

**AMENDMENT TO THE RULES COMMITTEE PRINT
FOR H.R. 1735**

OFFERED BY MR. SMITH OF WASHINGTON

Strike sections 2702 and 2814.

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

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

Sec. 3001. Short title; purpose; findings.

Sec. 3002. Defense Base Closure and Realignment Commission of 2017.

Sec. 3003. Procedure for making recommendations for base closures and re-alignments.

Sec. 3004. Closure and realignment of military installations.

Sec. 3005. Implementation.

Sec. 3006. Department of Defense Base Closure Account 2017.

Sec. 3007. Reports.

Sec. 3009. Restriction on other base closure authority.

Sec. 3010. Definitions.

Sec. 3011. Treatment as a base closure law for purposes of other provisions of law.

Sec. 3012. Conforming amendments.

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

5 (a) **SHORT TITLE.**—This title may be cited as the
6 “Defense Base Closure and Realignment Act of 2015”.

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

1 (c) FINDINGS.—Congress makes the following find-
2 ings:

3 (1) By implementing the recommendations of
4 the previous authorized base realignment and closure
5 (BRAC) rounds (1988, 1991, 1993, 1995, and
6 2005), the Department of Defense has realized a
7 combined annual net recurring savings of approxi-
8 mately \$12 billion.

9 (2) While the most recent BRAC round is often
10 criticized for costing too much and not saving
11 enough, the majority of the recommendations of the
12 2005 BRAC round were focused on transformation
13 rather than efficiency or closure.

14 (3) According to the Department of Defense,
15 the efficiency-related recommendations of the 2005
16 BRAC round cost \$6 billion, compared to the \$35
17 billion total cost of the 2005 BRAC round, and re-
18 sulted in an annual recurring payback of \$3 billion,
19 which is consistent with the costs and savings of
20 previous BRAC rounds.

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

1 (5) In prepared testimony submitted to the
2 Committee on Armed Services of the House of Rep-
3 resentatives on March 3, 2015, the Assistant Sec-
4 retary of the Army for Installations, Energy, and
5 Environment stated that a programmatic analysis of
6 the real property needed to support an end-strength
7 and corresponding force structure of 490,000 active-
8 component soldiers for the Army determined that
9 the Army has nearly 18 percent excess capacity in
10 infrastructure, totaling over 160 million square feet
11 of facilities. Using the Army's estimate that it costs
12 \$3 per square foot each year to maintain underuti-
13 lized facilities, the Army estimates that it is spend-
14 ing over \$480 million a year to operate and sustain
15 infrastructure that is excess to its requirements.

16 (6) In prepared testimony submitted to the
17 Committee on Armed Services of the House of Rep-
18 resentatives on March 3, 2015, the Assistant Sec-
19 retary of the Air Force for Installations, Energy,
20 and Environment stated that an analysis comparing
21 current infrastructure capacity to projected force
22 structure and mission requirements indicate that the
23 Air Force has approximately 30 percent excess in-
24 frastructure capacity.

1 (7) In prepared testimony submitted to the
2 Committee on Armed Services of the House of Rep-
3 resentatives on March 3, 2015, the Assistant Sec-
4 retary of Defense for Energy, Installations, and En-
5 vironment stated the Department of Defense was re-
6 questing authority from Congress to conduct a new
7 BRAC round, projecting that a new efficiency-fo-
8 cused BRAC round will save about \$2 billion a year
9 after implementation with costs and savings during
10 the six year implementation being a wash at ap-
11 proximately \$6 billion.

12 (8) While the Department of Defense has re-
13 quested an additional BRAC round, the Department
14 has also undertaken a number of initiatives to re-
15 duce the Department's overseas footprint, including
16 the relocation and consolidation of United States fa-
17 cilities in Japan and Korea and the European Infra-
18 structure Consolidation initiative.

19 (9) In a time when the Department of Defense
20 is facing significant budget pressures, the Depart-
21 ment is being required to expend valuable resources
22 to maintain infrastructure capacity in excess of De-
23 partment requirements instead of investing these
24 valuable resources in meeting urgent readiness and

1 training requirements or other priorities within the
2 Department of Defense.

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

10 **SEC. 3002. DEFENSE BASE CLOSURE AND REALIGNMENT**

11 **COMMISSION OF 2017.**

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

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

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

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

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

6 (2) In appointing individuals to serve on the Commis-
7 sion, the President shall give priority consideration to indi-
8 viduals who—

9 (A) have a demonstrated expertise regarding
10 the current and future operational and training re-
11 quirements of the Armed Forces, military installa-
12 tion infrastructure and environmental management,
13 or the socioeconomic impact of military installations
14 on local communities; and

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

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

20 (A) the Speaker of the House of Representa-
21 tives concerning the appointment of two members;

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

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

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

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

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

12 (d) TERMS.—(1) Each member of the Commission
13 shall serve until the termination of the Commission as pro-
14 vided in subsection (j).

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

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

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

22 (B) All the proceedings, information, and delibera-
23 tions of the Commission shall be open, upon request, to
24 the following:

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

6 (ii) The chairmen and ranking members of the
7 Subcommittees on Military Construction, Veterans
8 Affairs, and Related Agencies of the Committees on
9 Appropriations of the Senate and the House of Rep-
10 representatives, or such other members of the sub-
11 committees designated by such Chairmen or ranking
12 members.

13 (iii) The chairmen and ranking members of the
14 Subcommittees on Defense of the Committees on
15 Appropriations of the Senate and the House of Rep-
16 representatives, or such other members of the sub-
17 committees designated by such chairmen or ranking
18 members.

19 (C) A member of the Commission shall recuse himself
20 or herself from consideration of a matter before the Com-
21 mission, in accordance with section 208 of title 18, United
22 States Code. In addition, a member of the Commission
23 shall recuse himself or herself from consideration of a mat-
24 ter before the Commission in the event that the member
25 is concerned that other circumstances would raise a ques-

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

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

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

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

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

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

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

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

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

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

23 (ii) No person detailed from the Department of De-
24 fense to the Commission may be assigned as the lead pro-

1 fessional analyst with respect to a military department or
2 defense agency.

3 (C) A person may not be detailed from the Depart-
4 ment of Defense to the Commission if, within 12 months
5 before the detail is to begin, that person participated per-
6 sonally and substantially in any matter within the Depart-
7 ment of Defense concerning the preparation of rec-
8 ommendations for closures or realignments of military in-
9 stallations.

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

12 (i) prepare any report concerning the effective-
13 ness, fitness, or efficiency of the performance on the
14 staff of the Commission of any person detailed from
15 the Department of Defense to that staff;

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

17 (iii) approve or disapprove such a report.

18 (4) Upon request of the Director, the head of any
19 Federal department or agency may detail any of the per-
20 sonnel of that department or agency to the Commission
21 to assist the Commission in carrying out its duties under
22 this title.

23 (5) The Comptroller General of the United States
24 shall provide assistance, including the detailing of employ-

1 ees, to the Commission in accordance with an agreement
2 entered into with the Commission.

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

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

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

13 (B) The staff may perform only such functions
14 as are necessary to prepare for the termination of
15 the commission and transfer of all records to the
16 Department of Defense or the National Archives.

17 (C) No member of the Armed Forces and no
18 employee of the Department of Defense may serve
19 on the staff.

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

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

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

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

9 **SEC. 3003. PROCEDURE FOR MAKING RECOMMENDATIONS**
10 **FOR BASE CLOSURES AND REALIGNMENTS.**

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

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

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

1 parable units) needed to meet these threats,
2 and the anticipated levels of funding that will
3 be available for national defense purposes dur-
4 ing such period.

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

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

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

19 (B) A discussion of categories of excess in-
20 frastructure and infrastructure capacity.

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

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

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

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

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

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

22 (b) CERTIFICATION OF NEED FOR FURTHER CLO-
23 SURES AND REALIGNMENTS.—

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

1 tory prepared under subsection (a) and the descrip-
2 tions and economic analysis prepared under para-
3 graph (2) of such subsection, the Secretary shall in-
4 clude as part of the submission of the plan and in-
5 ventory—

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

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

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

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

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

1 mence a round for the selection of military installa-
2 tions for closure and realignment under this title.

3 (c) **COMPTROLLER GENERAL EVALUATION.**—

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

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

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

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

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

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

3 (A) The current and future mission capa-
4 bilities, the ability to support technological in-
5 novation, and the impact on operational readi-
6 ness of the total force of the Department of De-
7 fense, including the impact on joint warfighting,
8 training, and readiness.

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

17 (C) The ability to accommodate contin-
18 gency, mobilization, surge, and future total
19 force requirements at both existing and poten-
20 tial receiving locations to support operations
21 and training.

22 (D) The cost of operations and the man-
23 power implications.

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

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

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

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

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

16 (e) APPLICATION OF THE CRITERIA.—

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

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

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

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

2 An emphasis shall be placed on recommendations
3 that yield net-savings within five years of completing
4 the closure or realignment. No recommendations
5 shall be considered that do not demonstrate net sav-
6 ings within 20 years, unless the Secretary deter-
7 mines that the military value of such recommenda-
8 tion supports or enhances a critical national security
9 interest of the United States.

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

18 (4) EFFECT ON DEPARTMENT AND OTHER
19 AGENCY COSTS.—The selection criteria relating to
20 the cost savings or return on investment from a clo-
21 sure or realignment recommendation shall take into
22 account the effect of the proposed closure or realign-
23 ment on the costs of any other activity of the De-
24 partment of Defense or any other Federal agency

1 that may be required to assume responsibility for ac-
2 tivities at a military installation.

3 (5) CONSIDERATION OF ALL INSTALLATIONS.—

4 In considering military installations for closure or
5 realignment, the Secretary shall consider all military
6 installations inside the United States equally without
7 regard to whether the installation has been pre-
8 viously considered or proposed for closure or realign-
9 ment by the Department.

10 (6) EFFECT OF ADVANCE CONVERSION PLAN-

11 NING.—In considering military installations for clo-
12 sure or realignment, the Secretary may not take into
13 account for any purpose any advance conversion
14 planning undertaken by an affected community with
15 respect to the anticipated closure or realignment of
16 an installation. For purposes of this subparagraph,
17 advance conversion planning—

18 (A) shall include community adjustment
19 and economic diversification planning under-
20 taken by the community before an anticipated
21 selection of a military installation in or near the
22 community for closure or realignment; and

23 (B) may include the development of contin-
24 gency redevelopment plans, plans for economic
25 development and diversification, and plans for

1 the joint use (including civilian and military
2 use, public and private use, civilian dual use,
3 and civilian shared use) of the property or fa-
4 cilities of the installation after the anticipated
5 closure or realignment.

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

14 (A) still shall make recommendations
15 based on the force-structure plan, infrastruc-
16 ture inventory, and final selection criteria; and

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

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

1 (g) DOD RECOMMENDATIONS.—

2 (1) PUBLICATION AND TRANSMITTAL OF REC-
3 OMMENDATIONS.—If the Secretary makes the certifi-
4 cations required under subsection (b), then not later
5 than April 15, 2017, the Secretary shall publish in
6 the Federal Register and transmit to the congres-
7 sional defense committees and to the Commission a
8 list of the military installations inside the United
9 States that the Secretary recommends for closure or
10 realignment on the basis of the force-structure plan
11 and infrastructure inventory prepared by the Sec-
12 retary under subsection (a) and the final selection
13 criteria specified in subsection (d).

14 (2) TRANSMITTAL OF ADDITIONAL MATE-
15 RIALS.—Not later than 7 days after the date of the
16 transmittal of the list of recommendations under
17 paragraph (1), the Secretary also shall transmit to
18 the congressional defense committees and the Com-
19 mission the following:

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

1 (B) A master plan for each recommenda-
2 tion containing the required scope of work, cost,
3 and timing for all facility actions at receiving
4 locations, including construction of new facili-
5 ties and repair or renovation of existing facili-
6 ties.

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

16 (B) The information covered by subparagraph
17 (A) includes, but not limited to, unclassified assess-
18 ment data on the current condition of facilities and
19 infrastructure, an environmental baseline of known
20 contamination and remediation activities, and stand-
21 ard rules used to calculate annual recurring savings.

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

1 ate and the House of Representatives, to be made
2 available to the Members of the House concerned in
3 accordance with the rules of that House. The infor-
4 mation shall be submitted to the Senate and House
5 of Representatives within 48 hours after the submis-
6 sion of the information to the Commission.

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

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

17 (i) The Secretaries of the military depart-
18 ments.

19 (ii) The heads of the Defense Agencies.

20 (iii) Each person who is in a position the
21 duties of which include personal and substantial
22 involvement in the preparation and submission
23 of information and recommendations concerning
24 the closure or realignment of military installa-
25 tions, as designated in regulations which the

1 Secretary of Defense shall prescribe, regulations
2 which the Secretary of each military depart-
3 ment shall prescribe for personnel within that
4 military department, or regulations which the
5 head of each Defense Agency shall prescribe for
6 personnel within that Defense Agency.

7 (h) REVIEW AND RECOMMENDATIONS BY THE COM-
8 MISSION.—

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

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

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

1 make changes in any of the recommendations made
2 by the Secretary if the Commission determines that
3 the Secretary deviated substantially from the force-
4 structure plan and final criteria referred to in sub-
5 section (d) in making recommendations.

6 (C) In the case of a change described in sub-
7 paragraph (D) in the recommendations made by the
8 Secretary, the Commission may make the change
9 only if—

10 (i) the Commission—

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

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

17 (III) publishes a notice of the pro-
18 posed change in the Federal Register not
19 less than 45 days before transmitting its
20 recommendations to the President pursu-
21 ant to subparagraph (A); and

22 (IV) conducts public hearings on the
23 proposed change;

1 (ii) at least two members of the Commis-
2 sion visit the military installation before the
3 date of the transmittal of the report; and

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

7 (D) Subparagraph (C) shall apply to a change
8 by the Commission in the Secretary's recommenda-
9 tions that would—

10 (i) add a military installation to the list of
11 military installations recommended by the Sec-
12 retary for closure;

13 (ii) add a military installation to the list of
14 military installations recommended by the Sec-
15 retary for realignment; or

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

19 (E) The Commission may not consider making
20 a change in the recommendations of the Secretary
21 that would add a military installation to the Sec-
22 retary's list of installations recommended for closure
23 or realignment unless, in addition to the require-
24 ments of subparagraph (C)—

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

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

10 (F) In making recommendations under this
11 paragraph, the Commission may not take into ac-
12 count for any purpose any advance conversion plan-
13 ning undertaken by an affected community with re-
14 spect to the anticipated closure or realignment of a
15 military installation.

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

24 (3) EXPLANATION OF DIFFERENCES; SUBMIS-
25 SION.—The Commission shall explain and justify in

1 its report submitted to the President pursuant to
2 paragraph (2) any recommendation made by the
3 Commission that is different from the recommenda-
4 tions made by the Secretary pursuant to subsection
5 (g). The Commission shall transmit a copy of such
6 report to the congressional defense committees on
7 the same date on which it transmits its rec-
8 ommendations to the President under paragraph (2).

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

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

17 (A) assist the Commission, to the extent
18 requested, in the Commission’s review and anal-
19 ysis of the recommendations made by the Sec-
20 retary pursuant to subsection (g); and

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

25 (i) REVIEW BY THE PRESIDENT.—

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

6 (2) EFFECT OF APPROVAL.—(A) If the Presi-
7 dent approves all the recommendations of the Com-
8 mission, the President shall transmit a copy of such
9 recommendations to the Congress, together with a
10 certification of such approval.

11 (B) If the President approves all of the revised
12 recommendations of the Commission transmitted to
13 the President under paragraph (3), the President
14 shall transmit a copy of such revised recommenda-
15 tions to the Congress, together with a certification
16 of such approval.

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

1 (4) TERMINATION OF BRAC ROUND.—If the
2 President does not transmit to the Congress an ap-
3 proval and certification described in paragraph (2)
4 by December 2, 2017, the process by which military
5 installations may be selected for closure or realign-
6 ment under this title shall be terminated.

7 **SEC. 3004. CLOSURE AND REALIGNMENT OF MILITARY IN-**
8 **STALLATIONS.**

9 (a) IN GENERAL.—Subject to subsection (b), the Sec-
10 retary shall—

11 (1) close all military installations recommended
12 for closure by the Commission in the report trans-
13 mitted to the Congress by the President pursuant to
14 section 3003(i);

15 (2) realign all military installations rec-
16 ommended for realignment by the Commission in the
17 report;

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

1 tive method of implementation of the recommenda-
2 tion;

3 (4) initiate all such closures and realignments
4 no later than two years after the date on which the
5 President transmits the report to the Congress pur-
6 suant to section 3003(i) containing the recommenda-
7 tions for such closures or realignments;

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

14 (6) develop a schedule and plan for the imple-
15 mentation of the actions required by the preceding
16 paragraphs in a manner that maximizes efficiency
17 and return on investment.

18 (b) CONGRESSIONAL DISAPPROVAL.—(1) The Sec-
19 retary may not carry out any closure or realignment rec-
20 ommended by the Commission in the report transmitted
21 from the President pursuant to section 3003(i) if a joint
22 resolution is enacted, disapproving such recommendations
23 of the Commission before the earlier of—

1 (A) the end of the 45-day period beginning on
2 the date on which the President transmits such re-
3 port; or

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

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

10 **SEC. 3005. IMPLEMENTATION.**

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

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

1 (B) provide—

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

5 (ii) community planning assistance to any
6 community located near a military installation
7 to which functions will be transferred as a re-
8 sult of the closure or realignment of a military
9 installation,

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

17 (C) carry out activities for the purposes of envi-
18 ronmental restoration and mitigation at any such in-
19 stallation, and shall use for such purposes funds in
20 the Account.

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

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

3 (E) reimburse other Federal agencies for ac-
4 tions performed at the request of the Secretary with
5 respect to any such closure or realignment, and may
6 use for such purpose funds in the Account or funds
7 appropriated to the Department of Defense and
8 available for such purpose.

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

15 (b) MANAGEMENT AND DISPOSAL OF PROPERTY.—

16 (1) The Administrator of General Services shall delegate
17 to the Secretary of Defense, with respect to excess and
18 surplus real property, facilities, and personal property lo-
19 cated at a military installation closed or realigned under
20 this title—

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

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

4 (C) the authority to dispose of surplus property
5 for public airports under sections 47151 through
6 47153 of title 49, United States Code; and

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

11 (2)(A) Subject to subparagraph (B) and paragraphs
12 (3), (4), (5), and (6), the Secretary of Defense shall exer-
13 cise the authority delegated to the Secretary pursuant to
14 paragraph (1) in accordance with—

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

18 (ii) all regulations governing the conveyance
19 and disposal of property under section 13(g) of the
20 Surplus Property Act of 1944 (50 U.S.C. App.
21 1622(g)).

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

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

1 property pursuant to the authority delegated under
2 paragraph (1); and

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

7 (C) The Secretary of Defense may transfer real prop-
8 erty or facilities located at a military installation to be
9 closed or realigned under this title, with or without reim-
10 bursement, to a military department or other entity (in-
11 cluding a nonappropriated fund instrumentality) within
12 the Department of Defense or the Coast Guard.

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

21 (E) If a military installation to be closed, realigned,
22 or placed in an inactive status under this title includes
23 a road used for public access through, into, or around the
24 installation, the Secretary of Defense shall consult with
25 the Governor of the State and the heads of the local gov-

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

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

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

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

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

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

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

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

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

7 (I) one week after the date on which the rede-
8 velopment plan for the installation is submitted to
9 the Secretary;

10 (II) the date on which the redevelopment au-
11 thority notifies the Secretary that it will not submit
12 such a plan;

13 (III) twenty-four months after the date of ap-
14 proval of the closure or realignment of the installa-
15 tion; or

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

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

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

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

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

4 (D) Except as provided in paragraph (4), the Sec-
5 retary may not transfer items of personal property located
6 at an installation to be closed or realigned under this title
7 to another installation, or dispose of such items, if such
8 items are identified in the redevelopment plan for the in-
9 stallation as items essential to the reuse or redevelopment
10 of the installation. In connection with the development of
11 the redevelopment plan for the installation, the Secretary
12 shall consult with the entity responsible for developing the
13 redevelopment plan to identify the items of personal prop-
14 erty located at the installation, if any, that the entity de-
15 sires to be retained at the installation for reuse or redevel-
16 opment of the installation.

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

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

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

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

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

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

9 (v)(I) meets known requirements of an author-
10 ized program of another Federal department or
11 agency for which expenditures for similar property
12 would be necessary; and

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

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

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

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

20 (i) agrees that the proceeds from any sale or
21 lease of the property (or any portion thereof) re-
22 ceived by the redevelopment authority during at
23 least the first seven years after the date of the initial
24 transfer of property under subparagraph (A) shall

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

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

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

15 (i) Road construction.

16 (ii) Transportation management facilities.

17 (iii) Storm and sanitary sewer construction.

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

20 (v) Utility construction.

21 (vi) Building rehabilitation.

22 (vii) Historic property preservation.

23 (viii) Pollution prevention equipment or facili-
24 ties.

25 (ix) Demolition.

1 (x) Disposal of hazardous materials generated
2 by demolition.

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

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

7 (D) The Secretary may recoup from a redevelopment
8 authority such portion of the proceeds from a sale or lease
9 described in subparagraph (B) as the Secretary deter-
10 mines appropriate if the redevelopment authority does not
11 use the proceeds to support economic redevelopment of,
12 or related to, the installation for the period specified in
13 subparagraph (B).

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

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

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

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

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

1 ices and common area maintenance covered by the lease
2 shall not include—

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

6 (II) firefighting or security-guard functions.

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

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

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

22 (5)(A) Except as provided in subparagraphs (B) and
23 (C), the Secretary shall take such actions as the Secretary
24 determines necessary to ensure that final determinations
25 under paragraph (1) regarding whether another depart-

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

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

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

1 authority with respect to the installation and comply with
2 the redevelopment plan for the installation.

3 (ii) Not later than 30 days after acquiring non-Fed-
4 eral real property as the location for a new or replacement
5 Federal facility, the head of the Federal agency acquiring
6 the property shall submit to Congress a report containing
7 the results of the consultation under clause (i) and the
8 reasons why military installations referred to in such
9 clause that are located within the area to be served by
10 the new or replacement Federal facility or within a 200-
11 mile radius of the new or replacement facility, whichever
12 area is greater, were considered to be unsuitable or un-
13 available for the site of the new or replacement facility.

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

20 (2)(A) The provisions of the National Environmental
21 Policy Act of 1969 shall apply to actions of the Depart-
22 ment of Defense under this title (i) during the process of
23 property disposal, and (ii) during the process of relocating
24 functions from a military installation being closed or re-
25 aligned to another military installation after the receiving

1 installation has been selected but before the functions are
2 relocated.

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

8 (i) the need for closing or realigning the mili-
9 tary installation which has been recommended for
10 closure or realignment by the Commission;

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

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

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

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

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

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

10 (e) TRANSFER AUTHORITY IN CONNECTION WITH
11 PAYMENT OF ENVIRONMENTAL REMEDIATION COSTS.—

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

23 (B) The real property and facilities referred to in
24 subparagraph (A) are the real property and facilities lo-
25 cated at an installation closed or to be closed, or realigned

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

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

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

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

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

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

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

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

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

20 (4) As part of an agreement under paragraph (1),
21 the Secretary shall disclose to the person to whom the
22 property or facilities will be transferred any information
23 of the Secretary regarding the environmental restoration,
24 waste management, and environmental compliance activi-
25 ties described in paragraph (1) that relate to the property

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

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

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

15 **SEC. 3006. DEPARTMENT OF DEFENSE BASE CLOSURE AC-**
16 **COUNT 2017.**

17 (a) ESTABLISHMENT.—

18 (1) If the Secretary makes the certifications re-
19 quired under section 3003(b), there shall be estab-
20 lished on the books of the Treasury an account to
21 be known as the “Department of Defense Base Clo-
22 sure Account 2017”. The Account shall be adminis-
23 tered by the Secretary as a single account.

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

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

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

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

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

19 (b) USE OF FUNDS.—

20 (1) In such amounts as may be provided in ad-
21 vance in appropriation Acts, the Secretary may use
22 the Account only for the purposes described in sec-
23 tion 3005 with respect to military installations ap-
24 proved for closure or realignment under this title.

1 (2) When a decision is made to use funds in the
2 Account to carry out a military construction project
3 under section 3005(a), of this title only military con-
4 struction projects contained in the master plan for
5 approved recommendations shall be carried out with-
6 out regard to section 2802(a) of title 10, United
7 States Code

8 (3) Except as provided by section 2853 of title
9 10, United States Code, the cost and scope of work
10 for a military construction project identified in a
11 master plan for an approved recommendation may
12 not be change.

13 (4) In the case of military construction projects
14 that are not contained in the master plan for ap-
15 proved recommendations, such construction projects
16 shall be conducted in accordance with the applicable
17 sections of chapter 169 of title 10, United States
18 Code.

19 (c) REPORTS.—

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

1 (i) the amount and nature of the de-
2 posits into, and the expenditures from, the
3 Account during such fiscal year;

4 (ii) the amount and nature of other
5 expenditures made pursuant to section
6 3005(a) during such fiscal year;

7 (iii) the amount and nature of antici-
8 pated deposits to be made into, and the
9 anticipated expenditures to be made from,
10 the Account during the first fiscal year
11 commencing after the submission of the re-
12 port; and

13 (iv) the amount and nature of antici-
14 pated expenditures to be made pursuant to
15 section 3005(a) during the first fiscal year
16 commencing after the submission of the re-
17 port.

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

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

24 (ii) The fiscal year in which appropriations
25 for such expenditures were made and the fiscal

1 year in which finds were obligated for such ex-
2 penditures.

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

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

15 (I) any failure to carry out military
16 construction projects that were so pro-
17 posed; and

18 (II) any expenditures for military con-
19 struction projects that were not so pro-
20 posed.

21 (v) An estimate of the net revenues to be
22 received from property disposals to be com-
23 pleted during the first fiscal year commencing
24 after the submission of the report at military

1 installations approved for closure or realign-
2 ment under this title.

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

7 (A) all the funds deposited into and ex-
8 pended from the Account or otherwise expended
9 under this title with respect to such installa-
10 tions; and

11 (B) any amount remaining in the Account.

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

24 (2) The amount so deposited shall be equal to the
25 depreciated value of the investment made with such funds

1 in the acquisition, construction, or improvement of that
2 particular real property or facility. The depreciated value
3 of the investment shall be computed in accordance with
4 regulations prescribed by the Secretary.

5 (3) In such amounts as may be provided in advance
6 in appropriation Acts, the Secretary may use amounts in
7 the reserve account for the purpose of acquiring, con-
8 structing, and improving—

9 (A) commissary stores; and

10 (B) real property and facilities for non-
11 appropriated fund instrumentalities.

12 (4) As used in this subsection:

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

17 (B) The term “nonappropriated funds” means
18 funds received from a nonappropriated fund instru-
19 mentality.

20 (C) The term “nonappropriated fund instru-
21 mentality” means an instrumentality of the United
22 States under the jurisdiction of the Armed Forces
23 (including the Army and Air Force Exchange Serv-
24 ice, the Navy Resale and Services Support Office,
25 and the Marine Corps exchanges) which is conducted

1 for the comfort, pleasure, contentment, or physical
2 or mental improvement of members of the Armed
3 Forces.

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

11 (f) AUTHORIZED COST AND SCOPE OF WORK VARI-
12 ATIONS.—(1) Subject to paragraphs (2) and (3), the cost
13 authorized for a military construction project or military
14 family housing project to be carried out using funds in
15 the Account may not be increased or reduced by more than
16 20 percent or \$2,000,000, whichever is less, of the amount
17 specified for the project in the conference report to accom-
18 pany the Military Construction Authorization Act author-
19 izing the project. The scope of work for such a project
20 may not be reduced by more than 25 percent from the
21 scope specified in the most recent budget documents for
22 the projects listed in such conference report.

23 (2) Paragraph (1) shall not apply to a military con-
24 struction project or military family housing project to be
25 carried out using funds in the Account with an estimated

1 cost of less than \$5,000,000, unless the project has not
2 been previously identified in any budget submission for the
3 Account and exceeds the applicable minor construction
4 threshold under section 2805 of title 10, United States
5 Code.

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

23 **SEC. 3007. REPORTS.**

24 As part of the budget request for fiscal year 2019
25 and for each fiscal year thereafter through fiscal year

1 2029 for the Department of Defense, the Secretary shall
2 transmit to the congressional defense committees—

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

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

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

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

1 (B) the screening of property at the instal-
2 lation for other Federal use has been com-
3 pleted; and

4 (C) a redevelopment plan has been agreed
5 to by the redevelopment authority for the in-
6 stallation;

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

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

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

1 timelines) to address such environmental remedi-
2 ation; and

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

6 **SEC. 3009. RESTRICTION ON OTHER BASE CLOSURE AU-**
7 **THORITY.**

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

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

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

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

1 (c) EXCEPTION.—Nothing in this title affects the au-
2 thority of the Secretary to carry out closures and realign-
3 ments to which section 2687 of title 10, United States
4 Code, is not applicable, including closures and realign-
5 ments carried out for reasons of national security or a
6 military emergency referred to in subsection (c) of such
7 section.

8 **SEC. 3010. DEFINITIONS.**

9 As used in this title:

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

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

15 (A) this title;

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

19 (C) title II of the Defense Authorization
20 Amendments and Base Closure and Realign-
21 ment Act (Public Law 100–526; 10 U.S.C.
22 2687 note).

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

1 the Committee on Armed Services and the Com-
2 mittee on Appropriations of the House of Represent-
3 atives.

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

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

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

22 (7) The term “military installation” means a
23 base, camp, post, station, yard, center, homeport fa-
24 cility for any ship, or other activity under the juris-
25 diction of the Department of Defense, including any

1 leased facility. Such term does not include any facil-
2 ity used primarily for civil works, rivers and harbors
3 projects, flood control, or other projects not under
4 the primary jurisdiction or control of the Depart-
5 ment of Defense.

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

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

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

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

1 (B) provides for the reuse or redevelop-
2 ment of the real property and personal property
3 of the installation that is available for such
4 reuse and redevelopment as a result of the clo-
5 sure or realignment of the installation.

6 (11) The term “representative of the homeless”
7 has the meaning given such term in section
8 501(i)(4) of the Stewart B. McKinney Homeless As-
9 sistance Act (42 U.S.C. 11411(i)(4)).

10 (12) The term “Secretary” means the Secretary
11 of Defense.

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

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

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

23 “(D) The Defense Base Closure and Re-
24 alignment Act of 2015.”.

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

3 (1) Section 131(b) of Public Law 107–249 (10
4 U.S.C. 221 note) is amended by striking “means”
5 and all that follows and inserting “has the meaning
6 given the term ‘base closure law’ in section
7 101(a)(17) of title 10, United States Code.”.

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

12 “(C) The Defense Base Closure and Re-
13 alignment Act of 2015.”.

14 (3) Section 2918(a)(1) of the National Defense
15 Authorization Act for Fiscal Year 1994 (Public Law
16 103–160; 10 U.S.C. 2687 note) is amended by add-
17 ing at the end the following new subparagraph:

18 “(C) The Defense Base Closure and Re-
19 alignment Act of 2015.”.

20 **SEC. 3012. CONFORMING AMENDMENTS.**

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

23 (1) in paragraph (5), by striking “on or after
24 January 1, 2005,” and inserting “from January 1,
25 2005 through December 31, 2005,”; and

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

3 “(6) Money rentals received by the United States
4 from a lease under subsection (g) at a military installation
5 approved for closure or realignment under the Defense
6 Base Closure and Realignment Act of 2015 shall be depos-
7 ited into the account established under section 3006 of
8 such Act.”.

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

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

