paragraph a clause that requires the use of professionals to furnish the
19 services to the extent that professionals are available in the area under the jurisdiction of such
20 government.

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

26 (2)(A) The provisions of the National Environmental Policy Act of 1969 shall apply to
27 actions of the Department of Defense under this title (i) during the process of property disposal,
28 and (ii) during the process of relocating functions from a military installation being closed or
29 realigned to another military installation after the receiving installation has been selected but
30 before the functions are relocated.

31 (B) In applying the provisions of the National Environmental Policy Act of 1969 to the
32 processes referred to in subparagraph (A), the Secretary of Defense and the Secretary of the
33 military departments concerned shall not have to consider—

34 (i) the need for closing or realigning the military installation which has been
35 recommended for closure or realignment by the Commission;

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

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

39 (3) A civil action for judicial review, with respect to any requirement of the National
40 Environmental Policy Act of 1969 to the extent such Act is applicable under paragraph (2), of
41 any act or failure to act by the Department of Defense during the closing, realigning, or
42 relocating of functions referred to in clauses (i) and (ii) of paragraph (2)(A), may not be brought
43 more than 60 days after the date of such act or failure to act.

44
45 (d) WAIVER.—The Secretary of Defense may close or realign military installations under
46 this title without regard to—

1 (1) any provision of law restricting the use of funds for closing or realigning
2 military installations included in any appropriations or authorization Act; and
3 (2) sections 2662 and 2687 of title 10, United States Code.
4

5 (e) TRANSFER AUTHORITY IN CONNECTION WITH PAYMENT OF ENVIRONMENTAL
6 REMEDIATION COSTS.—(1)(A) Subject to paragraph (2) of this subsection and section 120(h) of
7 the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42
8 U.S.C. 9620(h)), the Secretary may enter into an agreement to transfer by deed real property or
9 facilities referred to in subparagraph (B) with any person who agrees to perform all
10 environmental restoration, waste management, and environmental compliance activities that are
11 required for the property or facilities under Federal and State laws, administrative decisions,
12 agreements (including schedules and milestones), and concurrences.

13 (B) The real property and facilities referred to in subparagraph (A) are the real property
14 and facilities located at an installation closed or to be closed, or realigned or to be realigned,
15 under this title that are available exclusively for the use, or expression of an interest in a use, of a
16 redevelopment authority under subsection (b)(6)(F) during the period provided for that use, or
17 expression of interest in use, under that subsection. The real property and facilities referred to in
18 subparagraph (A) are also the real property and facilities located at an installation approved for
19 closure or realignment under this title after 2001 that are available for purposes other than to
20 assist the homeless.

21 (C) The Secretary may require any additional terms and conditions in connection with an
22 agreement authorized by subparagraph (A) as the Secretary considers appropriate to protect the
23 interests of the United States.

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

26 (A) the costs of all environmental restoration, waste management, and
27 environmental compliance activities otherwise to be paid by the Secretary with respect to
28 the property or facilities are equal to or greater than the fair market value of the property
29 or facilities to be transferred, as determined by the Secretary; or

30 (B) if such costs are lower than the fair market value of the property or facilities,
31 the recipient of the property or facilities agrees to pay the difference between the fair
32 market value and such costs.

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

36 (A) the amount by which the costs incurred by the recipient of such property or
37 facilities for all environmental restoration, waste, management, and environmental
38 compliance activities with respect to such property or facilities exceed the fair market
39 value of such property or facilities as specified in such certification; or

40 (B) the amount by which the costs (as determined by the Secretary) that would
41 otherwise have been incurred by the Secretary for such restoration, management, and
42 activities with respect to such property or facilities exceed the fair market value of such
43 property or facilities as so specified

44 (4) As part of an agreement under paragraph (1), the Secretary shall disclose to the person
45 to whom the property or facilities will be transferred any information of the Secretary regarding
46 the environmental restoration, waste management, and environmental compliance activities

1 described in paragraph (1) that relate to the property or facilities. The Secretary shall provide
2 such information before entering into the agreement.

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

6 (6) Section 330 of the National Defense Authorization Act for Fiscal Year 1993 (Public
7 Law 102-484; 10 U.S.C. 2687 note) shall not apply to any transfer under this subsection to
8 persons or entities described in subsection (a)(2) of such section 330, except in the case of
9 releases or threatened releases not disclosed pursuant to paragraph (4).

10 **SEC. 2906. DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2012.**

11
12
13 (a) IN GENERAL.—(1) If the Secretary makes the certifications required under section
14 2903(b), there shall be established on the books of the Treasury an account to be known as the
15 “Department of Defense Base Closure Account 2012” (in this section referred to as the
16 “Account”). The Account shall be administered by the Secretary as a single account.

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

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

19 (B) any funds that the Secretary may, subject to approval in an appropriation Act,
20 transfer to the Account from funds appropriated to the Department of Defense for any
21 purpose, except that such funds may be transferred only after the date on which the
22 Secretary transmits written notice of, and justification for, such transfer to the con-
23 gressional defense committees; and

24 (C) except as provided in subsection (d), proceeds received from the lease,
25 transfer, or disposal of any property at a military installation that is closed or realigned
26 under this title.

27 (3) The Account shall be closed at the time and in the manner provided for appropriation
28 accounts under section 1555 of title 31, United States Code. Unobligated funds which remain in
29 the Account upon closure shall be held by the Secretary of the Treasury until transferred by law
30 after the congressional defense committees receive the final report transmitted under subsection
31 (c)(2),

32
33 (b) USE OF FUNDS.—(1) The Secretary may use the funds in the Account only for the
34 purposes described in section 2905 with respect to military installations approved for closure or
35 realignment under this title.

36 (2) When a decision is made to use funds in the Account to carry out a construction
37 project under section 2905(a) and the cost of the project will exceed the maximum amount au-
38 thorized by law for a minor military construction project, the Secretary shall notify in writing the
39 congressional defense committees of the nature of, and justification for, the project and the
40 amount of expenditures for such project. Any such construction project may be carried out
41 without regard to section 2802(a) of title 10, United States Code.

42
43 (c) REPORTS.—(1)(A) No later than 60 days after the end of each fiscal year in which the
44 Secretary carries out activities under this title using amounts in the Account, the Secretary shall
45 transmit a report to the congressional defense committees of—

46 (i) the amount and nature of the deposits into, and the expenditures from, the

1 Account during such fiscal year;

2 (ii) the amount and nature of other expenditures made pursuant to section 2905(a)
3 during such fiscal year;

4 (iii) the amount and nature of anticipated deposits to be made into, and the
5 anticipated expenditures to be made from, the Account during the first fiscal year
6 commencing after the submission of the report; and

7 (iv) the amount and nature of anticipated expenditures to be made pursuant to
8 section 2905(a) during the first fiscal year commencing after the submission of the report.

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

10 (i) The obligations and expenditures from the Account during the fiscal year,
11 identified by subaccount and installation, for each military department and Defense
12 Agency.

13 (ii) The fiscal year in which appropriations for such expenditures were made and
14 the fiscal year in which finds were obligated for such expenditures.

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

17 (iv) A description and explanation of the extent, if any, to which expenditures for
18 military construction projects for the fiscal year differed from proposals for projects and
19 funding levels that were included in the justification transmitted to Congress under
20 section 2907(1), or otherwise, for the funding proposals for the Account for such fiscal
21 year, including an explanation of—

22 (I) any failure to carry out military construction projects that were so
23 proposed; and

24 (II) any expenditures for military construction projects that were not so
25 proposed.

26 (v) An estimate of the net revenues to be received from property disposals to be
27 completed during the first fiscal year commencing after the submission of the report at
28 military installations approved for closure or realignment under this title.

29 (2) No later than 60 days after the closure of the Account under subsection (a)(3), the
30 Secretary shall transmit to the congressional defense committees a report containing an ac-
31 counting of—

32 (A) all the funds deposited into and expended from the Account or otherwise
33 expended under this title with respect to such installations; and

34 (B) any amount remaining in the Account.

35
36 (d) DISPOSAL OR TRANSFER OF COMMISSARY STORES AND PROPERTY PURCHASED WITH
37 NONAPPROPRIATED FUNDS.—(1) If any real property or facility acquired, constructed, or
38 improved (in whole or in part) with commissary store funds or nonappropriated funds is
39 transferred or disposed of in connection with the closure or realignment of a military installation
40 under this title, a portion of the proceeds of the transfer or other disposal of property on that
41 installation shall be deposited in the reserve account established under section 204(b)(7)(C) of
42 the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687
43 note).

44 (2) The amount so deposited shall be equal to the depreciated value of the investment
45 made with such funds in the acquisition, construction, or improvement of that particular real
46 property or facility. The depreciated value of the investment shall be computed in accordance

1 with regulations prescribed by the Secretary.

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

4 (A) commissary stores; and

5 (B) real property and facilities for nonappropriated fund instrumentalities.

6 (4) As used in this subsection:

7 (A) The term “commissary store funds” means funds received from the
8 adjustment of, or surcharge on, selling prices at commissary stores fixed under section
9 2685 of title 10, United States Code.

10 (B) The term “nonappropriated funds” means funds received from a
11 nonappropriated fund instrumentality.

12 (C) The term “nonappropriated fund instrumentality” means an instrumentality of
13 the United States under the jurisdiction of the Armed Forces (including the Army and Air
14 Force Exchange Service, the Navy Resale and Services Support Office, and the Marine
15 Corps exchanges) which is conducted for the comfort, pleasure, contentment, or physical
16 or mental improvement of members of the Armed Forces.

17
18 (e) ACCOUNT EXCLUSIVE SOURCE OF FUNDS FOR ENVIRONMENTAL RESTORATION
19 PROJECTS.—Except for funds deposited into the Account under subsection (a), funds
20 appropriated to the Department of Defense may not be used for purposes described in section
21 2905(a)(1)(C). The prohibition in this subsection shall expire upon the closure of the Account
22 under subsection (a)(3).

23
24 (f) AUTHORIZED COST AND SCOPE OF WORK VARIATIONS.—(1) Subject to paragraphs (2)
25 and (3), the cost authorized for a military construction project or military family housing project
26 to be carried out using funds in the Account may not be increased or reduced by more than 20
27 percent or \$ 2,000,000, whichever is less, of the amount specified for the project in the
28 conference report to accompany the Military Construction Authorization Act authorizing the
29 project. The scope of work for such a project may not be reduced by more than 25 percent from
30 the scope specified in the most recent budget documents for the projects listed in such
31 conference report.

32 (2) Paragraph (1) shall not apply to a military construction project or military family
33 housing project to be carried out using funds in the Account with an estimated cost of less than
34 \$5,000,000, unless the project has not been previously identified in any budget submission for
35 the Account and exceeds the applicable minor construction threshold under section 2805 of title
36 10, United States Code.

37 (3) The limitation on cost or scope variation in paragraph (1) shall not apply if the
38 Secretary of Defense makes a determination that an increase or reduction in cost or a reduction in
39 the scope of work for a military construction project or military family housing project to be
40 carried out using funds in the Account needs to be made for the sole purpose of meeting unusual
41 variations in cost or scope. If the Secretary makes such a determination, the Secretary shall
42 notify the congressional defense committees of the variation in cost or scope not later than 21
43 days before the date on which the variation is made in connection with the project or, if the
44 notification is provided in an electronic medium pursuant to section 480 of title 10, United States
45 Code, not later than 14 days before the date on which the variation is made. The Secretary shall
46 include the reasons for the variation in the notification.

1
2 **SEC. 2907. REPORTS.**
3

4 (a) REPORTING REQUIREMENT.—As part of the budget request for fiscal year 2015 and for
5 each fiscal year thereafter through fiscal year 2026 for the Department of Defense, the Secretary
6 shall transmit to the congressional defense committees—

7 (1) a schedule of the closure actions to be carried out under this title in the fiscal
8 year for which the request is made and an estimate of the total expenditures required and
9 cost savings to be achieved by each such closure and of the time period in which these
10 savings are to be achieved in each case, together with the Secretary's assessment of the
11 environmental effects of such actions;

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

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

19 (A) a redevelopment authority has been recognized by the Secretary for
20 the installation;

21 (B) the screening of property at the installation for other Federal use has
22 been completed; and

23 (C) a redevelopment plan has been agreed to by the redevelopment
24 authority for the installation;

25 (4) a description of redevelopment plans for military installations approved for
26 closure under this title, the quantity of property remaining to be disposed of at each
27 installation as part of its closure, and the quantity of property already disposed of at each
28 installation;

29 (5) a list of the Federal agencies that have requested property during the screening
30 process for each military installation approved for closure under this title, including the
31 date of transfer or anticipated transfer of the property to such agencies, the acreage
32 involved in such transfers, and an explanation for any delays in such transfers;

33 (6) a list of known environmental remediation issues at each military installation
34 approved for closure under this title, including the acreage affected by these issues, an
35 estimate of the cost to complete such environmental remediation, and the plans (and
36 timelines) to address such environmental remediation; and

37 (7) an estimate of the date for the completion of all closure actions at each
38 military installation approved for closure or realignment under this title.
39

40 **SEC. 2908. CONGRESSIONAL CONSIDERATION OF COMMISSION REPORT.**
41

42 (a) TERMS OF THE RESOLUTION.—For purposes of section 2904(b), the term “joint
43 resolution” means only a joint resolution which is introduced within the 10-day period beginning
44 on the date on which the President transmits the report to the Congress under section 2903(j),
45 and—

46 (1) which does not have a preamble;

1 (2) the matter after the resolving clause of which is as follows: “That Congress
2 disapproves the recommendations of the Defense Base Closure and Realignment
3 Commission as submitted by the President on _____”, the blank space being filled in
4 with the appropriate date; and

5 (3) the title of which is as follows: “Joint resolution disapproving the
6 recommendations of the Defense Base Closure and Realignment Commission.”.
7

8 (b) REFERRAL.—A resolution described in subsection (a) that is introduced in the House
9 of Representatives shall be referred to the Committee on Armed Services of the House of
10 Representatives. A resolution described in subsection (a) introduced in the Senate shall be
11 referred to the Committee on Armed Services of the Senate.
12

13 (c) DISCHARGE.—If the committee to which a resolution described in subsection (a) is
14 referred has not reported such a resolution (or an identical resolution) by the end of the 20-day
15 period beginning on the date on which the President transmits the report to the Congress under
16 section 2903(j), such committee shall be, at the end of such period, discharged from further
17 consideration of such resolution, and such resolution shall be placed on the appropriate calendar
18 of the House involved.
19

20 (d) CONSIDERATION.—(1) On or after the third day after the date on which the committee
21 to which such a resolution is referred has reported, or has been discharged (under subsection (c))
22 from further consideration of, such a resolution, it is in order (even though a previous motion to
23 the same effect has been disagreed to) for any Member of the respective House to move to
24 proceed to the consideration of the resolution. A member may make the motion only on the day
25 after the calendar day on which the Member announces to the House concerned the Member's
26 intention to make the motion, except that, in the case of the House of Representatives, the motion
27 may be made without such prior announcement if the motion is made by direction of the
28 committee to which the resolution was referred. All points of order against the resolution
29 (and against consideration of the resolution) are waived. The motion is highly privileged in the
30 House of Representatives and is privileged in the Senate and is not debatable. The motion is not
31 subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration
32 of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed
33 to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to,
34 the respective House shall immediately proceed to consideration of the joint resolution without
35 intervening motion, order, or other business, and the resolution shall remain the unfinished
36 business of the respective House until disposed of.

37 (2) Debate on the resolution, and on all debatable motions and appeals in connection
38 therewith, shall be limited to not more than 2 hours, which shall be divided equally between
39 those favoring and those opposing the resolution. An amendment to the resolution is not in order.
40 A motion further to limit debate is in order and not debatable. A motion to postpone, or a motion
41 to proceed to the consideration of other business, or a motion to recommit the resolution is not in
42 order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not
43 in order.

44 (3) Immediately following the conclusion of the debate on a resolution described in
45 subsection (a) and a single quorum call at the conclusion of the debate if requested in accordance
46 with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

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

5 (e) CONSIDERATION BY OTHER HOUSE.—(1) If, before the passage by one House of a
6 resolution of that House described in subsection (a), that House receives from the other House a
7 resolution described in subsection (a), then the following procedures shall apply:

8 (A) The resolution of the other House shall not be referred to a committee and
9 may not be considered in the House receiving it except in the case of final passage as
10 provided in subparagraph (B)(ii).

11 (B) With respect to a resolution described in subsection (a) of the House receiving
12 the resolution—

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

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

16 (2) Upon disposition of the resolution received from the other House, it shall no longer be
17 in order to consider the resolution that originated in the receiving House.
18

19 (f) RULES OF THE SENATE AND HOUSE.—This section is enacted by Congress—

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

25 (2) with full recognition of the constitutional right of either House to change the
26 rules (so far as relating to the procedure of that House) at any time, in the same manner,
27 and to the same extent as in the case of any other rule of that House.
28

29 **SEC. 2909. RESTRICTION ON OTHER BASE CLOSURE AUTHORITY.**

30
31 (a) IN GENERAL.—Except as provided in subsection (c), during the period beginning on
32 the date of the enactment of this Act, and ending on April 15, 2016, this title shall be the
33 exclusive authority for selecting for closure or realignment, or for carrying out any closure or
34 realignment of, a military installation inside the United States.
35

36 (b) RESTRICTION.—Except as provided in subsection (c), none of the funds available to
37 the Department of Defense may be used, other than under this title, during the period specified in
38 subsection (a)—

39 (1) to identify, through any transmittal to the Congress or through any other
40 public announcement or notification, any military installation inside the United States as
41 an installation to be closed or realigned or as an installation under consideration for
42 closure or realignment; or

43 (2) to carry out any closure or realignment of a military installation inside the
44 United States.
45

46 (c) EXCEPTION.—Nothing in this title affects the authority of the Secretary to carry out

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

5 **SEC. 2910. DEFINITIONS.**
6

7 As used in this title:

8 (1) The term “Account” means the Department of Defense Base Closure Account
9 established by section 2906(a)(1).

10 (2) The term “congressional defense committees” means the Committee on
11 Armed Services and the Committee on Appropriations of the Senate and the Committee
12 on Armed Services and the Committee on Appropriations of the House of
13 Representatives.

14 (3) The term “Commission” means the Commission established by section 2902.

15 (4) The term “military installation” means a base, camp, post, station, yard,
16 center, homeport facility for any ship, or other activity under the jurisdiction of the
17 Department of Defense, including any leased facility. Such term does not include any
18 facility used primarily for civil works, rivers and harbors projects, flood control, or other
19 projects not under the primary jurisdiction or control of the Department of Defense.

20 (5) The term “realignment” includes any action which both reduces and relocates
21 functions and civilian personnel positions but does not include a reduction in force
22 resulting from workload adjustments, reduced personnel or funding levels, or skill
23 imbalances.

24 (6) The term “Secretary” means the Secretary of Defense.

25 (7) The term “United States” means the 50 States, the District of Columbia, the
26 Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and any
27 other commonwealth, territory, or possession of the United States.

28 (8) The term “date of approval”, with respect to a closure or realignment of an
29 installation, means the date on which the authority of Congress to disapprove a
30 recommendation of closure or realignment, as the case may be, of such installation under
31 this title expires.

32 (9) The term “redevelopment authority”, in the case of an installation to be closed
33 or realigned under this title, means any entity (including an entity established by a State
34 or local government) recognized by the Secretary of Defense as the entity responsible for
35 developing the redevelopment plan with respect to the installation or for directing the
36 implementation of such plan.

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

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

41 (B) provides for the reuse or redevelopment of the real property and
42 personal property of the installation that is available for such reuse and
43 redevelopment as a result of the closure or realignment of the installation.

44 (11) The term “representative of the homeless” has the meaning given such term
45 in section 501(i)(4) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C.
46 11411(i)(4)).

1
2 **SEC. 2911. TREATMENT AS A BASE CLOSURE LAW FOR PURPOSES OF OTHER**
3 **PROVISIONS OF LAW.**
4

5 (a) DEFINITION OF “BASE CLOSURE LAW” IN TITLE 10.—Section 101(a)(17) of title 10,
6 United States Code, is amended by adding at the end the following new subparagraph:

7 “(D) The Defense Base Closure and Realignment Act of 2012.”
8

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

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

13 (2) Section 1334(k)(1) of the National Defense Authorization Act for Fiscal Year
14 1994 (Public Law 103-160; 10 U.S.C. 2701 note) is amended by adding at the end the
15 following new subparagraph:

16 “(C) The Defense Base Closure and Realignment Act of 2012.”.

17 (3) Section 2918(a)(1) of the National Defense Authorization Act for Fiscal Year
18 1994 (Public Law 103-160; 10 U.S.C. 2687 note) is amended by adding at the end the
19 following new subparagraph:

20 “(C) The Defense Base Closure and Realignment Act of 2012.”
21

22 **SEC. 2912. CONFORMING AMENDMENTS.**
23

24 (a) DEPOSIT AND USE OF LEASE PROCEEDS.—Section 2667(e) of title 10, United States
25 Code, is amended—

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

28 (2) by adding at the end the following new paragraph:
29

30 “(6) Money rentals received by the United States from a lease under subsection (g) at a
31 military installation approved for closure or realignment under a base closure law on or after
32 January 1, 2006, shall be deposited into the account established under section 2906 of the
33 Defense Base Closure and Realignment Act of 2012.”.
34

35 (b) REQUESTS BY PUBLIC AGENCIES FOR PROPERTY FOR PUBLIC AIRPORTS.—Section
36 47151(g) of title 49, United States Code, is amended by striking “section 2687 of title 10, section
37 201 of the Defense Authorization Amendments and Base Closure and Realignment Act (10
38 U.S.C. 2687 note), or section 2905 of the Defense Base Closure and Realignment Act of 1990
39 (10 U.S.C. 2687 note)” and inserting “a base closure law, as that term is defined in section
40 101(a)(17) of title 10,”.
41

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

Section-by-Section Analysis

This proposal would authorize two new rounds of base closures and realignments, in 2013 and 2015, using the statutory commission process that has proven, repeatedly, to be the only effective and fair way to eliminate excess Department of Defense (DoD) infrastructure and to reconfigure what must remain.

The Department needs to close and realign bases to meet strategic and fiscal imperatives.

The United States is at a strategic turning point after a decade of war. With changes in strategy, come changes in force structure. We are shaping a joint force for the future that will be smaller and leaner, while also agile, flexible, ready, and technologically advanced. Absent a closure process, the Department is locked in a status quo configuration that does not match evolving force structure, doctrine, technology, and other changes.

It is axiomatic. Force structure reductions produce excess capacity; excess capacity is a drain on resources. Furthermore, retaining and sustaining bases that are excess to strategic and mission requirements is wasteful and will drive undesirable reductions in forces, training, and modernization. As Secretary Panetta stated in his press conference on January 26th, “[i]n this budget environment, we simply cannot – simply cannot sustain the infrastructure that is beyond our needs or ability to maintain it”.

Savings from base realignment and closure (BRAC) rounds are real and substantial. The first four rounds of BRAC collectively are producing \$8 billion in annual recurring savings. BRAC 2005, which focused on reshaping installations to better support forces – as opposed to saving money – is now generating \$4 billion in annual recurring savings. The savings generated from BRAC result from avoiding the cost of retaining and operating unneeded infrastructure. DoD no longer has to fund the recurring operation and maintenance (O&M) nor the civilian and military personnel costs for those installations it closed or for the portion of those realigned bases that it did not retain. Savings from base realignments and closures are retained by the military Services and used to support higher priority programs that enhance modernization, readiness, and quality of life for our armed forces. As the General Accountability Office (GAO) indicated, “[i]n addition to our analyses, studies by other federal agencies, such as CBO, the DoD Inspector General, and the Army Audit Agency, have shown that BRAC savings are real and substantial and are related to cost reductions in key operational areas as a result of BRAC actions.” Government Accountability Office, *MILITARY BASE CLOSURES, Progress in Completing Actions from Prior Realignments and Closures*, GAO-02-433 (April 2002).

Through a global examination of base infrastructure the Department will: eliminate excess infrastructure that is a drain on resources; configure its infrastructure so it is best positioned to meet strategic and mission requirements; and redirect freed-up resources to higher priorities

The Secretary has made it clear that we are at a strategic turning point.

The Department is already looking aggressively at overseas footprint reductions, but

overseas infrastructure cuts are not sufficient to make the needed reduction in our infrastructure overhead burden – we must also look at domestic infrastructure reductions. Furthermore, examining overseas infrastructure without undertaking the same effort with respect to our domestic infrastructure would limit the comprehensiveness and creativity of the effort.

One need only look back at recent history to recall similar strategic crossroads: the end of the cold war in the late 1980s and the catastrophic events of September 11, 2001. At both those points in history, the Department and Congress agreed that changes in force structure must be accompanied by corresponding changes in support infrastructure. Congress created the BRAC process for that reason, and it has emerged as the only fair, objective, and proven process for closing and realigning military installations in the United States.

Budget Implications: Specific budget implications will be determined by the analysis authorized by this statute. Implementation costs will be substantial. This upfront funding, however, will be offset by resulting savings which will be even more substantial. For instance, the 2005 round required \$35 billion over the statutory six-year implementation period. This investment generated \$15 billion in savings during its six-year implementation period and has begun generating net annual savings in Fiscal Year (FY) 2012 of \$4 billion that will recur each year thereafter.

Changes to Existing Law: This proposal would make changes to existing law as follows:

TITLE 5, UNITED STATES CODE

§ 6304. Annual leave; accumulation

(a)***

* * * * *

(d)(1)***

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(3)(A) For the purpose of this subsection, the closure of, and any realignment with respect to, an installation of the Department of Defense pursuant to ~~the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note)~~ a base closure law, as that term is defined in section 101(a)(17) of title 10, during any period, the closure of an installation of the Department of Defense in the Republic of Panama in accordance with the Panama Canal Treaty of 1977, and the closure of any other installation of the Department of Defense, during the period beginning on October 1, 1992, and ending on December 31, 1997, shall be deemed to create an exigency of the public business and any leave that is lost by an employee of such installation by operation of this section (regardless of whether such leave was scheduled) shall be restored to the employee and shall be credited and available in accordance with paragraph (2).

TITLE 10, UNITED STATES CODE

§ 101. Definitions

(a) IN GENERAL.—The following definitions apply in this title:

* * * * *

(17) The term “base closure law” means the following:

(A) Section 2687 of this title.

(B) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(C) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(D) The Defense Base Closure and Realignment Act of 2012.

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§ 2667. Leases: non-excess property of military departments and Defense Agencies

(a)***

* * * * *

(e) DEPOSIT AND USE OF PROCEEDS.—(1)(A) The Secretary concerned shall deposit in a special account in the Treasury established for that Secretary the following:

(i) All money rentals received pursuant to leases entered into by that Secretary under this section.

(ii) All proceeds received pursuant to the granting of easements by that Secretary under section 2668 of this title.

(iii) All proceeds received by that Secretary from authorizing the temporary use of other property under the control of that Secretary.

(B) Subparagraph (A) does not apply to the following proceeds:

(i) Amounts paid for utilities and services furnished lessees by the Secretary concerned pursuant to leases entered into under this section.

(ii) Money rentals referred to in paragraph (3), (4), or (5).

(C) Subject to subparagraphs (D) and (E), the proceeds deposited in the special account established for the Secretary concerned shall be available to the Secretary, in such amounts as provided in appropriation Acts, for the following:

(i) Maintenance, protection, alteration, repair, improvement, or restoration (including environmental restoration) of property or facilities.

(ii) Construction or acquisition of new facilities.

(iii) Lease of facilities.

(iv) Payment of utility services.

(v) Real property maintenance services.

(D) At least 50 percent of the proceeds deposited in the special account established for the Secretary concerned shall be available for activities described in subparagraph (C) only at the military installation or Defense Agency location where the proceeds were derived.

(E) If the proceeds deposited in the special account established for the Secretary concerned are derived from activities associated with a military museum described in section 489(a) of this title, the proceeds shall be available for activities described in subparagraph (C)

only at that museum.

(2) Payments for utilities and services furnished lessees pursuant to leases entered into under this section shall be credited to the appropriation account or working capital fund from which the cost of furnishing the utilities and services was paid.

(3) Money rentals received by the United States directly from a lease under this section for agricultural or grazing purposes of lands under the control of the Secretary concerned (other than lands acquired by the United States for flood control or navigation purposes or any related purpose, including the development of hydroelectric power) may be retained and spent by the Secretary concerned in such amounts as the Secretary considers necessary to cover the administrative expenses of leasing for such purposes and to cover the financing of multiple-land use management programs at any installation under the jurisdiction of the Secretary.

(4) Money rentals received by the United States from a lease under subsection (g) at a military installation approved for closure or realignment under a base closure law before January 1, 2005, shall be deposited into the account established under section 2906(a) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(5) Money rentals received by the United States from a lease under subsection (g) at a military installation approved for closure or realignment under a base closure law ~~on or after January 1, 2005,~~ from January 1, 2005 through December 31, 2005, shall be deposited into the account established under section 2906A(a) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(6) Money rentals received by the United States from a lease under subsection (g) at a military installation approved for closure or realignment under a base closure law on or after January 1, 2006, shall be deposited into the account established under section 2906 of the Defense Base Closure and Realignment Act of 2012.

TITLE 49, UNITED STATES CODE

§ 47151. Authority to transfer an interest in surplus property

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(e) REQUESTS BY PUBLIC AGENCIES.—Except with respect to a request made by another department, agency, or instrumentality of the executive branch of the United States Government, such a department, agency, or instrumentality shall give priority consideration to a request made by a public agency (as defined in section 47102) for surplus property described in subsection (a) (other than real property that is subject to ~~section 2687 of title 10, section 201 of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note), or section 2905 of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note)~~ a base closure law, as that term is defined in section 101(a)(17) of title 10, for use at a public airport.

Section 131 of Military Construction Appropriation Act, 2003 (Public Law 107-249)

SEC. 131. (a) REQUESTS FOR FUNDS FOR ENVIRONMENTAL RESTORATION AT BRAC SITES IN FUTURE FISCAL YEARS.—In the budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year after fiscal year 2003, the amount requested for environmental restoration, waste management, and environmental compliance activities in such fiscal year with respect to military installations approved for closure or realignment under the base closure laws shall accurately reflect the anticipated cost of such activities in such fiscal year.

(b) BASE CLOSURE LAWS DEFINED.—In this section, the term “base closure laws” means the following:

~~(1) Section 2687 of title 10, United States Code.~~

~~(2) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).~~

~~(3) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note). has the meaning given the term “base closure law” in section 101(a)(17) of title 10, United States Code.~~

National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160)

SEC. 1334. ENVIRONMENTAL EDUCATION OPPORTUNITIES PROGRAM.

* * * * *

(a)***

(k) DEFINITIONS.—For purposes of this section:

(1) The term “base closure law” means the following:

(A) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(B) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(C) The Defense Base Closure and Realignment Act of 2012.

* * * * *

SEC. 2918. DEFINITIONS.

(a) SUBTITLE OF TITLE XXIX.—In this subtitle:

(1) The term “base closure law” means the following:

(A) The provisions of title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(B) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note.).

(C) The Defense Base Closure and Realignment Act of 2012.

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