

**AMENDMENT TO RULES COMMITTEE PRINT 115-**

**23**

**OFFERED BY MR. SMITH OF WASHINGTON**

Strike section 2702.

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

1 **TITLE XXX—MILITARY INFRA-**  
2 **STRUCTURE CONSOLIDATION**  
3 **AND EFFICIENCY**

- Sec. 3001. Short title.
- Sec. 3002. Purpose.
- Sec. 3003. Force structure plan, infrastructure inventory, and certification of need for consolidation, closure, and realignment of military installations.
- Sec. 3004. Time period to allow congressional review.
- Sec. 3005. Recommendations for consolidation, closure, or realignment of military installations.
- Sec. 3006. Final selection criteria for making recommendations for consolidation, closure, and realignment of military installations.
- Sec. 3007. Military Infrastructure Consolidation and Efficiency Commission of 2019.
- Sec. 3008. Secretary of Defense recommendations for consolidation, closure, or realignment of military installations.
- Sec. 3009. Commission review of Secretary of Defense recommendations for consolidation, closure, or realignment of military installations.
- Sec. 3010. Presidential review of Commission recommendations for consolidation, closure, or realignment of military installations.
- Sec. 3011. Prohibition on implementation of recommendations pending congressional review.
- Sec. 3012. Implementation.
- Sec. 3013. Management and disposal of property.
- Sec. 3014. Account.
- Sec. 3015. Restriction on other base closure authority.
- Sec. 3016. Required reports.
- Sec. 3017. Definitions.
- Sec. 3018. Treatment as a base closure law for purposes of other provisions of law.
- Sec. 3019. Conforming amendments.

1 **SEC. 3001. SHORT TITLE.**

2 This title may be cited as the “Military Infrastruc-  
3 ture Consolidation and Efficiency Act of 2017”.

4 **SEC. 3002. PURPOSE.**

5 The purpose of this title is to provide a fair and  
6 transparent process that will allow the Department of De-  
7 fense—

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

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

14 **SEC. 3003. FORCE STRUCTURE PLAN, INFRASTRUCTURE IN-**  
15 **VENTORY, AND CERTIFICATION OF NEED FOR**  
16 **CONSOLIDATION, CLOSURE, AND REALIGN-**  
17 **MENT OF MILITARY INSTALLATIONS.**

18 (a) FORCE STRUCTURE.—

19 (1) PLAN REQUIRED.—The Secretary of De-  
20 fense shall develop a force structure plan for the  
21 Armed Forces, to be based on an assessment by the  
22 Secretary of the probable threats to the national se-  
23 curity of the United States during the period begin-  
24 ning with fiscal year 2018 and ending with fiscal  
25 year 2038.

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

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

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

15           (b) INFRASTRUCTURE.—

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

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

24                           (A) The number and type of infrastructure  
25                           required to support—

- 1 (i) the force structure plan; and  
2 (ii) any potential growth in the end-  
3 strength levels of the Armed Forces and  
4 major military force units in the event of  
5 the emergence of new threats to the secu-  
6 rity of the United States or a national  
7 emergency, contingency operation, or dec-  
8 laration of war.

9 (B) The categories of excess infrastructure  
10 and infrastructure capacity.

11 (3) SPECIAL CONSIDERATIONS.—In determining  
12 the level of necessary and excess infrastructure in  
13 the infrastructure inventory, the Secretary shall con-  
14 sider the following:

15 (A) The anticipated and continuing need  
16 for and availability of military installations out-  
17 side the United States, taking into account cur-  
18 rent restrictions on the use of military installa-  
19 tions outside the United States and the poten-  
20 tial for future prohibitions or restriction on the  
21 use of such military installations.

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

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

7           (1) The force structure plan.

8           (2) The infrastructure inventory.

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

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

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

20           (d) REVISION OF FORCE STRUCTURE PLAN AND IN-  
21 FRASTRUCTURE INVENTORY.—

22           (1) REVISION AUTHORIZED.—The Secretary  
23 may revise the force structure plan and infrastruc-  
24 ture inventory.

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

7           (3) LIMITATION.—For the purposes of selecting  
8 military installations for consolidation, closure, or  
9 realignment under this title in the year in which a  
10 revision is submitted, no revision of the force struc-  
11 ture plan or infrastructure inventory is authorized  
12 after the date specified in paragraph (2).

13       (e) CERTIFICATION OF NEED FOR CONSOLIDATION,  
14 CLOSURE, AND REALIGNMENT OF MILITARY INSTALLA-  
15 TIONS.—

16           (1) INITIAL CERTIFICATION.—On the basis of  
17 the force structure plan, the infrastructure inven-  
18 tory, and the report required under subsection (e),  
19 the Secretary shall include in the report a certifi-  
20 cation of whether the need exists for the Department  
21 to consolidate, close, or realign military installations.

22           (2) EFFECT OF AFFIRMATIVE CERTIFI-  
23 CATION.—If the Secretary certifies that the need ex-  
24 ists for a round for the selection of military installa-

1 tions for consolidation, closure, or realignment, the  
2 Secretary also must certify that—

3 (A) the recommendations for the consolida-  
4 tion, closure, or realignment of military installa-  
5 tions will—

6 (i) result in annual net savings for  
7 each of the military departments beginning  
8 not later than five years following the date  
9 of the completion of the recommended con-  
10 solidation, closure, or realignment action;

11 (ii) have the primary objective of  
12 eliminating excess infrastructure capacity  
13 within the Department and reconfigure the  
14 remaining infrastructure to maximize effi-  
15 ciency; and

16 (iii) allow the Department to reinvest  
17 potential savings realized from the consoli-  
18 dation, closure, or realignment of military  
19 installations into future readiness and  
20 modernization requirements of the Armed  
21 Forces; and

22 (B) the Secretary has previously consid-  
23 ered and pursued opportunities to eliminate ex-  
24 cess infrastructure capacity overseas to maxi-  
25 mize efficiency and reduce costs.

1           (3) EFFECT OF NEGATIVE CERTIFICATION.—If  
2           the Secretary certifies that the need does not exist  
3           for a round for the selection of military installations  
4           for consolidation, closure, or realignment, the Presi-  
5           dent may not commence a round for the selection of  
6           military installations for consolidation, closure, or  
7           realignment as provided by this title.

8           (4) EFFECT OF FAILURE TO CERTIFY.—If the  
9           Secretary does not include the certification referred  
10          to in paragraph (1) in the report required by sub-  
11          section (c), the President may not commence a  
12          round for the selection of military installations for  
13          consolidation, closure, or realignment as provided by  
14          this title.

15          (f) COMPTROLLER GENERAL EVALUATION.—

16               (1) EVALUATION REQUIRED.—If the certifi-  
17               cation is provided under subsection (e), the Comp-  
18               troller General of the United States shall prepare an  
19               evaluation of the following:

20                       (A) The force structure plan and the infra-  
21                       structure inventory, including the categories of  
22                       excess infrastructure and infrastructure capac-  
23                       ity identified in the inventory.



1 (B) The accuracy and analytical suffi-  
2 ciency of the force structure plan and infra-  
3 structure inventory.

4 (C) The need for the consolidation, closure,  
5 or realignment of additional military installa-  
6 tions.

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

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

20 **SEC. 3004. TIME PERIOD TO ALLOW CONGRESSIONAL RE-**  
21 **VIEW.**

22 (a) PROHIBITION.—The Secretary of Defense may  
23 only commence a round for the selection of military instal-  
24 lations for consolidation, closure, or realignment as pro-  
25 vided by this title after the end of a 90-day period begin-

1 ning on the date the certification required by subsection  
2 (e) of section 3003 is submitted to Congress in the report  
3 required under subsection (c) of such section.

4 (b) EFFECT OF PASSAGE OF A JOINT RESOLUTION  
5 OF DISAPPROVAL.—If, during the period specified in sub-  
6 section (a), a joint resolution is enacted disapproving of  
7 the force structure plan, the infrastructure inventory, or  
8 the certification required by section 3003(e), then the  
9 President may not commence a round for the selection of  
10 military installations for consolidation, closure, or realign-  
11 ment as provided by this title.

12 **SEC. 3005. RECOMMENDATIONS FOR CONSOLIDATION, CLO-**  
13 **SURE, OR REALIGNMENT OF MILITARY IN-**  
14 **STALLATIONS.**

15 (a) CONDITIONAL APPLICABILITY.—This section  
16 shall apply only if—

17 (1) the Secretary of Defense makes a certifi-  
18 cation under section 3003(e) that the need exists for  
19 a round for the selection of military installations for  
20 consolidation, closure, or realignment; and

21 (2) Congress does not enact a joint resolution  
22 described in section 3004(b) during the period speci-  
23 fied in section 3004(a).

24 (b) AUTHORITY TO DEVELOP RECOMMENDATIONS.—  
25 Subject to subsection (a), the Secretary may initiate a

1 process to develop recommendations for the consolidation,  
2 closure, or realignment of military installations on the  
3 basis of the force structure plan, the infrastructure inven-  
4 tory, and the final selection criteria.

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

13 (d) EFFECT OF ADVANCE CONVERSION PLANNING.—

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

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

24 (A) shall include community adjustment  
25 and economic diversification planning under-

1 taken by the community before an anticipated  
2 selection of a military installation in or near the  
3 community for consolidation, closure, or re-  
4 alignment; and

5 (B) may include the development of contin-  
6 gency redevelopment plans, plans for economic  
7 development and diversification, and plans for  
8 the joint use (including civilian and military  
9 use, public and private use, civilian dual use,  
10 and civilian shared use) of the property or fa-  
11 cilities of the military installation after the an-  
12 ticipated consolidation, closure, or realignment.

13 (e) EFFECT OF LOCAL GOVERNMENT APPROVAL.—

14 (1) CONSIDERATION AUTHORIZED.—Except as  
15 provided in paragraph (2), in developing rec-  
16 ommendations for the consolidation, closure, and re-  
17 alignment of military installations under this title,  
18 the Secretary shall consider any notice received from  
19 a local government in the vicinity of a military in-  
20 stallation that the government would approve of the  
21 consolidation, closure, or realignment of the military  
22 installation.

23 (2) EXCEPTION.—Notwithstanding receiving a  
24 notice described in paragraph (1), the Secretary  
25 shall—

1 (A) make recommendations for the consoli-  
2 dation, closure, and realignment of military in-  
3 stallations based on the force structure plan,  
4 the infrastructure inventory, and the final selec-  
5 tion criteria; and

6 (B) include a statement of the result of the  
7 consideration of such a notice and the reasons  
8 for the result.

9 **SEC. 3006. FINAL SELECTION CRITERIA FOR MAKING REC-**  
10 **COMMENDATIONS FOR CONSOLIDATION, CLO-**  
11 **SURE, AND REALIGNMENT OF MILITARY IN-**  
12 **STALLATIONS.**

13 (a) FINAL SELECTION CRITERIA.—The final selec-  
14 tion criteria to be used by the Secretary of Defense in  
15 making recommendations for the consolidation, closure, or  
16 realignment of military installations under this title shall  
17 be military value criteria and certain additional criteria,  
18 as follows:

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

21 (A) The current and future mission capa-  
22 bilities of the Armed Forces, the ability to sup-  
23 port technological innovation, the ability to sup-  
24 port educational requirements that enhance the  
25 success of members of the Armed Forces in

1           their military career fields, and the impact on  
2           operational readiness of the total force of the  
3           Department, including the impact on joint  
4           warfighting, training, and readiness.

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

15          (C) The ability to accommodate contin-  
16          gency, mobilization, surge, and future total  
17          force requirements at both existing and poten-  
18          tial receiving locations to support military oper-  
19          ations and training.

20          (D) The cost of operations and the man-  
21          power implications.

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

24                 (A) The extent and timing of potential  
25                 costs and savings, including the number of

1 years, beginning with the date of completion of  
2 the recommended consolidation, closure, or re-  
3 alignment action, for the savings to exceed the  
4 costs.

5 (B) The economic impact on existing com-  
6 munities in the vicinity of the military installa-  
7 tion (including potential impacts to employ-  
8 ment, termination of contractual agreements,  
9 and closure of commercial facilities ), calculated  
10 using standardized, federally recognized eco-  
11 nomic impact data when calculating the impact  
12 on existing communities.

13 (C) The impact on homeland security and  
14 emergency response preparedness in a State or  
15 region

16 (D) The ability of the infrastructure of  
17 both the existing and potential receiving com-  
18 munities to support forces, missions, and per-  
19 sonnel.

20 (E) The environmental impact, including  
21 the impact of costs related to potential environ-  
22 mental restoration, waste management, and en-  
23 vironmental compliance activities.

24 (b) PRIORITY CONSIDERATIONS.—In making rec-  
25 ommendations for the consolidation, closure, and realign-

1 ment of military installations, the Secretary shall give pri-  
2 ority consideration to the military value criteria, as speci-  
3 fied in subsection (a)(1).

4 (c) CONSIDERATION OF TIME-PERIOD FOR ACHIEV-  
5 ING SAVINGS.—

6 (1) EMPHASIS ON NET-SAVINGS WITHIN FIVE  
7 YEARS.—The Secretary shall place an emphasis on  
8 recommendations for the consolidation, closure, and  
9 realignment of military installations that will yield  
10 net-savings within five years of the completion of the  
11 recommended consolidation, closure, or realignment  
12 action.

13 (2) RECOMMENDATIONS WITH LONG-DELAYED  
14 NET-SAVINGS.—The Secretary may not make a rec-  
15 ommendation that will not demonstrate net-savings  
16 within 20 years, unless the Secretary certifies as  
17 part of the recommendation that the military value  
18 of the recommendation supports or enhances a crit-  
19 ical national security interest of the United States.

20 (d) COVERED COSTS.—When determining the costs  
21 associated with a recommendation for the consolidation,  
22 closure, or realignment of a military installation, the Sec-  
23 retary shall consider costs associated with military con-  
24 struction, information technology, termination of public-  
25 private contracts, guarantees, and other factors contrib-



1 uting to the cost of implementing and completing the rec-  
2 ommended consolidation, closure, or realignment action,  
3 as determined by the Secretary.

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

13 (f) RELATION TO OTHER MATERIALS.—The final se-  
14 lection criteria shall be the only criteria used, along with  
15 the force structure plan and the infrastructure inventory,  
16 in making recommendations for the consolidation, closure,  
17 and realignment of military installations inside the United  
18 States under this title.

19 **SEC. 3007. MILITARY INFRASTRUCTURE CONSOLIDATION**  
20 **AND EFFICIENCY COMMISSION OF 2019.**

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

23 (1) the Secretary of Defense makes a certifi-  
24 cation under section 3003(e) that the need exists for

1 a round for the selection of military installations for  
2 consolidation, closure, or realignment; and

3 (2) Congress does not enact a joint resolution  
4 described in section 3004(b) during the period speci-  
5 fied in section 3004(a).

6 (b) ESTABLISHMENT OF INDEPENDENT COMMIS-  
7 SION.—Subject to subsection (a), there shall be estab-  
8 lished an independent commission to carry out the duties  
9 specified for it in this title. The Commission shall be  
10 known as the “Military Infrastructure Consolidation and  
11 Efficiency Commission of 2019”.

12 (c) COMPOSITION AND APPOINTMENT.—

13 (1) MEMBERS AND APPOINTMENT.—The Com-  
14 mission shall be composed of nine members ap-  
15 pointed by the President, by and with the advice and  
16 consent of the Senate.

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

20 (A) the Speaker of the House of Rep-  
21 resentatives concerning the appointment of two  
22 members;

23 (B) the majority leader of the Senate con-  
24 cerning the appointment of two members;

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

4 (D) the minority leader of the Senate con-  
5 cerning the appointment of one member.

6 (3) CHAIRMAN.—At the time the President  
7 nominates individuals for appointment to the Com-  
8 mission, the President shall designate one such indi-  
9 vidual who shall serve as the Chairman of the Com-  
10 mission.

11 (4) PRIORITY.—The President shall give pri-  
12 ority consideration in the nomination of members of  
13 the Commission to individuals who—

14 (A) have demonstrated expertise regarding  
15 the current and future operational and training  
16 requirements of the Armed Forces, professional  
17 military education, military installation infra-  
18 structure and environmental management, or  
19 the socioeconomic impact of military installa-  
20 tions on states, regions, and local communities;  
21 and

22 (B) have not served on a Defense Base  
23 Closure and Realignment Commission.

24 (5) DEADLINE.—If the President does not  
25 transmit to the Senate the nominations for appoint-

1       ment to the Commission on or before February 1,  
2       2019, the process by which military installations  
3       may be selected for consolidation, closure, or realign-  
4       ment under this title shall be terminated.

5           (6) TERM.—A member of the Commission shall  
6       serve until the termination of the Commission under  
7       subsection (i).

8           (7) VACANCY.—A vacancy in the Commission  
9       shall be filled in the same manner as the original ap-  
10      pointment, and the individual appointed to fill the  
11      vacancy shall serve for the unexpired portion of the  
12      term of the individual's predecessor under paragraph  
13      (6).

14      (d) PAY AND TRAVEL EXPENSES.—

15           (1) IN GENERAL.—Each member of the Com-  
16      mission, other than the Chairman, shall be paid at  
17      a rate equal to the daily equivalent of the minimum  
18      annual rate of basic pay payable for level IV of the  
19      Executive Schedule under section 5315 of title 5,  
20      United States Code, for each day (including travel  
21      time) during which the member is engaged in the ac-  
22      tual performance of duties vested in the Commis-  
23      sion.

24           (2) CHAIRMAN.—The Chairman of the Commis-  
25      sion shall be paid for each day referred to in para-

1 graph (1) at a rate equal to the daily equivalent of  
2 the minimum annual rate of basic pay payable for  
3 level III of the Executive Schedule under section  
4 5314, of title 5, United States Code.

5 (3) TRAVEL EXPENSES.—Members of the Com-  
6 mission shall receive travel expenses, including per  
7 diem in lieu of subsistence, in accordance with sec-  
8 tions 5702 and 5703 of title 5, United States Code.

9 (e) DIRECTOR AND STAFF.—

10 (1) DIRECTOR.—The Commission shall appoint,  
11 without regard to section 5311 of title 5, United  
12 States Code, a Director who has not served on active  
13 duty in the Armed Forces or as a civilian employee  
14 of the Department during the one year period pre-  
15 ceding the date of such appointment. The Director  
16 shall be paid at the rate of basic pay payable for  
17 level IV of the Executive Schedule under section  
18 5315 of title 5, United States Code.

19 (2) STAFF.—Subject to the approval of the  
20 Commission, the Director may appoint and fix the  
21 pay of additional staff personnel. The Director may  
22 make such appointments without regard to the pro-  
23 vision of title 5, United States Code, governing ap-  
24 pointments in the competitive service, and any per-  
25 sonnel so appointment may be paid without regard

1 to the provisions of chapter 51 and subchapter III  
2 of chapter 53 of that title relating to classification  
3 and General Schedule pay rates, except that an indi-  
4 vidual so appointed may not receive pay in excess of  
5 the annual rate of basic pay payable for GS-15 of  
6 the General Schedule.

7 (3) DETAILED PERSONNEL.—Upon the request  
8 of the Director, the head of any Federal department  
9 of agency may detail any of the personnel of that de-  
10 partment or agency to the Commission to assist the  
11 Commission in carrying out its duties under this  
12 title. The Comptroller General of the United States  
13 shall provide assistance, including the detailing of  
14 employees, to the Commission in accordance with an  
15 agreement entered into with the Commission.

16 (4) STAFF RESTRICTIONS.—

17 (A) LIMITATIONS ON DETAILEES FROM  
18 DEPARTMENT.—Of the personnel employed by  
19 or detailed to the Commission—

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

22 (ii) not more than one-fifth of the pro-  
23 fessional analysts of the Commission staff  
24 may be on detail from the Department;  
25 and

1 (iii) no person detailed from the De-  
2 partment may be assigned as the lead pro-  
3 fessional analyst with respect to a military  
4 department or Defense Agency.

5 (B) CONFLICT OF INTEREST LIMITA-  
6 TION.—A person may not be detailed from the  
7 Department to the Commission if, within 12  
8 months before the detail is to begin, that person  
9 participated personally and substantially in any  
10 matter within the Department concerning the  
11 preparation of recommendations for the consoli-  
12 dation, closure, or realignment of military in-  
13 stallations.

14 (C) DUTY LIMITATIONS.—No member of  
15 the Armed Forces, and no officer or employee  
16 of the Department, may—

17 (i) prepare any report concerning the  
18 effectiveness, fitness, or efficiency of the  
19 performance on the staff of the Commis-  
20 sion of any person detailed from the De-  
21 partment to that staff;

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

24 (iii) approve or disapprove of such a  
25 report.

1           (D) TIME-PERIOD LIMITATIONS.—During  
2           the period beginning January 1, 2020, and end-  
3           ing April 15, 2020, there may not be more than  
4           15 persons on the staff of the Commission at  
5           any one time, the staff may only perform such  
6           functions as are necessary to prepare for the  
7           termination of the Commission and transfer of  
8           all records to the Department or national ar-  
9           chives. No member of the Armed Forces and no  
10          officer or employee of the Department may  
11          serve on the staff during this time.

12          (5) STAFF-RELATED CERTIFICATION.—Not  
13          later than April 1, 2019, the Chairman of the Com-  
14          mission shall certify to the Secretary and the con-  
15          gressional defense committees whether the Commis-  
16          sion has adequate staff to review the recommenda-  
17          tions to be submitted by the Secretary pursuant to  
18          section 3008.

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

24          (g) FUNDING.—



1           (1) AUTHORIZATION OF APPROPRIATIONS.—

2           There are authorized to be appropriated to the Com-  
3           mission such funds as are necessary to carry out its  
4           duties under this title. Such funds shall remain  
5           available until expended.

6           (2) TRANSFER AUTHORITY.—If no funds are  
7           appropriated to the Commission by the end of the  
8           second session of the One Hundred Fifteenth Con-  
9           gress, the Secretary may transfer to the Commission  
10          for purposes of its activities under this title such  
11          funds as the Commission may require to carry out  
12          such activities. The Secretary may make such trans-  
13          fer from any funds available to the Secretary and  
14          appropriated after the date of the enactment of this  
15          Act. Funds so transferred shall remain available to  
16          the Commission for such purpose until expended.

17          (h) PROHIBITION AGAINST RESTRICTING COMMU-  
18          NICATIONS.—Section 1034 of title 10, United States  
19          Code, shall apply with respect to communications with the  
20          Commission.

21          (i) TERMINATION.—The Commission shall terminate  
22          on April 15, 2020.

1 **SEC. 3008. SECRETARY OF DEFENSE RECOMMENDATIONS**  
2 **FOR CONSOLIDATION, CLOSURE, OR RE-**  
3 **ALIGNMENT OF MILITARY INSTALLATIONS.**

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

6 (1) the Secretary of Defense makes a certifi-  
7 cation under section 3003(e) that the need exists for  
8 a round for the selection of military installations for  
9 consolidation, closure, or realignment;

10 (2) Congress does not enact a joint resolution  
11 described in section 3004(b) during the period speci-  
12 fied in section 3004(a); and

13 (3) the Chairman of the Commission certifies  
14 under section 3007(e)(5) that the Commission has  
15 adequate staff to review the recommendations to be  
16 submitted by the Secretary pursuant to this section.

17 (b) **PUBLICATION AND TRANSMITTAL OF REC-**  
18 **COMMENDATIONS.**—

19 (1) **IN GENERAL.**—Subject to paragraph (2),  
20 the Secretary shall publish in the Federal Register,  
21 transmit to the congressional defense committees,  
22 and transmit to the Commission a list of the mili-  
23 tary installations inside the United States that the  
24 Secretary recommends for consolidation, closure, or  
25 realignment based on the force structure plan, infra-  
26 structure inventory, and final selection criteria.

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

3                   (A) April 15, 2019.

4                   (B) 14 days after the Chairman of the  
5           Commission makes the certification referred to  
6           in subsection (a)(3).

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

13                   (1) A summary of the selection process that re-  
14                  sulted in the recommendation for each military in-  
15                  stallation specified in the list of recommendations,  
16                  including a justification for each recommendation  
17                  based on the final selection criteria.

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

20                   (3) Standard rules to calculate annual recurring  
21                  savings for manpower base operating costs, utility  
22                  costs, base closure guarantees, service-sharing agree-  
23                  ments, and other installation support activities that  
24                  the Secretary will use in the determination of the  
25                  savings derived from a recommendation.

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

14           (e) CERTIFICATION OF ACCURACY AND COMPLETE-  
15 NESS OF INFORMATION.—When submitting information to  
16 the Secretary or the Commission concerning the rec-  
17 ommended consolidation, closure, or realignment of a mili-  
18 tary installation, the following individuals shall certify that  
19 such information is accurate and complete to the best of  
20 that person's knowledge and belief:

21                   (1) The Secretaries of the military departments.

22                   (2) The heads of the Defense Agencies.

23                   (3) Each person whose duties include personal  
24 and substantial involvement in the preparation and  
25 submission of information and recommendations

1 concerning the consolidation, closure, or realignment  
2 of military installations, as designated in regulations  
3 which the Secretary shall prescribe, regulations  
4 which the Secretary of each military department  
5 shall prescribe for personnel within that military de-  
6 partment, or regulations which the head of each De-  
7 fense Agency shall prescribe for personnel within  
8 that Defense Agency.

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

19 **SEC. 3009. COMMISSION REVIEW OF SECRETARY OF DE-**  
20 **FENSE RECOMMENDATIONS FOR CONSOLIDA-**  
21 **TION, CLOSURE, OR REALIGNMENT OF MILI-**  
22 **TARY INSTALLATIONS.**

23 (a) PUBLIC HEARINGS AND TESTIMONY.—After re-  
24 ceiving the recommendations from the Secretary of De-  
25 fense for the consolidation, closure, and realignment of

1 military installations pursuant to section 3008, the Com-  
2 mission shall conduct public hearings on the recommenda-  
3 tions. All testimony before the Commission at a public  
4 hearing conducted under this subsection shall be presented  
5 under oath.

6 (b) OPEN MEETINGS.—The Commission shall meet  
7 only during calendar year 2019, and each meeting, other  
8 than meetings in which classified information is to be dis-  
9 cussed, shall be open to the public. All the proceedings,  
10 information, and deliberations of the Commission shall be  
11 open, upon request, to the following:

12 (1) The chairmen and ranking members of the  
13 Committees on Armed Services of the Senate and  
14 the House of Representatives, or such other mem-  
15 bers of the committees designated by such chairmen  
16 or ranking members.

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

24 (3) The chairmen and ranking members of the  
25 Subcommittees on Defense of the Committees on

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

5 (c) COMPTROLLER GENERAL REVIEW AND ASSIST-  
6 ANCE.—

7 (1) ASSISTANCE.—The Comptroller General of  
8 the United States shall assist the Commission, to  
9 the extent requested, in the Commission's review of  
10 the recommendations submitted by the Secretary of  
11 Defense pursuant to section 3008.

12 (2) REVIEW.—Not later than 45 days after the  
13 date on which the Secretary transmits the rec-  
14 ommendations to the Commission pursuant to sub-  
15 section 3008(b), the Comptroller General shall  
16 transmit to Congress and to the Commission a re-  
17 port containing a detailed analysis of the Secretary's  
18 recommendations, selection process, and standard  
19 rules to calculate annual recurring savings.

20 (d) REPORT TO PRESIDENT.—

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

24 (A) the findings and conclusions of the  
25 Commission based on its review of the rec-

1           ommendations made by the Secretary pursuant  
2           to section 3008;

3           (B) the recommendations of the Commis-  
4           sion for the consolidation, closure, and realign-  
5           ment of military installations inside the United  
6           States; and

7           (C) an explanation and justification of  
8           each recommendation made by the Commission  
9           that is different from the Secretary pursuant to  
10          subsection (e).

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

13                 (A) October 1, 2019.

14                 (B) 180 days after the date on which the  
15                 Secretary transmits the recommendations to the  
16                 Commission pursuant to subsection 3008(b).

17          (3) AVAILABILITY.—The report of the Commis-  
18          sion also shall be made available to Congress and  
19          the public by means of the Internet or another elec-  
20          tronic format on the same date on which the Com-  
21          mission transmits the report to the President.

22          (e) CHANGES TO THE SECRETARY'S RECOMMENDA-  
23          TIONS.—In making its recommendations under this sec-  
24          tion, the Commission may make changes, subject to sub-



1 section (f), in any of the recommendations made by the  
2 Secretary if the Commission determines that—

3 (1) the Secretary deviated substantially from  
4 the force structure plan or the final selection criteria  
5 in making the recommendation; or

6 (2) a recommendation made by the Secretary  
7 was justified by assessment data—

8 (A) that the Commission determines to be  
9 invalid; and

10 (B) that, if corrected, the Commission de-  
11 termines would significantly impact the military  
12 value or potential costs and savings of the rec-  
13 ommendation.

14 (f) PROCESS FOR MAKING CHANGES.—

15 (1) THRESHOLD FOR CONSIDERATION.—The  
16 Commission may not consider making a change in  
17 the recommendations of the Secretary that would  
18 add or remove a military installation to the Sec-  
19 retary's list of recommendations unless—

20 (A) the Commission provides the Secretary  
21 with at least a 15-day period, before making  
22 the change, in which to submit an explanation  
23 of the reasons why—

24 (i) in the case of considering a mili-  
25 tary installation for addition, the installa-

1                   tion was not included on the consolidation,  
2                   closure, or realignment list by the Sec-  
3                   retary; or

4                   (ii) in the case of considering a mili-  
5                   tary installation for removal, the installa-  
6                   tion was included on the consolidation, clo-  
7                   sure, or realignment list by the Secretary;  
8                   and

9                   (B) the decision to add or remove the in-  
10                  stallation for Commission consideration is sup-  
11                  ported by at least seven members of the Com-  
12                  mission.

13               (2) REMOVAL OR REDUCTION.—In addition to  
14               complying with the requirements of subsection (e),  
15               the Commission may remove a military installation  
16               from the list of recommendations made by the Sec-  
17               retary, or decrease the extent of a realignment pro-  
18               posed by a particular recommendation, only if the  
19               decision to remove that recommendation is sup-  
20               ported by a simple majority of the members of the  
21               Commission.

22               (3) ADDITION OR INCREASE.—In addition to  
23               complying with the requirements of subsection (e),  
24               the Commission may add a military installation to  
25               the list of recommendations made by the Secretary,

1 or increase the extent of a realignment proposed by  
2 a particular recommendation, only if—

3 (A) the Commission—

4 (i) determines that the change is con-  
5 sistent with the force structure plan, infra-  
6 structure inventory, and final selection cri-  
7 teria;

8 (ii) publishes a notice of the proposed  
9 change in the Federal Register not less  
10 than 45 days before transmitting its rec-  
11 ommendations to the President pursuant  
12 to subsection (d); and

13 (iii) conducts public hearings on the  
14 proposed change;

15 (B) at least two Members of the Commis-  
16 sion visit the military installation before the  
17 date of the transmittal of the report pursuant  
18 to subsection (e); and

19 (C) the decision of the Commission to  
20 make the change is supported by at least seven  
21 members of the Commission.

22 (4) COST ESTIMATE REQUIRED.—For each  
23 change made by the Commission in the rec-  
24 ommendations of the Secretary, the Commission, in  
25 coordination with the Secretary, shall provide an up-

1       dated estimated costs to complete the recommended  
2       consolidation, closure, or realignment action and po-  
3       tential savings of the recommendation.

4       (g) RESPONSIBILITY TO RECUSE.—

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

8           (A) in accordance with section 208 of title  
9       18, United States Code; and

10          (B) in addition, in the event that the mem-  
11       ber is concerned that other circumstances would  
12       raise a question regarding the legitimacy and  
13       impartiality of the final recommendations of the  
14       Commission.

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

19       **SEC. 3010. PRESIDENTIAL REVIEW OF COMMISSION REC-**  
20                               **COMMENDATIONS FOR CONSOLIDATION, CLO-**  
21                               **SURE, OR REALIGNMENT OF MILITARY IN-**  
22                               **STALLATIONS.**

23       (a) APPROVAL OR DISAPPROVAL.—

24           (1) IN GENERAL.—Subject to paragraph (2),  
25       following receipt of the report of the Commission re-

1       quired by section 3009, the President shall transmit  
2       to the Commission and to Congress a report con-  
3       taining the President's approval or disapproval of  
4       the recommendations of the Commission for the con-  
5       solidation, closure, or realignment of military instal-  
6       lations.

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

9                       (A) October 15, 2019.

10                      (B) 14 days after the date on which the  
11       Commission transmits its recommendations to  
12       the President pursuant to section 3009(d).

13       (b) EFFECT OF APPROVAL.—It the President ap-  
14       proves all the recommendations of the Commission, the  
15       report of the President to Congress under subsection (a)  
16       shall include—

17               (1) a copy of the Commission's recommenda-  
18       tions; and

19               (2) a certification of such approval.

20       (c) EFFECT OF DISAPPROVAL.—If the President dis-  
21       approves the recommendations of the Commission, in  
22       whole or in part, the report of the President under sub-  
23       section (a) shall include—

24               (1) the reasons for disapproval; and

25               (2) a certification of such disapproval.

1 (d) REVISION.—

2 (1) OPPORTUNITY TO REVISE.—If the President  
3 disapproves the recommendations of the Commis-  
4 sion, the Commission shall transmit to the President  
5 a revised list of recommendations for the consolida-  
6 tion, closure, and realignment of military installa-  
7 tions before the later of the following:

8 (A) November 30, 2019.

9 (B) 30 days after the date on which the  
10 President transmits the disapproval.

11 (2) EFFECT OF APPROVAL.—If the President  
12 approves all of the revised recommendations of the  
13 Commission transmitted to the President under  
14 paragraph (1), the President shall transmit to the  
15 Commission and to Congress a report containing—

16 (A) a copy of the revised recommendations;

17 and

18 (B) a certification of such approval.

19 (3) TERMINATION.—If the President does not  
20 transmit to Congress the report described in para-  
21 graph (2) by December 31, 2019, the process by  
22 which military installations may be selected for con-  
23 solidation, closure, or realignment under this title  
24 shall be terminated.

1 **SEC. 3011. PROHIBITION ON IMPLEMENTATION OF REC-**  
2 **COMMENDATIONS PENDING CONGRESSIONAL**  
3 **REVIEW.**

4 (a) OPPORTUNITY FOR CONGRESSIONAL REVIEW.—  
5 Unless Congress enacts a joint resolution described in sub-  
6 section (b), the Secretary of Defense may begin to take  
7 the implementation actions described in section 3012 after  
8 the end of a 45-day period beginning on the date on which  
9 the President submits to the Commission and Congress  
10 a report containing an approval and certification pursuant  
11 to section 3010, or the adjournment of Congress sine die  
12 for the session in which the report is transmitted, which-  
13 ever is earlier.

14 (b) EFFECT OF PASSAGE OF A JOINT RESOLUTION  
15 OF DISAPPROVAL.—If a joint resolution disapproving of  
16 the recommendations of the Commission submitted by the  
17 President in a report pursuant to section 3010 is enacted  
18 by Congress not later than 45 days after the date of the  
19 transmission of the report, then the Secretary may not  
20 carry out any consolidation, closure, or realignment rec-  
21 ommended by the Commission in the report transmitted  
22 by the President.

23 **SEC. 3012. IMPLEMENTATION.**

24 (a) IN GENERAL.—Subject to section 3011, the Sec-  
25 retary shall—

1           (1) close all military installations recommended  
2           for closure by the Commission in the report trans-  
3           mitted to the Congress by the President pursuant to  
4           section 3010;

5           (2) realign all military installations rec-  
6           ommended for realignment by the Commission in the  
7           report;

8           (3) initiate all such closures and realignments  
9           no later than two years after the date on which the  
10          President transmits the report to the Congress that  
11          contains the recommendations for such closures or  
12          realignments;

13          (4) complete all such closures and realignments  
14          no later than the end of the 5-year period beginning  
15          on the date on which the President transmits the re-  
16          port containing the recommendations for such clo-  
17          sures or realignments; and

18          (5) develop a schedule and plan for the imple-  
19          mentation of the actions required by the preceding  
20          paragraphs in a manner that is suitable for reuse ,  
21          minimizes the time required to dispose of excess and  
22          surplus real property and maximizes efficiency and  
23          return on investment.

24          (b) ACTIONS TO BE TAKEN.—



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

15          (2) Except as provided in section 3014(e), in  
16          carrying out any closure or realignment action under  
17          this title, the Secretary may not exceed, by more  
18          than 25 percent, the total cost specified for such clo-  
19          sure or realignment action in the report transmitted  
20          by the Commission to the President pursuant to sec-  
21          tion 3009(d).

22          (3) In closing or realigning any military instal-  
23          lation under this title, the Secretary may provide  
24          economic adjustment assistance to any community  
25          located near a military installation being closed or

1 realigned, and community planning assistance to any  
2 community located near a military installation to  
3 which functions will be transferred as a result of the  
4 consolidation, closure, or realignment of a military  
5 installation, if the Secretary determines that the fi-  
6 nancial resources available to the community (by  
7 grant or otherwise) for such purposes are inad-  
8 equate, and may use for such purposes funds in the  
9 Account or funds appropriated to the Department of  
10 Defense for economic adjustment assistance or com-  
11 munity planning assistance.

12 (4) In closing or realigning any military instal-  
13 lation under this title, the Secretary may carry out  
14 activities for the purposes of environmental restora-  
15 tion and mitigation at any such installation, and  
16 shall use for such purposes funds both appropriated  
17 to the Account (reference) and funds deposited in  
18 the Account from the proceeds of the lease, transfer,  
19 or disposal of any property at a military installation  
20 that is consolidated, closed, or realigned under this  
21 title. The Secretary shall ensure that environmental  
22 restoration of any property made excess to the needs  
23 of the Department of Defense as a result of such  
24 consolidation, closure, or realignment be carried out  
25 as soon as possible to expedite the ability of the re-

1 development authority to carry out its redevelopment  
2 plan for the property.

3 (5) In closing or realigning any military instal-  
4 lation under this title, the Secretary may provide  
5 outplacement assistance to civilian employees em-  
6 ployed by the Department of Defense at military in-  
7 stallations being closed or realigned, and may use for  
8 such purposes funds in the Account or funds appro-  
9 priated to the Department of Defense for outplace-  
10 ment assistance to employees.

11 (6) In closing or realigning any military instal-  
12 lation under this title, the Secretary may reimburse  
13 other Federal agencies for actions performed at the  
14 request of the Secretary with respect to any such  
15 consolidation, closure, or realignment, and may use  
16 for such purposes funds in the Account of funds ap-  
17 propriated to the Department of Defense and avail-  
18 able for such purpose.

19 **SEC. 3013. MANAGEMENT AND DISPOSAL OF PROPERTY.**

20 (a) ESTABLISHMENT OF A SINGLE PROPERTY DIS-  
21 POSAL AGENCY.—The Secretary shall establish a new  
22 Field Activity to act as the executive agent for the man-  
23 agement and disposal of real property made excess to the  
24 needs of the Department in carrying out the actions de-  
25 scribed in section 3012. The staff of this Field Activity

1 may consist of persons detailed to the field activity by the  
2 Army Corps of Engineers, Naval Facilities Engineering  
3 Command, the Air Force Installation and Mission Support  
4 Center, and other Federal departments or agencies to as-  
5 sist in carrying out the Field Activities duties under this  
6 title.

7 (b) MANAGEMENT AND DISPOSAL OF PROPERTY.—

8 (1) The Administrator of General Services shall  
9 delegate to the Secretary of Defense, with respect to  
10 excess and surplus real property, facilities, and per-  
11 sonal property located at a military installation  
12 closed or realigned under this title—

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

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

19 (C) the authority to dispose of surplus  
20 property for public airports under sections  
21 47151 through 47153 of title 49, United States  
22 Code; and

23 (D) the authority of the Administrator to  
24 determine the availability of excess or surplus  
25 real property for wildlife conservation purposes

1 in accordance with the Act of May 19, 1948  
2 (16 U.S.C. 667b).

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

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

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

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

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

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

1           (C) The Secretary of Defense may transfer real  
2           property or facilities located at a military installa-  
3           tion to be closed or realigned under this title, with  
4           or without reimbursement, to a military department  
5           or other entity (including a nonappropriated fund in-  
6           strumentality) within the Department of Defense or  
7           the Coast Guard.

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

16          (E) If a military installation to be closed, re-  
17          aligned, or placed in an inactive status under this  
18          title includes a road used for public access through,  
19          into, or around the installation, the Secretary of De-  
20          fense shall consult with the Governor of the State  
21          and the heads of the local governments concerned or  
22          the purpose of considering the continued availability  
23          of the road for public use after the installation is  
24          closed, realigned, or placed in an inactive status.

1           (3)(A) Not later than 6 months after the date  
2 of approval of the consolidation, closure, or realign-  
3 ment of a military installation under this title, the  
4 Secretary, in consultation with the redevelopment  
5 authority with respect to the installation, shall—

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

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

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

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

19           (ii) a local government agency or State  
20 government agency designated for the purpose  
21 of such consultation by the chief executive offi-  
22 cer of the State in which the installation is lo-  
23 cated.

24           (C)(i) Except as provided in subparagraphs (E)  
25 and (F), the Secretary may not carry out any of the

1 activities referred to in clause (ii) with respect to an  
2 installation referred to in that clause until the ear-  
3 lier of—

4 (I) one week after the date on which the  
5 redevelopment plan for the installation is sub-  
6 mitted to the Secretary;

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

10 (III) twenty-four months after the date of  
11 approval of the consolidation, closure, or re-  
12 alignment of the installation; or

13 (IV) ninety days before the date of the  
14 consolidation, closure, or realignment of the in-  
15 stallation.

16 (ii) The activities referred to in clause (i) are  
17 activities relating to the consolidation, closure, or re-  
18 alignment of an installation to be closed or realigned  
19 under this title as follows:

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

23 (II) The reduction in maintenance and re-  
24 pair of facilities or equipment located at the in-  
25 stallation below the minimum levels required to



1 support the use of such facilities or equipment  
2 for nonmilitary purposes.

3 (D) Except as provided in paragraph (4), the  
4 Secretary may not transfer items of personal prop-  
5 erty located at an installation to be closed or re-  
6 aligned under this title to another installation, or  
7 dispose of such items, if such items are identified in  
8 the redevelopment plan for the installation as items  
9 essential to the reuse or redevelopment of the instal-  
10 lation. In connection with the development of the re-  
11 development plan for the installation, the Secretary  
12 shall consult with the entity responsible for devel-  
13 oping the redevelopment plan to identify the items of  
14 personal property located at the installation, if any,  
15 that the entity desires to be retained at the installa-  
16 tion for reuse or redevelopment of the installation.

17 (E) This paragraph shall not apply to any per-  
18 sonal property located at an installation to be closed  
19 or realigned under this title if the property—

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

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

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

3 (iii) is not required for the reutilization or  
4 redevelopment of the installation (as jointly de-  
5 termined by the Secretary and the redevelop-  
6 ment authority);

7 (iv) is stored at the installation for pur-  
8 poses of distribution (including spare parts or  
9 stock items); or

10 (v)(I) meets known requirements of an au-  
11 thorized program of another Federal depart-  
12 ment or agency for which expenditures for simi-  
13 lar property would be necessary; and

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

16 (F) Notwithstanding subparagraphs (C)(i) and  
17 (D), the Secretary may carry out any activity re-  
18 ferred to in subparagraph (C)(ii) or (D) if the Sec-  
19 retary determines that the carrying out of such ac-  
20 tivity is in the national security interest of the  
21 United States.

22 (4)(A) The Secretary may transfer real prop-  
23 erty and personal property located at a military in-  
24 stallation to be closed or realigned under this title  
25 to the redevelopment authority with respect to the

1 installation for purposes of job generation on the in-  
2 stallation.

3 (B) The Secretary may transfer real property  
4 and personal property located at a military installa-  
5 tion to be closed or realigned under this title that is  
6 subject to a ground lease to a military housing pri-  
7 vatization partner established pursuant to the Mili-  
8 tary Housing Privatization Initiative under sub-  
9 chapter IV of Chapter 169 of title 10, United States  
10 Code to the lessee under such ground lease.

11 (C) The transfer of property located at a mili-  
12 tary installation under subparagraph (A) or sub-  
13 paragraph (B) may be for consideration at or below  
14 the estimated fair market value or without consider-  
15 ation. In determining the amount of consideration to  
16 be required, the Secretary shall make a good faith  
17 effort to ensure that the conveyance of the property  
18 achieves an economical and appropriate outcome for  
19 the Department, considering the operations and  
20 maintenance costs for the Department to continue  
21 the carry the property on its records and the ability  
22 to help the redevelopment authority implement its  
23 approved redevelopment plan. The determination of  
24 such consideration may account for the economic  
25 conditions of the local affected community and the

1 estimated costs to redevelop the property. The Sec-  
2 retary may accept, as consideration, a share of the  
3 revenues that the redevelopment authority receives  
4 from third-party buyers or lessees from sales and  
5 long-term leases of the conveyed property, a portion  
6 of the profits obtained over time from the develop-  
7 ment of the conveyed property , consideration in  
8 kind (including goods and services), real property  
9 and improvements, or such other consideration as  
10 the Secretary considers appropriate. The transfer of  
11 property located at a military installation under sub-  
12 paragraph (A) may be made for consideration below  
13 the estimated fair market value or without consider-  
14 ation only if the redevelopment authority with re-  
15 spect to the installation—

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

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

1           within a reasonable time after the date of the  
2           property disposal record of decision or finding  
3           of no significant impact under the National En-  
4           vironmental Policy Act of 1969 (42 U.S.C.  
5           4321 et seq.).

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

13                 (i) Road construction.

14                 (ii) Transportation management facilities.

15                 (iii) Storm and sanitary sewer construc-  
16                 tion.

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

19                 (v) Utility construction.

20                 (vi) Building rehabilitation.

21                 (vii) Historic property preservation.

22                 (viii) Pollution prevention equipment or fa-  
23                 cilities.

24                 (ix) Demolition.

1           (x) Disposal of hazardous materials gen-  
2           erated by demolition.

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

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

7           (E) The Secretary may recoup from a redevel-  
8           opment authority such portion of the proceeds from  
9           a sale or lease described in subparagraph (B) as the  
10          Secretary determines appropriate if the redevelop-  
11          ment authority does not use the proceeds to support  
12          economic redevelopment of, or related to, the instal-  
13          lation for the period specified in subparagraph (B).

14          (F)(i) The Secretary may transfer real property  
15          at an installation approved for consolidation, closure,  
16          or realignment under this title (including property at  
17          an installation approved for realignment which will  
18          be retained by the Department of Defense or an-  
19          other Federal agency after realignment) to the rede-  
20          velopment authority for the installation if the rede-  
21          velopment authority agrees to lease, directly upon  
22          transfer, one or more portions of the property trans-  
23          ferred under this subparagraph to the Secretary or  
24          to the head of another department or agency of the

1 Federal Government. Subparagraph (B) shall apply  
2 to a transfer under this subparagraph.

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

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

9 (iv) A lease under clause (i) shall include a pro-  
10 vision specifying that if the department or agency  
11 concerned ceases requiring the use of the leased  
12 property before the expiration of the term of the  
13 lease, the remainder of the lease term may be satis-  
14 fied by the same or another department or agency  
15 of the Federal Government using the property for a  
16 use similar to the use under the lease. Exercise of  
17 the authority provided by this clause shall be made  
18 in consultation with the redevelopment authority  
19 concerned.

20 (v) Notwithstanding clause (iii), if a lease under  
21 clause (i) involves a substantial portion of the instal-  
22 lation, the department or agency concerned may ob-  
23 tain facility services for the leased property and  
24 common area maintenance from the redevelopment  
25 authority or the redevelopment authority's assignee

1 as a provision of the lease. The facility services and  
2 common area maintenance shall be provided at a  
3 rate no higher than the rate charged to non-Federal  
4 tenants of the transferred property. Facility services  
5 and common area maintenance covered by the lease  
6 shall not include—

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

11 (II) firefighting or security-guard func-  
12 tions.

13 (G) The transfer of personal property under  
14 subparagraph (A) shall not be subject to the provi-  
15 sions of subchapters II and III of chapter 5 of title  
16 40, United States Code, if the Secretary determines  
17 that the transfer of such property is necessary for  
18 the effective implementation of a redevelopment plan  
19 with respect to the installation at which such prop-  
20 erty is located.

21 (H) The provisions of section 120(h) of the  
22 Comprehensive Environmental Response, Compensa-  
23 tion, and Liability Act of 1980 (42 U.S.C. 9620(h))  
24 shall apply to any transfer of real property under  
25 this paragraph.



1           (I) The Secretary may require any additional  
2 terms and conditions in connection with a transfer  
3 under this paragraph as such Secretary considers  
4 appropriate to protect the interests of the United  
5 States.

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

17           (B) The Secretary may, in consultation with the  
18 redevelopment authority with respect to an installa-  
19 tion, postpone making the final determinations re-  
20 ferred to in subparagraph (A) with respect to the in-  
21 stallation for such period as the Secretary deter-  
22 mines appropriate if the Secretary determines that  
23 such postponement is in the best interests of the  
24 communities affected by the consolidation, closure,  
25 or realignment of the installation.

1           (C)(i) Before acquiring non-Federal real prop-  
2           erty as the location for a new or replacement Fed-  
3           eral facility of any type, the head of the Federal  
4           agency acquiring the property shall consult with the  
5           Secretary regarding the feasibility and cost advan-  
6           tages of using Federal property or facilities at a  
7           military installation closed or realigned or to be  
8           closed or realigned under this title as the location  
9           for the new or replacement facility. In considering  
10          the availability and suitability of a specific military  
11          installation, the Secretary and the head of the Fed-  
12          eral agency involved shall obtain the concurrence of  
13          the redevelopment authority with respect to the in-  
14          stallation and comply with the redevelopment plan  
15          for the installation.

16          (ii) Not later than 30 days after acquiring non-  
17          Federal real property as the location for a new or  
18          replacement Federal facility, the head of the Federal  
19          agency acquiring the property shall submit to Con-  
20          gress a report containing the results of the consulta-  
21          tion under clause (i) and the reasons why military  
22          installations referred to in such clause that are lo-  
23          cated within the area to be served by the new or re-  
24          placement Federal facility or within a 200-mile ra-  
25          dius of the new or replacement facility, whichever

1 area is greater, were considered to be unsuitable or  
2 unavailable for the site of the new or replacement fa-  
3 cility.

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

8 (B)(i) Not later than the date on which the  
9 Secretary of Defense completes the final determina-  
10 tions referred to in paragraph (5) relating to the use  
11 or transferability of any portion of an installation  
12 covered by this paragraph, the Secretary shall—

13 (I) identify the buildings and property at  
14 the installation for which the Department of  
15 Defense has a use, for which another depart-  
16 ment or agency of the Federal Government has  
17 identified a use, or of which another depart-  
18 ment or agency will accept a transfer;

19 (II) take such actions as are necessary to  
20 identify any building or property at the installa-  
21 tion not identified under subclause (I) that is  
22 excess property or surplus property;

23 (III) submit to the Secretary of Housing  
24 and Urban Development and to the redevelop-  
25 ment authority for the installation (or the chief

1 executive officer of the State in which the in-  
2 stallation is located if there is no redevelopment  
3 authority for the installation at the completion  
4 of the determination described in the stem of  
5 this sentence) information on any building or  
6 property that is identified under subclause (II);  
7 and

8 (IV) publish in the Federal Register and in  
9 a newspaper of general circulation in the com-  
10 munities in the vicinity of the installation infor-  
11 mation on the buildings and property identified  
12 under subclause (II).

13 (ii) Upon the recognition of a redevelopment  
14 authority for an installation covered by this para-  
15 graph, the Secretary of Defense shall publish in the  
16 Federal Register and in a newspaper of general cir-  
17 culation in the communities in the vicinity of the in-  
18 stallation information on the redevelopment author-  
19 ity.

20 (C)(i) State and local governments, representatives of  
21 the homeless, and other interested parties located in the  
22 communities in the vicinity of an installation covered by  
23 this paragraph shall submit to the redevelopment author-  
24 ity for the installation a notice of the interest, if any, of  
25 such governments, representatives, and parties in the

1 buildings or property, or any portion thereof, at the instal-  
2 lation that are identified under subparagraph (B)(i)(II).  
3 A notice of interest under this clause shall describe the  
4 need of the government, representative, or party concerned  
5 for the buildings or property covered by the notice.

6 (ii) The redevelopment authority for  
7 an installation shall assist the govern-  
8 ments, representatives, and parties re-  
9 ferred to in clause (i) in evaluating build-  
10 ings and property at the installation for  
11 purposes of this subparagraph.

12 (iii) In providing assistance under  
13 clause (ii), a redevelopment authority  
14 shall—

15 (I) consult with representatives  
16 of the homeless in the communities in  
17 the vicinity of the installation con-  
18 cerned; and

19 (II) undertake outreach efforts to  
20 provide information on the buildings  
21 and property to representatives of the  
22 homeless, and to other persons or en-  
23 tities interested in assisting the home-  
24 less, in such communities.

1 (iv) It is the sense of Congress that  
2 redevelopment authorities should begin to  
3 conduct outreach efforts under clause  
4 (iii)(II) with respect to an installation as  
5 soon as is practicable after the date of ap-  
6 proval of closure or realignment of the in-  
7 stallation.

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

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

15 (I) in the case of an installation  
16 for which a redevelopment authority  
17 has been recognized as of the date of  
18 the completion of the determinations  
19 referred to in paragraph (5), not ear-  
20 lier than 3 months and not later than  
21 6 months after the date of publication  
22 of such determination in a newspaper  
23 of general circulation in the commu-  
24 nities in the vicinity of the installation  
25 under subparagraph (B)(i)(IV); and

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

8 (iii) Upon specifying a date for an in-  
9 stallation under this subparagraph, the re-  
10 development authority for the installation  
11 shall—

12 (I) publish the date specified in a  
13 newspaper of general circulation in  
14 the communities in the vicinity of the  
15 installation concerned; and

16 (II) notify the Secretary of De-  
17 fense of the date.

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

23 (I) A description of the homeless assistance  
24 program that the representative proposes to carry  
25 out at the installation.

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

2 (III) A description of the extent to which the  
3 program is or will be coordinated with other home-  
4 less assistance programs in the communities in the  
5 vicinity of the installation.

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

9 (V) A description of the financial plan, the or-  
10 ganization, and the organizational capacity of the  
11 representative to carry out the program.

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

14 (ii) A redevelopment authority may  
15 not release to the public any information  
16 submitted to the redevelopment authority  
17 under clause (i)(V) without the consent of  
18 the representative of the homeless con-  
19 cerned unless such release is authorized  
20 under Federal law and under the law of  
21 the State and communities in which the in-  
22 stallation concerned is located.

23 (F)(i) The redevelopment authority for each installa-  
24 tion covered by this paragraph shall prepare a redevelop-  
25 ment plan for the installation. The redevelopment author-



1 ity shall, in preparing the plan, consider the interests in  
2 the use to assist the homeless of the buildings and prop-  
3 erty at the installation that are expressed in the notices  
4 submitted to the redevelopment authority under subpara-  
5 graph (C).

6 (ii)(I) In connection with a redevelopment plan for  
7 an installation, a redevelopment authority and representa-  
8 tives of the homeless shall prepare legally binding agree-  
9 ments that provide for the use to assist the homeless of  
10 buildings and property, resources, and assistance on or off  
11 the installation. The implementation of such agreements  
12 shall be contingent upon the decision regarding the dis-  
13 posal of the buildings and property covered by the agree-  
14 ments by the Secretary of Defense under subparagraph  
15 (K) or (L).

16 (II) Agreements under this  
17 clause shall provide for the reversion  
18 to the redevelopment authority con-  
19 cerned, or to such other entity or enti-  
20 ties as the agreements shall provide,  
21 of buildings and property that are  
22 made available under this paragraph  
23 for use to assist the homeless in the  
24 event that such buildings and prop-

1                   erty cease being used for that pur-  
2                   pose.

3                   (iii) A redevelopment authority shall  
4                   provide opportunity for public comment on  
5                   a redevelopment plan before submission of  
6                   the plan to the Secretary of Defense and  
7                   the Secretary of Housing and Urban De-  
8                   velopment under subparagraph (G).

9                   (iv) A redevelopment authority shall  
10                  complete preparation of a redevelopment  
11                  plan for an installation and submit the  
12                  plan under subparagraph (G) not later  
13                  than 9 months after the date specified by  
14                  the redevelopment authority for the instal-  
15                  lation under subparagraph (D).

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

21                       (ii) A redevelopment authority shall  
22                       include in an application under clause (i)  
23                       the following:

24                               (I) A copy of the redevelopment  
25                               plan, including a summary of any

1 public comments on the plan received  
2 by the redevelopment authority under  
3 subparagraph (F)(iii).

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

15 (III) A summary of the outreach  
16 undertaken by the redevelopment au-  
17 thority under subparagraph  
18 (C)(iii)(II) in preparing the plan.

19 (IV) A statement identifying the  
20 representatives of the homeless and  
21 the homeless assistance planning  
22 boards, if any, with which the redev-  
23 opment authority consulted in pre-  
24 paring the plan, and the results of  
25 such consultations.

1 (V) An assessment of the manner  
2 in which the redevelopment plan bal-  
3 ances the expressed needs of the  
4 homeless and the need of the commu-  
5 nities in the vicinity of the installation  
6 for economic redevelopment and other  
7 development.

8 (VI) Copies of the agreements  
9 that the redevelopment authority pro-  
10 poses to enter into under subpara-  
11 graph (F)(ii).

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

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

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

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

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

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

17                   (ii) It is the sense of Congress that  
18                   the Secretary of Housing and Urban De-  
19                   velopment shall, in completing the review  
20                   of a plan under this subparagraph, take  
21                   into consideration and be receptive to the  
22                   predominant views on the plan of the com-  
23                   munities in the vicinity of the installation  
24                   covered by the plan.

1 (iii) The Secretary of Housing and  
2 Urban Development may engage in nego-  
3 tiations and consultations with a redevelop-  
4 ment authority before or during the course  
5 of a review under clause (i) with a view to-  
6 ward resolving any preliminary determina-  
7 tion of the Secretary that a redevelopment  
8 plan does not meet a requirement set forth  
9 in that clause. The redevelopment author-  
10 ity may modify the redevelopment plan as  
11 a result of such negotiations and consulta-  
12 tions.

13 (iv) Upon completion of a review of a  
14 redevelopment plan under clause (i), the  
15 Secretary of Housing and Urban Develop-  
16 ment shall notify the Secretary of Defense  
17 and the redevelopment authority concerned  
18 of the determination of the Secretary of  
19 Housing and Urban Development under  
20 that clause.

21 (v) If the Secretary of Housing and  
22 Urban Development determines as a result  
23 of such a review that a redevelopment plan  
24 does not meet the requirements set forth in

1 clause (i), a notice under clause (iv) shall  
2 include—

3 (I) an explanation of that deter-  
4 mination; and

5 (II) a statement of the actions  
6 that the redevelopment authority must  
7 undertake in order to address that de-  
8 termination.

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

13 (I) revise the plan in order to address the deter-  
14 mination; and

15 (II) submit the revised plan to the Secretary of  
16 Defense and the Secretary of Housing and Urban  
17 Development.

18 (ii) A redevelopment authority shall  
19 submit a revised plan under this subpara-  
20 graph to such Secretaries, if at all, not  
21 later than 90 days after the date on which  
22 the redevelopment authority receives the  
23 notice referred to in clause (i).

24 (J)(i) Not later than 30 days after receiving a revised  
25 redevelopment plan under subparagraph (I), the Secretary

1 of Housing and Urban Development shall review the re-  
2 vised plan and determine if the plan meets the require-  
3 ments set forth in subparagraph (H)(i).

4 (ii) The Secretary of Housing and  
5 Urban Development shall notify the Sec-  
6 retary of Defense and the redevelopment  
7 authority concerned of the determination  
8 of the Secretary of Housing and Urban  
9 Development under this subparagraph.

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

16 (ii) For purposes of carrying out an  
17 environmental assessment of the closure or  
18 realignment of an installation, the Sec-  
19 retary of Defense shall treat the redevel-  
20 opment plan for the installation (including  
21 the aspects of the plan providing for dis-  
22 posal to State or local governments, rep-  
23 resentatives of the homeless, and other in-  
24 terested parties) as part of the proposed  
25 Federal action for the installation.



1 (iii) The Secretary of Defense shall  
2 dispose of buildings and property under  
3 clause (i) in accordance with the record of  
4 decision or other decision document pre-  
5 pared by the Secretary in accordance with  
6 the National Environmental Policy Act of  
7 1969 (42 U.S.C. 4321 et seq.). In pre-  
8 paring the record of decision or other deci-  
9 sion document, the Secretary shall give  
10 substantial deference to the redevelopment  
11 plan concerned.

12 (iv) The disposal under clause (i) of  
13 buildings and property to assist the home-  
14 less shall be without consideration.

15 (v) In the case of a request for a con-  
16 veyance under clause (i) of buildings and  
17 property for public benefit under section  
18 550 of title 40, United States Code, or sec-  
19 tions 47151 through 47153 of title 49,  
20 United States Code, the sponsoring Fed-  
21 eral agency shall use the eligibility criteria  
22 set forth in such section or such sub-  
23 chapter (as the case may be) to determine  
24 the eligibility of the applicant and use pro-  
25 posed in the request for the public benefit

1 conveyance. The determination of such eli-  
2 gibility should be made before submission  
3 of the redevelopment plan concerned under  
4 subparagraph (G).

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

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

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

20 (III) request that each such representative sub-  
21 mit to that Secretary the items described in clause  
22 (ii); and

23 (IV) based on the actions of that Secretary  
24 under subclauses (I) and (II), and on any informa-  
25 tion obtained by that Secretary as a result of such

1 actions, indicate to the Secretary of Defense the  
2 buildings and property at the installation that meet  
3 the requirements set forth in subparagraph (H)(i).

4 (ii) The Secretary of Housing and  
5 Urban Development may request under  
6 clause (i)(III) that a representative of the  
7 homeless submit to that Secretary the fol-  
8 lowing:

9 (I) A description of the program  
10 of such representative to assist the  
11 homeless.

12 (II) A description of the manner  
13 in which the buildings and property  
14 that the representative proposes to  
15 use for such purpose will assist the  
16 homeless.

17 (III) Such information as that  
18 Secretary requires in order to deter-  
19 mine the financial capacity of the rep-  
20 resentative to carry out the program  
21 and to ensure that the program will  
22 be carried out in compliance with  
23 Federal environmental law and Fed-  
24 eral law against discrimination.

1 (IV) A certification that police  
2 services, fire protection services, and  
3 water and sewer services available in  
4 the communities in the vicinity of the  
5 installation concerned are adequate  
6 for the program.

7 (iii) Not later than 90 days after the  
8 date of the receipt of a revised plan for an  
9 installation under subparagraph (J), the  
10 Secretary of Housing and Urban Develop-  
11 ment shall—

12 (I) notify the Secretary of De-  
13 fense and the redevelopment authority  
14 concerned of the buildings and prop-  
15 erty at an installation under clause  
16 (i)(IV) that the Secretary of Housing  
17 and Urban Development determines  
18 are suitable for use to assist the  
19 homeless; and

20 (II) notify the Secretary of De-  
21 fense of the extent to which the re-  
22 vised plan meets the criteria set forth  
23 in subparagraph (H)(i).

24 (iv)(I) Upon notice from the Secretary of Housing  
25 and Urban Development with respect to an installation

1 under clause (iii), the Secretary of Defense shall dispose  
2 of buildings and property at the installation in consulta-  
3 tion with the Secretary of Housing and Urban Develop-  
4 ment and the redevelopment authority concerned.

5 (II) For purposes of carrying out  
6 an environmental assessment of the  
7 closure or realignment of an installa-  
8 tion, the Secretary of Defense shall  
9 treat the redevelopment plan sub-  
10 mitted by the redevelopment authority  
11 for the installation (including the as-  
12 pects of the plan providing for dis-  
13 posal to State or local governments,  
14 representatives of the homeless, and  
15 other interested parties) as part of the  
16 proposed Federal action for the instal-  
17 lation. The Secretary of Defense shall  
18 incorporate the notification of the  
19 Secretary of Housing and Urban De-  
20 velopment under clause (iii)(I) as part  
21 of the proposed Federal action for the  
22 installation only to the extent, if any,  
23 that the Secretary of Defense con-  
24 siders such incorporation to be appro-  
25 priate and consistent with the best

1 and highest use of the installation as  
2 a whole, taking into consideration the  
3 redevelopment plan submitted by the  
4 redevelopment authority.

5 (III) The Secretary of Defense  
6 shall dispose of buildings and property  
7 under subclause (I) in accordance  
8 with the record of decision or other  
9 decision document prepared by the  
10 Secretary in accordance with the Na-  
11 tional Environmental Policy Act of  
12 1969 (42 U.S.C. 4321 et seq.). In  
13 preparing the record of decision or  
14 other decision document, the Sec-  
15 retary shall give deference to the rede-  
16 velopment plan submitted by the rede-  
17 velopment authority for the installa-  
18 tion.

19 (IV) The disposal under sub-  
20 clause (I) of buildings and property to  
21 assist the homeless shall be without  
22 consideration.

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

1           efit under section 550 of title 40,  
2           United States Code, or sections 47151  
3           through 47153 of title 49, United  
4           States Code, the sponsoring Federal  
5           agency shall use the eligibility criteria  
6           set forth in such section or such sub-  
7           chapter (as the case may be) to deter-  
8           mine the eligibility of the applicant  
9           and use proposed in the request for  
10          the public benefit conveyance. The de-  
11          termination of such eligibility should  
12          be made before submission of the re-  
13          development plan concerned under  
14          subparagraph (G).

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

21                       (ii) If a building or property reverts to  
22                       a redevelopment authority under such an  
23                       agreement, the redevelopment authority  
24                       shall take appropriate actions to secure, to  
25                       the maximum extent practicable, the utili-

1                   zation of the building or property by other  
2                   homeless representatives to assist the  
3                   homeless. A redevelopment authority may  
4                   not be required to utilize the building or  
5                   property to assist the homeless.

6           (N) The Secretary of Defense may postpone or ex-  
7 tend any deadline provided for under this paragraph in  
8 the case of an installation covered by this paragraph for  
9 such period as the Secretary considers appropriate if the  
10 Secretary determines that such postponement is in the in-  
11 terests of the communities affected by the closure or re-  
12 alignment of the installation. The Secretary shall make  
13 such determinations in consultation with the redevelop-  
14 ment authority concerned and, in the case of deadlines  
15 provided for under this paragraph with respect to the Sec-  
16 retary of Housing and Urban Development, in consulta-  
17 tion with the Secretary of Housing and Urban Develop-  
18 ment.

19           (O) For purposes of this paragraph, the term “com-  
20 munities in the vicinity of the installation”, in the case  
21 of an installation, means the communities that constitute  
22 the political jurisdictions (other than the State in which  
23 the installation is located) that comprise the redevelop-  
24 ment authority for the installation.



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

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

14 (2)(A) The provisions of the National Environmental  
15 Policy Act of 1969 shall apply to actions of the Depart-  
16 ment of Defense under this title—

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

18 (ii) during the process of relocating functions  
19 from a military installation being closed or realigned  
20 to another military installation after the receiving in-  
21 stallation has been selected but before the functions  
22 are relocated.

23 (B) In applying the provisions of the National Envi-  
24 ronmental Policy Act of 1969 to the processes referred  
25 to in subparagraph (A), the Secretary of Defense and the

1 Secretary of the military departments concerned shall not  
2 have to consider—

3 (i) the need for closing or realigning the mili-  
4 tary installation which has been recommended for  
5 the consolidation, closure, or realignment by the  
6 Commission;

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

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

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

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

23 (1) any provision of law restricting the use of  
24 funds for closing or realigning military installations

1 included in any appropriations or authorization Act;  
2 and

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

5 (e) TRANSFER AUTHORITY IN CONNECTION WITH  
6 PAYMENT OF ENVIRONMENTAL REMEDIATION COSTS.—

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

19 (B) The real property and facilities referred to  
20 in subparagraph (A) are the real property and facili-  
21 ties located at an installation closed or to be closed,  
22 or realigned or to be realigned, under this title that  
23 are available exclusively for the use, or expression of  
24 an interest in a use, of a redevelopment authority  
25 under subsection (b)(6)(F) during the period pro-

1 vided for that use, or expression of interest in use,  
2 under that subsection. The real property and facili-  
3 ties referred to in subparagraph (A) are also the real  
4 property and facilities located at an installation ap-  
5 proved for consolidation, closure, or realignment  
6 under this title after 2001 that are available for pur-  
7 poses other than to assist the homeless.

8 (C) The Secretary may require any additional  
9 terms and conditions in connection with an agree-  
10 ment authorized by subparagraph (A) as the Sec-  
11 retary considers appropriate to protect the interests  
12 of the United States.

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

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

23 (B) if such costs are lower than the fair  
24 market value of the property or facilities, the  
25 recipient of the property or facilities agrees to

1           pay the difference between the fair market  
2           value and such costs.

3           (3) In the case of property or facilities covered  
4           by a certification under paragraph (2)(A), the Sec-  
5           retary may pay the recipient of such property or fa-  
6           cilities an amount equal to the lesser of—

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

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

22           (4) As part of an agreement under paragraph  
23           (1), the Secretary shall disclose to the person to  
24           whom the property or facilities will be transferred  
25           any information of the Secretary regarding the envi-

1       ronmental restoration, waste management, and envi-  
2       ronmental compliance activities described in para-  
3       graph (1) that relate to the property or facilities.  
4       The Secretary shall provide such information before  
5       entering into the agreement.

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

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

18   **SEC. 3014. ACCOUNT.**

19      (a) ESTABLISHMENT.—

20          (1) If the Secretary makes the certification re-  
21      quired under section 3001(d), there shall be estab-  
22      lished on the books of the Treasury an account to  
23      be known as the “Military Infrastructure Consolida-  
24      tion and Efficiency 2019.” The Account shall be ad-  
25      ministered by the Secretary as a single account.

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

2 (A) funds authorized for an appropriated  
3 to the Account;

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

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

18 (3) The Account shall be closed at the time and  
19 in the manner provided for appropriation accounts  
20 under section 1555 of title 31, United States Code.  
21 Unobligated funds which remain in the Account  
22 upon the closure shall be held by the Secretary of  
23 the Treasury until transferred by law after the con-  
24 gressional defense committees receive the final re-  
25 port transmitted under section 3016.

1 (b) USE OF FUNDS.—

2 (1) In such amounts as may be provided in ad-  
3 vance in appropriation Acts, the Secretary may use  
4 the Account only for the purposes described in sec-  
5 tion 3012 with respect to military installations ap-  
6 proved for consolidation, closure, or realignment  
7 under this title.

8 (2) When a decision is made to use funds in the  
9 Account to carry out a military construction project  
10 under section 3012 and the cost of the project will  
11 exceed the maximum amount authorized by law for  
12 a minor military construction project, the Secretary  
13 shall notify, in writing, the congressional defense  
14 committees of the nature of, and justification for,  
15 the project and the amount of expenditures for such  
16 project. Any such project may be carried out without  
17 regard to section 2802(a) of title 10, United States  
18 Code.

19 (c) AUTHORIZED COST VARIATIONS.—

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



1 Commission to the President pursuant to section  
2 3009(d).

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

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

10 (B) a period of 60 days has elapsed after  
11 the date on which such notification is provided  
12 or, if the notification is provided in an elec-  
13 tronic medium pursuant to section 480 of title  
14 10, United States Code, a period of 45 days has  
15 elapsed.

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

19 (1) If any real property or facility acquired,  
20 constructed, or improved (in whole or in part) with  
21 commissary store funds or nonappropriated funds is  
22 transferred or disposed of in connection with the  
23 consolidation, closure, or realignment of a military  
24 installation under this title, a portion of the proceeds  
25 of the transfer or other disposal of property on that

1 installation shall be deposited in the reserve account  
2 established under section 204(b)(7)(C) of the De-  
3 fense Authorization Amendments and Base Closure  
4 and Realignment Act (10 U.S.C. 2687 note).

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

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

18 (e) ACCOUNT EXCLUSIVE SOURCE OF FUNDS FOR  
19 ENVIRONMENTAL RESTORATION PROJECTS.—Except for  
20 funds deposited into the Account under subsection (a),  
21 funds appropriated to the Department of Defense may not  
22 be used for purposes described in section 3012. The prohi-  
23 bition in this subsection shall expire upon the closure of  
24 the account under subsection (a)(3).

1 **SEC. 3015. RESTRICTION ON OTHER BASE CLOSURE AU-**  
2 **THORITY.**

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

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

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

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

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

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

5 **SEC. 3016. REQUIRED REPORTS.**

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

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

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

17 (B) the amount and nature of other ex-  
18 penditures made pursuant to section 3012 dur-  
19 ing such fiscal year;

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

1 (D) the amount and nature of anticipated  
2 expenditures to be made pursuant to section  
3 3012 during the first fiscal year commencing  
4 after the submission of the report.

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

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

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

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

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

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

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

11          (3) FINAL REPORT.—Not later than 60 days  
12          after the closure of the Account under section 3014,  
13          the Secretary shall transmit to the congressional de-  
14          fense committees a report containing an accounting  
15          of all the funds deposited into and expended from  
16          the Account or otherwise expended under this title  
17          with respect to such installations, and any amount  
18          remaining in the account.

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

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

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

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

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

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

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

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

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

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

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



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

3 **SEC. 3017. DEFINITIONS.**

4 In this title:

5 (1) The term “Account” means the Military In-  
6 frastructure Consolidation and Efficiency Account  
7 established by section 3014(a).

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

12 (3) The term “Commission” means the Military  
13 Infrastructure Consolidation and Efficiency Commis-  
14 sion of 2019 established by section 3007.

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

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

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

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

3           (7) The term “force structure plan” means the  
4       force structure plan developed by the Secretary  
5       under section 3003(a).

6           (8) The term “infrastructure inventory” means  
7       the infrastructure inventory conducted by the Sec-  
8       retary under section 3003(b).

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

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

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

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

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

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

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

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

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

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

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

6 **SEC. 3018. TREATMENT AS A BASE CLOSURE LAW FOR PUR-**  
7 **POSES OF OTHER PROVISIONS OF LAW.**

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

12 “(D) Military Infrastructure Consolidation  
13 and Efficiency Act of 2017.”.

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

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

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

1                   “(C) Military Infrastructure Consolidation  
2                   and Efficiency Act of 2017.”.

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

7                   “(C) Military Infrastructure Consolidation  
8                   and Efficiency Act of 2017.”.

9   **SEC. 3019. CONFORMING AMENDMENTS.**

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

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

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

17                   “(6) Money rentals received by the United  
18                   States from a lease under subsection (g) at a mili-  
19                   tary installation approved for consolidation, closure,  
20                   or realignment under a base closure law on or after  
21                   January 1, 2006, shall be deposited into the Account  
22                   established under section 3014(a) of the Military In-  
23                   frastructure Consolidation and Efficiency Act of  
24                   2017.”.

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

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

