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(Original Signature of Member)

115TH CONGRESS
1ST SESSION

H. R.

To establish a fair and transparent process that will result in the timely consolidation, closure, and realignment of military installations inside the United States and will realize improved efficiencies in the cost and management of military installations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. SMITH of Washington introduced the following bill; which was referred to the Committee on _____

A BILL

To establish a fair and transparent process that will result in the timely consolidation, closure, and realignment of military installations inside the United States and will realize improved efficiencies in the cost and management of military installations, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Military Infrastructure Consolidation and Efficiency Act
6 of 2017”.

1 (b) TABLE OF CONTENTS.—The table of contents for
2 this Act is as follows:

- Sec. 1. Short title and table of contents.
- Sec. 2. Findings and purpose.
- Sec. 3. Force structure plan, infrastructure inventory, and certification of need for consolidation, closure, and realignment of military installations.
- Sec. 4. Time period to allow congressional review.
- Sec. 5. Recommendations for consolidation, closure, or realignment of military installations.
- Sec. 6. Final selection criteria for making recommendations for consolidation, closure, and realignment of military installations.
- Sec. 7. Military Infrastructure Consolidation and Efficiency Commission of 2019.
- Sec. 8. Secretary of Defense recommendations for consolidation, closure, or realignment of military installations.
- Sec. 9. Commission review of Secretary of Defense recommendations for consolidation, closure, or realignment of military installations.
- Sec. 10. Presidential review of Commission recommendations for consolidation, closure, or realignment of military installations.
- Sec. 11. Prohibition on implementation of recommendations pending congressional review.
- Sec. 12. Implementation.
- Sec. 13. Management and disposal of property.
- Sec. 14. Account.
- Sec. 15. Restriction on other base closure authority.
- Sec. 16. Required reports.
- Sec. 17. Definitions.
- Sec. 18. Treatment as a base closure law for purposes of other provisions of law.
- Sec. 19. Conforming amendments.

3 **SEC. 2. FINDINGS AND PURPOSE.**

4 (a) FINDINGS.—Congress makes the following find-
5 ings:

6 (1) The Department of Defense has requested
7 legislation to authorize a new round of base realign-
8 ments and closures (BRAC) as part of each budget
9 request since fiscal year 2013.

10 (2) The Department of Defense request for a
11 new BRAC round is based on the Department's
12 analysis that—

1 (A) there is infrastructure capacity excess
2 to military requirements; and

3 (B) the funds required to sustain this ex-
4 cess infrastructure capacity could be better
5 spent on other national security priorities.

6 (3) In testimony before the Committee on
7 Armed Services of the House of Representatives on
8 March 22, 2016, Secretary of Defense Ashton Car-
9 ter stated that “we need to stop spending so much
10 money to hold on to bases we don’t need” and that
11 “we have more bases in more places than we need”.

12 (4) According to an April 2016 infrastructure
13 capacity analysis conducted by the Department of
14 Defense using projected fiscal year 2019 force struc-
15 ture levels, overall the Department has approxi-
16 mately 22 percent excess capacity, of which approxi-
17 mately 33 percent is excess Army capacity, 7 per-
18 cent is excess Navy capacity, 32 percent is excess
19 Air Force capacity, and 12 percent is excess capacity
20 of the Defense Logistics Agency.

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

1 valuable resources in meeting urgent readiness and
2 training requirements or other priorities within the
3 Department.

4 (6) While the Department of Defense has al-
5 ready undertaken a number of initiatives to reduce
6 the Department's overseas infrastructure footprint,
7 including the European Infrastructure Consolidation
8 review and the relocation and consolidation of mili-
9 tary facilities in Japan and the Republic of Korea,
10 the Department's ability to take similar actions re-
11 garding military installation inside the United States
12 is extremely limited without specific authorization
13 from Congress.

14 (7) In testimony before the Committee on
15 Armed Services of the House of Representatives on
16 March 22, 2016, John Conger, who was performing
17 the duties of the Assistant Secretary of Defense for
18 Energy, Installations and Environment, testified
19 that by reducing excess infrastructure capacity by
20 only 5 percent, the Department of Defense expected
21 it could realize \$2 billion a year in annual recurring
22 savings.

23 (8) A 5 percent reduction in excess infrastruc-
24 ture can be managed in a strategic and cost-effective
25 manner while ensuring appropriate infrastructure

1 capacity remains for potential growth in military
2 force structure or future contingency needs of the
3 Department of Defense.

4 (9) While concerns have been raised about the
5 costs and schedule associated with the 2005 BRAC
6 round, the majority of the recommendations of that
7 round were focused on transformation and realign-
8 ment rather than efficiency and closure.

9 (10) As such, congressional authorization for
10 the next BRAC round must include additional over-
11 sight and controls on costs and provide sufficient
12 guidance and authority to ensure that the Depart-
13 ment of Defense focuses on recommendations that
14 result in efficiencies and financial savings for the
15 Department.

16 (11) Furthermore, congressional authorization
17 must ensure that the process for developing rec-
18 ommendations to consolidate, close, or realign mili-
19 tary installations is independent, impartial, and
20 transparent.

21 (12) In a time when the Department of Defense
22 needs to reduce excess infrastructure capacity and
23 realize efficiencies in its real property inventory, this
24 Act provides the most transparent means to do so
25 while also affording an independent commission,

1 Congress, and community groups a significant voice
2 and role in the process.

3 (b) PURPOSE.—The purpose of this Act is to provide
4 a fair and transparent process that will allow the Depart-
5 ment of Defense—

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

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

12 **SEC. 3. FORCE STRUCTURE PLAN, INFRASTRUCTURE IN-**
13 **VENTORY, AND CERTIFICATION OF NEED FOR**
14 **CONSOLIDATION, CLOSURE, AND REALIGN-**
15 **MENT OF MILITARY INSTALLATIONS.**

16 (a) FORCE STRUCTURE.—

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

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 Act.

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. 4. TIME PERIOD TO ALLOW CONGRESSIONAL REVIEW.**

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

1 (e) of section 3 is submitted to Congress in the report
2 required under subsection (c) of such section.

3 (b) EFFECT OF PASSAGE OF A JOINT RESOLUTION
4 OF DISAPPROVAL.—If, during the period specified in sub-
5 section (a), a joint resolution is enacted disapproving of
6 the force structure plan, the infrastructure inventory, or
7 the certification required by section 3(e), then the Presi-
8 dent may not commence a round for the selection of mili-
9 tary installations for consolidation, closure, or realignment
10 as provided by this Act.

11 **SEC. 5. RECOMMENDATIONS FOR CONSOLIDATION, CLO-**
12 **SURE, OR REALIGNMENT OF MILITARY IN-**
13 **STALLATIONS.**

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

16 (1) the Secretary of Defense makes a certifi-
17 cation under section 3(e) that the need exists for a
18 round for the selection of military installations for
19 consolidation, closure, or realignment; and

20 (2) Congress does not enact a joint resolution
21 described in section 4(b) during the period specified
22 in section 4(a).

23 (b) AUTHORITY TO DEVELOP RECOMMENDATIONS.—
24 Subject to subsection (a), the Secretary may initiate a
25 process to develop recommendations for the consolidation,

1 closure, or realignment of military installations on the
2 basis of the force structure plan, the infrastructure inven-
3 tory, and the final selection criteria.

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

12 (d) EFFECT OF ADVANCE CONVERSION PLANNING.—

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

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

23 (A) shall include community adjustment
24 and economic diversification planning under-
25 taken by the community before an anticipated

1 selection of a military installation in or near the
2 community for consolidation, closure, or re-
3 alignment; and

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

12 (e) EFFECT OF LOCAL GOVERNMENT APPROVAL.—

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

22 (2) EXCEPTION.—Notwithstanding receiving a
23 notice described in paragraph (1), the Secretary
24 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. 6. 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 Act 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 Act.

19 **SEC. 7. MILITARY INFRASTRUCTURE CONSOLIDATION AND**
20 **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 3(e) that the need exists for a

1 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 4(b) during the period specified
5 in section 4(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 Act. The Commission shall be known
10 as the “Military Infrastructure Consolidation and Effi-
11 ciency 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 Act 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 Act. 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 8.

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 Act. Such funds shall remain avail-
5 able 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 115th Congress, the Secretary
9 may transfer to the Commission for purposes of its
10 activities under this Act such funds as the Commis-
11 sion may require to carry out such activities. The
12 Secretary may make such transfer from any funds
13 available to the Secretary. Funds so transferred
14 shall remain available to the Commission for such
15 purpose until expended.

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

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

1 **SEC. 8. SECRETARY OF DEFENSE RECOMMENDATIONS FOR**
2 **CONSOLIDATION, CLOSURE, OR REALIGN-**
3 **MENT 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 3(e) that the need exists for a
8 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 4(b) during the period specified
12 in section 4(a); and

13 (3) the Chairman of the Commission certifies
14 under section 7(e)(5) that the Commission has ade-
15 quate staff to review the recommendations to be sub-
16 mitted 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. 9. COMMISSION REVIEW OF SECRETARY OF DEFENSE**
20 **RECOMMENDATIONS FOR CONSOLIDATION,**
21 **CLOSURE, OR REALIGNMENT OF MILITARY**
22 **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 8, the Commis-
2 sion 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 8.

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 8(b), the Comptroller General shall transmit
16 to Congress and to the Commission a report con-
17 taining a detailed analysis of the Secretary's rec-
18 ommendations, selection process, and standard rules
19 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 8;

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 8(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. 10. 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 9, the President shall transmit to
2 the Commission and to Congress a report containing
3 the President's approval or disapproval of the rec-
4 ommendations of the Commission for the consolida-
5 tion, closure, or realignment of military installations.

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

8 (A) October 15, 2019.

9 (B) 14 days after the date on which the
10 Commission transmits its recommendations to
11 the President pursuant to section 9(d).

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

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

18 (2) a certification of such approval.

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

23 (1) the reasons for disapproval; and

24 (2) a certification of such disapproval.

25 (d) REVISION.—

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

7 (A) November 30, 2019.

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

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

15 (A) a copy of the revised recommendations;

16 and

17 (B) a certification of such approval.

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

1 **SEC. 11. 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 12 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 10, 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 10 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. 12. IMPLEMENTATION.**

24 (a) IN GENERAL.—Subject to section 11, 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 10;

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 Act, 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 14(c), in car-
16 rying out any closure or realignment action under
17 this Act, 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 9(d).

22 (3) In closing or realigning any military instal-
23 lation under this Act, the Secretary may provide eco-
24 nomic adjustment assistance to any community lo-
25 cated near a military installation being closed or re-

1 aligned, 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 Act, 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 Act. 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 Act, 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 Act, 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. 13. 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 12. The staff of this Field Activity may

1 consist of persons detailed to the field activity by the Army
2 Corps of Engineers, Naval Facilities Engineering Com-
3 mand, 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 Act.

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 Act—

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 Act, 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 Act, 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 Act 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 Act, 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 Act 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 Act to another installation, or dis-
7 pose of such items, if such items are identified in the
8 redevelopment plan for the installation as items es-
9 sential to the reuse or redevelopment of the installa-
10 tion. In connection with the development of the rede-
11 velopment 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 Act 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 Act to
25 the redevelopment authority with respect to the in-

1 stallation 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 Act 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 Act (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 Act, or will accept transfer of any portion
14 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 Act as the location for
9 the new or replacement facility. In considering the
10 availability and suitability of a specific military in-
11 stallation, the Secretary and the head of the Federal
12 agency involved shall obtain the concurrence of the
13 redevelopment authority with respect to the installa-
14 tion and comply with the redevelopment plan for the
15 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 an installation
7 shall assist the governments, representatives, and parties
8 referred to in clause (i) in evaluating buildings and prop-
9 erty at the installation for purposes of this subparagraph.

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

12 (I) consult with representatives of the homeless
13 in the communities in the vicinity of the installation
14 concerned; and

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

20 (iv) It is the sense of Congress that redevelopment
21 authorities should begin to conduct outreach efforts under
22 clause (iii)(II) with respect to an installation as soon as
23 is practicable after the date of approval of closure or re-
24 alignment of the installation.

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

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

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

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

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

23 (I) publish the date specified in a newspaper of
24 general circulation in the communities in the vicinity
25 of the installation concerned; and

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

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

7 (I) A description of the homeless assistance
8 program that the representative proposes to carry
9 out at the installation.

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

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

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

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

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

23 (ii) A redevelopment authority may not release to the
24 public any information submitted to the redevelopment au-
25 thority under clause (i)(V) without the consent of the rep-

1 representative of the homeless concerned unless such release
2 is authorized under Federal law and under the law of the
3 State and communities in which the installation concerned
4 is located.

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

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

23 (II) Agreements under this clause shall provide for
24 the reversion to the redevelopment authority concerned, or
25 to such other entity or entities as the agreements shall

1 provide, of buildings and property that are made available
2 under this paragraph for use to assist the homeless in the
3 event that such buildings and property cease being used
4 for that purpose.

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

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

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

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

22 (I) A copy of the redevelopment plan, including
23 a summary of any public comments on the plan re-
24 ceived by the redevelopment authority under sub-
25 paragraph (F)(iii).

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

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

12 (IV) A statement identifying the representatives
13 of the homeless and the homeless assistance plan-
14 ning boards, if any, with which the redevelopment
15 authority consulted in preparing the plan, and the
16 results of such consultations.

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

22 (VI) Copies of the agreements that the redevelop-
23 ment authority proposes to enter into under sub-
24 paragraph (F)(ii).

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

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

15 (II) takes into consideration any economic im-
16 pact of the homeless assistance under the plan on
17 the communities in the vicinity of the installation;

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

23 (IV) was developed in consultation with rep-
24 resentatives of the homeless and the homeless assist-

1 ance planning boards, if any, in the communities in
2 the vicinity of the installation; and

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

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

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

22 (iv) Upon completion of a review of a redevelopment
23 plan under clause (i), the Secretary of Housing and Urban
24 Development shall notify the Secretary of Defense and the
25 redevelopment authority concerned of the determination of

1 the Secretary of Housing and Urban Development under
2 that clause.

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

7 (I) an explanation of that determination; and

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

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

15 (I) revise the plan in order to address the deter-
16 mination; and

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

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

1 (J)(i) Not later than 30 days after receiving a revised
2 redevelopment plan under subparagraph (I), the Secretary
3 of Housing and Urban Development shall review the re-
4 vised plan and determine if the plan meets the require-
5 ments set forth in subparagraph (H)(i).

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

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

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

1 (iii) The Secretary of Defense shall dispose of build-
2 ings and property under clause (i) in accordance with the
3 record of decision or other decision document prepared by
4 the Secretary in accordance with the National Environ-
5 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.). In
6 preparing the record of decision or other decision docu-
7 ment, the Secretary shall give substantial deference to the
8 redevelopment plan concerned.

9 (iv) The disposal under clause (i) of buildings and
10 property to assist the homeless shall be without consider-
11 ation.

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

23 (L)(i) If the Secretary of Housing and Urban Devel-
24 opment determines under subparagraph (J) that a revised
25 redevelopment plan for an installation does not meet the

1 requirements set forth in subparagraph (H)(i), or if no
2 revised plan is so submitted, that Secretary shall—

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

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

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

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

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

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

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

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

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

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

21 (I) notify the Secretary of Defense and the re-
22 development authority concerned of the buildings
23 and property at an installation under clause (i)(IV)
24 that the Secretary of Housing and Urban Develop-

1 ment determines are suitable for use to assist the
2 homeless; and

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

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

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

1 the installation as a whole, taking into consideration the
2 redevelopment plan submitted by the redevelopment au-
3 thority.

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (ii) during the process of relocating functions
6 from a military installation being closed or realigned
7 to another military installation after the receiving in-
8 stallation has been selected but before the functions
9 are relocated.

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

15 (i) the need for closing or realigning the mili-
16 tary installation which has been recommended for
17 the consolidation, closure, or realignment by the
18 Commission;

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

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

24 (3) A civil action for judicial review, with respect to
25 any requirement of the National Environmental Policy Act

1 of 1969 to the extent such Act is applicable under para-
2 graph (2), of any act or failure to act by the Department
3 of Defense during the closing, realigning, or relocating of
4 functions referred to in clauses (i) and (ii) of paragraph
5 (2)(A), may not be brought more than 60 days after the
6 date of such act or failure to act.

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

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

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

16 (e) TRANSFER AUTHORITY IN CONNECTION WITH
17 PAYMENT OF ENVIRONMENTAL REMEDIATION COSTS.—

18 (1)(A) Subject to paragraph (2) of this sub-
19 section and section 120(h) of the Comprehensive En-
20 vironmental Response, Compensation, and Liability
21 Act of 1980 (42 U.S.C. 9620(h)), the Secretary may
22 enter into an agreement to transfer by deed real
23 property or facilities referred to in subparagraph (B)
24 with any person who agrees to perform all environ-
25 mental restoration, waste management, and environ-

1 mental compliance activities that are required for
2 the property or facilities under Federal and State
3 laws, administrative decisions, agreements (including
4 schedules and milestones), and concurrences.

5 (B) The real property and facilities referred to
6 in subparagraph (A) are the real property and facili-
7 ties located at an installation closed or to be closed,
8 or realigned or to be realigned, under this Act that
9 are available exclusively for the use, or expression of
10 an interest in a use, of a redevelopment authority
11 under subsection (b)(6)(F) during the period pro-
12 vided for that use, or expression of interest in use,
13 under that subsection. The real property and facili-
14 ties referred to in subparagraph (A) are also the real
15 property and facilities located at an installation ap-
16 proved for consolidation, closure, or realignment
17 under this Act after 2001 that are available for pur-
18 poses other than to assist the homeless.

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

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

4 (A) the costs of all environmental restora-
5 tion, waste management, and environmental
6 compliance activities otherwise to be paid by the
7 Secretary with respect to the property or facili-
8 ties are equal to or greater than the fair market
9 value of the property or facilities to be trans-
10 ferred, as determined by the Secretary; or

11 (B) if such costs are lower than the fair
12 market value of the property or facilities, the
13 recipient of the property or facilities agrees to
14 pay the difference between the fair market
15 value and such costs.

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

20 (A) the amount by which the costs in-
21 curred by the recipient of such property or fa-
22 cilities for all environmental restoration, waste,
23 management, and environmental compliance ac-
24 tivities with respect to such property or facili-
25 ties exceed the fair market value of such prop-

1 erty or facilities as specified in such certifi-
2 cation; or

3 (B) the amount by which the costs (as de-
4 termined by the Secretary) that would other-
5 wise have been incurred by the Secretary for
6 such restoration, management, and activities
7 with respect to such property or facilities exceed
8 the fair market value of such property or facili-
9 ties as so specified.

10 (4) As part of an agreement under paragraph
11 (1), the Secretary shall disclose to the person to
12 whom the property or facilities will be transferred
13 any information of the Secretary regarding the envi-
14 ronmental restoration, waste management, and envi-
15 ronmental compliance activities described in para-
16 graph (1) that relate to the property or facilities.
17 The Secretary shall provide such information before
18 entering into the agreement.

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

24 (6) Section 330 of the National Defense Au-
25 thorization Act for Fiscal Year 1993 (Public Law

1 102–484; 10 U.S.C. 2687 note) shall not apply to
2 any transfer under this subsection to persons or en-
3 tities described in subsection (a)(2) of such section
4 330, except in the case of releases or threatened re-
5 leases not disclosed pursuant to paragraph (4).

6 **SEC. 14. ACCOUNT.**

7 (a) ESTABLISHMENT.—

8 (1) If the Secretary makes the certification re-
9 quired under section (1)(d), there shall be estab-
10 lished on the books of the Treasury an account to
11 be known as the “Military Infrastructure Consolida-
12 tion and Efficiency 2019.” The Account shall be ad-
13 ministered by the Secretary as a single account.

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

15 (A) funds authorized for an appropriated
16 to the Account;

17 (B) any funds that the Secretary may,
18 subject to approval in an appropriations Act,
19 transfer to the Account from funds appro-
20 priated to the Department of Defense for any
21 purpose, except that such funds may be trans-
22 ferred only after the date on which the Sec-
23 retary transmits written notice of, and justifica-
24 tion for, such transfer to the congressional de-
25 fense committees; and

1 (C) except as provided in subsection (c),
2 proceeds received from the lease, transfer, or
3 disposal of any property at a military installa-
4 tion that is consolidated, closed, or realigned
5 under this Act.

6 (3) The Account shall be closed at the time and
7 in the manner provided for appropriation accounts
8 under section 1555 of title 31, United States Code.
9 Unobligated funds which remain in the Account
10 upon the closure shall be held by the Secretary of
11 the Treasury until transferred by law after the con-
12 gressional defense committees receive the final re-
13 port transmitted under section 14(a)(3).

14 (b) USE OF FUNDS.—

15 (1) In such amounts as may be provided in ad-
16 vance in appropriation Acts, the Secretary may use
17 the Account only for the purposes described in sec-
18 tion 12 with respect to military installations ap-
19 proved for consolidation, closure, or realignment
20 under this Act.

21 (2) When a decision is made to use funds in the
22 Account to carry out a military construction project
23 under section 11(b)(1) and the cost of the project
24 will exceed the maximum amount authorized by law
25 for a minor military construction project, the Sec-

1 retary shall notify, in writing, the congressional de-
2 fense committees of the nature of, and justification
3 for, the project and the amount of expenditures for
4 such project. Any such project may be carried out
5 without regard to section 2802(a) of title 10, United
6 States Code.

7 (c) AUTHORIZED COST VARIATIONS.—

8 (1) MAXIMUM INCREASE.—Subject to para-
9 graph (2), the total cost authorized for a closure or
10 realignment action to be carried out using funds in
11 the Account may not be increased by more than 25
12 percent of the amount specified for such closure or
13 realignment action in the report transmitted by the
14 Commission to the President pursuant to section
15 9(d).

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

18 (A) the Secretary of Defense notifies the
19 congressional defense committees, in writing, of
20 the cost increase and the reason therefor and
21 certifies that the increased cost is necessary in
22 order to implement the recommendation; and

23 (B) a period of 60 days has elapsed after
24 the date on which such notification is provided
25 or, if the notification is provided in an elec-

1 tronic medium pursuant to section 480 of title
2 10, United States Code, a period of 45 days has
3 elapsed.

4 (d) DISPOSAL OR TRANSFER OF COMMISSARY
5 STORES AND PROPERTY PURCHASED WITH NON-
6 APPROPRIATED FUNDS.—

7 (1) If any real property or facility acquired,
8 constructed, or improved (in whole or in part) with
9 commissary store funds or nonappropriated funds is
10 transferred or disposed of in connection with the
11 consolidation, closure, or realignment of a military
12 installation under this Act, a portion of the proceeds
13 of the transfer or other disposal of property on that
14 installation shall be deposited in the reserve account
15 established under section 204(b)(7)(C) of the De-
16 fense Authorization Amendments and Base Closure
17 and Realignment Act (10 U.S.C. 2687 note).

18 (2) The amount so deposited shall be equal to
19 the depreciated value of the investment made with
20 such funds in the acquisition, construction, or im-
21 provement of that particular real property or facility.
22 The depreciated value of the investment shall be
23 computed in accordance with regulations prescribed
24 by the Secretary of Defense.

1 (3) In such amounts as may be provided in ad-
2 vance in appropriations Acts, the Secretary may use
3 amounts in the reserve account for the purpose of
4 acquiring, constructing, and improving commissary
5 stores and real property and facilities for non-
6 appropriated fund instrumentalities.

7 (e) ACCOUNT EXCLUSIVE SOURCE OF FUNDS FOR
8 ENVIRONMENTAL RESTORATION PROJECTS.—Except for
9 funds deposited into the Account under subsection (a),
10 funds appropriated to the Department of Defense may not
11 be used for purposes described in section 12. The prohibi-
12 tion in this subsection shall expire upon the closure of the
13 account under subsection (a)(3).

14 **SEC. 15. RESTRICTION ON OTHER BASE CLOSURE AUTHOR-**
15 **ITY.**

16 (a) IN GENERAL.—Except as provided in subsection
17 (c), during the period beginning on the date of enactment
18 of this Act, and ending on April 15, 2020, this Act shall
19 be the exclusive authority for selecting for consolidation,
20 closure, or realignment, or for carrying out any consolida-
21 tion, closure, or realignment of, a military installation in-
22 side the United States.

23 (b) RESTRICTION.—Except as provided in subsection
24 (c), none of the funds available to the Department may

1 be used, other than under this Act, during the period spec-
2 ified in subsection (a)—

3 (1) to identify, through any transmittal to the
4 Congress or through any other public announcement
5 or notification, any military installation inside the
6 United States as an installation to be consolidated,
7 closed, or realigned, or as an installation under con-
8 sideration for consolidation, closure, or realignment;
9 or

10 (2) to carry out any consolidation, closure, or
11 realignment of a military installation inside the
12 United States.

13 (c) EXCEPTION.—Nothing in this title affects the au-
14 thority of the Secretary of Defense to carry out closures
15 or realignments to which section 2687 of title 10, United
16 States Code, is not applicable, including closures and re-
17 alignments carried out for reasons of national security or
18 a military emergency referred to in subsection (c) of such
19 section.

20 **SEC. 16. REQUIRED REPORTS.**

21 (a) **MILITARY INFRASTRUCTURE CONSOLIDATION**
22 **AND EFFICIENCY ACCOUNT.**—

23 (1) **REPORT REQUIRED.**—No later than 60 days
24 after the end of each fiscal year in which the Sec-
25 retary carries out activities under this Act using

1 amounts in the Account, the Secretary of Defense
2 shall transmit a report to the congressional defense
3 committees of—

4 (A) the amount and nature of the deposits
5 into, and the expenditures from, the Account
6 during such fiscal year;

7 (B) the amount and nature of other ex-
8 penditures made pursuant to section 12 during
9 such fiscal year;

10 (C) the amount and nature of anticipated
11 deposits to be made into, and the anticipated
12 expenditures to be made from, the Account dur-
13 ing the first fiscal year commencing after the
14 submission of the report; and

15 (D) the amount and nature of anticipated
16 expenditures to be made pursuant to section 12
17 during the first fiscal year commencing after
18 the submission of the report.

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

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

1 (B) The fiscal year in which appropriations
2 for such expenditures were made and the fiscal
3 year in which funds were obligated for such ex-
4 penditure.

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

8 (D) A description and explanation of the
9 extent, if any, to which expenditures for mili-
10 itary construction projects for the fiscal year dif-
11 fered from proposals for projects and funding
12 levels that were included in the justification
13 transmitted to Congress under subsection (b),
14 or otherwise, for the funding proposals for the
15 Account for such fiscal year, including expla-
16 nations of any failure to carry out military con-
17 struction projects that were so proposed and
18 any expenditures for military construction
19 projects that were not so proposed.

20 (E) An estimate of the net revenues to be
21 received from property disposals to be com-
22 pleted during the first fiscal year commencing
23 after the submission of the report at military
24 installations approved for consolidation, closure,
25 or realignment under this Act.

1 (3) FINAL REPORT.—Not later than 60 days
2 after the closure of the Account under section 14,
3 the Secretary shall transmit to the congressional de-
4 fense committees a report containing an accounting
5 of all the funds deposited into and expended from
6 the Account or otherwise expended under this Act
7 with respect to such installations, and any amount
8 remaining in the account.

9 (b) ANNUAL MILITARY INFRASTRUCTURE CONSOLI-
10 DATION AND EFFICIENCY IMPLEMENTATION REPORT.—
11 As part of the budget request for fiscal year 2021, and
12 for each fiscal year thereafter through fiscal year 2032,
13 for the Department, the Secretary shall transmit to the
14 congressional defense committees—

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

23 (2) a description of the military installations,
24 including those under construction and those
25 planned for construction, to which functions are to

1 be transferred as a result of such closure, together
2 with the Secretary's assessment of the environmental
3 effects of such transfers;

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

9 (A) a redevelopment authority has been
10 recognizes by the Secretary for the installation;

11 (B) the screening of property at the instal-
12 lation for other Federal use has been com-
13 pleted; and

14 (C) a redevelopment plan has been agreed
15 to by the redevelopment authority for the in-
16 stallation;

17 (4) a description of redevelopment plans for
18 military installations approved for closure under this
19 Act, the quantity of property remaining to be dis-
20 posed of at each installation as part of its closure,
21 and the quantity of property already disposed of at
22 each installation;

23 (5) a list of Federal agencies that have re-
24 quested property during the screening process for
25 each military installation approved for closure under

1 this Act, including the date of transfer or antici-
2 pated transfer of the property to such agencies, the
3 acreage involved in such transfers, and an expla-
4 nation for any delays in such transfer;

5 (6) a list of known environmental remediation
6 issues at each military installation approved for clo-
7 sure under this Act, including the acreage affected
8 by these issues, an estimate of the cost to complete
9 such environmental remediation, and the plans (and
10 timelines) to address such environmental remedi-
11 ation; and

12 (7) an estimate of the date for the completion
13 of all closure actions at each military installation ap-
14 proved for consolidation, closure, or realignment
15 under this Act.

16 **SEC. 17. DEFINITIONS.**

17 In this Act:

18 (1) The term “Account” means the Military In-
19 frastructure Consolidation and Efficiency Account
20 established by section 14(a).

21 (2) The term “congressional defense commit-
22 tees” means the Committees on Armed Services and
23 the Committees on Appropriations of the Senate and
24 the House of Representatives.

1 (3) The term “Commission” means the Military
2 Infrastructure Consolidation and Efficiency Commis-
3 sion of 2019 established by section 7.

4 (4) The term “date of approval”, with respect
5 to a consolidation, closure, or realignment of a mili-
6 tary installation, means the date on which the au-
7 thority of Congress to disapprove a recommendation
8 of consolidation, closure, or realignment, as the case
9 may be, of such installation under this Act expires.

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

12 (6) The term “final selection criteria” means
13 the final selection criteria specified in section 6,
14 which consists of military value criteria and certain
15 additional criteria.

16 (7) The term “force structure plan” means the
17 force structure plan developed by the Secretary
18 under section 3(a).

19 (8) The term “infrastructure inventory” means
20 the infrastructure inventory conducted by the Sec-
21 retary under section 3(b).

22 (9) 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, including any leased fa-

1 cility. Such term does not include any facility used
2 primarily for civil works, rivers and harbors projects,
3 flood control, or other projects not under the pri-
4 mary jurisdiction or control of the Department.

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

11 (11) The term “redevelopment authority”, in
12 the case of a military installation to be closed or re-
13 aligned under this Act, means any entity (including
14 an entity established by a State or local government)
15 recognized by the Secretary of Defense as the entity
16 responsible for developing the redevelopment plan
17 with respect to the military installation or for direct-
18 ing the implementation of the redevelopment plan.

19 (12) The term “redevelopment plan”, in the
20 case of a military installation to be closed or re-
21 aligned under this Act, means a plan that—

22 (A) is agreed to by the local redevelopment
23 authority with respect to the military installa-
24 tion; and

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

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

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

13 (15) The term “United States” means the 50
14 States, the District of Columbia, the Commonwealth
15 of Puerto Rico, Guam, the Virgin Islands, American
16 Samoa, the Virgin Islands of the United States, the
17 Commonwealth of the Northern Mariana Islands ,
18 and any other commonwealth, territory, or posses-
19 sion of the United States.

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

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

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

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

5 (1) Section 131(b) of Public Law 107–249 (10
6 U.S.C. 221 note) is amended by striking “means”
7 and all that follows and inserting “has the meaning
8 given the term ‘base closure law’ in section
9 101(a)(17) of title 10, United States Code.”.

10 (2) Section 1334(k)(1) of the National Defense
11 Authorization Act for Fiscal Year 1994 (Public Law
12 103–160; 10 U.S.C. 2701 note) is amended by add-
13 ing at the end the following new subparagraph:

14 “(C) Military Infrastructure Consolidation
15 and Efficiency Act of 2017.”.

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

20 “(C) Military Infrastructure Consolidation
21 and Efficiency Act of 2017.”.

22 **SEC. 19. CONFORMING AMENDMENTS.**

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

1 (1) in paragraph (5), by striking “on or after
2 January 1, 2005,” and inserting “from January 1,
3 2005 through December 31, 2005,”; and

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

6 “(6) Money rentals received by the United
7 States from a lease under subsection (g) at a mili-
8 tary installation approved for consolidation, closure,
9 or realignment under a base closure law on or after
10 January 1, 2006, shall be deposited into the Account
11 established under section 14(a) of the Military Infra-
12 structure Consolidation and Efficiency Act of
13 2017.”.

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

23 (b) RESTORED LEAVE.—Section 6304(d)(3)(A) of
24 title 5, United States Code, is amended by striking “the
25 Defense Base Closure and Realignment Act of 1990 (part

1 A of title XXIX of Public Law 101–510; 10 U.S.C. 2687
2 note)” and inserting “a base closure law, as that term is
3 defined in section 101(a)(17) of title 10,”.