

107TH CONGRESS
1ST SESSION

H. R. 1820

To amend the Defense Base Closure and Realignment Act of 1990 to authorize an additional round of military base closures and realignments using a two-step process that first identifies those military bases that may not be considered for closure or realignment.

IN THE HOUSE OF REPRESENTATIVES

MAY 10, 2001

Mr. SNYDER introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Defense Base Closure and Realignment Act of 1990 to authorize an additional round of military base closures and realignments using a two-step process that first identifies those military bases that may not be considered for closure or realignment.

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.**

4 This Act may be cited as the “Military Infrastructure
5 Transformation Act of 2001”.

1 **SEC. 2. ADDITIONAL ROUND OF DEFENSE BASE CLOSURES**
2 **AND REALIGNMENTS IN 2003.**

3 (a) ADDITIONAL ROUND OF CLOSURES AUTHOR-
4 IZED.—The Defense Base Closure and Realignment Act
5 of 1990 (part A of title XXIX of Public Law 101–501;
6 10 U.S.C. 2687 note) is amended by adding at the end
7 the following new section:

8 **“SEC. 2912. BASE REINVESTMENT AND COMMUNITY ENTER-**
9 **PRISE INITIATIVE FOR 2003.**

10 “(a) AUTHORIZATION OF ADDITIONAL BASE CLO-
11 SURE ROUND.—(1) During the period between January
12 15, 2003, and January 31, 2003, the President may elect
13 to commence an additional round of base closures and re-
14 alignments by transmitting to the Senate nominations for
15 the appointment of new members to the Defense Base Clo-
16 sure and Realignment Commission. If the President does
17 not transmit to Congress the nominations during that pe-
18 riod, the process by which military installations may be
19 selected for closure or realignment under this section shall
20 be terminated.

21 “(2) As part of the submission of the nominations
22 under paragraph (1), the Secretary of Defense may sub-
23 mit to Congress a report explaining the military necessity
24 for further base closures and realignments.

25 “(3) Notwithstanding section 2902(d), the term of
26 the Commission required for the round of base closures

1 and realignment authorized by this section shall continue
2 until the disposal of property at all military installations
3 approved for closure under this section is completed. Not-
4 withstanding section 2902(i), the Commission may only
5 maintain 15 staff members after December 31, 2003.

6 “(b) SELECTION CRITERIA.—(1) The Secretary shall
7 amend the criteria to be used in making recommendations
8 for the closure or realignment of military installations in-
9 side the United States to reflect the requirement to de-
10 velop a list of those military installations to be excluded
11 from the base closure and realignment process, as pro-
12 vided in subsection (c). The Secretary shall comply with
13 section 2903(b)(2)(B) in amending the criteria, except
14 that the Secretary shall publish the proposed amendments
15 in the Federal Register and transmit them to the congres-
16 sional defense committees not later than December 1,
17 2002, and publish the final criteria in the Federal Register
18 and transmit to such committees not later than January
19 15, 2003. The Secretary shall comply with section 2903(a)
20 in preparing the budget justification documents submitted
21 to Congress in support of the budget for the Department
22 of Defense for fiscal year 2004.

23 “(2) It is the sense of Congress that the national se-
24 curity needs of the United States in the future will be best
25 met by a military force that operates on the principle of

1 jointness, and, therefore, the Secretary and the Commis-
2 sion should consider jointness when performing their du-
3 ties in the additional round of base closures and realign-
4 ments authorized by this section.

5 “(c) LIST OF INSTALLATIONS EXCLUDED FROM
6 CONSIDERATION FOR CLOSURE OR REALIGNMENT.—(1)
7 Before preparing the list of military installations inside
8 the United States that the Secretary recommends for clo-
9 sure or realignment, the Secretary shall prepare a list of
10 core military installations that the Secretary considers ab-
11 solutely essential to the national defense and that should
12 not be considered for closure.

13 “(2) Not later than February 15, 2003, the Secretary
14 shall submit to the congressional defense committees, pub-
15 lish in the Federal Register, and send to the Commission
16 the list required by paragraph (1). The list shall contain
17 not more than 50 percent of the military installations in-
18 side the United States.

19 “(3) The Commission shall consider the list based on
20 the amended criteria developed under subsection (b). The
21 Commission may modify this list, in the manner provided
22 in section 2903(d), if the Commission finds that the inclu-
23 sion of a military installation on the list substantially vio-
24 lates the criteria. Except as provided in subsection (d),
25 the Commission shall forward to the President, not later

1 than April 15, 2003, a report containing its recommenda-
2 tions regarding the list, which must comply with the per-
3 centages specified in paragraph (2). The Comptroller Gen-
4 eral shall also comply with section 2904(d)(5) by that
5 date.

6 “(4) If the Commission submits a report to the Presi-
7 dent under paragraph (3), the President shall notify Con-
8 gress, not later than April 30, 2003, regarding whether
9 the President approves or disapproves the report. If the
10 President disapproves the report, the Commission shall
11 have until May 15, 2003, to submit a modified report,
12 after which the President shall have until May 22, 2003,
13 to transmit the modified report to Congress. If the Presi-
14 dent fails to do so or does not approve the modified list,
15 the Commission shall be dissolved, and the process by
16 which military installations may be selected for closure or
17 realignment under this section shall be terminated.

18 “(5) A military installation included on the exclusion
19 list approved under this subsection may not be included
20 on the closure and realignment list prepared under sub-
21 section (e) or otherwise considered for closure or realign-
22 ment as part of the base closure process under this sec-
23 tion.

24 “(d) COMMISSION REVIEW OF NEED FOR FURTHER
25 CLOSURES.—As part of its activities under subsection (c),

1 the Commission shall determine whether there exists a
2 military necessity for further base closures. In making this
3 determination, the Commission may take such testimony
4 and consider such submitted documentation and state-
5 ments as the Commission considers appropriate. If the
6 Commission determines that further closures are not mili-
7 tarily necessary, and transmits this determination to the
8 President, the Commission shall be dissolved, and the
9 process by which military installations may be selected for
10 closure or realignment under this section shall be termi-
11 nated.

12 “(e) PREPARATION AND CONSIDERATION OF CLO-
13 SURE AND REALIGNMENT LIST.—(1) Not later than 15
14 days after that date on which the President approves the
15 list prepared under subsection (c), the Secretary shall pub-
16 lish in the Federal Register, transmit to the congressional
17 defense committees, and send to the Commission, a list
18 of military installations recommended for closure or re-
19 alignment. The Commission shall consider this list in the
20 manner provided in section 2903(d), except that the Com-
21 mission’s report shall be transmitted to the President not
22 later than October 15, 2003.

23 “(2) Not later than October 30, 2003, the President
24 shall notify Congress regarding whether the President ap-
25 proves or disapproves the report. If the President dis-

1 approves the closure list, the Commission shall have until
2 November 15, 2003, to submit a revised list. If the Presi-
3 dent does not approve the revised list by November 30,
4 2003, or does not transmit approval or disapproval of the
5 revised list to Congress by that date, the Commission shall
6 be dissolved, and the process by which military installa-
7 tions may be selected for closure or realignment under this
8 section shall be terminated. If the President approves the
9 original or revised list, the President shall transmit to
10 Congress a copy of the Commission's report, together with
11 the certification of such approval.

12 “(f) CONGRESSIONAL DISAPPROVAL.—Section
13 2904(b)(1) shall apply to the base closure process required
14 by this section, except that the date otherwise determined
15 under subparagraph (A) of such section is deemed to be
16 December 31, 2003.

17 “(g) IMPLEMENTATION.—Within three years after
18 the date of the enactment of this section, the Secretary
19 shall initiate the closure or realignment, as the case may
20 be, of all military installations recommended for closure
21 or realignment by the Commission in the report trans-
22 mitted to the Congress by the President pursuant to sub-
23 section (e), unless Congress disapproves of the report as
24 provided in subsection (f).

1 “(h) COMMISSION’S ROLE DURING CLOSURE.—(1)
2 During the Secretary’s implementation of base closures
3 and realignments approved under this section, the Com-
4 mission shall serve as an Ombudsman, to which any af-
5 fected community (containing or bordering a military in-
6 stallation to be closed) or redevelopment authority may ap-
7 peal regarding problems or disputes with the Secretary in
8 the process of closure or realignment. Appeals may be sub-
9 mitted to the Commission regarding any dispute between
10 the affected parties (the Secretary, redevelopment authori-
11 ties, and local communities) after approval of the closure
12 list.

13 “(2) The Commission is authorized, but not required,
14 to issue a decision on an appeal submitted under para-
15 graph (1). Any such decision shall be made by majority
16 vote. The decision shall be binding on the Secretary unless
17 the Secretary overrules the decision of the Commission.
18 If the Secretary overrules a decision, the Secretary shall
19 provide written notice, including the reasons why the Sec-
20 retary is overruling the decision, to the Chairman of the
21 Commission, the affected community or redevelopment au-
22 thority, and the Chairmen and ranking minority members
23 of the Committees on Armed Services of the Senate and
24 House of Representatives.

1 “(3) The Commission may not take a military instal-
2 lation off the closure list, change a closure to a realign-
3 ment (or vice versa), or make any other substantive
4 changes to the list, but the Commission shall have jurisdic-
5 tion over solely procedural matters.”.

6 (b) ADJUSTMENT AND DIVERSIFICATION ASSIST-
7 ANCE.—Section 2391(b)(1) of title 10, United States
8 Code, is amended by inserting after “the affected commu-
9 nity” the following: “or the community contains an eco-
10 nomically distressed area”.

11 (c) REPORT ON EXPEDITING BASE CLOSURE PROP-
12 ERTY TRANSFERS.—Not later than December 31, 2003,
13 the Secretary of Defense shall submit to Congress a report
14 evaluating the feasibility of permitting local communities
15 and redevelopment authorities to take possession of indi-
16 vidual structures on military installations approved for clo-
17 sure, when such structures are no longer needed for mili-
18 tary purposes, without waiting for the closure of the in-
19 stallation.

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