

SUBCHAPTER H—CLOSURES AND REALIGNMENT

PART 174—REVITALIZING BASE CLOSURE COMMUNITIES

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AUTHORITY: 10 U.S.C. 2687 note.

SOURCE: 60 FR 37341, July 20, 1995. Redesignated at 61 FR 54097, Oct. 17, 1996.

§ 174.1 Purpose.

This part:

(a) Establishes policy and assigns responsibilities under the President's Five-Part Plan, "A Program to Revitalize Base Closure Communities," July 2, 1993,¹ to speed the economic recovery of communities where military bases are slated to close.

(b) Implements 107 Stat. 1909, National Defense Authorization Act for Fiscal Year 1994, Title XXIX and The Base Closure Community Redevelopment and Homeless Assistance Act of 1994 (Pub. L. 103-421).

(c) Authorizes the publication of DoD 4165.66-M, "Base Reuse Implementation Manual," in accordance with DoD 5025.1-M, "DoD Directive System Procedures," August 1994.

§ 174.2 Applicability.

This part applies to the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, the Unified Combatant Commands, the Defense Agencies, and the DoD Field Activities (hereafter referred to collectively as "the DoD Components").

§ 174.3 Definitions.

(a) *Closure*. All missions of the installation have ceased or have been relocated. All personnel positions (military, civilian and contractor) have either been eliminated or relocated, except for personnel required for care-

¹ Available from the Office of the Assistant Secretary of Defense, The Pentagon, Room 1D760, Washington, DC 20301-3300; email: "base_reuse@acq.osd.mil"

taking, conducting any ongoing environmental cleanup, and disposal of the base, or personnel remaining in authorized enclaves.

(b) *Realignment*. Any action that both reduces and relocates functions and DoD civilian personnel positions, but does not include a reduction in force resulting from workload adjustments, reduced personnel or funding levels, skill imbalances, or other similar cause. A realignment may terminate the DoD requirement for the land and facilities on part of an installation. That part of the installation shall be treated as "closed" for purposes of this part.

§ 174.4 Policy.

It is DoD policy to:

(a) Help communities impacted by base closures and realignments achieve rapid economic recovery through effective reuse of the assets of closing and realigning bases—more quickly, more effectively and in ways based on local market conditions and locally developed reuse plans. This will be accomplished by quickly insuring that communities and the Military Departments communicate effectively and work together to accomplish mutual goals of quick property disposal and rapid job generation.

(b) This part does not create any rights or remedies and may not be relied upon by any person, organization, or other entity to allege a denial of any rights or remedies other than those provided by Title XXIX of Pub. L. 103-160, or Pub. L. 103-421.

§ 174.5 Responsibilities.

(a) The Under Secretary of Defense for Acquisition and Technology shall issue DoD Instructions as necessary, to further implement applicable public laws effecting base closure implementation, and shall monitor compliance with this part. All authorities of the Secretary of Defense in Public Law 103-421 (108 Stat. 4326 *et. seq.*); Public Law 103-160, Title XXIX (107 Stat. 1909 *et. seq.*); Public Law 101-510, Section 2905 (104 Stat. 1813 *et. seq.*); and Public Law 100-526, Section 204 (102 Stat. 2627 *et.*

seq.), are hereby delegated to the Assistant Secretary of Defense for Economic Security and may be delegated further.

(b) The Heads of the DoD Components shall advise their personnel with responsibilities related to base closures of the policies set forth in this part.

PART 175—REVITALIZING BASE CLOSURE COMMUNITIES—BASE CLOSURE COMMUNITY ASSISTANCE

Sec.

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AUTHORITY: 10 U.S.C. 2687 note.

SOURCE: 60 FR 37341, July 20, 1995. Redesignated at 61 FR 54097, Oct. 17, 1996.

§ 175.1 Purpose.

This part prescribes procedures to implement “Revitalizing Base Closure Communities” (32 CFR part 174), the President’s five-part community reinvestment program, and real and personal property disposal to assist the economic recovery of communities impacted by base closures and realignments. The expeditious disposal of real and personal property will help communities get started with reuse early and is therefore critical to timely economic recovery.

[60 FR 37341, July 20, 1995. Redesignated and amended at 61 FR 54097, Oct. 17, 1996]

§ 175.2 Applicability.

This part applies to the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, the United Combatant Commands, the Defense Agencies, and the DoD Field Activities (hereafter referred to collectively as “the DoD Components”).

§ 175.3 Definitions.

(a) *Base Closure Law*. The provisions of Title II of the Defense Authorization Amendments and Base Closure Realignment Act (Pub. L. 100-526, 102

Stat. 2623, 10 U.S.C. 2687 note), or the Defense Base Closure and Realignment Act of 1990 (Pub. L. 101-510, Part A of Title XXIX of 104 Stat. 1808, 10 U.S.C. 2687 note).

(b) *Closure*. All missions of the installation have ceased or have been relocated. All personnel positions (military, civilian, and contractor) have either been eliminated or relocated, except for personnel required for caretaking, conducting any ongoing environmental cleanup, and disposal of the base, or personnel remaining in authorized enclaves.

(c) *Consultation*. Explaining and discussing an issue, considering objections, modifications, and alternatives; but without a requirement to reach agreement.

(d) *Date of approval*. The date on which the authority of Congress to disapprove Defense Base Closure and Realignment Commission recommendations for closures or realignments of installations expires under Title XXIX of 104 Stat. 1808, as amended.

(e) *Excess property*. Any property under the control of a Military Department that the Secretary concerned determines is not required for the needs of the Department of Defense.

(f) *Realignment*. Any action that both reduces and relocates functions and DoD civilian personnel positions, but does not include a reduction in force resulting from workload adjustments, reduced personnel or funding levels, skill imbalances, or other similar cause. A realignment may terminate the DoD requirement for the land and facilities on part of an installation. That part of the installation shall be treated as “closed” for this document.

(g) *Local Redevelopment Authority (LRA)*. Any authority or instrumentality established by state or local government and recognized by the Secretary of Defense, through the Office of Economic Adjustment, as the entity responsible for developing the redevelopment plan with respect to the installation or for directing implementation of the plan.

(h) *Rural*. An area outside a Metropolitan Statistical Area.

(i) *Surplus property*. Any excess property not required for the needs and the