AMENDMENT TO THE RULES COMMITTEE PRINT

FOR H.R. 1735

OFFERED BY MR. SMITH OF WASHINGTON

Strike sections 2702 and 2814.

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

TITLE XXX—ADDITIONAL BASE REALIGNMENT AND CLOSURE (BRAC) ROUND IN 2017

Sec. 3001. Short title; purpose; findings.
Sec. 3002. Defense Base Closure and Realignment Commission of 2017.
Sec. 3003. Procedure for making recommendations for base closures and realignments.
Sec. 3004. Closure and realignment of military installations.
Sec. 3005. Implementation.
Sec. 3006. Department of Defense Base Closure Account 2017.
Sec. 3007. Reports.
Sec. 3009. Restriction on other base closure authority.
Sec. 3010. Definitions.
Sec. 3011. Treatment as a base closure law for purposes of other provisions of law.
Sec. 3012. Conforming amendments.

SEC. 3001. SHORT TITLE; PURPOSE; FINDINGS.

(a) SHORT TITLE.—This title may be cited as the "Defense Base Closure and Realignment Act of 2015".

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

(c) FINDINGS.—Congress makes the following findings:

(1) By implementing the recommendations of the previous authorized base realignment and closure (BRAC) rounds (1988, 1991, 1993, 1995, and 2005), the Department of Defense has realized a combined annual net recurring savings of approximately $12 billion.

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

(3) According to the Department of Defense, the efficiency-related recommendations of the 2005 BRAC round cost $6 billion, compared to the $35 billion total cost of the 2005 BRAC round, and resulted in an annual recurring payback of $3 billion, which is consistent with the costs and savings of previous BRAC rounds.

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

(5) In prepared testimony submitted to the Committee on Armed Services of the House of Representatives on March 3, 2015, the Assistant Secretary of the Army for Installations, Energy, and Environment stated that a programmatic analysis of the real property needed to support an end-strength and corresponding force structure of 490,000 active-component soldiers for the Army determined that the Army has nearly 18 percent excess capacity in infrastructure, totaling over 160 million square feet of facilities. Using the Army's estimate that it costs $3 per square foot each year to maintain underutilized facilities, the Army estimates that it is spending over $480 million a year to operate and sustain infrastructure that is excess to its requirements.

(6) In prepared testimony submitted to the Committee on Armed Services of the House of Representatives on March 3, 2015, the Assistant Secretary of the Air Force for Installations, Energy, and Environment stated that an analysis comparing current infrastructure capacity to projected force structure and mission requirements indicate that the Air Force has approximately 30 percent excess infrastructure capacity.

(7) In prepared testimony submitted to the Committee on Armed Services of the House of Representatives on March 3, 2015, the Assistant Secretary of Defense for Energy, Installations, and Environment stated the Department of Defense was requesting authority from Congress to conduct a new BRAC round, projecting that a new efficiency-focused BRAC round will save about $2 billion a year after implementation with costs and savings during the six year implementation being a wash at approximately $6 billion.

(8) While the Department of Defense has requested an additional BRAC round, the Department has also undertaken a number of initiatives to reduce the Department's overseas footprint, including the relocation and consolidation of United States facilities in Japan and Korea and the European Infrastructure Consolidation initiative.

(9) In a time when the Department of Defense is facing significant budget pressures, the Department is being required to expend valuable resources to maintain infrastructure capacity in excess of Department requirements instead of investing these valuable resources in meeting urgent readiness and

training requirements or other priorities within the Department of Defense.

(10) In a time when the Department of Defense needs to reduce excess infrastructure capacity and realize efficiencies in its real property inventory, a new BRAC round provides the most transparent means to do so while also affording an independent commission, Congress, and community groups a significant voice and role in the process.

SEC. 3002. DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION OF 2017.

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

(1) there is established an independent commission to be known as the ''Defense Base Closure and Realignment Commission of 2017''; and

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

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

(B) If the President does not transmit to Congress the nominations for appointment to the Commission on or before the date specified in subsection (a)(2), the process by which military installations may be selected for closure or realignment under this title shall be terminated.

(2) In appointing individuals to serve on the Commission, the President shall give priority consideration to individuals who—

(A) have a demonstrated expertise regarding the current and future operational and training requirements of the Armed Forces, military installation infrastructure and environmental management, or the socioeconomic impact of military installations on local communities; and

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

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

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

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

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

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

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

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

(d) TERMS.—(1) Each member of the Commission shall serve until the termination of the Commission as provided in subsection (j).

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

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

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

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

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

(ii) The chairmen and ranking members of the Subcommittees on Military Construction, Veterans Affairs, and Related Agencies of the Committees on Appropriations of the Senate and the House of Representatives, or such other members of the subcommittees designated by such Chairmen or ranking members.

(iii) The chairmen and ranking members of the Subcommittees on Defense of the Committees on Appropriations of the Senate and the House of Representatives, or such other members of the subcommittees designated by such chairmen or ranking members.

(C) A member of the Commission shall recuse himself or herself from consideration of a matter before the Commission, in accordance with section 208 of title 18, United States Code. In addition, a member of the Commission shall recuse himself or herself from consideration of a matter before the Commission in the event that the member is concerned that other circumstances would raise a ques-

1 tion regarding the legitimacy and impartiality of the Com-
2 mission's final recommendations. In recusing himself or
3 herself from consideration of a matter, the member shall
4 not participate in the deliberations on, or vote regarding,
5 such a matter.

6 (f) PAY AND TRAVEL EXPENSES.—(1)(A) Each
7 member, other than the Chairman, shall be paid at a rate
8 equal to the daily equivalent of the minimum annual rate
9 of basic pay payable for level IV of the Executive Schedule
10 under section 5315 of title 5, United States Code, for each
11 day (including travel time) during which the member is
12 engaged in the actual performance of duties vested in the
13 Commission.

14 (B) The Chairman shall be paid for each day referred
15 to in subparagraph (A) at a rate equal to the daily equiva-
16 lent of the minimum annual rate of basic pay payable for
17 level III of the Executive Schedule under section 5314,
18 of title 5, United States Code.

19 (2) Members shall receive travel expenses, including
20 per diem in lieu of subsistence, in accordance with sections
21 5702 and 5703 of title 5, United States Code.

22 (g) STAFF.—(1)(A) The Commission shall appoint,
23 without regard to section 5311 of title 5, United States
24 Code, a Director who has not served on active duty in the
25 Armed Forces or as a civilian employee of the Department

of Defense during the one-year period preceding the date of such appointment.

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

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

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

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

(ii) No person detailed from the Department of Defense to the Commission may be assigned as the lead pro-

1 fessional analyst with respect to a military department or
2 defense agency.
3 (C) A person may not be detailed from the Depart-
4 ment of Defense to the Commission if, within 12 months
5 before the detail is to begin, that person participated per-
6 sonally and substantially in any matter within the Depart-
7 ment of Defense concerning the preparation of rec-
8 ommendations for closures or realignments of military in-
9 stallations.
10 (D) No member of the Armed Forces, and no officer
11 or employee of the Department of Defense, may—
12 (i) prepare any report concerning the effective-
13 ness, fitness, or efficiency of the performance on the
14 staff of the Commission of any person detailed from
15 the Department of Defense to that staff;
16 (ii) review the preparation of such a report; or
17 (iii) approve or disapprove such a report.
18 (4) Upon request of the Director, the head of any
19 Federal department or agency may detail any of the per-
20 sonnel of that department or agency to the Commission
21 to assist the Commission in carrying out its duties under
22 this title.
23 (5) The Comptroller General of the United States
24 shall provide assistance, including the detailing of employ-

1 ees, to the Commission in accordance with an agreement
2 entered into with the Commission.
3 (6) Not later than April 1, 2017, the Chairman of
4 the Commission shall certify to the congressional defense
5 committees whether the Commission's staff has adequate
6 capacity to review the recommendations to be submitted
7 by the Secretary of Defense pursuant to section 3003.
8 (7) The following restrictions relating to the staff of
9 the Commission shall apply during the period beginning
10 January 1, 2018, and ending April 15, 2018:
11 (A) There may not be more than 15 persons on
12 the staff at any one time.
13 (B) The staff may perform only such functions
14 as are necessary to prepare for the termination of
15 the commission and transfer of all records to the
16 Department of Defense or the National Archives.
17 (C) No member of the Armed Forces and no
18 employee of the Department of Defense may serve
19 on the staff.
20 (h) OTHER AUTHORITY.—(1) The Commission may
21 procure by contract, to the extent funds are available, the
22 temporary or intermittent services of experts or consult-
23 ants pursuant to section 3109 of title 5, United States
24 Code.

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

(i) TERMINATION.—The Commission shall terminate on April 15, 2018.

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

SEC. 3003. PROCEDURE FOR MAKING RECOMMENDATIONS FOR BASE CLOSURES AND REALIGNMENTS.

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

(1) PREPARATION AND SUBMISSION.—As part of the budget justification documents submitted to Congress in support of the budget for the Department of Defense for fiscal year 2017, the Secretary shall submit to Congress the following:

(A) A force-structure plan for the Armed Forces based on an assessment by the Secretary of the probable threats to the national security during the 20-year period beginning with that fiscal year, the probable end-strength levels and major military force units (including land force divisions, carrier and other major combatant vessels, air wings, and other com-

parable units) needed to meet these threats, and the anticipated levels of funding that will be available for national defense purposes during such period.

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

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

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

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

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

(3) SPECIAL CONSIDERATIONS.—In determining the level of necessary versus excess infrastructure

under paragraph (2), the Secretary shall consider the following:

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

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

(4) REVISION.—The Secretary may revise the force-structure plan and infrastructure inventory, except that, if the Secretary makes such a revision, the Secretary shall submit the revised plan or inventory to Congress not later than February 15, 2017. For purposes of selecting military installations for closure or realignment under this title, no revision of the force-structure plan or infrastructure inventory is authorized after that date.

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

(1) CERTIFICATIONS REQUIRED.—On the basis of the force-structure plan and infrastructure inven-

tory prepared under subsection (a) and the descriptions and economic analysis prepared under paragraph (2) of such subsection, the Secretary shall include as part of the submission of the plan and inventory—

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

(B) if such need exists, an additional certification that the additional round of closures and realignments—

(i) will result in annual net savings for each of the military departments beginning not later than six years following the commencement of such closures and realignments; and

(ii) will have the primary objective of eliminating excess infrastructure capacity within the Department of Defense and reconfiguring the remaining infrastructure to maximize efficiency.

(2) EFFECT OF FAILURE TO CERTIFY.—If the Secretary does not include the certifications referred to in paragraph (1), the President may not com-

mence a round for the selection of military installations for closure and realignment under this title.

(c) COMPTROLLER GENERAL EVALUATION.—

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

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

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

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

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

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

(A) The current and future mission capabilities, the ability to support technological innovation, and the impact on operational readiness of the total force of the Department of Defense, including the impact on joint warfighting, training, and readiness.

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

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

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

(2) ADDITIONAL CRITERIA.—The additional criteria are as follows:

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

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

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

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

(e) APPLICATION OF THE CRITERIA.—

(1) PRIORITIES.—In the making of recommendations for the closure or realignment of military installations, the Secretary shall give priority consideration—

(A) to the military value criteria, as specified in subsection (d)(1); and

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

(2) TIME-PERIOD FOR ACHIEVING SAVINGS.—An emphasis shall be placed on recommendations that yield net-savings within five years of completing the closure or realignment. No recommendations shall be considered that do not demonstrate net savings within 20 years, unless the Secretary determines that the military value of such recommendation supports or enhances a critical national security interest of the United States.

(3) COVERED COSTS.—When determining the costs associated with a closure or realignment recommendation, the Secretary shall consider costs associated with military construction, information technology, termination of public-private contracts, guarantees, and other factors contributing to the cost of the closure or realignment recommendation, as determined by the Secretary.

(4) EFFECT ON DEPARTMENT AND OTHER AGENCY COSTS.—The selection criteria relating to the cost savings or return on investment from a closure or realignment recommendation shall take into account the effect of the proposed closure or realignment on the costs of any other activity of the Department of Defense or any other Federal agency

that may be required to assume responsibility for activities at a military installation.

(5) CONSIDERATION OF ALL INSTALLATIONS.—In considering military installations for closure or realignment, the Secretary shall consider all military installations inside the United States equally without regard to whether the installation has been previously considered or proposed for closure or realignment by the Department.

(6) EFFECT OF ADVANCE CONVERSION PLANNING.—In considering military installations for closure or realignment, the Secretary may not take into account for any purpose any advance conversion planning undertaken by an affected community with respect to the anticipated closure or realignment of an installation. For purposes of this subparagraph, advance conversion planning—

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

(B) may include the development of contingency redevelopment plans, plans for economic development and diversification, and plans for

the joint use (including civilian and military use, public and private use, civilian dual use, and civilian shared use) of the property or facilities of the installation after the anticipated closure or realignment.

(7) EFFECT OF LOCAL GOVERNMENT APPROVAL.—In making recommendations to the Commission, the Secretary shall consider any notice received from a local government in the vicinity of a military installation that the government would approve of the closure or realignment of the installation, except that, notwithstanding receiving such a notice, the Secretary—

(A) still shall make recommendations based on the force-structure plan, infrastructure inventory, and final selection criteria; and

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

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

(g) DOD RECOMMENDATIONS.—

(1) PUBLICATION AND TRANSMITTAL OF RECOMMENDATIONS.—If the Secretary makes the certifications required under subsection (b), then not later than April 15, 2017, the Secretary shall publish in the Federal Register and transmit to the congressional defense committees and to the Commission a list of the military installations inside the United States that the Secretary recommends for closure or realignment on the basis of the force-structure plan and infrastructure inventory prepared by the Secretary under subsection (a) and the final selection criteria specified in subsection (d).

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

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

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

(3) AVAILABILITY OF INFORMATION.—(A) In addition to making all information used by the Secretary to prepare the recommendations under this subsection available to Congress (including any committee or Member of Congress), the Secretary shall also make such information available to the Commission, the Comptroller General of the United States, and to the public by means of the Internet or another electronic format.

(B) The information covered by subparagraph (A) includes, but not limited to, unclassified assessment data on the current condition of facilities and infrastructure, an environmental baseline of known contamination and remediation activities, and standard rules used to calculate annual recurring savings.

(C) Any and all information provided to the Commission by a person described in paragraph (4)(B) shall also be make available for the public record and be submitted in written form to the Sen-

ate and the House of Representatives, to be made available to the Members of the House concerned in accordance with the rules of that House. The information shall be submitted to the Senate and House of Representatives within 48 hours after the submission of the information to the Commission.

(4) CERTIFICATION OF ACCURACY AND COMPLETENESS OF INFORMATION.—(A) Each person referred to in subparagraph (B), when submitting information to the Secretary of Defense or the Commission concerning the closure or realignment of a military installation, shall certify that such information is accurate and complete to the best of that persons knowledge and belief.

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

(i) The Secretaries of the military departments.

(ii) The heads of the Defense Agencies.

(iii) Each person who is in a position the duties of which include personal and substantial involvement in the preparation and submission of information and recommendations concerning the closure or realignment of military installations, as designated in regulations which the

Secretary of Defense shall prescribe, regulations which the Secretary of each military department shall prescribe for personnel within that military department, or regulations which the head of each Defense Agency shall prescribe for personnel within that Defense Agency.

(h) REVIEW AND RECOMMENDATIONS BY THE COMMISSION.—

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

(2) REPORT.—(A) Not later than October 1, 2017, the Commission shall transmit to the President a report containing the Commission's findings and conclusions based on a review and analysis of the recommendations made by the Secretary, together with the Commission's recommendations for closures and realignments of military installations inside the United States.

(B) Subject to subparagraphs (C) and (E), in making its recommendations, the Commission may

make changes in any of the recommendations made by the Secretary if the Commission determines that the Secretary deviated substantially from the force-structure plan and final criteria referred to in subsection (d) in making recommendations.

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

(i) the Commission—

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

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

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

(IV) conducts public hearings on the proposed change;

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

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

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

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

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

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

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

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

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

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

(G) In the case of the Commission making a change in the recommendations of the Secretary, for each change, a master plan containing the required scope of work, cost, and timing for all facility actions at receiving locations, including construction of new facilities and repair or renovation of existing facilities shall be updated or developed in coordination with the Secretary.

(3) EXPLANATION OF DIFFERENCES; SUBMISSION.—The Commission shall explain and justify in

its report submitted to the President pursuant to paragraph (2) any recommendation made by the Commission that is different from the recommendations made by the Secretary pursuant to subsection (g). The Commission shall transmit a copy of such report to the congressional defense committees on the same date on which it transmits its recommendations to the President under paragraph (2).

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

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

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

(B) by no later than June 1, 2017, transmit to the Congress and to the Commission a report containing a detailed analysis of the Secretary's recommendations and selection process.

(i) REVIEW BY THE PRESIDENT.—

(1) APPROVAL OR DISAPPROVAL REPORT.—Not later than October 15, 2017, the President shall transmit to the Commission and to Congress a report containing the President's approval or disapproval of the Commission's recommendations.

(2) EFFECT OF APPROVAL.—(A) If the President approves all the recommendations of the Commission, the President shall transmit a copy of such recommendations to the Congress, together with a certification of such approval.

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

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

(4) TERMINATION OF BRAC ROUND.—If the President does not transmit to the Congress an approval and certification described in paragraph (2) by December 2, 2017, the process by which military installations may be selected for closure or realignment under this title shall be terminated.

SEC. 3004. CLOSURE AND REALIGNMENT OF MILITARY INSTALLATIONS.

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

(1) close all military installations recommended for closure by the Commission in the report transmitted to the Congress by the President pursuant to section 3003(i);

(2) realign all military installations recommended for realignment by the Commission in the report;

(3) carry out the privatization in place of a military installation recommended for closure or realignment by the Commission only if privatization in place is a method of closure or realignment of the military installation specified in the recommendations of the Commission in the report and is determined by the Commission to be the most cost-effec-

tive method of implementation of the recommendation;

(4) initiate all such closures and realignments no later than two years after the date on which the President transmits the report to the Congress pursuant to section 3003(i) containing the recommendations for such closures or realignments;

(5) complete all such closures and realignments no later than the end of the five-year period beginning on the date on which the President transmits the report pursuant to section 3003(i) containing the recommendations for such closures or realignments; and

(6) develop a schedule and plan for the implementation of the actions required by the preceding paragraphs in a manner that maximizes efficiency and return on investment.

(b) CONGRESSIONAL DISAPPROVAL.—(1) The Secretary may not carry out any closure or realignment recommended by the Commission in the report transmitted from the President pursuant to section 3003(i) if a joint resolution is enacted, disapproving such recommendations of the Commission before the earlier of—

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

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

(2) For purposes of paragraph (1), the days on which either House of Congress is not in session because of adjournment of more than three days to a day certain shall be excluded in the computation of a period.

SEC. 3005. IMPLEMENTATION.

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

(A) take such actions as may be described in the master plans for each approved recommendation to close or realign a military installation, including the acquisition of such land, the construction of such replacement facilities, the performance of such activities, and the conduct of such advance planning and design as may be required to transfer functions from a military installation being closed or realigned to another military installation, and may use for such purpose funds in the Account or funds appropriated to the Department of Defense for use in planning and design, minor construction, or operation and maintenance;

(B) provide—

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

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

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

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

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

or funds appropriated to the Department of Defense for outplacement assistance to employees; and

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

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

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

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

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

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

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

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

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

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

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

(i) prescribe general policies and methods for utilizing excess property and disposing of surplus

1 property pursuant to the authority delegated under
2 paragraph (1); and
3 (ii) issue regulations relating to such policies
4 and methods, which shall supersede the regulations
5 referred to in subparagraph (A) with respect to that
6 authority.
7 (C) The Secretary of Defense may transfer real prop-
8 erty or facilities located at a military installation to be
9 closed or realigned under this title, with or without reim-
10 bursement, to a military department or other entity (in-
11 cluding a nonappropriated fund instrumentality) within
12 the Department of Defense or the Coast Guard.
13 (D) Before any action may be taken with respect to
14 the disposal of any surplus real property or facility located
15 at any military installation to be closed or realigned under
16 this title, the Secretary of Defense shall consult with the
17 Governor of the State and the heads of the local govern-
18 ments concerned for the purpose of considering any plan
19 for the use of such property by the local community con-
20 cerned.
21 (E) If a military installation to be closed, realigned,
22 or placed in an inactive status under this title includes
23 a road used for public access through, into, or around the
24 installation, the Secretary of Defense shall consult with
25 the Governor of the State and the heads of the local gov-

1 ernments concerned or the purpose of considering the con-
2 tinued availability of the road for public use after the in-
3 stallation is closed, realigned, or placed in an inactive sta-
4 tus.

5 (3)(A) Not later than 6 months after the date of ap-
6 proval of the closure or realignment of a military installa-
7 tion under this title, the Secretary, in consultation with
8 the redevelopment authority with respect to the installa-
9 tion, shall—

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

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

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

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

23 (ii) a local government agency or State govern-
24 ment agency designated for the purpose of such con-

sultation by the chief executive officer of the State in which the installation is located.

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

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

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

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

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

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

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

(II) The reduction in maintenance and repair of facilities or equipment located at the installation

below the minimum levels required to support the use of such facilities or equipment for nonmilitary purposes.

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

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

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

(ii) is uniquely military in character, and is likely to have no civilian use (other than use for its

material content or as a source of commonly used components);

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

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

(v)(I) meets known requirements of an authorized program of another Federal department or agency for which expenditures for similar property would be necessary; and

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

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

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

1 (B) The transfer of property located at a military in-
2 stallation under subparagraph (A) may be for consider-
3 ation at or below the estimated fair market value or with-
4 out consideration. The determination of such consider-
5 ation may account for the economic conditions of the local
6 affected community and the estimated costs to redevelop
7 the property. The Secretary may accept, as consideration,
8 a share of the revenues that the redevelopment authority
9 receives from third-party buyers or lessees from sales and
10 long-term leases of the conveyed property, a portion of the
11 profits obtained over time from the development of the
12 conveyed property, consideration in kind (including goods
13 and services), real property and improvements, or such
14 other consideration as the Secretary considers appro-
15 priate. The transfer of property located at a military in-
16 stallation under subparagraph (A) may be made for con-
17 sideration below the estimated fair market value or with-
18 out consideration only if the redevelopment authority with
19 respect to the installation—
20 (i) agrees that the proceeds from any sale or
21 lease of the property (or any portion thereof) re-
22 ceived by the redevelopment authority during at
23 least the first seven years after the date of the initial
24 transfer of property under subparagraph (A) shall

be used to support the economic redevelopment of, or related to, the installation; and

(ii) executes the agreement for transfer of the property and accepts control of the property within a reasonable time after the date of the property disposal record of decision or finding of no significant impact under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

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

(i) Road construction.

(ii) Transportation management facilities.

(iii) Storm and sanitary sewer construction.

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

(v) Utility construction.

(vi) Building rehabilitation.

(vii) Historic property preservation.

(viii) Pollution prevention equipment or facilities.

(ix) Demolition.

(x) Disposal of hazardous materials generated by demolition.

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

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

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

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

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

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

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

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

1 ices and common area maintenance covered by the lease
2 shall not include—
3 (I) municipal services that a State or local gov-
4 ernment is required by law to provide to all land-
5 owners in its jurisdiction without direct charge; or
6 (II) firefighting or security-guard functions.
7 (F) The transfer of personal property under subpara-
8 graph (A) shall not be subject to the provisions of sub-
9 chapters II and III of chapter 5 of title 40, United States
10 Code, if the Secretary determines that the transfer of such
11 property is necessary for the effective implementation of
12 a redevelopment plan with respect to the installation at
13 which such property is located.
14 (G) The provisions of section 120(h) of the Com-
15 prehensive Environmental Response, Compensation, and
16 Liability Act of 1980 (42 U.S.C. 9620(h)) shall apply to
17 any transfer of real property under this paragraph.
18 (H) The Secretary may require any additional terms
19 and conditions in connection with a transfer under this
20 paragraph as such Secretary considers appropriate to pro-
21 tect the interests of the United States.
22 (5)(A) Except as provided in subparagraphs (B) and
23 (C), the Secretary shall take such actions as the Secretary
24 determines necessary to ensure that final determinations
25 under paragraph (1) regarding whether another depart-

1 ment or agency of the Federal Government has identified
2 a use for any portion of a military installation to be closed
3 or realigned under this title, or will accept transfer of any
4 portion of such installation, are made not later than 6
5 months after the date of approval of closure or realign-
6 ment of that installation.

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

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

1 authority with respect to the installation and comply with
2 the redevelopment plan for the installation.
3 (ii) Not later than 30 days after acquiring non-Fed-
4 eral real property as the location for a new or replacement
5 Federal facility, the head of the Federal agency acquiring
6 the property shall submit to Congress a report containing
7 the results of the consultation under clause (i) and the
8 reasons why military installations referred to in such
9 clause that are located within the area to be served by
10 the new or replacement Federal facility or within a 200-
11 mile radius of the new or replacement facility, whichever
12 area is greater, were considered to be unsuitable or un-
13 available for the site of the new or replacement facility.
14 (c) APPLICABILITY OF NATIONAL ENVIRONMENTAL
15 POLICY ACT OF 1969.—(1) The provisions of the National
16 Environmental Policy Act of 1969 (42 U.S.C. 4321 et
17 seq.) shall not apply to the actions of the President, the
18 Commission, and, except as provided in paragraph (2), the
19 Department of Defense in carrying out this title.
20 (2)(A) The provisions of the National Environmental
21 Policy Act of 1969 shall apply to actions of the Depart-
22 ment of Defense under this title (i) during the process of
23 property disposal, and (ii) during the process of relocating
24 functions from a military installation being closed or re-
25 aligned to another military installation after the receiving

installation has been selected but before the functions are relocated.

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

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

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

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

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

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

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

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

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

(B) The real property and facilities referred to in subparagraph (A) are the real property and facilities located at an installation closed or to be closed, or realigned

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

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

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

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

(B) if such costs are lower than the fair market value of the property or facilities, the recipient of

the property or facilities agrees to pay the difference between the fair market value and such costs.

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

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

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

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

or facilities. The Secretary shall provide such information before entering into the agreement.

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

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

SEC. 3006. DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2017.

(a) ESTABLISHMENT.—

(1) If the Secretary makes the certifications required under section 3003(b), there shall be established on the books of the Treasury an account to be known as the "Department of Defense Base Closure Account 2017". The Account shall be administered by the Secretary as a single account.

(2) There shall be deposited into the Account—

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

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

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

(3) The Account shall be closed at the time and in the manner provided for appropriation accounts under section 1555 of title 31, United States Code.

(b) USE OF FUNDS.—

(1) The Secretary may use the funds in the Account only for the purposes described in section 3005 with respect to military installations approved for closure or realignment under this title.

(2) When a decision is made to use funds in the Account to carry out a military construction project

under section 3005(a), of this title only military construction projects contained in the master plan for approved recommendations shall be carried out without regard to section 2802(a) of title 10, United States Code

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

(4) In the case of military construction projects that are not contained in the master plan for approved recommendations, such construction projects shall be conducted in accordance with the applicable sections of chapter 169 of title 10, United States Code.

(c) REPORTS.—

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

(i) the amount and nature of the deposits into, and the expenditures from, the Account during such fiscal year;

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

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

(iv) the amount and nature of anticipated expenditures to be made pursuant to section 3005(a) during the first fiscal year commencing after the submission of the report.

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

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

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

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

(iv) A description and explanation of the extent, if any, to which expenditures for military construction projects for the fiscal year differed from proposals for projects and funding levels that were included in the justification transmitted to Congress under section 3007(1), or otherwise, for the funding proposals for the Account for such fiscal year, including an explanation of—

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

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

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

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

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

(B) any amount remaining in the Account.

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

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

of the investment shall be computed in accordance with regulations prescribed by the Secretary.

(3) The Secretary may use amounts in the reserve account for the purpose of acquiring, constructing, and improving—

(A) commissary stores; and

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

(4) As used in this subsection:

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

(B) The term ''nonappropriated funds'' means funds received from a nonappropriated fund instrumentality.

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

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

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

(2) Paragraph (1) shall not apply to a military construction project or military family housing project to be carried out using funds in the Account with an estimated cost of less than $5,000,000, unless the project has not been previously identified in any budget submission for the Account and exceeds the applicable minor construction

threshold under section 2805 of title 10, United States Code.

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

SEC. 3007. REPORTS.

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

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

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

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

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

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

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

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

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

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

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

SEC. 3009. RESTRICTION ON OTHER BASE CLOSURE AUTHORITY.

(a) IN GENERAL.—Except as provided in subsection (c), during the period beginning on the date of the enactment of this title, and ending on April 15, 2018, this title shall be the exclusive authority for selecting for closure or realignment, or for carrying out any closure or realignment of, a military installation inside the United States.

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

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

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

(c) EXCEPTION.—Nothing in this title affects the authority of the Secretary to carry out closures and realign-

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

SEC. 3010. DEFINITIONS.

As used in this title:

(1) The term ''Account'' means the Department of Defense Base Closure Account 2017 established by section 3006(a)(1).

(2) The term ''BRAC round'' means a base realignment and closure round authorized by—

(A) 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); or

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

(3) The term ''congressional defense committees'' means the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on Armed Services and the Com-

mittee on Appropriations of the House of Representatives.

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

(5) The term ''date of approval'', with respect to a closure or realignment of an installation, means the date on which the authority of Congress to disapprove a recommendation of closure or realignment, as the case may be, of such installation under this title expires.

(6) The term ''master plan'' means a list of each facility action (including construction, development, conversion, or extension, any acquisition of land necessary to produce a complete and usable facility or a complete and usable improvement to an existing facility) required to carry out a decision, including the scope, costs and timing of each construction activity as documented in military construction project data justifications.

(7) The term ''military installation'' means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility. Such term does not include any facil-

ity used primarily for civil works, rivers and harbors projects, flood control, or other projects not under the primary jurisdiction or control of the Department of Defense.

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

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

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

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

(B) provides for the reuse or redevelopment of the real property and personal property

of the installation that is available for such reuse and redevelopment as a result of the closure or realignment of the installation.

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

(12) The term ''Secretary'' means the Secretary of Defense.

(13) The term ''United States'' means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, American Samoa, and any other commonwealth, territory, or possession of the United States.

SEC. 3011. TREATMENT AS A BASE CLOSURE LAW FOR PURPOSES OF OTHER PROVISIONS OF LAW.

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

''(D) The Defense Base Closure and Realignment Act of 2015.''.

(b) DEFINITION OF ''BASE CLOSURE LAW'' IN OTHER LAWS.—

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

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

''(C) The Defense Base Closure and Realignment Act of 2015.''.

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

''(C) The Defense Base Closure and Realignment Act of 2015.''.

SEC. 3012. CONFORMING AMENDMENTS.

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

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

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

"(6) Money rentals received by the United States from a lease under subsection (g) at a military installation approved for closure or realignment under the Defense Base Closure and Realignment Act of 2015 shall be deposited into the account established under section 3006 of such Act.".

(b) REQUESTS BY PUBLIC AGENCIES FOR PROPERTY FOR PUBLIC AIRPORTS.—Section 47151(g) of title 49, United States Code, is amended by striking "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)" and inserting "a base closure law, as that term is defined in section 101(a)(17) of title 10,".

(c) RESTORED LEAVE.—Section 6304(d)(3)(A) of title 5, United States Code, is amended by striking "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)" and inserting "a base closure law, as that term is defined in section 101(a)(17) of title 10,".

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