

107TH CONGRESS
1ST SESSION

S. 397

To amend the Defense Base Closure and Realignment Act of 1990 to authorize additional rounds of base closures and realignments under that Act in 2003 and 2005, to modify certain authorities relating to closures and realignments under that Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 27, 2001

Mr. MCCAIN (for himself, Mr. LEVIN, Mr. HAGEL, Mr. LIEBERMAN, Mr. KYL, Mr. REED, Mr. VOINOVICH, Mr. FEINGOLD, Mr. JEFFORDS, Mr. DEWINE, and Mr. KOHL) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To amend the Defense Base Closure and Realignment Act of 1990 to authorize additional rounds of base closures and realignments under that Act in 2003 and 2005, to modify certain authorities relating to closures and realignments under that Act, and for other purposes.

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

3 **SECTION 1. AUTHORITY TO CARRY OUT BASE CLOSURE**

4 **ROUNDS IN 2003 AND 2005.**

5 (a) COMMISSION MATTERS.—

1 (1) APPOINTMENT.—Subsection (c)(1) of sec-
2 tion 2902 of the Defense Base Closure and Realign-
3 ment Act of 1990 (part A of title XXIX of Public
4 Law 101–510; 10 U.S.C. 2687 note) is amended—

5 (A) in subparagraph (B)—

6 (i) by striking “and” at the end of
7 clause (ii);

8 (ii) by striking the period at the end
9 of clause (iii) and inserting a semicolon;
10 and

11 (iii) by adding at the end the fol-
12 lowing new clauses (iv) and (v):

13 “(iv) by no later than January 24, 2003, in the
14 case of members of the Commission whose terms will
15 expire at the end of the first session of the 108th
16 Congress; and

17 “(v) by no later than March 15, 2005, in the
18 case of members of the Commission whose terms will
19 expire at the end of the first session of the 109th
20 Congress.”; and

21 (B) in subparagraph (C), by striking “or
22 for 1995 in clause (iii) of such subparagraph”
23 and inserting “, for 1995 in clause (iii) of that
24 subparagraph, for 2003 in clause (iv) of that

1 subparagraph, or for 2005 in clause (v) of that
2 subparagraph”.

3 (2) MEETINGS.—Subsection (e) of that section
4 is amended by striking “and 1995” and inserting
5 “1995, 2003, and 2005”.

6 (3) STAFF.—Subsection (i)(6) of that section is
7 amended in the matter preceding subparagraph (A)
8 by striking “and 1994” and inserting “, 1994, and
9 2004”.

10 (4) FUNDING.—Subsection (k) of that section is
11 amended by adding at the end the following new
12 paragraph (4):

13 “(4) If no funds are appropriated to the Commission
14 by the end of the second session of the 107th Congress
15 for the activities of the Commission in 2003 or 2005, the
16 Secretary may transfer to the Commission for purposes
17 of its activities under this part in either of those years
18 such funds as the Commission may require to carry out
19 such activities. The Secretary may transfer funds under
20 the preceding sentence from any funds available to the
21 Secretary. Funds so transferred shall remain available to
22 the Commission for such purposes until expended.”.

23 (5) TERMINATION.—Subsection (l) of that sec-
24 tion is amended by striking “December 31, 1995”
25 and inserting “December 31, 2005”.

1 (b) PROCEDURES.—

2 (1) FORCE-STRUCTURE PLAN.—Subsection
3 (a)(1) of section 2903 of that Act is amended by
4 striking “and 1996,” and inserting “1996, 2004,
5 and 2006,”.

6 (2) SELECTION CRITERIA.—Subsection (b) of
7 such section 2903 is amended—

8 (A) in paragraph (1), by inserting “and by
9 no later than December 31, 2001, for purposes
10 of activities of the Commission under this part
11 in 2003 and 2005,” after “December 31,
12 1990,”; and

13 (B) in paragraph (2)(A)—

14 (i) in the first sentence, by inserting
15 “and by no later than February 15, 2002,
16 for purposes of activities of the Commis-
17 sion under this part in 2003 and 2005,”
18 after “February 15, 1991,”; and

19 (ii) in the second sentence, by insert-
20 ing “, or enacted on or before March 31,
21 2002, in the case of criteria published and
22 transmitted under the preceding sentence
23 in 2001” after “March 15, 1991”.

24 (3) DEPARTMENT OF DEFENSE RECOMMENDA-
25 TIONS.—Subsection (c)(1) of such section 2903 is

1 amended by striking “and March 1, 1995,” and in-
2 sserting “March 1, 1995, March 14, 2003, and May
3 16, 2005,”.

4 (4) COMMISSION REVIEW AND RECOMMENDA-
5 TIONS.—Subsection (d) of such section 2903 is
6 amended—

7 (A) in paragraph (2)(A), by inserting “or
8 by no later than July 7 in the case of rec-
9 ommendations in 2003, or no later than Sep-
10 tember 8 in the case of recommendations in
11 2005,” after “pursuant to subsection (c),”;

12 (B) in paragraph (4), by inserting “or
13 after July 7 in the case of recommendations in
14 2003, or after September 8 in the case of rec-
15 ommendations in 2005,” after “under this sub-
16 section,”; and

17 (C) in paragraph (5)(B), by inserting “or
18 by no later than May 1 in the case of such rec-
19 ommendations in 2003, or no later than July 1
20 in the case of such recommendations in 2005,”
21 after “such recommendations,”.

22 (5) REVIEW BY PRESIDENT.—Subsection (e) of
23 such section 2903 is amended—

24 (A) in paragraph (1), by inserting “or by
25 no later than July 22 in the case of rec-

1 “(3) Any selection criteria proposed by the Secretary
2 relating to the cost savings or return on investment from
3 the proposed closure or realignment of a military installa-
4 tion shall be based on the total cost and savings to the
5 Federal Government that would result from the proposed
6 closure or realignment of such military installation.”.

7 (b) DEPARTMENT OF DEFENSE RECOMMENDATIONS
8 TO COMMISSION.—Subsection (c) of such section 2903 is
9 amended—

10 (1) by redesignating paragraphs (4), (5), and
11 (6) as paragraphs (5), (6), and (7), respectively;

12 (2) by inserting after paragraph (3) the fol-
13 lowing new paragraph (4):

14 “(4)(A) In making recommendations to the Commis-
15 sion under this subsection in any year after 2000, the Sec-
16 retary shall consider any notice received from a local gov-
17 ernment in the vicinity of a military installation that the
18 government would approve of the closure or realignment
19 of the installation.

20 “(B) Notwithstanding the requirement in subpara-
21 graph (A), the Secretary shall make the recommendations
22 referred to in that subparagraph based on the force-struc-
23 ture plan and final criteria otherwise applicable to such
24 recommendations under this section.

1 “(C) The recommendations made by the Secretary
2 under this subsection in any year after 2000 shall include
3 a statement of the result of the consideration of any notice
4 described in subparagraph (A) that is received with re-
5 spect to an installation covered by such recommendations.
6 The statement shall set forth the reasons for the result.”;
7 and

8 (3) in paragraph (7), as so redesignated—

9 (A) in the first sentence, by striking
10 “paragraph (5)(B)” and inserting “paragraph
11 (6)(B)”; and

12 (B) in the second sentence, by striking “24
13 hours” and inserting “48 hours”.

14 (c) PRIVATIZATION IN PLACE.—Section 2904(a) of
15 that Act is amended—

16 (1) by redesignating paragraphs (3) and (4) as
17 paragraphs (4) and (5), respectively; and

18 (2) by inserting after paragraph (2) the fol-
19 lowing new paragraph (3):

20 “(3) carry out the privatization in place of a
21 military installation recommended for closure or re-
22 alignment by the Commission in each such report
23 after 2000 only if privatization in place is a method
24 of closure or realignment of the installation specified
25 in the recommendation of the Commission in such

1 report and is determined to be the most-cost effective
 2 tive method of implementation of the recommenda-
 3 tion;”.

4 **SEC. 3. TECHNICAL AND CLARIFYING AMENDMENTS.**

5 (a) COMMENCEMENT OF PERIOD FOR NOTICE OF IN-
 6 TEREST IN PROPERTY FOR HOMELESS.—Section
 7 2905(b)(7)(D)(ii)(I) of the Defense Base Closure and Re-
 8 alignment Act of 1990 (part A of title XXIX of Public
 9 Law 101–510; 10 U.S.C. 2867 note) is amended by strik-
 10 ing “that date” and inserting “the date of publication of
 11 such determination in a newspaper of general circulation
 12 in the communities in the vicinity of the installation under
 13 subparagraph (B)(i)(IV)”.

14 (b) OTHER CLARIFYING AMENDMENTS.—

15 (1) That Act is further amended by inserting
 16 “or realignment” after “closure” each place it ap-
 17 pears in the following provisions:

18 (A) Section 2905(b)(3).

19 (B) Section 2905(b)(5).

20 (C) Section 2905(b)(7)(B)(iv).

21 (D) Section 2905(b)(7)(N).

22 (E) Section 2910(10)(B).

23 (2) That Act is further amended by inserting
 24 “or realigned” after “closed” each place it appears
 25 in the following provisions:

1 (A) Section 2905(b)(3)(C)(ii).

2 (B) Section 2905(b)(3)(D).

3 (C) Section 2905(b)(3)(E).

4 (D) Section 2905(b)(4)(A).

5 (E) Section 2905(b)(5)(A).

6 (F) Section 2910(9).

7 (G) Section 2910(10).

8 (3) Section 2905(e)(1)(B) of that Act is amend-
9 ed by inserting “, or realigned or to be realigned,”
10 after “closed or to be closed”.

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