

# A BILL

To authorize appropriations for fiscal year 2018 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes.

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

## 3   **SECTION 1. SHORT TITLE.**

4           This Act may be cited as the “National Defense Authorization Act for Fiscal Year  
5   2018”.

## 6   **SEC. 2. TABLE OF CONTENTS.**

7           The table of contents for this Act is as follows:

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Sec. 2. Table of Contents.

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Sec. 102. Joint Improvised-Threat Defeat Fund.  
Sec. 103. Navy and Marine Corps.  
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### TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

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### TITLE III—OPERATION AND MAINTENANCE

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Sec. 413. End strengths for military technicians (dual status).

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Sec. 502. Inclusion of reserve service in assistance of a major disaster or emergency or for a preplanned mission in support of a combatant command as eligible service for an extension of eligibility for vocational rehabilitation benefits.

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Sec. 1002. Payment to Environmental Protection Agency of a stipulated penalty in connection with Umatilla Chemical Depot, Oregon.

Sec. 1003. Exemption of information on military tactics, techniques, and procedures, and of military rules of engagement, from release under Freedom of Information Act.

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1 **TITLE I—PROCUREMENT**

2 **Subtitle A—Authorization of Appropriations**

3 **SEC. 101. ARMY.**

4 Funds are hereby authorized to be appropriated for fiscal year 2018 for procurement  
5 for the Army as follows:

- 6 (1) For aircraft, \$4,149,894,000.

1 (2) For missiles, \$2,519,054,000.

2 (3) For weapons and tracked combat vehicles, \$2,423,608,000.

3 (4) For ammunition, \$1,879,283,000.

4 (5) For other procurement, \$6,469,331,000

5 **SEC. 102. JOINT IMPROVISED-THREAT DEFEAT FUND.**

6 Funds are hereby authorized to be appropriated for fiscal year 2018 for the Joint  
7 Improvised-Threat Defeat Fund in the amount of \$14,442,000.

8 **SEC. 103. NAVY AND MARINE CORPS.**

9 Funds are hereby authorized to be appropriated for fiscal year 2018 for procurement  
10 for the Navy and Marine Corps as follows:

11 (1) For aircraft, \$15,056,235,000.

12 (2) For weapons, including missiles and torpedoes, \$3,420,107,000.

13 (3) For ammunition procurement, Navy and Marine Corps, \$792,345,000.

14 (4) For shipbuilding and conversion, \$19,903,682,000.

15 (5) For other procurement, \$8,277,789,000.

16 (6) For procurement, Marine Corps, \$2,064,825,000.

17 **SEC. 104. AIR FORCE.**

18 Funds are hereby authorized to be appropriated for fiscal year 2018 for procurement  
19 for the Air Force as follows:

20 (1) For aircraft, \$15,430,849,000.

21 (2) For missiles, \$2,296,182,000.

22 (3) For space procurement, \$3,370,775,000.

23 (4) For ammunition, \$1,376,602,000.

1 (5) For other procurement, \$19,603,497,000.

2 **SEC. 105. DEFENSE-WIDE ACTIVITIES.**

3 Funds are hereby authorized to be appropriated for fiscal year 2018 for Defense-wide  
4 procurement in the amount of \$4,835,418,000.

5 **SEC. 106. DEFENSE PRODUCTION ACT PURCHASES.**

6 Funds are hereby authorized to be appropriated for fiscal year 2018 for purchases  
7 under the Defense Production Act of 1950 (50 U.S.C. 4501 et seq.) in the amount of  
8 \$37,401,000.

9 **Subtitle B—Air Force Programs**

10 **SEC. 111. PROCUREMENT AUTHORITY FOR CERTAIN PARTS OF**  
11 **INTERCONTINENTAL BALLISTIC MISSILE FUZES.**

12 (a) AVAILABILITY OF FUNDS.—Notwithstanding section 1502(a) of title 31, United  
13 States Code, of the amount authorized to be appropriated for fiscal year 2018 by section 103  
14 for Missile Procurement, Air Force, \$6,334,000 shall be available for the procurement of  
15 covered parts pursuant to contracts entered into under section 1645(a) of the Carl Levin and  
16 Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015  
17 (Public Law 113-291; 128 Stat. 3651).

18 (b) COVERED PARTS DEFINED.—In this section, the term “covered parts” means  
19 commercially available off-the-shelf items as defined in section 104 of title 41, United  
20 States Code.

21 **Subtitle C—Defense-wide, Joint, and Multiservice Matters**

22 **SEC. 121. F-35 ECONOMIC ORDER QUANTITY CONTRACTING AUTHORITY.**

1           The Secretary of Defense may enter into one or more contracts during fiscal year 2018  
2 for the procurement of economic order quantities of material and equipment that has completed  
3 formal hardware qualification testing for the F-35 aircraft for use in procurement contracts to be  
4 awarded during fiscal years 2019 and 2020. The total amount obligated under all contracts  
5 entered into under this section shall not exceed \$661,000,000.

6           **TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**

7           **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

8           Funds are hereby authorized to be appropriated for fiscal year 2018 for the use of the  
9 Department of Defense for research, development, test, and evaluation as follows:

- 10                   (1) For the Army, \$9,425,440,000.
- 11                   (2) For the Navy, \$17,675,035,000.
- 12                   (3) For the Air Force, \$34,914,359,000.
- 13                   (4) For Defense-wide activities, \$20,490,902,000.
- 14                   (5) For the Director of Operational Test and Evaluation, \$210,900,000.

15           **TITLE III—OPERATION AND MAINTENANCE**

16           **SEC. 301. OPERATION AND MAINTENANCE FUNDING.**

17           Funds are hereby authorized to be appropriated for fiscal year 2018 for the use of the  
18 Armed Forces and other activities and agencies of the Department of Defense for expenses,  
19 not otherwise provided for, for operation and maintenance, in amounts as follows:

- 20                   (1) For the Army, \$38,945,417,000.
- 21                   (2) For the Navy, \$45,439,407,000.
- 22                   (3) For the Marine Corps, \$6,933,408,000.
- 23                   (4) For the Air Force, \$39,429,232,000.

- 1 (5) For Defense-wide activities, \$34,709,717,000.
- 2 (6) For the Army Reserve, \$2,906,842,000.
- 3 (7) For the Navy Reserve, \$1,084,007,000.
- 4 (8) For the Marine Corps Reserve, \$278,837,000.
- 5 (9) For the Air Force Reserve, \$3,267,507,000.
- 6 (10) For the Army National Guard, \$7,307,170,000.
- 7 (11) For the Air National Guard, \$6,939,968,000.
- 8 (12) For the United States Court of Appeals for the Armed Forces,
- 9 \$14,538,000.
- 10 (13) For Environmental Restoration, Army, \$215,809,000.
- 11 (14) For Environmental Restoration, Navy, \$281,415,000.
- 12 (15) For Environmental Restoration, Air Force, \$293,749,000.
- 13 (16) For Environmental Restoration, Defense-wide, \$9,002,000.
- 14 (17) For Environmental Restoration, Formerly Used Defense Sites,
- 15 \$208,673,000.
- 16 (18) For Overseas Humanitarian, Disaster, and Civic Aid programs,
- 17 \$104,900,000.
- 18 (19) For Cooperative Threat Reduction programs, \$324,600,000.

19 **TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS**

20 **Subtitle A—Active Forces**

21 **SEC. 401. END STRENGTHS FOR ACTIVE FORCES.**

22 The Armed Forces are authorized strengths for active duty personnel as of September  
23 30, 2018, as follows:



- 1 (1) The Army, 476,000.
- 2 (2) The Navy, 327,900.
- 3 (3) The Marine Corps, 185,000.
- 4 (4) The Air Force, 325,100.

5 **Subtitle B—Reserve Forces**

6 **SEC. 411. END STRENGTHS FOR SELECTED RESERVE.**

7 (a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve  
8 personnel of the reserve components as of September 30, 2018, as follows:

- 9 (1) The Army National Guard of the United States, 343,000.
- 10 (2) The Army Reserve, 199,000.
- 11 (3) The Navy Reserve, 59,000.
- 12 (4) The Marine Corps Reserve, 38,500.
- 13 (5) The Air National Guard of the United States, 106,600.
- 14 (6) The Air Force Reserve, 69,800.
- 15 (7) The Coast Guard Reserve, 7,000.

16 (b) END STRENGTH REDUCTIONS.—The end strengths prescribed by subsection (a) for  
17 the Selected Reserve of any reserve component shall be proportionately reduced by—

18 (1) the total authorized strength of units organized to serve as units of the  
19 Selected Reserve of such component which are on active duty (other than for  
20 training) at the end of the fiscal year; and

21 (2) the total number of individual members not in units organized to serve as  
22 units of the Selected Reserve of such component who are on active duty (other than

1 for training or for unsatisfactory participation in training) without their consent at the  
2 end of the fiscal year.

3 (c) END STRENGTH INCREASES.—Whenever units or individual members of the  
4 Selected Reserve for any reserve component are released from active duty during any fiscal  
5 year, the end strength prescribed for such fiscal year for the Selected Reserve of such  
6 reserve component shall be increased proportionately by the total authorized strengths of  
7 such units and by the total number of such individual members.

8 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF**  
9 **THE RESERVES.**

10 Within the end strengths prescribed in section 411(a), the reserve components of the  
11 Armed Forces are authorized, as of September 30, 2018, the following number of Reserves  
12 to be serving on full-time active duty or full-time duty, in the case of members of the  
13 National Guard, for the purpose of organizing, administering, recruiting, instructing, or  
14 training the reserve components:

15 (1) The Army National Guard of the United States, 30,155.

16 (2) The Army Reserve, 16,261.

17 (3) The Navy Reserve, 10,101.

18 (4) The Marine Corps Reserve, 2,261.

19 (5) The Air National Guard of the United States, 16,260.

20 (6) The Air Force Reserve, 3,588.

21 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).**

1           The minimum number of military technicians (dual status) as of the last day of fiscal  
2 year 2018 for the reserve components of the Army and the Air Force (notwithstanding  
3 section 129 of title 10, United States Code) shall be the following:

4           (1) For the Army National Guard of the United States, 25,507.

5           (2) For the Army Reserve, 7,427.

6           (3) For the Air National Guard of the United States, 21,893.

7           (4) For the Air Force Reserve, 10,160.

8           **SEC. 414. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE**  
9           **ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.**

10           During fiscal year 2018, the maximum number of members of the reserve  
11 components of the Armed Forces who may be serving at any time on full-time operational  
12 support duty under section 115(b) of title 10, United States Code, is the following:

13           (1) The Army National Guard of the United States, 17,000.

14           (2) The Army Reserve, 13,000.

15           (3) The Navy Reserve, 6,200.

16           (4) The Marine Corps Reserve, 3,000.

17           (5) The Air National Guard of the United States, 16,000.

18           (6) The Air Force Reserve, 14,000.

19           **Subtitle C—Authorization of Appropriations**

20           **SEC. 421. MILITARY PERSONNEL.**

21           There is hereby authorized to be appropriated for military personnel for fiscal year  
22 2018 a total of \$133,881,636,000.

23           **TITLE V—MILITARY PERSONNEL POLICY**

1 **SEC. 501. INCLUSION OF ACTIVE DUTY SERVICE FOR A PREPLANNED MISSION**  
2 **AS ELIGIBLE SERVICE FOR REDUCTION OF ELIGIBILITY AGE FOR**  
3 **A NON-REGULAR RETIREMENT.**

4 Section 12731(f)(2)(B)(i) of title 10, United States Code, is amended by inserting “or  
5 12304b” after “section 12301(d)”.

6 **SEC. 502. INCLUSION OF RESERVE SERVICE IN ASSISTANCE OF A MAJOR**  
7 **DISASTER OR EMERGENCY OR FOR A PREPLANNED MISSION IN**  
8 **SUPPORT OF A COMBATANT COMMAND AS ELIGIBLE SERVICE**  
9 **FOR AN EXTENSION OF ELIGIBILITY FOR VOCATIONAL**  
10 **REHABILITATION BENEFITS.**

11 Chapter 31 of title 38, United States Code, is amended—

12 (1) in section 3103(f), by striking “or 12304” and inserting “12304, 12304a,  
13 or 12304b”; and

14 (2) in section 3105(e)(2), by striking “or 12304” and inserting “12304,  
15 12304a, or 12304b”.

16 **TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS**

17 **Subtitle A—Pay and Allowances**

18 **SEC. 601. FISCAL YEAR 2018 INCREASE IN MILITARY BASIC PAY.**

19 (a) **WAIVER OF SECTION 1009 ADJUSTMENT.**—The adjustment to become effective during  
20 fiscal year 2018 required by section 1009 of title 37, United States Code, in the rates of monthly  
21 basic pay authorized members of the uniformed services shall not be made.

22 (b) **INCREASE IN BASIC PAY.**—Effective on January 1, 2018, the rates of monthly basic  
23 pay for members of the uniformed services are increased by 2.1 percent.

1                                   **Subtitle B—Bonuses and Special Incentive Pays**

2   **SEC. 611. EXTENSION OF CERTAIN EXPIRING BONUS AND SPECIAL PAY**

3                                   **AUTHORITIES.**

4           (a) **AUTHORITIES RELATING TO RESERVE FORCES.**—Section 910(g) of title 37, United  
5 States Code, relating to income replacement payments for reserve component members  
6 experiencing extended and frequent mobilization for active duty service, is amended by  
7 striking “December 31, 2017” and inserting “December 31, 2018”.

8           (b) **TITLE 10 AUTHORITIES RELATING TO HEALTH CARE PROFESSIONALS.**—The  
9 following sections of title 10, United States Code, are amended by striking “December 31,  
10 2017” and inserting “December 31, 2018”:

11                   (1) Section 2130a(a)(1), relating to nurse officer candidate accession program.

12                   (2) Section 16302(d), relating to repayment of education loans for certain  
13 health professionals who serve in the Selected Reserve.

14           (c) **TITLE 37 AUTHORITIES RELATING TO HEALTH CARE PROFESSIONALS.**—The  
15 following sections of title 37, United States Code, are amended by striking “December 31,  
16 2017” and inserting “January 27, 2018”:

17                   (1) Section 302c-1(f), relating to accession and retention bonuses for  
18 psychologists.

19                   (2) Section 302d(a)(1), relating to accession bonus for registered nurses.

20                   (3) Section 302e(a)(1), relating to incentive special pay for nurse anesthetists.

21                   (4) Section 302g(e), relating to special pay for Selected Reserve health  
22 professionals in critically short wartime specialties.

23                   (5) Section 302h(a)(1), relating to accession bonus for dental officers.

1 (6) Section 302j(a), relating to accession bonus for pharmacy officers.

2 (7) Section 302k(f), relating to accession bonus for medical officers in  
3 critically short wartime specialties.

4 (8) Section 302l(g), relating to accession bonus for dental specialist officers  
5 in critically short wartime specialties.

6 (d) AUTHORITIES RELATING TO NUCLEAR OFFICERS.—Section 333(i) of title 37,  
7 United States Code, is amended by striking “December 31, 2017” and inserting “December  
8 31, 2018”.

9 (e) AUTHORITIES RELATING TO TITLE 37 CONSOLIDATED SPECIAL PAY, INCENTIVE  
10 PAY, AND BONUS AUTHORITIES.—The following sections of title 37, United States Code, are  
11 amended by striking “December 31, 2017” and inserting “December 31, 2018”:

12 (1) Section 331(h), relating to general bonus authority for enlisted members.

13 (2) Section 332(g), relating to general bonus authority for officers.

14 (3) Section 334(i), relating to special aviation incentive pay and bonus  
15 authorities for officers.

16 (4) Section 335(k), relating to bonus and incentive pay authorities for officers  
17 in health professions.

18 (5) Section 336(g), relating to contracting bonus for cadets and midshipmen  
19 enrolled in the Senior Reserve Officers’ Training Corps.

20 (6) Section 351(h), relating to hazardous duty pay.

21 (7) Section 352(g), relating to assignment pay or special duty pay.

22 (8) Section 353(i), relating to skill incentive pay or proficiency bonus.

1 (9) Section 355(h), relating to retention incentives for members qualified in  
2 critical military skills or assigned to high priority units.

3 (f) OTHER TITLE 37 BONUS AND SPECIAL PAY AUTHORITIES.—The following sections  
4 of title 37, United States Code, are amended by striking “December 31, 2017” and inserting  
5 “January 27, 2018”:

6 (1) Section 301b(a), relating to aviation officer retention bonus.

7 (2) Section 307a(g), relating to assignment incentive pay.

8 (3) Section 324(g), relating to accession bonus for new officers in critical  
9 skills.

10 (4) Section 326(g), relating to incentive bonus for conversion to military  
11 occupational specialty to ease personnel shortage.

12 (5) Section 327(h), relating to incentive bonus for transfer between the Armed  
13 Forces.

14 (6) Section 330(f), relating to accession bonus for officer candidates.

15 (g) AUTHORITY TO PROVIDE TEMPORARY INCREASE IN RATES OF BASIC ALLOWANCE  
16 FOR HOUSING.—Section 403(b)(7)(E) of title 37, United States Code, is amended by striking  
17 “December 31, 2017” and inserting “December 31, 2018”.

18 **SEC. 612. TECHNICAL AND CLERICAL AMENDMENTS RELATING TO 2008**

19 **CONSOLIDATION OF CERTAIN SPECIAL PAY AUTHORITIES.**

20 (a) REPAYMENT PROVISIONS.—

21 (1) TITLE 10.—Section 510(i), subsections (a)(3) and (c) of section 2005,  
22 paragraphs (1) and (2) of section 2007(e), section 2105, section 2123(e)(1)(C),  
23 section 2128(c), section 2130a(d), section 2171(g), section 2173(g)(2), paragraphs

1 (1) and (2) of section 2200a(e), section 4348(f), section 6959(f), section 9348(f),  
2 subsections (a)(2) and (b) of section 16135, section 16203(a)(1)(B), section  
3 16301(h), section 16303(d), and the matter preceding subparagraph (A) of paragraph  
4 (1) and the matter preceding subparagraph (A) of paragraph (2) of section 16401(f)  
5 of title 10, United States Code, are each amended by inserting “or 373” before “of  
6 title 37”.

7 (2) TITLE 14.—Section 182(g) of title 14, United States Code, is amended by  
8 inserting “or 373” before “of title 37”.

9 (b) OFFICERS APPOINTED PURSUANT TO AN AGREEMENT UNDER SECTION 329 OF  
10 TITLE 37.—Section 641 of title 10, United States Code, is amended by striking paragraph  
11 (6).

12 (c) REENLISTMENT LEAVE.—The matter preceding paragraph (1) of section 703(b) of  
13 title 10, United States Code, is amended by inserting “or paragraph (1) or (3) of section  
14 351(a)” after “section 310(a)(2)”.

15 (d) REST AND RECUPERATION ABSENCE: QUALIFIED MEMBERS EXTENDING DUTY AT A  
16 DESIGNATED LOCATION OVERSEAS.—The matter following paragraph (4) of section 705(a)  
17 of title 10, United States Code, is amended by inserting “or 352” after “section 314”.

18 (e) REST AND RECUPERATION ABSENCE: CERTAIN MEMBERS UNDERGOING EXTENDED  
19 DEPLOYMENT TO A COMBAT ZONE.—Section 705a(b)(1)(B) of title 10, United States Code,  
20 is amended by inserting “or 352(a)” after “section 305”.

21 (f) MILITARY PAY AND ALLOWANCES CONTINUANCE WHILE IN A MISSING STATUS.—  
22 Section 552(a)(2) of title 37, United States Code, is amended by inserting “or paragraph (2)  
23 of section 351(a)” after “section 301”.



1 (g) MILITARY PAY AND ALLOWANCES.—Section 907(d) of title 37, United States  
2 Code, is amended—

3 (1) in paragraph (1)—

4 (A) in subparagraph (A), by inserting “or 351” after “section 301”;

5 (B) in subparagraph (B), by inserting “or 352” after “section 301c”;

6 (C) in subparagraph (C), by inserting “or 353(a)” after “section 304”;

7 (D) in subparagraph (D), by inserting “or 352” after “section 305”;

8 (E) in subparagraph (E), by inserting “or 352” after “section 305a”;

9 (F) in subparagraph (F), by inserting “or 352” after “section 305b”;

10 (G) in subparagraph (G), by inserting “or 352” after “section 307a”;

11 (H) in subparagraph (I), by inserting “or 352” after “section 314”;

12 (I) in subparagraph (J), by striking “316” and inserting “353(b); and

13 (J) in subparagraph (K), by striking “323” and inserting “355”; and

14 (2) in paragraph (2)—

15 (A) in subparagraph (A), by inserting “or 352” after “section 307”;

16 (B) in subparagraph (B), by striking “308” and inserting “331”;

17 (C) in subparagraph (C), by striking “309” and inserting “331”; and

18 (D) in subparagraph (D), by inserting “or 353” after “section 320”.

19 (h) PAY AND ALLOWANCES.—Section 208(a)(2) of the Public Health Service Act (42  
20 U.S.C. 210(a)(2)) is amended by inserting “or 373” after “303a(b)”.

21 **TITLE VII—[RESERVED]**

22 **TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT,**

23 **AND RELATED MATTERS**

1 **SEC. 801. REPEAL OF AUDITING REQUIREMENTS FOR COMMERCIAL**  
2 **AUDITOR UNDER DEFENSE COST ACCOUNTING STANDARDS.**

3 (a) REPEAL.—Section 190 of title 10, United States Code, as added by section  
4 820(b)(1) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–  
5 328), is amended by striking subsection (f).

6 (b) SIMULTANEOUS EFFECTIVE DATE.—The amendment made by subsection (a) shall  
7 take effect as if enacted immediately after the amendments made by section 820 of the  
8 National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) take effect.

9 **TITLE IX—[RESERVED]**

10 **TITLE X—GENERAL PROVISIONS**

11 **SEC. 1001. PAYMENT TO ENVIRONMENTAL PROTECTION AGENCY OF A**  
12 **STIPULATED PENALTY IN CONNECTION WITH LONGHORN ARMY**  
13 **AMMUNITION PLANT, TEXAS.**

14 (a) AUTHORITY TO TRANSFER FUNDS.—

15 (1) TRANSFER AMOUNT.—The Secretary of the Army may transfer an amount  
16 of not more than \$1,185,000 to the Hazardous Substance Superfund established  
17 under subchapter A of chapter 98 of the Internal Revenue Code of 1986. Any such  
18 transfer shall be made without regard to section 2215 of title 10, United States Code.

19 (2) SOURCE OF FUNDS.—Any transfer under subsection (a) shall be made using  
20 funds authorized to be appropriated by this Act or otherwise made available for fiscal  
21 year 2018 for Environmental Restoration, Army.

22 (b) PURPOSE OF TRANSFER.—A transfer under subsection (a) shall be for the purpose  
23 of satisfying a stipulated penalty assessed by the Environmental Protection Agency on April

1 5, 2013, against Longhorn Army Ammunition Plant, Texas, under the Federal facility  
2 agreement for Longhorn Army Ammunition Plant, which was entered into between the  
3 Army and the Environmental Protection Agency in 1991.

4 (c) ACCEPTANCE OF PAYMENT.—If the Secretary of the Army makes a transfer under  
5 subsection (a), the Administrator of the Environmental Protection Agency shall accept the  
6 amount transferred as payment in full of the penalty referred to in subsection (b).

7 **SEC. 1002. PAYMENT TO ENVIRONMENTAL PROTECTION AGENCY OF A**  
8 **STIPULATED PENALTY IN CONNECTION WITH UMATILLA**  
9 **CHEMICAL DEPOT, OREGON.**

10 (a) AUTHORITY TO TRANSFER FUNDS.—

11 (1) TRANSFER AMOUNT.—The Secretary of the Army may transfer an amount  
12 of not more than \$125,000 to the Hazardous Substance Superfund established under  
13 subchapter A of chapter 98 of the Internal Revenue Code of 1986. Any such transfer  
14 shall be made without regard to section 2215 of title 10, United States Code.

15 (2) SOURCE OF FUNDS. — Any transfer under subsection (a) shall be made  
16 using funds authorized to be appropriated by this Act or otherwise made available for  
17 fiscal year 2018 for Base Realignment and Closure, Army.

18 (b) PURPOSE OF TRANSFER. — A transfer under subsection (a) shall be for the  
19 purpose of satisfying a stipulated penalty assessed by the Environmental Protection Agency  
20 in the settlement agreement approved by the Army on July 14, 2016, against the Umatilla  
21 Chemical Depot, Oregon under the Federal Facility Agreement between the Army and the  
22 Environmental Protection Agency dated September 19, 1989.

1 (c) ACCEPTANCE OF PAYMENT. — If the Secretary of the Army makes a transfer  
2 under subsection (a), the Administrator of the Environmental Protection Agency shall accept  
3 the amount transferred as payment in full of the penalty referred to in subsection (b).

4 **SEC. 1003. EXEMPTION OF INFORMATION ON MILITARY TACTICS,**  
5 **TECHNIQUES, AND PROCEDURES, AND OF MILITARY RULES OF**  
6 **ENGAGEMENT, FROM RELEASE UNDER FREEDOM OF**  
7 **INFORMATION ACT.**

8 (a) EXEMPTION.—Subsection (a) of section 130e of title 10, United States Code, is  
9 amended—

10 (1) in the matter preceding paragraph (1), by inserting “, military tactic,  
11 technique, or procedure information, or rule of engagement information” after  
12 “security information”; and

13 (2) by striking paragraph (1) and inserting the following:

14 “(1) the information is—

15 “(A) Department of Defense critical infrastructure security  
16 information;

17 “(B) military tactic, technique, or procedure information which  
18 identifies a method for using equipment and personnel to accomplish a  
19 specific mission under a particular set of operational or exercise conditions,  
20 including offensive, defensive, stability, civil support, freedom of navigation,  
21 and intelligence collection operations, the public disclosure of which could  
22 reasonably be expected to provide an operational military advantage to an  
23 adversary; or

1                   “(C) rule of engagement information, the public disclosure of which  
2                   could reasonably be expected to provide an operational military advantage to  
3                   an adversary;”.

4           (b) DELEGATION AND TRANSPARENCY.—Such section is further amended—

5                   (1) by striking subsection (d);

6                   (2) by redesignating subsection (e) as subsection (d); and

7                   (3) in subsection (d), as redesignated by paragraph (2)—

8                               (A) by striking “, or the Secretary’s designee,”; and

9                               (B) by striking “through the Office of the Director of Administration  
10                              and Management” and inserting “in accordance with guidelines prescribed by  
11                              the Secretary”.

12           (c) CITATION FOR PURPOSES OF OPEN FOIA ACT OF 2009.—Such section is further  
13 amended—

14                   (1) in the matter preceding paragraph (1) of subsection (a), as amended by  
15                   subsection (a) of this section, by striking “pursuant to section 552(b)(3) of title 5”;  
16                   and

17                   (2) by inserting after subsection (d), as redesignated by subsection (b)(2), the  
18                   following new subsection:

19                   “(e) CITATION FOR PURPOSES OF OPEN FOIA ACT OF 2009.—This section is a statute  
20                   that specifically exempts certain matters from disclosure under section 552 of title 5, as  
21                   described in subsection (b)(3) of that section.”.

22           (d) DEFINITIONS.—Subsection (f) of such section is amended to read as follows:

23                   “(f) DEFINITIONS.—In this section:

1           “(1) ADVERSARY.—The term ‘adversary’ means a party acknowledged as  
2 potentially hostile to a friendly party and against which the use of force may be  
3 envisaged.

4           “(2) DEPARTMENT OF DEFENSE CRITICAL INFRASTRUCTURE SECURITY  
5 INFORMATION.—The term ‘Department of Defense critical infrastructure security  
6 information’ means sensitive but unclassified information that, if disclosed, would  
7 reveal vulnerabilities in Department of Defense critical infrastructure that, if  
8 exploited, would likely result in the significant disruption, destruction, or damage of  
9 or to Department of Defense operations, property, or facilities, including—

10                   “(A) information regarding the securing and safeguarding of  
11 explosives, hazardous chemicals, or pipelines, related to critical infrastructure  
12 or protected systems owned or operated by or on behalf of the Department of  
13 Defense;

14                   “(B) vulnerability assessments prepared by or on behalf of the  
15 Department of Defense;

16                   “(C) explosives safety information, including storage and handling;  
17 and

18                   “(D) other site-specific information on or relating to installation  
19 security.

20           “(3) PROCEDURE.—The term ‘procedure’ means standard, detailed steps that  
21 prescribe how to perform a specific task.

22           “(4) RULE OF ENGAGEMENT.—The term ‘rule of engagement’ means a  
23 directive issued by a competent military authority that delineates the circumstances

1 and limitations under which the armed forces will initiate or continue combat  
2 engagement with other forces encountered.

3 “(5) TACTIC.—The term ‘tactic’ means the employment and ordered  
4 arrangement of forces in relation to each other.

5 “(6) TECHNIQUE.—The term ‘technique’ means a non-prescriptive way or  
6 method used to perform a mission, function, or task.”.

7 (e) SECTION HEADING AND CLERICAL AMENDMENT.—

8 (1) The heading of such section is amended to read as follows:

9 **“§130e. Nondisclosure of information: critical infrastructure; military tactics,  
10 techniques, and procedures; military rules of engagement”.**

11 (2) The item relating to such section in the table of sections at the beginning  
12 of chapter 3 of such title is amended to read as follows:

“130e. Nondisclosure of information: critical infrastructure; military tactics, techniques, and procedures; military rules of  
engagement.”.

13 **SEC. 1004. AUTHORITY TO PURCHASE USED VESSELS TO RECAPITALIZE THE**  
14 **READY RESERVE FORCE AND THE MILITARY SEALIFT COMMAND**  
15 **SURGE FLEET.**

16 (a) AUTHORITY TO PURCHASE USED VESSELS.—Subsection (f) of section 2218 of title  
17 10, United States Code, is amended by adding at the end the following new paragraph:

18 “(3) Notwithstanding the limitations in subsections (c)(1)(E) and (f)(1), the  
19 Secretary of Defense may, as part of a program to recapitalize the Ready Reserve  
20 Force component of the National Defense Reserve Fleet and the Military Sealift  
21 Command surge fleet, purchase used vessels, regardless of where constructed, from  
22 among those vessels previously participating in the Maritime Security Fleet, if

1 available at a reasonable cost, as determined by the Secretary of Defense. If those  
2 previously participating vessels are not available at a reasonable cost, used vessels  
3 comparable to those previously participating vessels may be purchased from any  
4 source, regardless of where constructed, if available at a reasonable cost, as  
5 determined by the Secretary of Defense.”.

6 (b) DEFINITION OF MARITIME SECURITY FLEET.—Subsection (k) of such section is  
7 amended by adding at the end the following new paragraph:

8 “(5) The term ‘Maritime Security Fleet’ means the fleet established under  
9 section 53102(a) of title 46.”.

10 (c) TECHNICAL AMENDMENTS.—Subsections (c)(1)(E), (i), and (k)(3)(B) of such  
11 section are amended by striking “(50 U.S.C. App. 1744)” and inserting “(50 U.S.C. 4405)”.

12 **SEC. 1005. EXEMPTION OF SPECTRUM RELOCATION FUND UNOBLIGATED**  
13 **BALANCES IN THE DEFENSE CATEGORY.**

14 Subsection (g)(1)(A) of section 255 of the Balanced Budget and Emergency Deficit  
15 Control Act of 1985 (2 U.S.C. 905) is amended by inserting after “Continuing Fund,  
16 Southwestern Power Administration (89–5649–0–2–271)” the following:

17 “Department of Defense unobligated balances carried over from prior fiscal years  
18 from amounts made available from the Spectrum Relocation Fund (011–5512–0–2–376).”.

19 **TITLE XI—CIVILIAN PERSONNEL MATTERS**

20 **SEC. 1101. ONE YEAR EXTENSION OF AUTHORITY TO WAIVE ANNUAL**  
21 **LIMITATION ON PREMIUM PAY AND AGGREGATE LIMITATION**  
22 **ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING**  
23 **OVERSEAS.**



1           Subsection (a) of section 1101 of the Duncan Hunter National Defense Authorization  
2 Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4615), as most recently amended  
3 by section 1137 of the National Defense Authorization Act for Fiscal Year 2017 (Public  
4 Law 114-328; 129 Stat. 2460), is amended by striking “through 2017” and inserting  
5 “through 2018”.

## 6           **TITLE XII—MATTERS RELATING TO FOREIGN NATIONS**

### 7           **SEC. 1201. AFGHANISTAN SECURITY FORCES FUND.**

8           (a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be  
9 appropriated for fiscal year 2018 for the Afghanistan Security Forces Fund, as established  
10 by section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public  
11 Law 110-181; 122 Stat. 428), in the amount of \$4,937,515,000.

12           (b) CONTINUATION OF PRIOR AUTHORITIES AND NOTICE AND REPORTING  
13 REQUIREMENTS.—Funds available to the Department of Defense for the Afghanistan  
14 Security Forces Fund for fiscal year 2018 shall be subject to the conditions contained in  
15 subsections (b) through (g) of such section 1513.

16           (c) EQUIPMENT DISPOSITION.—

17                   (1) ACCEPTANCE OF CERTAIN EQUIPMENT.—Subject to paragraph (2), the  
18 Secretary of Defense may accept equipment that is procured using amounts in the  
19 Afghanistan Security Forces Fund authorized under this Act and is intended for  
20 transfer to the security forces of Afghanistan, but is not accepted by such security  
21 forces.

22                   (2) CONDITIONS ON ACCEPTANCE OF EQUIPMENT.—Before accepting any  
23 equipment under the authority provided by paragraph (1), the Commander of

1 United States forces in Afghanistan shall make a determination that the equipment  
2 was procured for the purpose of meeting requirements of the security forces of  
3 Afghanistan, as agreed to by both the Government of Afghanistan and the United  
4 States, but is no longer required by such security forces or was damaged before  
5 transfer to such security forces.

6 (3) ELEMENTS OF DETERMINATION.—In making a determination under  
7 paragraph (2) regarding equipment, the Commander of United States forces in  
8 Afghanistan shall consider alternatives to Secretary of Defense acceptance of  
9 the equipment. An explanation of each determination, including the basis for  
10 the determination and the alternatives considered, shall be included in the  
11 relevant quarterly report required under paragraph (5).

12 (4) TREATMENT AS DEPARTMENT OF DEFENSE STOCKS.—Equipment accepted  
13 under the authority provided by paragraph (1) may be treated as stocks of the  
14 Department of Defense upon notification to the congressional defense  
15 committees of such treatment.

16 (5) QUARTERLY REPORTS ON EQUIPMENT DISPOSITION.—Not later than 90 days  
17 after the date of the enactment of this Act and every 90-day period thereafter  
18 during which the authority provided by paragraph (1) is exercised, the Secretary  
19 of Defense shall submit to the congressional defense committees a report  
20 describing the equipment accepted under this subsection, section 1531(d) of the  
21 National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66;  
22 127 Stat. 938; 10 U.S.C. 2302 note), and section 1532(b) of the Carl Levin and  
23 Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal

1 Year 2015 (Public Law 113-291; 128 Stat. 3612) during the period covered by  
2 the report. Each report shall include a list of all equipment that was accepted  
3 during the period covered by the report and treated as stocks of the Department  
4 and copies of the determinations made under paragraph (2), as required by  
5 paragraph (3).

6 **SEC. 1202. EXTENSION OF AUTHORITY TO ENTER INTO AGREEMENTS WITH**  
7 **PARTICIPATING COUNTRIES IN THE AMERICAN, BRITISH,**  
8 **CANADIAN, AND AUSTRALIAN ARMIES' PROGRAM.**

9 Section 1274(g) of the National Defense Authorization Act of 2013 (Public Law 112-  
10 239; 126 Stat. 2026; 10 U.S.C. 2350a note) is amended by striking “five years” and  
11 inserting “ten years”.

12 **SEC. 1203. EXTENSION OF PARTICIPATION IN AND SUPPORT OF THE INTER-**  
13 **AMERICAN DEFENSE COLLEGE.**

14 Subsection (c) of section 1243 of the National Defense Authorization Act for Fiscal  
15 Year 2017 (Public Law 114–328; XXX Stat. YYY) is amended—

16 (1) in the heading, by striking “FISCAL YEAR 2017” and inserting “FISCAL  
17 YEARS 2017 AND 2018”; and

18 (2) by striking “fiscal year 2017” and inserting “fiscal years 2017 and 2018”.

19 **SEC. 1204. EXTENSION OF AUTHORITY ON TRAINING FOR EASTERN**  
20 **EUROPEAN NATIONAL SECURITY FORCES IN THE COURSE OF**  
21 **MULTILATERAL EXERCISES.**

22 (a) EXTENSION OF AUTHORITY.—Section 1251(h) of the National Defense  
23 Authorization Act for Fiscal Year 2016, (10 U.S.C. 2282 note), as amended by section 1233

1 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130  
2 Stat. XXXX), is amended—

3 (1) by striking “September 30, 2018” and inserting “December 31, 2020”; and

4 (2) by striking “fiscal years 2016 through 2018” and inserting “fiscal year  
5 2016 through calendar year 2020”.

6 (b) TECHNICAL AND CONFORMING AMENDMENTS.—Such section is further  
7 amended—

8 (1) by striking “military” each place it appears and inserting “security”;

9 (2) in subsection (e), by striking “that” and inserting “than”; and

10 (3) in subsection (f), by striking “section 2282” and inserting “chapter 16”.

11 **SEC. 1205. EXTENSION AND MODIFICATION OF AUTHORITY FOR**  
12 **REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR**  
13 **SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.**

14 (a) EXTENSION.—Subsection (a) of section 1233 of the National Defense  
15 Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 393), as most  
16 recently amended by section 1218 of the National Defense Authorization Act for Fiscal  
17 Year 2017 (Public Law 114-328), is amended by striking “December 31, 2017” and  
18 inserting “December 31, 2018”.

19 (b) LIMITATION ON AMOUNTS AVAILABLE.—Subsection (d)(1) of such section is  
20 amended—

21 (1) in the first sentence, by striking “October 1, 2016, and ending on  
22 December 31, 2017, may not exceed \$1,100,000,000” and inserting “October 1,  
23 2017, and ending on December 31, 2018, may not exceed \$1,000,000,000”; and

1 (2) in the second sentence, by striking “October 1, 2016, and ending on December  
2 31, 2017, may not exceed \$900,000,000” and inserting “October 1, 2017, and ending on  
3 December 31, 2018, may not exceed \$800,000,000”.

4 **TITLE XIII—[RESERVED]**

5 **TITLE XIV—OTHER AUTHORIZATIONS**

6 **Subtitle A—Military Programs**

7 **SEC. 1401. WORKING CAPITAL FUNDS.**

8 Funds are hereby authorized to be appropriated for fiscal year 2018 for the use of the  
9 Armed Forces and other activities and agencies of the Department of Defense for providing  
10 capital for working capital and revolving funds in the amount of \$2,095,923,000.

11 **SEC. 1402. JOINT URGENT OPERATIONAL NEEDS FUND.**

12 Funds are hereby authorized to be appropriated for fiscal year 2018 for the Joint  
13 Urgent Operational Needs Fund in the amount of \$99,795,000.

14 **SEC. 1403. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.**

15 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be  
16 appropriated for the Department of Defense for fiscal year 2018 for expenses, not otherwise  
17 provided for, for Chemical Agents and Munitions Destruction, Defense, in the amount of  
18 \$961,732,000, of which—

19 (1) \$104,237,000 is for Operation and Maintenance;

20 (2) \$839,414,000 is for Research, Development, Test, and Evaluation; and

21 (3) \$18,081,000 is for Procurement.

22 (b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized  
23 for—

1 (1) the destruction of lethal chemical agents and munitions in accordance with  
2 section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C.  
3 1521); and

4 (2) the destruction of chemical warfare materiel of the United States that is  
5 not covered by section 1412 of such Act.

6 **SEC. 1404. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-**  
7 **WIDE.**

8 Funds are hereby authorized to be appropriated for the Department of Defense for  
9 fiscal year 2018 for expenses, not otherwise provided for, for Drug Interdiction and  
10 Counter-Drug Activities, Defense-wide, in the amount of \$790,814,000.

11 **SEC. 1405. DEFENSE INSPECTOR GENERAL.**

12 Funds are hereby authorized to be appropriated for the Department of Defense for  
13 fiscal year 2018 for expenses, not otherwise provided for, for the Office of the Inspector  
14 General of the Department of Defense, in the amount of \$336,887,000, of which—

15 (1) \$334,087,000 is for Operation and Maintenance; and

16 (2) \$2,800,000 is for Research, Development, Test and Evaluation.

17 **SEC. 1406. DEFENSE HEALTH PROGRAM.**

18 Funds are hereby authorized to be appropriated for the Department of Defense for  
19 fiscal year 2018 for expenses, not otherwise provided for, for the Defense Health Program,  
20 in the amount of \$33,664,466,000, of which—

21 (1) \$32,095,923,000 is for Operation and Maintenance;

22 (2) \$673,215,000 is for Research, Development, Test, and Evaluation; and

23 (3) \$895,328,000 is for Procurement.

1 **Subtitle B—Other Matters**

2 **SEC. 1411. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT DEPARTMENT OF**  
3 **DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL**  
4 **FACILITY DEMONSTRATION FUND FOR CAPTAIN JAMES A.**  
5 **LOVELL HEALTH CARE CENTER, ILLINOIS.**

6 (a) AUTHORITY FOR TRANSFER OF FUNDS.—Of the funds authorized to be  
7 appropriated for section 506 and available for the Defense Health Program for operation and  
8 maintenance, \$115,219,000 may be transferred by the Secretary of Defense to the Joint  
9 Department of Defense–Department of Veterans Affairs Medical Facility Demonstration  
10 Fund established by subsection (a)(1) of section 1704 of the National Defense Authorization  
11 Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2571). For purposes of subsection  
12 (a)(2) of such section 1704, any funds so transferred shall be treated as amounts authorized  
13 and appropriated specifically for the purpose of such a transfer.

14 (b) USE OF TRANSFERRED FUNDS.—For the purposes of subsection (b) of such section  
15 1704, facility operations for which funds transferred under subsection (a) may be used are  
16 operations of the Captain James A. Lovell Federal Health Care Center, consisting of the  
17 North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and  
18 supporting facilities designated as a combined Federal medical facility under an operational  
19 agreement covered by section 706 of the Duncan Hunter National Defense Authorization  
20 Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4500).

21 **SEC. 1412. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES**  
22 **RETIREMENT HOME.**





- 1 (1) For aircraft procurement, Navy, \$157,300,000.
- 2 (2) For weapons procurement, Navy, \$152,373,000.
- 3 (3) For ammunition procurement, Navy and Marine Corps, \$225,587,000.
- 4 (4) For other procurement, Navy, \$220,059,000.
- 5 (5) For procurement, Marine Corps, \$65,274,000.

6 **SEC. 1505. AIR FORCE PROCUREMENT.**

7 Funds are hereby authorized to be appropriated for fiscal year 2018 for procurement  
8 for the Air Force in amounts as follows:

- 9 (1) For aircraft procurement, \$740,778,000.
- 10 (2) For missile procurement, \$395,400,000.
- 11 (3) For space procurement, \$2,256,000.
- 12 (4) For ammunition procurement, \$501,509,000.
- 13 (5) For other procurement, \$4,008,887,000.

14 **SEC. 1506. DEFENSE-WIDE ACTIVITIES PROCUREMENT.**

15 Funds are hereby authorized to be appropriated for fiscal year 2018 for the  
16 procurement account for Defense-wide activities in the amount of \$518,026,000.

17 **SEC. 1507. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.**

18 Funds are hereby authorized to be appropriated for fiscal year 2018 for the use of the  
19 Department of Defense for research, development, test, and evaluation as follows:

- 20 (1) For the Army, \$119,368,000.
- 21 (2) For the Navy, \$130,365,000.
- 22 (3) For the Air Force, \$135,358,000.
- 23 (4) For Defense-wide activities, \$226,096,000.

1 **SEC. 1508. OPERATION AND MAINTENANCE.**

2 Funds are hereby authorized to be appropriated for fiscal year 2018 for the use of the  
3 Armed Forces for expenses, not otherwise provided for, for operation and maintenance, in  
4 amounts as follows:

5 (1) For the Army, \$16,126,403,000.

6 (2) For the Navy, \$5,875,015,000.

7 (3) For the Marine Corps, \$1,116,640,000.

8 (4) For the Air Force, \$10,266,295,000.

9 (5) For Defense-wide activities, \$7,712,080,000.

10 (6) For the Army Reserve, \$24,699,000.

11 (7) For the Navy Reserve, \$23,980,000.

12 (8) For the Marine Corps Reserve, \$3,367,000.

13 (9) For the Air Force Reserve, \$58,523,000.

14 (10) For the Army National Guard, \$108,111,000.

15 (11) For the Air National Guard, \$15,400,000.

16 (12) For the Afghanistan Security Forces Fund, \$4,937,515,000.

17 (13) Counter-Islamic State of Iraq and Syria Train and Equip Fund,

18 \$1,769,000,000.

19 **SEC. 1509. MILITARY PERSONNEL.**

20 Funds are hereby authorized to be appropriated for fiscal year 2018 to the  
21 Department of Defense for military personnel accounts in the total amount of  
22 \$4,276,276,000.

23 **SEC. 1510. WORKING CAPITAL FUNDS.**

1 Funds are hereby authorized to be appropriated for fiscal year 2018 for the use of the  
2 Armed Forces and other activities and agencies of the Department of Defense for providing  
3 capital for Defense Working Capital Funds in the amount of \$148,956,000.

4 **SEC. 1511. DEFENSE HEALTH PROGRAM.**

5 Funds are hereby authorized to be appropriated for the Department of Defense for  
6 fiscal year 2018 for expenses, not otherwise provided for, for the Defense Health Program  
7 in the amount of \$395,805,000 for operation and maintenance.

8 **SEC. 1512. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-**  
9 **WIDE.**

10 Funds are hereby authorized to be appropriated for the Department of Defense for  
11 fiscal year 2018 for expenses, not otherwise provided for, for Drug Interdiction and  
12 Counter-Drug Activities, Defense-wide in the amount of \$196,300,000.

13 **SEC. 1513. DEFENSE INSPECTOR GENERAL.**

14 Funds are hereby authorized to be appropriated for the Department of Defense for  
15 fiscal year 2018 for expenses, not otherwise provided for, for the Office of the Inspector  
16 General of the Department of Defense in the amount of \$24,692,000.

17 **TITLE XVI—STRATEGIC PROGRAMS, CYBER, AND INTELLIGENCE**  
18 **MATTERS**

19 **SEC. 1601. EXTENSION OF AUTHORITY TO ENGAGE IN COMMERCIAL**  
20 **ACTIVITIES AS SECURITY FOR INTELLIGENCE COLLECTION**  
21 **ACTIVITIES.**

22 The second sentence of section 431(a) of title 10, United States Code, is amended by  
23 striking “December 31, 2017” and inserting “December 31, 2018”.

1 **SEC. 1602. OFFICIAL ACTIONS TO ADDRESS THREATS POSED BY UNMANNED**  
2 **AIRCRAFT SYSTEMS TO PUBLIC SAFETY OR HOMELAND**  
3 **SECURITY.**

4 (a) **AUTHORITY.**—Notwithstanding any provision of title 18, United States Code, the  
5 head of an Executive department or agency, while respecting privacy, civil rights, and civil  
6 liberties, including with regard to the testing of any equipment and the interception or  
7 acquisition of communications, may take, and may authorize a covered person to take, the  
8 actions described in subsection (b), to the extent otherwise in accordance with law.

9 (b) **ACTIONS DESCRIBED.**—The actions described in this subsection are as follows:

10 (1) Detect, identify, monitor, or track, without prior consent, an unmanned  
11 aircraft system, unmanned aircraft, or unmanned aircraft’s attached system, payload,  
12 or cargo, to evaluate whether it poses a threat to the safety or security of a covered  
13 facility, location, or installation or a covered operation, including by means of  
14 interception of or other access to wire, oral, electronic, or radio communications or  
15 signals transmitted to or by an unmanned aircraft system, unmanned aircraft, or  
16 unmanned aircraft’s attached system, payload, or cargo.

17 (2) Redirect, disable, disrupt control of, exercise control of, seize, or  
18 confiscate, without prior consent, an unmanned aircraft system, unmanned aircraft,  
19 or unmanned aircraft’s attached system, payload, or cargo that poses a threat to the  
20 safety or security of a covered facility, location, or installation or a covered  
21 operation, including by intercepting, substituting, or disrupting wire, oral, electronic,  
22 or radio communications or signals transmitted to or by an unmanned aircraft system,  
23 unmanned aircraft, or unmanned aircraft’s attached system, payload, or cargo.

1           (3) Use reasonable force to disable, disrupt, damage, or destroy an unmanned  
2 aircraft system, unmanned aircraft, or unmanned aircraft’s attached system, payload,  
3 or cargo that poses a threat to the safety or security of a covered facility, location, or  
4 installation or a covered operation.

5           (4) Conduct research, testing, training on, and evaluation of any equipment,  
6 including any electronic equipment, to determine its capability and utility to enable  
7 any of the actions described in paragraphs (1) through (3).

8           (c) FORFEITURE.—An unmanned aircraft system, unmanned aircraft, or unmanned  
9 aircraft’s attached system, payload, or cargo that is disabled, disrupted, seized, controlled,  
10 confiscated, damaged, or destroyed pursuant to an action described in subsection (b) is  
11 subject to forfeiture to the United States.

12           (d) GOVERNMENT-WIDE POLICY.—The actions described in subsections (b) and (c)  
13 may only be taken following the issuance of Federal Government-wide policy prescribing  
14 roles and responsibilities for implementing this section. The Federal Government-wide  
15 policy shall be developed in consultation with appropriate departments and agencies,  
16 including the Department of Transportation to ensure the safety and efficiency of the  
17 National Airspace System, and shall—

18           (1) respect privacy, civil rights, and civil liberties, including with regard to  
19 the testing of any equipment and the interception or acquisition of communications,  
20 by, among other things, ensuring that information is intercepted, acquired, accessed,  
21 or retained pursuant to subsections (b) only where and for so long as is necessary to  
22 support one or more of the department’s or agency’s authorized functions and is  
23 accessible only to covered persons with a need to know the information;

1 (2) prescribe roles and processes, as appropriate, to ensure that departments  
2 and agencies take the actions described in subsection (b) in compliance with  
3 applicable law and regulation regarding the management of the radio frequency  
4 spectrum;

5 (3) consider each department's and agency's responsibilities for the safety or  
6 security of its facilities, locations, installations, and operations in the United States;  
7 and

8 (4) develop standards and procedures for heads of departments and agencies  
9 to designate a covered facility, location, or installation, a covered operation, or a  
10 covered person, which shall ensure that only individuals with appropriate training  
11 and acting subject to Federal Government oversight are designated as covered  
12 persons.

13 (e) IMPLEMENTATION.—

14 (1) REGULATIONS; POLICIES, PROCEDURES, OR PLANS.—Consistent with any  
15 limitations or specifications in the Federal Government-wide policy issued pursuant  
16 to subsection (d), the head of a department or agency—

17 (A) may prescribe regulations to carry out this section; and

18 (B) shall issue policies, procedures, or plans to carry out this section.

19 (2) COORDINATION.—Regulations, policies, procedures, or plans issued under  
20 this subsection shall develop the actions in subsection (b) in coordination with the  
21 Secretary of Transportation.

22 (3) PRIVACY REVIEW.—Any regulations, policies, procedures, or plans issued  
23 pursuant to this section that would result in the monitoring, interception, or other

1 access to wire, oral, electronic, or radio communications or signals transmitted to or  
2 by an unmanned aircraft system, unmanned aircraft, or unmanned aircraft's attached  
3 system, payload, or cargo shall be reviewed consistent with section 522 of the  
4 Consolidated Appropriations Act, 2005 (42 U.S.C. 2000ee-2), to ensure that the  
5 regulations, policies, procedures, or plans appropriately protect privacy and civil  
6 liberties.

7 (f) JURISDICTION.—Notwithstanding any other provision of law, no court shall have  
8 jurisdiction to hear any cause or claim, including for money damages, against a covered  
9 person arising from any authorized action described in subsection (b).

10 (g) RELATIONSHIP TO OTHER LAWS.—Nothing in this section shall be construed to—

11 (1) restrict the authority of the United States Government, a member of the  
12 Armed Forces, or a Federal officer, employee, agent, or contractor from performing  
13 any action described in subsection (b) or (c) that is in accordance with law;

14 (2) affect the exercise of authority granted by section 130i of title 10, United  
15 States Code, and section 4510 of the Atomic Energy Defense Act (50 U.S.C. 2661);  
16 or

17 (3) restrict or limit the authority of the Federal Aviation Administration under  
18 title 49, United States Code, to manage the safe and efficient use of the National  
19 Airspace System.

20 (h) DISCLOSURE.—Information pertaining to the technology used pursuant to this  
21 section, and any regulations, policies, procedures, and plans issued under this section, shall  
22 be exempt from disclosure under section 552(b)(3) of title 5, United States Code, and  
23 exempt from disclosure under any State or local law requiring the disclosure of information.

1 (i) DEFINITIONS.—In this section:

2 (1) The term “covered facility, location, or installation” means any non-  
3 mobile asset in the United States that is designated by the head of a department or  
4 agency in accordance with standards and procedures established under subsection  
5 (d).

6 (2) The term “covered operation” means—

7 (A) any operation that is conducted in the United States by a member  
8 of the Armed Forces or a Federal officer, employee, agent, or contractor, that  
9 is important to public safety, law enforcement, or national or homeland  
10 security, and is designated by the head of a department or agency, consistent  
11 with the Federal Government-wide policy issued pursuant to subsection (d);  
12 and

13 (B) may include, but is not limited to, search and rescue operations;  
14 medical evacuations; wildland firefighting; patrol and detection monitoring of  
15 the United States border; a National Security Special Event or Special Event  
16 Assessment Ratings event; a fugitive apprehension operation or law  
17 enforcement investigation; a prisoner detention, correctional, or related  
18 operation; securing an authorized vessel, whether moored or underway;  
19 authorized protection of a person; transportation of special nuclear materials;  
20 or a security, emergency response, or military training, testing, or operation.

21 (3) The term “covered person” means any member of the Armed Forces, a  
22 Federal officer, employee, agent, or contractor, or any other individual that is  
23 designated by the head of a department or agency in accordance with standards and



1 procedures established under subsection (d), acting within their officially designated  
2 capacity.

3 (4) The terms “intercept” and “wire, oral, electronic, or radio  
4 communications” have the meaning given those terms in section 2510 of title 18.

5 (5) The terms “unmanned aircraft” and “unmanned aircraft system” have the  
6 meaning given those terms in section 331 of the FAA Modernization and Reform Act  
7 of 2012 (49 U.S.C. 40101 note).

8 (6) The term “United States” means any State of the United States, the  
9 District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam,  
10 American Samoa, the Commonwealth of the Northern Mariana Islands, and any  
11 possessions, territorial seas, or navigable waters of the United States.

12 (j) SUNSET.—This section shall cease to have effect on December 31, 2022.

13 **DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS**

14 **TITLE XXI—ARMY MILITARY CONSTRUCTION**

15 **TITLE XXII—NAVY MILITARY CONSTRUCTION**

16 **TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION**

17 **TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION**

18 **TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION**

19 **SECURITY INVESTMENT PROGRAM**

20 **TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES**

21 **TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES**

22 **TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS**

1 **SEC. 2801. EXTENSION OF TEMPORARY, LIMITED AUTHORITY TO USE**  
2 **OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION**  
3 **PROJECTS IN CERTAIN AREAS OUTSIDE THE UNITED STATES.**

4 Section 2808 of the National Defense Authorization Act for Fiscal Year 2004  
5 (division B of Public Law 108-136; 117 Stat. 1723), as most recently amended by section  
6 2804 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–  
7 328), is further amended—

8 (1) in subsection (c)(1)—

9 (A) by striking “October 1, 2016” and inserting “October 1, 2017”;

10 (B) by striking “December 31, 2017” and inserting “December 31,  
11 2018”; and

12 (C) by striking “fiscal year 2018” and inserting “fiscal year 2019”; and

13 (2) in subsection (h)—

14 (A) in paragraph (1), by striking “December 31, 2017” and inserting  
15 “December 31, 2018”; and

16 (B) in paragraph (2), by striking “fiscal year 2018” and inserting  
17 “fiscal year 2019”.

18 **TITLE XXIX—DEFENSE BASE CLOSURE AND REALIGNMENT**

19 **SEC. 2901. SHORT TITLE AND PURPOSE.**

20 (a) **SHORT TITLE.**—This title may be cited as the “Defense Base Closure and  
21 Realignment Act of 2017”.

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

1 **SEC. 2902. THE COMMISSION.**

2 (a) ESTABLISHMENT.—There is established an independent commission to be known  
3 as the “Defense Base Closure and Realignment Commission”.

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

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

7 (B) Subject to the certifications required under section 2903(b), the President may  
8 commence a round for the selection of military installations for closure and realignment  
9 under this title in 2021 by transmitting to the Senate, not later than February 1, 2021,  
10 nominations for appointment to the Commission.

11 (C) If the President does not transmit to Congress the nominations for appointment to  
12 the Commission on or before the date specified, the process by which military installations  
13 may be selected for closure or realignment under this title with respect to that year shall be  
14 terminated.

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

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

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

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

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

3 (3) At the time the President nominates individuals for appointment to the  
4 Commission for each session of Congress referred to in paragraph (1)(B), the President shall  
5 designate one such individual who shall serve as Chairman of the Commission.

6 (d) TERMS.—(1) Except as provided in paragraph (2), each member of the  
7 Commission shall serve until the adjournment of Congress sine die for the session during  
8 which the member was appointed to the Commission.

9 (2) The Chairman of the Commission shall serve until the confirmation of a  
10 successor.

11 (e) MEETINGS.—(1) The Commission shall meet only during calendar year 2021.

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

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

16 (i) The Chairman and the ranking minority party member of the  
17 Subcommittee on Readiness and Management Support of the Committee on Armed  
18 Services of the Senate, or such other members of the Subcommittee designated by  
19 such Chairman or ranking minority party member.

20 (ii) The Chairman and the ranking minority party member of the  
21 Subcommittee on Readiness of the Committee on Armed Services of the House of  
22 Representatives, or such other members of the Subcommittee designated by such  
23 Chairman or ranking minority party member.

1 (iii) The Chairmen and ranking minority party members of the subcommittees  
2 with jurisdiction for military construction of the Committees on Appropriations of  
3 the Senate and of the House of Representatives, or such other members of the  
4 subcommittees designated by such Chairmen or ranking minority party members.

5 (iv) The Chairmen and Ranking Members of the Subcommittees on Defense  
6 of the Committees on Appropriations of the Senate and the House of  
7 Representatives, or such other members of the subcommittees designated by such  
8 Chairmen or ranking minority party members.

9 (C) A Commissioner shall be recused from consideration of matters before the  
10 Commission, in accordance with section 208 of title 18, United States Code. A  
11 Commissioner shall not participate in the deliberations on, or vote regarding any matter  
12 from which the Commissioner is recused.

13 (f) VACANCIES.—A vacancy in the Commission shall be filled in the same manner as  
14 the original appointment, but the individual appointed to fill the vacancy shall serve only for  
15 the unexpired portion of the term for which the individual's predecessor was appointed.

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

21 (B) The Chairman shall be paid for each day referred to in subparagraph (A) at a rate  
22 equal to the daily equivalent of the minimum annual rate of basic pay payable for level III  
23 of the Executive Schedule under section 5314, of title 5, United States Code.

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

3 (h) DIRECTOR OF STAFF.—(1) The Commission shall, without regard to section 5311  
4 of title 5, United States Code, appoint a Director who has not served on active duty in the  
5 Armed Forces or as a civilian employee of the Department of Defense during the one-year  
6 period preceding the date of such appointment.

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

9 (i) STAFF.—(1) Subject to paragraphs (2) and (3), the Director, with the approval of  
10 the Commission, may appoint and fix the pay of additional personnel.

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

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

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

21 (ii) No person detailed from the Department of Defense to the Commission may be  
22 assigned as the lead professional analyst with respect to a military department or defense  
23 agency.

1 (C) A person may not be detailed from the Department of Defense to the  
2 Commission if, within 12 months before the detail is to begin, that person participated  
3 personally and substantially in any matter within the Department of Defense concerning the  
4 preparation of recommendations for closures or realignments of military installations.

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

7 (i) prepare any report concerning the effectiveness, fitness, or efficiency of  
8 the performance on the staff of the Commission of any person detailed from the  
9 Department of Defense to that staff;

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

11 (iii) approve or disapprove such a report.

12 (4) Upon request of the Director, the head of any Federal department or agency may  
13 detail any of the personnel of that department or agency to the Commission to assist the  
14 Commission in carrying out its duties under this title.

15 (5) The Comptroller General of the United States shall provide assistance, including  
16 the detailing of employees, to the Commission in accordance with an agreement entered into  
17 with the Commission.

18 (6) The Chairman of the Commission shall certify to the congressional defense  
19 committees by April 1, 2021, that the Commission and its staff have adequate capacity to  
20 review the recommendations to be submitted by the Secretary of Defense pursuant to  
21 section 2903 of this title.

22 (7) The following restrictions relating to the personnel of the Commission shall  
23 apply during the period beginning January 1, 2022, and ending April 15, 2022:

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

2 (B) The staff may perform only such functions as are necessary to prepare for  
3 the termination of the Commission and transfer all records to the Department of  
4 Defense or national archives.

5 (C) No member of the Armed Forces and no employee of the Department of  
6 Defense may serve on the staff.

7 (j) OTHER AUTHORITY.—(1) The Commission may procure by contract, to the extent  
8 funds are available, the temporary or intermittent services of experts or consultants pursuant  
9 to section 3109 of title 5, United States Code.

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

12 (k) FUNDING.—(1) There are authorized to be appropriated to the Commission such  
13 funds as are necessary to carry out its duties under this title. Such funds shall remain  
14 available until expended.

15 (2) If no funds are appropriated to the Commission by the end of the second session  
16 of the 116<sup>th</sup> Congress, the Secretary of Defense may transfer to the Commission for  
17 purposes of its activities under this title in that year such funds as the Commission may  
18 require to carry out such activities. The Secretary may transfer funds under the preceding  
19 sentence from any funds available to the Secretary. Funds so transferred shall remain  
20 available to the Commission for such purposes until expended.

21 (l) TERMINATION.—The Commission shall terminate on April 15, 2022.

22 (m) PROHIBITION AGAINST RESTRICTING COMMUNICATIONS.—Section 1034 of title  
23 10, United States Code, shall apply with respect to communications with the Commission.



1 **SEC. 2903. PROCEDURE FOR MAKING RECOMMENDATIONS FOR BASE**  
2 **CLOSURES AND REALIGNMENTS.**

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

4 (1) PREPARATION AND SUBMISSION.—As part of the budget justification  
5 documents submitted to Congress in support of the budget for the Department of  
6 Defense for fiscal year 2021, the Secretary shall submit to Congress the following:

7 (A) A force-structure plan for the Armed Forces based on an  
8 assessment by the Secretary of the probable threats to the national security  
9 during the 20-year period beginning with that fiscal year, the probable end-  
10 strength levels and major military force units (including land force divisions,  
11 carrier and other major combatant vessels, air wings, and other comparable  
12 units) needed to meet these threats, and the anticipated levels of funding that  
13 will be available for national defense purposes during such period.

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

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

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

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

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

5 (3) SPECIAL CONSIDERATIONS.—In determining the level of necessary versus  
6 excess infrastructure under paragraph (2), the Secretary shall consider the following:

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

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

13 (4) REVISION.—The Secretary may revise the force-structure plan and  
14 infrastructure inventory; If the Secretary makes such a revision, the Secretary shall  
15 submit the revised plan or inventory to Congress not later than February 15<sup>th</sup> of the  
16 year following the year in which such plan was first submitted. For purposes of  
17 selecting military installations for closure or realignment under this title in the year  
18 in which a revision is submitted, no revision of the force-structure plan or  
19 infrastructure inventory is authorized after that date.

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

21 (1) CERTIFICATION REQUIRED—On the basis of the force-structure plan and  
22 infrastructure inventory prepared under subsection (a) and the descriptions and

1 economic analysis prepared under such subsection, the Secretary shall include as part  
2 of the submission of the plan and inventory—

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

5 (B) if such need exists, a certification that the additional round of  
6 closures and realignments would result in annual net savings for each of the  
7 military departments beginning not later than six years following the  
8 commencement of such closures and realignments; and

9 (C) a certification that the additional round of closures and  
10 realignments will have the primary objective of eliminating excess  
11 infrastructure capacity within the Department of Defense and reconfiguring  
12 the Department's infrastructure to maximize efficiency and reduce costs.

13 (2) EFFECT OF FAILURE TO CERTIFY.—If the Secretary does not include the  
14 certifications referred to in paragraph (1), the President may not commence a round  
15 for the selection of military installations for closure and realignment under this title  
16 in the year following submission of the force-structure plan and infrastructure  
17 inventory.

18 (c) COMPTROLLER GENERAL EVALUATION.—

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

21 (A) The force-structure plan and infrastructure inventory prepared  
22 under subsection (a) and the final selection criteria specified in paragraph (d),

1 including an evaluation of the accuracy and analytical sufficiency of such  
2 plan, inventory, and criteria.

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

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

8 (d) FINAL SELECTION CRITERIA.—

9 (1) IN GENERAL.—The final criteria to be used by the Secretary in making  
10 recommendations for the closure or realignment of military installations inside the  
11 United States under this title in 2021 shall be the military value and additional  
12 criteria specified in paragraphs (2) and (3).

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

14 (A) The current and future mission capabilities and the impact on  
15 operational readiness of the total force of the Department of Defense,  
16 including the impact on joint warfighting, training, and readiness.

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

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

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

5 (3) ADDITIONAL CRITERIA.—The additional criteria that the Secretary shall use  
6 in making recommendations for the closure or realignment of military installations  
7 inside the United States under this title in 2021 are as follows:

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

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

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

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

18 (e) PRIORITY GIVEN TO MILITARY VALUE.—The Secretary shall give priority  
19 consideration to the military value criteria specified in subsection (d)(2) in the making of  
20 recommendations for the closure or realignment of military installations.

21 (f) DETERMINING COSTS.— When determining the costs associated with a closure or  
22 realignment, the Secretary shall consider the costs associated with military construction,  
23 information technology, termination of public-private contracts, guarantees, the costs of any

1 other activity of the Department of Defense or any other Federal agency that may be  
2 required to assume responsibility for activities at the military installations, and such other  
3 factors as the Secretary determines as contributing to the cost of a closure or realignment.

4 (g) EMPHASIS GIVEN TO SAVINGS.—Subject to subsection (e) the Secretary shall  
5 emphasize those recommendations that yield net savings within 5 years of completing such  
6 closure or realignment. The Secretary shall not consider any recommendation that does not  
7 yield net savings within 20 years, unless the Secretary expressly determines that the military  
8 value of such recommendation supports or enhances a critical national security interest of  
9 the United States.

10 (h) RELATION TO OTHER MATERIALS.—The final selection criteria specified in this  
11 section shall be the only criteria to be used, along with the force-structure plan and  
12 infrastructure inventory referred to in subsection (a), in making recommendations for the  
13 closure or realignment of military installations inside the United States under this title in  
14 2021.

15 (i) DOD RECOMMENDATIONS.—(1) If the Secretary makes the certifications required  
16 under subsection (b), the Secretary shall, by no later than April 15, 2021, publish in the  
17 Federal Register and transmit to the congressional defense committees and to the  
18 Commission a list of the military installations inside the United States that the Secretary  
19 recommends for closure or realignment on the basis of the force-structure plan and  
20 infrastructure inventory prepared by the Secretary under subsection (a) and the final  
21 selection criteria specified in subsection (d) that are applicable to the year concerned.

22 (2) The Secretary shall include, with the list of recommendations published and  
23 transmitted pursuant to paragraph (1), a summary of the selection process that resulted in

1 the recommendation for each installation, including a justification for each  
2 recommendation. The Secretary shall transmit the matters referred to in the preceding  
3 sentence not later than 7 days after the date of the transmittal to the congressional defense  
4 committees and the Commission of the list referred to in paragraph (1).

5 (3)(A) In considering military installations for closure or realignment, the Secretary  
6 shall consider all military installations inside the United States equally without regard to  
7 whether the installation has been previously considered or proposed for closure or  
8 realignment by the Department.

9 (B) In considering military installations for closure or realignment, the Secretary  
10 may not take into account for any purpose any advance conversion planning undertaken by  
11 an affected community with respect to the anticipated closure or realignment of an  
12 installation.

13 (C) For purposes of subparagraph (B), in the case of a community anticipating the  
14 economic effects of a closure or realignment of a military installation, advance conversion  
15 planning—

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

19 (ii) may include the development of contingency redevelopment plans, plans  
20 for economic development and diversification, and plans for the joint use (including  
21 civilian and military use, public and private use, civilian dual use, and civilian shared  
22 use) of the property or facilities of the installation after the anticipated closure or  
23 realignment.

1 (D) In making recommendations to the Commission, the Secretary shall consider any  
2 notice received from a local government in the vicinity of a military installation that the  
3 government would approve of the closure or realignment of the installation,

4 (E) Notwithstanding the requirement in subparagraph (D), the Secretary shall make  
5 the recommendations referred to in that subparagraph based on the force-structure plan,  
6 infrastructure inventory, and final selection criteria otherwise applicable to such  
7 recommendations.

8 (F) The recommendations shall include a statement of the result of the consideration  
9 of any notice described in subparagraph (D) that is received with respect to a military  
10 installation covered by such recommendations. The statement shall set forth the reasons for  
11 the result.

12 (4) In addition to making all information used by the Secretary to prepare the  
13 recommendations under this subsection available to Congress (including any committee or  
14 member of Congress), the Secretary shall also make such information available to the  
15 Commission and the Comptroller General of the United States.

16 (5)(A) Each person referred to in subparagraph (B), when submitting information to  
17 the Secretary of Defense or the Commission concerning the closure or realignment of a  
18 military installation, shall certify that such information is accurate and complete to the best  
19 of that persons knowledge and belief.

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

21 (i) The Secretaries of the military departments.

22 (ii) The heads of the Defense Agencies.



1           (iii) Each person who is in a position the duties of which include personal and  
2           substantial involvement in the preparation and submission of information and  
3           recommendations concerning the closure or realignment of military installations, as  
4           designated in regulations which the Secretary of Defense shall prescribe, regulations  
5           which the Secretary of each military department shall prescribe for personnel within  
6           that military department, or regulations which the head of each Defense Agency shall  
7           prescribe for personnel within that Defense Agency.

8           (6) Any information provided to the Commission by a person described in paragraph  
9           (5)(B) shall also be submitted to the Senate and the House of Representatives to be made  
10          available to the Members of the House concerned in accordance with the rules of that  
11          House. The information shall be submitted to the Senate and House of Representatives  
12          within 48 hours after the submission of the information to the Commission.

13          (j) REVIEW AND RECOMMENDATIONS BY THE COMMISSION.—(1) After receiving the  
14          recommendations from the Secretary pursuant to subsection (h) for any year, the  
15          Commission shall conduct public hearings on the recommendations. All testimony before  
16          the Commission at a public hearing conducted under this paragraph shall be presented under  
17          oath.

18          (2)(A) The Commission shall, by no later than October 1 of each year in which the  
19          Secretary transmits recommendations to it pursuant to subsection (h), transmit to the  
20          President a report containing the Commission's findings and conclusions based on a review  
21          and analysis of the recommendations made by the Secretary, together with the Commission's  
22          recommendations for closures and realignments of military installations inside the United  
23          States.

1 (B) Subject to subparagraphs (C) and (E), in making its recommendations, the  
2 Commission may make changes in any of the recommendations made by the Secretary if the  
3 Commission determines that the Secretary deviated substantially from the force-structure  
4 plan and final criteria referred to in subsection (d)(1) in making recommendations.

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

7 (i) the Commission—

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

9 (II) determines that the change is consistent with the force-structure  
10 plan and final criteria referred to in subsection (d)(1);

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

14 (IV) conducts public hearings on the proposed change;

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

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

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

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

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

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

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

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

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

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

17           (3) The Commission shall explain and justify in its report submitted to the President  
18 pursuant to paragraph (2) any recommendation made by the Commission that is different  
19 from the recommendations made by the Secretary pursuant to subsection (h). The  
20 Commission shall transmit a copy of such report to the congressional defense committees on  
21 the same date on which it transmits its recommendations to the President under paragraph  
22 (2).

1 (4) After October 1 of each year in which the Commission transmits  
2 recommendations to the President under this subsection, the Commission shall promptly  
3 provide, upon request, to any Member of Congress information used by the Commission in  
4 making its recommendations.

5 (5) The Comptroller General of the United States shall—

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

9 (B) by no later than June 3 of each year in which the Secretary makes such  
10 recommendations, transmit to the Congress and to the Commission a report  
11 containing a detailed analysis of the Secretary's recommendations and selection  
12 process.

13 (k) REVIEW BY THE PRESIDENT.—(1) The President shall, by no later than October 15  
14 of each year in which the Commission makes recommendations under subsection (i),  
15 transmit to the Commission and to the Congress a report containing the President's approval  
16 or disapproval of the Commission's recommendations.

17 (2) If the President approves all the recommendations of the Commission, the  
18 President shall transmit a copy of such recommendations to the Congress, together with a  
19 certification of such approval.

20 (3) If the President disapproves the recommendations of the Commission, in whole  
21 or in part, the President shall transmit to the Commission and the Congress the reasons for  
22 that disapproval. The Commission shall then transmit to the President, by no later than

1 November 18 of the year concerned, a revised list of recommendations for the closure and  
2 realignment of military installations.

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

6 (5) If the President does not transmit to the Congress an approval and certification  
7 described in paragraph (2) or (4) by December 2 of any year in which the Commission has  
8 transmitted recommendations to the President under this title, the process by which military  
9 installations may be selected for closure or realignment under this title with respect to that  
10 year shall be terminated.

11 **SEC. 2904. CLOSURE AND REALIGNMENT OF MILITARY INSTALLATIONS.**

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

13 (1) close all military installations recommended for closure by the  
14 Commission in each report transmitted to the Congress by the President pursuant to  
15 section 2903(j);

16 (2) realign all military installations recommended for realignment by such  
17 Commission in each such report;

18 (3) carry out the privatization in place of a military installation recommended  
19 for closure or realignment by the Commission only if privatization in place is a  
20 method of closure or realignment of the military installation specified in the  
21 recommendations of the Commission in such report and is determined by the  
22 Commission to be the most cost-effective method of implementation of the  
23 recommendation;

1 (4) initiate all such closures and realignments no later than two years after the  
2 date on which the President transmits a report to the Congress pursuant to section  
3 2903(j) containing the recommendations for such closures or realignments; and

4 (5) complete all such closures and realignments no later than the end of the  
5 six-year period beginning on the date on which the President transmits the report  
6 pursuant to section 2903(j) containing the recommendations for such closures or  
7 realignments.

8 (b) CONGRESSIONAL DISAPPROVAL.—(1) The Secretary may not carry out any closure  
9 or realignment recommended by the Commission in a report transmitted from the President  
10 pursuant to section 2903(j) if a joint resolution is enacted, in accordance with the provisions  
11 of section 2908, disapproving such recommendations of the Commission before the earlier  
12 of—

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

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

17 (2) For purposes of paragraph (1) of this subsection and subsections (a) and (c) of  
18 section 2908, the days on which either House of Congress is not in session because of  
19 adjournment of more than three days to a day certain shall be excluded in the computation  
20 of a period.

21 **SEC. 2905. IMPLEMENTATION.**

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

1 (A) take such actions as may be necessary to close or realign any military  
2 installation, including the acquisition of such land, the construction of such  
3 replacement facilities, the performance of such activities, and the conduct of such  
4 advance planning and design as may be required to transfer functions from a military  
5 installation being closed or realigned to another military installation, and may use for  
6 such purpose funds in the Account or funds appropriated to the Department of  
7 Defense for use in planning and design, minor construction, or operation and  
8 maintenance;

9 (B) provide—

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

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

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

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

22 (D) provide outplacement assistance to civilian employees employed by the  
23 Department of Defense at military installations being closed or realigned, and may

1 use for such purpose funds in the Account or funds appropriated to the Department  
2 of Defense for outplacement assistance to employees; and

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

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

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

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

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

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

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



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

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

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

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

10 (i) prescribe general policies and methods for utilizing excess property and  
11 disposing of surplus property pursuant to the authority delegated under paragraph  
12 (1); and

13 (ii) issue regulations relating to such policies and methods, which shall  
14 supersede the regulations referred to in subparagraph (A) with respect to that  
15 authority.

16 (C) The Secretary of Defense may transfer real property or facilities located at a  
17 military installation to be closed or realigned under this title, with or without  
18 reimbursement, to a military department or other entity (including a nonappropriated fund  
19 instrumentality) within the Department of Defense or the Coast Guard.

20 (D) Before any action may be taken with respect to the disposal of any surplus real  
21 property or facility located at any military installation to be closed or realigned under this  
22 title, the Secretary of Defense shall consult with the Governor of the State and the heads of

1 the local governments concerned for the purpose of considering any plan for the use of such  
2 property by the local community concerned.

3 (E) If a military installation to be closed, realigned, or placed in an inactive status  
4 under this title includes a road used for public access through, into, or around the  
5 installation, the Secretary of Defense shall consult with the Governor of the State and the  
6 heads of the local governments concerned or the purpose of considering the continued  
7 availability of the road for public use after the installation is closed, realigned, or placed in  
8 an inactive status.

9 (3)(A) Not later than 6 months after the date of approval of the closure or  
10 realignment of a military installation under this title, the Secretary, in consultation with the  
11 redevelopment authority with respect to the installation, shall—

- 12 (i) inventory the personal property located at the installation; and
- 13 (ii) identify the items (or categories of items) of such personal property that  
14 the Secretary determines to be related to real property and anticipates will support  
15 the implementation of the redevelopment plan with respect to the installation.

16 (B) If no redevelopment authority referred to in subparagraph (A) exists with respect  
17 to an installation, the Secretary shall consult with—

- 18 (i) the local government in whose jurisdiction the installation is wholly  
19 located; or
- 20 (ii) a local government agency or State government agency designated for the  
21 purpose of such consultation by the chief executive officer of the State in which the  
22 installation is located.

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

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

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

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

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

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

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

16 (II) The reduction in maintenance and repair of facilities or equipment located  
17 at the installation below the minimum levels required to support the use of such  
18 facilities or equipment for nonmilitary purposes.

19 (D) Except as provided in paragraph (4), the Secretary may not transfer items of  
20 personal property located at an installation to be closed or realigned under this title to  
21 another installation, or dispose of such items, if such items are identified in the  
22 redevelopment plan for the installation as items essential to the reuse or redevelopment of  
23 the installation. In connection with the development of the redevelopment plan for the

1 installation, the Secretary shall consult with the entity responsible for developing the  
2 redevelopment plan to identify the items of personal property located at the installation, if  
3 any, that the entity desires to be retained at the installation for reuse or redevelopment of the  
4 installation.

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

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

9 (ii) is uniquely military in character, and is likely to have no civilian use  
10 (other than use for its material content or as a source of commonly used  
11 components);

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

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

16 (v)(I) meets known requirements of an authorized program of another Federal  
17 department or agency for which expenditures for similar property would be  
18 necessary, and (II) is the subject of a written request by the head of the department or  
19 agency.

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

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

4           (B) The transfer of property located at a military installation under subparagraph (A)  
5 may be for consideration at or below the estimated fair market value or without  
6 consideration. The determination of such consideration may account for the economic  
7 conditions of the local affected community and the estimated costs to redevelop the  
8 property. The Secretary may accept, as consideration, a share of the revenues that the  
9 redevelopment authority receives from third-party buyers or lessees from sales and long-  
10 term leases of the conveyed property, consideration in kind (including goods and services),  
11 real property and improvements, or such other consideration as the Secretary considers  
12 appropriate. The transfer of property located at a military installation under subparagraph  
13 (A) may be made for consideration below the estimated fair market value or without  
14 consideration only if the redevelopment authority with respect to the installation—

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

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

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

5 (i) Road construction.

6 (ii) Transportation management facilities.

7 (iii) Storm and sanitary sewer construction.

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

9 (v) Utility construction.

10 (vi) Building rehabilitation.

11 (vii) Historic property preservation.

12 (viii) Pollution prevention equipment or facilities.

13 (ix) Demolition.

14 (x) Disposal of hazardous materials generated by demolition.

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

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

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

22 (E)(i) The Secretary may transfer real property at an installation approved for closure  
23 or realignment under this title (including property at an installation approved for

1 realignment which will be retained by the Department of Defense or another Federal agency  
2 after realignment) to the redevelopment authority for the installation if the redevelopment  
3 authority agrees to lease, directly upon transfer, one or more portions of the property  
4 transferred under this subparagraph to the Secretary or to the head of another department or  
5 agency of the Federal Government. Subparagraph (B) shall apply to a transfer under this  
6 subparagraph.

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

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

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

17 (v) Notwithstanding clause (iii), if a lease under clause (i) involves a substantial  
18 portion of the installation, the department or agency concerned may obtain facility services  
19 for the leased property and common area maintenance from the redevelopment authority or  
20 the redevelopment authority's assignee as a provision of the lease. The facility services and  
21 common area maintenance shall be provided at a rate no higher than the rate charged to non-  
22 Federal tenants of the transferred property. Facility services and common area maintenance  
23 covered by the lease shall not include—

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

3 (II) firefighting or security-guard functions.

4 (F) The transfer of personal property under subparagraph (A) shall not be subject to  
5 the provisions of subchapters II and III of chapter 5 of title 40, United States Code, if the  
6 Secretary determines that the transfer of such property is necessary for the effective  
7 implementation of a redevelopment plan with respect to the installation at which such  
8 property is located.

9 (G) The provisions of section 120(h) of the Comprehensive Environmental Response,  
10 Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)) shall apply to any transfer of  
11 real property under this paragraph.

12 (H) The Secretary may require any additional terms and conditions in connection  
13 with a transfer under this paragraph as such Secretary considers appropriate to protect the  
14 interests of the United States.

15 (5)(A) Except as provided in subparagraphs (B) and (C), the Secretary shall take  
16 such actions as the Secretary determines necessary to ensure that final determinations under  
17 paragraph (1) regarding whether another department or agency of the Federal Government  
18 has identified a use for any portion of a military installation to be closed or realigned under  
19 this title, or will accept transfer of any portion of such installation, are made not later than 6  
20 months after the date of approval of closure or realignment of that installation.

21 (B) The Secretary may, in consultation with the redevelopment authority with respect  
22 to an installation, postpone making the final determinations referred to in subparagraph (A)  
23 with respect to the installation for such period as the Secretary determines appropriate if the



1 Secretary determines that such postponement is in the best interests of the communities  
2 affected by the closure or realignment of the installation.

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

12 (ii) Not later than 30 days after acquiring non-Federal real property as the location  
13 for a new or replacement Federal facility, the head of the Federal agency acquiring the  
14 property shall submit to Congress a report containing the results of the consultation under  
15 clause (i) and the reasons why military installations referred to in such clause that are  
16 located within the area to be served by the new or replacement Federal facility or within a  
17 200-mile radius of the new or replacement facility, whichever area is greater, were  
18 considered to be unsuitable or unavailable for the site of the new or replacement facility.

19 (6)(A) The disposal of buildings and property located at installations approved for  
20 closure or realignment under this title shall be carried out in accordance with this paragraph.

21 (B)(i) Not later than the date on which the Secretary of Defense completes the final  
22 determinations referred to in paragraph (5) relating to the use or transferability of any  
23 portion of an installation covered by this paragraph, the Secretary shall—

1 (I) identify the buildings and property at the installation for which the  
2 Department of Defense has a use, for which another department or agency of the  
3 Federal Government has identified a use, or of which another department or agency  
4 will accept a transfer;

5 (II) take such actions as are necessary to identify any building or property at  
6 the installation not identified under subclause (I) that is excess property or surplus  
7 property;

8 (III) submit to the Secretary of Housing and Urban Development and to the  
9 redevelopment authority for the installation (or the chief executive officer of the  
10 State in which the installation is located if there is no redevelopment authority for  
11 the installation at the completion of the determination described in the stem of this  
12 sentence) information on any building or property that is identified under subclause  
13 (II); and

14 (IV) publish in the Federal Register and in a newspaper of general circulation  
15 in the communities in the vicinity of the installation information on the buildings and  
16 property identified under subclause (II).

17 (ii) Upon the recognition of a redevelopment authority for an installation covered by  
18 this paragraph, the Secretary of Defense shall publish in the Federal Register and in a  
19 newspaper of general circulation in the communities in the vicinity of the installation  
20 information on the redevelopment authority.

21 (C)(i) State and local governments, representatives of the homeless, and other  
22 interested parties located in the communities in the vicinity of an installation covered by this  
23 paragraph shall submit to the redevelopment authority for the installation a notice of the

1 interest, if any, of such governments, representatives, and parties in the buildings or  
2 property, or any portion thereof, at the installation that are identified under subparagraph  
3 (B)(i)(II). A notice of interest under this clause shall describe the need of the government,  
4 representative, or party concerned for the buildings or property covered by the notice.

5 (ii) The redevelopment authority for an installation shall assist the governments,  
6 representatives, and parties referred to in clause (i) in evaluating buildings and property at  
7 the installation for purposes of this subparagraph.

8 (iii) In providing assistance under clause (ii), a redevelopment authority shall—

9 (I) consult with representatives of the homeless in the communities in the  
10 vicinity of the installation concerned; and

11 (II) undertake outreach efforts to provide information on the buildings and  
12 property to representatives of the homeless, and to other persons or entities interested  
13 in assisting the homeless, in such communities.

14 (iv) It is the sense of Congress that redevelopment authorities should begin to  
15 conduct outreach efforts under clause (iii)(II) with respect to an installation as soon as is  
16 practicable after the date of approval of closure or realignment of the installation.

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

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

22 (I) in the case of an installation for which a redevelopment authority has been  
23 recognized as of the date of the completion of the determinations referred to in

1 paragraph (5), not earlier than 3 months and not later than 6 months after the date of  
2 publication of such determination in a newspaper of general circulation in the  
3 communities in the vicinity of the installation under subparagraph (B)(i)(IV); and

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

7 (iii) Upon specifying a date for an installation under this subparagraph, the  
8 redevelopment authority for the installation shall—

9 (I) publish the date specified in a newspaper of general circulation in the  
10 communities in the vicinity of the installation concerned; and

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

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

15 (I) A description of the homeless assistance program that the representative  
16 proposes to carry out at the installation.

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

18 (III) A description of the extent to which the program is or will be  
19 coordinated with other homeless assistance programs in the communities in the  
20 vicinity of the installation.

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

1 (V) A description of the financial plan, the organization, and the  
2 organizational capacity of the representative to carry out the program.

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

5 (ii) A redevelopment authority may not release to the public any information  
6 submitted to the redevelopment authority under clause (i)(V) without the consent of the  
7 representative of the homeless concerned unless such release is authorized under Federal  
8 law and under the law of the State and communities in which the installation concerned is  
9 located.

10 (F)(i) The redevelopment authority for each installation covered by this paragraph  
11 shall prepare a redevelopment plan for the installation. The redevelopment authority shall,  
12 in preparing the plan, consider the interests in the use to assist the homeless of the buildings  
13 and property at the installation that are expressed in the notices submitted to the  
14 redevelopment authority under subparagraph (C).

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

21 (II) Agreements under this clause shall provide for the reversion to the  
22 redevelopment authority concerned, or to such other entity or entities as the agreements  
23 shall provide, of buildings and property that are made available under this paragraph for use

1 to assist the homeless in the event that such buildings and property cease being used for that  
2 purpose.

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

6 (iv) A redevelopment authority shall complete preparation of a redevelopment plan  
7 for an installation and submit the plan under subparagraph (G) not later than 9 months after  
8 the date specified by the redevelopment authority for the installation under subparagraph  
9 (D).

10 (G)(i) Upon completion of a redevelopment plan under subparagraph (F), a  
11 redevelopment authority shall submit an application containing the plan to the Secretary of  
12 Defense and to the Secretary of Housing and Urban Development.

13 (ii) A redevelopment authority shall include in an application under clause (i) the  
14 following:

15 (I) A copy of the redevelopment plan, including a summary of any public  
16 comments on the plan received by the redevelopment authority under subparagraph  
17 (F)(iii).

18 (II) A copy of each notice of interest of use of buildings and property to assist  
19 the homeless that was submitted to the redevelopment authority under subparagraph  
20 (C), together with a description of the manner, if any, in which the plan addresses the  
21 interest expressed in each such notice and, if the plan does not address such an  
22 interest, an explanation why the plan does not address the interest.

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

3 (IV) A statement identifying the representatives of the homeless and the  
4 homeless assistance planning boards, if any, with which the redevelopment authority  
5 consulted in preparing the plan, and the results of such consultations.

6 (V) An assessment of the manner in which the redevelopment plan balances  
7 the expressed needs of the homeless and the need of the communities in the vicinity  
8 of the installation for economic redevelopment and other development.

9 (VI) Copies of the agreements that the redevelopment authority proposes to  
10 enter into under subparagraph (F)(ii).

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

15 (I) takes into consideration the size and nature of the homeless population in  
16 the communities in the vicinity of the installation, the availability of existing  
17 services in such communities to meet the needs of the homeless in such communities,  
18 and the suitability of the buildings and property covered by the plan for the use and  
19 needs of the homeless in such communities;

20 (II) takes into consideration any economic impact of the homeless assistance  
21 under the plan on the communities in the vicinity of the installation;

1 (III) balances in an appropriate manner the needs of the communities in the  
2 vicinity of the installation for economic redevelopment and other development with  
3 the needs of the homeless in such communities;

4 (IV) was developed in consultation with representatives of the homeless and  
5 the homeless assistance planning boards, if any, in the communities in the vicinity of  
6 the installation; and

7 (V) specifies the manner in which buildings and property, resources, and  
8 assistance on or off the installation will be made available for homeless assistance  
9 purposes.

10 (ii) It is the sense of Congress that the Secretary of Housing and Urban Development  
11 shall, in completing the review of a plan under this subparagraph, take into consideration  
12 and be receptive to the predominant views on the plan of the communities in the vicinity of  
13 the installation covered by the plan.

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

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



1 (v) If the Secretary of Housing and Urban Development determines as a result of  
2 such a review that a redevelopment plan does not meet the requirements set forth in clause  
3 (i), a notice under clause (iv) shall include—

4 (I) an explanation of that determination; and

5 (II) a statement of the actions that the redevelopment authority must  
6 undertake in order to address that determination.

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

10 (I) revise the plan in order to address the determination; and

11 (II) submit the revised plan to the Secretary of Defense and the Secretary of  
12 Housing and Urban Development.

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

16 (J)(i) Not later than 30 days after receiving a revised redevelopment plan under  
17 subparagraph (I), the Secretary of Housing and Urban Development shall review the revised  
18 plan and determine if the plan meets the requirements set forth in subparagraph (H)(i).

19 (ii) The Secretary of Housing and Urban Development shall notify the Secretary of  
20 Defense and the redevelopment authority concerned of the determination of the Secretary of  
21 Housing and Urban Development under this subparagraph.

22 (K)(i) Upon receipt of a notice under subparagraph (H)(iv) or (J)(ii) of the  
23 determination of the Secretary of Housing and Urban Development that a redevelopment

1 plan for an installation meets the requirements set forth in subparagraph (H)(i), the  
2 Secretary of Defense shall dispose of the buildings and property at the installation.

3 (ii) For purposes of carrying out an environmental assessment of the closure or  
4 realignment of an installation, the Secretary of Defense shall treat the redevelopment plan  
5 for the installation (including the aspects of the plan providing for disposal to State or local  
6 governments, representatives of the homeless, and other interested parties) as part of the  
7 proposed Federal action for the installation.

8 (iii) The Secretary of Defense shall dispose of buildings and property under clause (i)  
9 in accordance with the record of decision or other decision document prepared by the  
10 Secretary in accordance with the National Environmental Policy Act of 1969 (42 U.S.C.  
11 4321 et seq.). In preparing the record of decision or other decision document, the Secretary  
12 shall give substantial deference to the redevelopment plan concerned.

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

15 (v) In the case of a request for a conveyance under clause (i) of buildings and  
16 property for public benefit under section 550 of title 40, United States Code, or sections  
17 47151 through 47153 of title 49, United States Code, the sponsoring Federal agency shall  
18 use the eligibility criteria set forth in such section or subchapter II of chapter 471 of title 49,  
19 United States Code (as the case may be) to determine the eligibility of the applicant and use  
20 proposed in the request for the public benefit conveyance. The determination of such  
21 eligibility should be made before submission of the redevelopment plan concerned under  
22 subparagraph (G).

1 (L)(i) If the Secretary of Housing and Urban Development determines under  
2 subparagraph (J) that a revised redevelopment plan for an installation does not meet the  
3 requirements set forth in subparagraph (H)(i), or if no revised plan is so submitted, that  
4 Secretary shall—

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

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

11 (III) request that each such representative submit to that Secretary the items  
12 described in clause (ii); and

13 (IV) based on the actions of that Secretary under subclauses (I) and (II), and  
14 on any information obtained by that Secretary as a result of such actions, indicate to  
15 the Secretary of Defense the buildings and property at the installation that meet the  
16 requirements set forth in subparagraph (H)(i).

17 (ii) The Secretary of Housing and Urban Development may request under clause  
18 (i)(III) that a representative of the homeless submit to that Secretary the following:

19 (I) A description of the program of such representative to assist the homeless.

20 (II) A description of the manner in which the buildings and property that the  
21 representative proposes to use for such purpose will assist the homeless.

22 (III) Such information as that Secretary requires in order to determine the  
23 financial capacity of the representative to carry out the program and to ensure that

1 the program will be carried out in compliance with Federal environmental law and  
2 Federal law against discrimination.

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

6 (iii) Not later than 90 days after the date of the receipt of a revised plan for an  
7 installation under subparagraph (J), the Secretary of Housing and Urban Development  
8 shall—

9 (I) notify the Secretary of Defense and the redevelopment authority concerned  
10 of the buildings and property at an installation under clause (i)(IV) that the Secretary  
11 of Housing and Urban Development determines are suitable for use to assist the  
12 homeless; and

13 (II) notify the Secretary of Defense of the extent to which the revised plan  
14 meets the criteria set forth in subparagraph (H)(i).

15 (iv)(I) Upon notice from the Secretary of Housing and Urban Development with  
16 respect to an installation under clause (iii), the Secretary of Defense shall dispose of  
17 buildings and property at the installation in consultation with the Secretary of Housing and  
18 Urban Development and the redevelopment authority concerned.

19 (II) For purposes of carrying out an environmental assessment of the closure or  
20 realignment of an installation, the Secretary of Defense shall treat the redevelopment plan  
21 submitted by the redevelopment authority for the installation (including the aspects of the  
22 plan providing for disposal to State or local governments, representatives of the homeless,  
23 and other interested parties) as part of the proposed Federal action for the installation. The

1 Secretary of Defense shall incorporate the notification of the Secretary of Housing and  
2 Urban Development under clause (iii)(I) as part of the proposed Federal action for the  
3 installation only to the extent, if any, that the Secretary of Defense considers such  
4 incorporation to be appropriate and consistent with the best and highest use of the  
5 installation as a whole, taking into consideration the redevelopment plan submitted by the  
6 redevelopment authority.

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

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

15 (V) In the case of a request for a conveyance under subclause (I) of buildings and  
16 property for public benefit under section 550 of title 40, United States Code, or sections  
17 47151 through 47153 of title 49, United States Code, the sponsoring Federal agency shall  
18 use the eligibility criteria set forth in such section or subchapter II of chapter 471 of title 49,  
19 United States Code (as the case may be) to determine the eligibility of the applicant and use  
20 proposed in the request for the public benefit conveyance. The determination of such  
21 eligibility should be made before submission of the redevelopment plan concerned under  
22 subparagraph (G).

1 (M)(i) In the event of the disposal of buildings and property of an installation  
2 pursuant to subparagraph (K) or (L), the redevelopment authority for the installation shall  
3 be responsible for the implementation of and compliance with agreements under the  
4 redevelopment plan described in that subparagraph for the installation.

5 (ii) If a building or property reverts to a redevelopment authority under such an  
6 agreement, the redevelopment authority shall take appropriate actions to secure, to the  
7 maximum extent practicable, the utilization of the building or property by other homeless  
8 representatives to assist the homeless. A redevelopment authority may not be required to  
9 utilize the building or property to assist the homeless.

10 (N) The Secretary of Defense may postpone or extend any deadline provided for  
11 under this paragraph in the case of an installation covered by this paragraph for such period  
12 as the Secretary considers appropriate if the Secretary determines that such postponement is  
13 in the interests of the communities affected by the closure or realignment of the installation.  
14 The Secretary shall make such determinations in consultation with the redevelopment  
15 authority concerned and, in the case of deadlines provided for under this paragraph with  
16 respect to the Secretary of Housing and Urban Development, in consultation with the  
17 Secretary of Housing and Urban Development.

18 (O) For purposes of this paragraph, the term “communities in the vicinity of the  
19 installation”, in the case of an installation, means the communities that constitute the  
20 political jurisdictions (other than the State in which the installation is located) that comprise  
21 the redevelopment authority for the installation.

22 (P) For purposes of this paragraph, the term “other interested parties”, in the case of  
23 an installation, includes any parties eligible for the conveyance of property of the

1 installation under section 550 of title 40, United States Code, or sections 47151 through  
2 47153 of title 49, United States Code, whether or not the parties assist the homeless.

3 (7)(A) Subject to subparagraph (C), the Secretary may enter into agreements  
4 (including contracts, cooperative agreements, or other arrangements for reimbursement)  
5 with local governments for the provision of police or security services, fire protection  
6 services, airfield operation services, or other community services by such governments at  
7 military installations to be closed under this title, or at facilities not yet transferred or  
8 otherwise disposed of in the case of installations closed under this title, if the Secretary  
9 determines that the provision of such services under such agreements is in the best interests  
10 of the Department of Defense.

11 (B) The Secretary may exercise the authority provided under this paragraph without  
12 regard to the provisions of chapter 146 of title 10, United States Code.

13 (C) The Secretary may not exercise the authority under subparagraph (A) with  
14 respect to an installation earlier than 180 days before the date on which the installation is to  
15 be closed.

16 (D) The Secretary shall include in a contract for services entered into with a local  
17 government under this paragraph a clause that requires the use of professionals to furnish  
18 the services to the extent that professionals are available in the area under the jurisdiction of  
19 such government.

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

1           (2)(A) The provisions of the National Environmental Policy Act of 1969 shall apply  
2 to actions of the Department of Defense under this title (i) during the process of property  
3 disposal, and (ii) during the process of relocating functions from a military installation  
4 being closed or realigned to another military installation after the receiving installation has  
5 been selected but before the functions are relocated.

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

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

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

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

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

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

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

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



1 (e) TRANSFER AUTHORITY IN CONNECTION WITH PAYMENT OF ENVIRONMENTAL  
2 REMEDIATION COSTS.—(1)(A) Subject to paragraph (2) of this subsection and section 120(h)  
3 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980  
4 (42 U.S.C. 9620(h)), the Secretary may enter into an agreement to transfer by deed real  
5 property or facilities referred to in subparagraph (B) with any person who agrees to perform  
6 all environmental restoration, waste management, and environmental compliance activities  
7 that are required for the property or facilities under Federal and State laws, administrative  
8 decisions, agreements (including schedules and milestones), and concurrences.

9 (B) The real property and facilities referred to in subparagraph (A) are the real  
10 property and facilities located at an installation closed or to be closed, or realigned or to be  
11 realigned, under this title that are available exclusively for the use, or expression of an  
12 interest in a use, of a redevelopment authority under subsection (b)(6)(F) during the period  
13 provided for that use, or expression of interest in use, under that subsection. The real  
14 property and facilities referred to in subparagraph (A) are also the real property and  
15 facilities located at an installation approved for closure or realignment under this title after  
16 2001 that are available for purposes other than to assist the homeless.

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

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

22 (A) the costs of all environmental restoration, waste management, and  
23 environmental compliance activities otherwise to be paid by the Secretary with

1 respect to the property or facilities are equal to or greater than the fair market value  
2 of the property or facilities to be transferred, as determined by the Secretary; or

3 (B) if such costs are lower than the fair market value of the property or  
4 facilities, the recipient of the property or facilities agrees to pay the difference  
5 between the fair market value and such costs.

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

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

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

18 (4) As part of an agreement under paragraph (1), the Secretary shall disclose to the  
19 person to whom the property or facilities will be transferred any information of the  
20 Secretary regarding the environmental restoration, waste management, and environmental  
21 compliance activities described in paragraph (1) that relate to the property or facilities. The  
22 Secretary shall provide such information before entering into the agreement.

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

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

8 **SEC. 2906. DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2017.**

9 (a) IN GENERAL.—(1) If the Secretary makes the certifications required under section  
10 2903(b), there shall be established on the books of the Treasury an account to be known as  
11 the “Department of Defense Base Closure Account 2017” (in this section referred to as the  
12 “Account”). The Account shall be administered by the Secretary as a single account.

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

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

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

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

1           (3) The Account shall be closed at the time and in the manner provided for  
2 appropriation accounts under section 1555 of title 31, United States Code. Unobligated  
3 funds which remain in the Account upon closure shall be held by the Secretary of the  
4 Treasury until transferred by law after the congressional defense committees receive the  
5 final report transmitted under subsection (c)(2),

6           (b) USE OF FUNDS.—(1) The Secretary may use the funds in the Account only for the  
7 purposes described in section 2905 with respect to military installations approved for  
8 closure or realignment under this title.

9           (2) When a decision is made to use funds in the Account to carry out a construction  
10 project under section 2905(a) and the cost of the project will exceed the maximum amount  
11 authorized by law for a minor military construction project, the Secretary shall notify in  
12 writing the congressional defense committees of the nature of, and justification for, the  
13 project and the amount of expenditures for' such project. Any such construction project may  
14 be carried out without regard to section 2802(a) of title 10, United States Code.

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

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

20                   (ii) the amount and nature of other expenditures made pursuant to section  
21 2905(a) during such fiscal year;

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

4 (iv) the amount and nature of anticipated expenditures to be made pursuant to  
5 section 2905(a) during the first fiscal year commencing after the submission of the  
6 report.

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

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

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

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

15 (iv) A description and explanation of the extent, if any, to which expenditures  
16 for military construction projects for the fiscal year differed from proposals for  
17 projects and funding levels that were included in the justification transmitted to  
18 Congress under section 2907(1), or otherwise, for the funding proposals for the  
19 Account for such fiscal year, including an explanation of—

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

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

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

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

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

9 (B) any amount remaining in the Account.

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

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

22 (3) The Secretary may use amounts in the reserve account, without further  
23 appropriation, for the purpose of acquiring, constructing, and improving—

1 (A) commissary stores; and

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

3 (4) As used in this subsection:

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

7 (B) The term “nonappropriated funds” means funds received from a  
8 nonappropriated fund instrumentality.

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

15 (e) ACCOUNT EXCLUSIVE SOURCE OF FUNDS FOR ENVIRONMENTAL RESTORATION  
16 PROJECTS.—Except for funds deposited into the Account under subsection (a), funds  
17 appropriated to the Department of Defense may not be used for purposes described in  
18 section 2905(a)(1)(C). The prohibition in this subsection shall expire upon the closure of the  
19 Account under subsection (a)(3).

20 (f) AUTHORIZED COST AND SCOPE OF WORK VARIATIONS.—(1) Subject to paragraphs  
21 (2) and (3), the cost authorized for a military construction project or military family housing  
22 project to be carried out using funds in the Account may not be increased or reduced by  
23 more than 20 percent or \$ 2,000,000, whichever is less, of the amount specified for the

1 project in the conference report to accompany the Military Construction Authorization Act  
2 authorizing the project. The scope of work for such a project may not be reduced by more  
3 than 25 percent from the scope specified in the most recent budget documents for the  
4 projects listed in such conference report.

5 (2) Paragraph (1) shall not apply to a military construction project or military family  
6 housing project to be carried out using funds in the Account with an estimated cost of less  
7 than \$5,000,000, unless the project has not been previously identified in any budget  
8 submission for the Account and exceeds the applicable minor construction threshold under  
9 section 2805 of title 10, United States Code.

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

20 **SEC. 2907. REPORTS.**

21 (a) REPORTING REQUIREMENT.—As part of the budget request for fiscal year 2023  
22 and for each fiscal year thereafter through fiscal year 2034 for the Department of Defense,  
23 the Secretary shall transmit to the congressional defense committees—



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

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

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

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

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

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

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

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

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

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

12 **SEC. 2908. CONGRESSIONAL CONSIDERATION OF COMMISSION REPORT.**

13 (a) TERMS OF THE RESOLUTION.—For purposes of section 2904(b), the term “joint  
14 resolution” means only a joint resolution which is introduced within the 10-day period  
15 beginning on the date on which the President transmits the report to the Congress under  
16 section 2903(j), and—

17 (1) which does not have a preamble;

18 (2) the matter after the resolving clause of which is as follows: “That  
19 Congress disapproves the recommendations of the Defense Base Closure and  
20 Realignment Commission as submitted by the President on “, the blank space  
21 being filled in with the appropriate date; and

22 (3) the title of which is as follows: “Joint resolution disapproving the  
23 recommendations of the Defense Base Closure and Realignment Commission.”.

1 (b) REFERRAL.—A resolution described in subsection (a) that is introduced in the  
2 House of Representatives shall be referred to the Committee on Armed Services of the  
3 House of Representatives. A resolution described in subsection (a) introduced in the Senate  
4 shall be referred to the Committee on Armed Services of the Senate.

5 (c) DISCHARGE.—If the committee to which a resolution described in subsection (a)  
6 is referred has not reported such a resolution (or an identical resolution) by the end of the  
7 20-day period beginning on the date on which the President transmits the report to the  
8 Congress under section 2903(j), such committee shall be, at the end of such period,  
9 discharged from further consideration of such resolution, and such resolution shall be placed  
10 on the appropriate calendar of the House involved.

11 (d) CONSIDERATION.—(1) On or after the third day after the date on which the  
12 committee to which such a resolution is referred has reported, or has been discharged (under  
13 subsection (c)) from further consideration of, such a resolution, it is in order (even though a  
14 previous motion to the same effect has been disagreed to) for any Member of the respective  
15 House to move to proceed to the consideration of the resolution. A member may make the  
16 motion only on the day after the calendar day on which the Member announces to the House  
17 concerned the Member's intention to make the motion, except that, in the case of the House  
18 of Representatives, the motion may be made without such prior announcement if the motion  
19 is made by direction of the committee to which the resolution was referred. All points of  
20 order against the resolution

21 (and against consideration of the resolution) are waived. The motion is highly  
22 privileged in the House of Representatives and is privileged in the Senate and is not  
23 debatable. The motion is not subject to amendment, or to a motion to postpone, or to a

1 motion to proceed to the consideration of other business. A motion to reconsider the vote by  
2 which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to  
3 the consideration of the resolution is agreed to, the respective House shall immediately  
4 proceed to consideration of the joint resolution without intervening motion, order, or other  
5 business, and the resolution shall remain the unfinished business of the respective House  
6 until disposed of.

7 (2) Debate on the resolution, and on all debatable motions and appeals in connection  
8 therewith, shall be limited to not more than 2 hours, which shall be divided equally between  
9 those favoring and those opposing the resolution. An amendment to the resolution is not in  
10 order. A motion further to limit debate is in order and not debatable. A motion to postpone,  
11 or a motion to proceed to the consideration of other business, or a motion to recommit the  
12 resolution is not in order. A motion to reconsider the vote by which the resolution is agreed  
13 to or disagreed to is not in order.

14 (3) Immediately following the conclusion of the debate on a resolution described in  
15 subsection (a) and a single quorum call at the conclusion of the debate if requested in  
16 accordance with the rules of the appropriate House, the vote on final passage of the  
17 resolution shall occur.

18 (4) Appeals from the decisions of the Chair relating to the application of the rules of  
19 the Senate or the House of Representatives, as the case may be, to the procedure relating to  
20 a resolution described in subsection (a) shall be decided without debate.

21 (e) CONSIDERATION BY OTHER HOUSE.—(1) If, before the passage by one House of a  
22 resolution of that House described in subsection (a), that House receives from the other  
23 House a resolution described in subsection (a), then the following procedures shall apply:

1 (A) The resolution of the other House shall not be referred to a committee and  
2 may not be considered in the House receiving it except in the case of final passage as  
3 provided in subparagraph (B)(ii).

4 (B) With respect to a resolution described in subsection (a) of the House  
5 receiving the resolution—

6 (i) the procedure in that House shall be the same as if no resolution  
7 had been received from the other House; but

8 (ii) the vote on final passage shall be on the resolution of the other  
9 House.

10 (2) Upon disposition of the resolution received from the other House, it shall no  
11 longer be in order to consider the resolution that originated in the receiving House.

12 (f) RULES OF THE SENATE AND HOUSE.—This section is enacted by Congress—

13 (1) as an exercise of the rulemaking power of the Senate and House of  
14 Representatives, respectively, and as such it is deemed a part of the rules of each  
15 House, respectively, but applicable only with respect to the procedure to be followed  
16 in that House in the case of a resolution described in subsection (a), and it supersedes  
17 other rules only to the extent that it is inconsistent with such rules; and

18 (2) with full recognition of the constitutional right of either House to change  
19 the rules (so far as relating to the procedure of that House) at any time, in the same  
20 manner, and to the same extent as in the case of any other rule of that House.

21 **SEC. 2909. RESTRICTION ON OTHER BASE CLOSURE AUTHORITY.**

22 (a) IN GENERAL.—Except as provided in subsection (c), during the period beginning  
23 on the date of the enactment of this Act, and ending on April 15, 2022, this title shall be the

1 exclusive authority for selecting for closure or realignment, or for carrying out any closure  
2 or realignment of, a military installation inside the United States.

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

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

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

12 (c) EXCEPTION.—Nothing in this title affects the authority of the Secretary to carry  
13 out closures and realignments to which section 2687 of title 10, United States Code, is not  
14 applicable, including closures and realignments carried out for reasons of national security  
15 or a military emergency referred to in subsection (c) of such section.

16 **SEC. 2910. DEFINITIONS.**

17 As used in this title:

18 (1) The term “Account” means the Department of Defense Base Closure  
19 Account established by section 2906(a)(1).

20 (2) The term “congressional defense committees” means the Committee on  
21 Armed Services and the Committee on Appropriations of the Senate and the  
22 Committee on Armed Services and the Committee on Appropriations of the House of  
23 Representatives.

1           (3) The term “Commission” means the Commission established by section  
2           2902.

3           (4) The term “military installation” means a base, camp, post, station, yard,  
4           center, homeport facility for any ship, or other activity under the jurisdiction of the  
5           Department of Defense, including any leased facility. Such term does not include any  
6           facility used primarily for civil works, rivers and harbors projects, flood control, or  
7           other projects not under the primary jurisdiction or control of the Department of  
8           Defense.

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

13          (6) The term “Secretary” means the Secretary of Defense.

14          (7) The term “United States” means the 50 States, the District of Columbia,  
15          the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and  
16          any other commonwealth, territory, or possession of the United States.

17          (8) The term “date of approval”, with respect to a closure or realignment of an  
18          installation, means the date on which the authority of Congress to disapprove a  
19          recommendation of closure or realignment, as the case may be, of such installation  
20          under this title expires.

21          (9) The term “redevelopment authority”, in the case of an installation to be  
22          closed or realigned under this title, means any entity (including an entity established  
23          by a State or local government) recognized by the Secretary of Defense as the entity

1 responsible for developing the redevelopment plan with respect to the installation or  
2 for directing the implementation of such plan.

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

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

7 (B) provides for the reuse or redevelopment of the real property and  
8 personal property of the installation that is available for such reuse and  
9 redevelopment as a result of the closure or realignment of the installation.

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

13 **SEC. 2911. TREATMENT AS A BASE CLOSURE LAW FOR PURPOSES OF OTHER**  
14 **PROVISIONS OF LAW.**

15 (a) DEFINITION OF “BASE CLOSURE LAW” IN TITLE 10.—Section 101(a)(17) of title  
16 10, United States Code, is amended by adding at the end the following new subparagraph:

17 “(D) The Defense Base Closure and Realignment Act of 2017.”.

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

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



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

4                       “(C) The Defense Base Closure and Realignment Act of 2017.”.

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

8                       “(C) The Defense Base Closure and Realignment Act of 2017.”.

9   **SEC. 2912. CONFORMING AMENDMENTS.**

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

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

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

15                       “(6) Money rentals received by the United States from a lease under subsection (g) at  
16           a military installation approved for closure or realignment under a base closure law on or  
17           after January 1, 2006, shall be deposited into the account established under section 2906 of  
18           the Defense Base Closure and Realignment Act of 2017.”.

19           (b) REQUESTS BY PUBLIC AGENCIES FOR PROPERTY FOR PUBLIC AIRPORTS.—Section  
20           47151(g) of title 49, United States Code, is amended by striking “section 2687 of title 10,  
21           section 201 of the Defense Authorization Amendments and Base Closure and Realignment  
22           Act (10 U.S.C. 2687 note), or section 2905 of the Defense Base Closure and Realignment

1 Act of 1990 (10 U.S.C. 2687 note)” and inserting “a base closure law, as that term is  
2 defined in section 101(a)(17) of title 10,”.

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