

Military Infrastructure Consolidation and Efficiency Act of 2016

H.R. _____

Summary, Section-by-Section Analysis, and Notional Timeline

Summary: The legislation provides the Department of Defense with authority to consolidate, close, and realign military infrastructure in the United States in 2019. The legislation would allow the Department of Defense to make targeted reductions to excess infrastructure capacity, while maintaining sufficient capacity to support contingencies and potential force structure growth in the future. Reducing excess infrastructure capacity will allow the Department to generate efficiencies and realize financial savings that can be reinvested into readiness and modernization initiatives.

The legislation would largely maintain the framework of previous Base Realignment and Closure (BRAC) rounds, with recommendations being developed by the Department of Defense and reviewed by an independent commission appointed by the President and confirmed by the Senate. To address concerns with the process and outcomes of the 2005 BRAC round, the legislation makes a number of reforms aimed at increasing congressional oversight, emphasizing savings, controlling cost-growth, strengthening the independent commission, and expediting the completion of the recommendations. Some of these reforms include:

- **Increased Congressional Oversight:**
 - Includes an additional step to allow Congress time to review the force structure plans and infrastructure assessments developed by the Secretary of Defense. With this new step, Congress can pass a joint resolution if it disapproves of the force structure plan, infrastructure assessments, or the Secretary's certification of the need to consolidate, close, or realign military infrastructure. Enactment of the joint resolution would terminate the authority for the Secretary to proceed with developing specific recommendations for the consolidation, closure, and realignment of military infrastructure.
- **Emphasizes Savings and Controls Cost-Growth:**
 - Requires the Secretary of Defense place an emphasis on developing recommendations that result in net-savings within five years of completion, and prohibits the Secretary from making recommendations that do not result in net-savings within 20 years unless the Secretary certifies that the recommendations support or enhance critical national security interests;
 - Establishes a cost cap on implementing each recommendation, with a Congressional notification and 60-day waiting period if a recommendation's costs increase by more than 25% of the estimate transmitted by the independent commission to the President.
- **Strengthening the Independent Commission:**
 - Prohibits the Secretary of Defense from submitting recommendations for the consolidation, closure, and realignment of military infrastructure until the Chairman of the independent commission certifies that the commission has adequate staff capacity to review the Secretary's recommendations.
- **Expediting the Completion of Recommendations:**
 - Requires recommendations to be completed no later than 5 years from the date on which the President transmits the report containing recommendations for consolidations, closures, and realignments. This is 1 year faster than previous rounds.
 - Requires the Department to establish a new Field Activity to act as the executive agent and single point of contact for the disposal of real property made excess.

Section-By-Section Analysis:

Sec. 1. Short title and table of contents.

This section establishes the short title and table of contents for the legislation.

Sec. 2. Findings and purpose.

This section provides Congressional findings and states that the purpose of the legislation is to provide for a fair and transparent process for the Department of Defense to consolidate, close, or realign military installations within the United States and realize efficiencies and savings that can be reinvested in critical military readiness and modernization initiatives.

Sec. 3. Force structure plan, infrastructure inventory, and certification of need for consolidation, closure, and realignment of military installations.

This section requires a report to Congress by the Secretary of Defense on a 20-year force structure plan, based on the probable threats to national security, an inventory of military infrastructure world-wide, and the required infrastructure capacity to support the 20-year force structure plan, an economic analysis of the effect of the consolidation, closure, and realignment of military infrastructure, and the standard rules that will be used to calculate annual recurring savings.

This section would also require the Secretary of Defense to certify whether the need exists for military infrastructure consolidation, closure, and realignment, and that such actions will result in annual net-savings within five-years, will have the primary objective of eliminating excess infrastructure capacity, and will allow the Department of Defense to reinvest potential savings realized into future military readiness and modernization requirements.

This section also requires a Comptroller General analysis of the force structure plan, infrastructure capacity analysis, the need for military infrastructure consolidation, closure, and realignment, and the standard rules to be used by the Department of Defense to calculate annual recurring savings from a recommendation for the consolidation, closure, and realignment of military infrastructure. The Comptroller General would be required to submit the results of its analysis to Congress.

Sec. 4. Time period to allow congressional review.

This section prohibits the Secretary of Defense from proceeding with the development of recommendations for consolidation, closure, and realignment of military infrastructure until Congress has had a 90-day period, starting when the Secretary of Defense submits to Congress the required report and certification, to review the report and certification. If a joint resolution of disapproval is enacted within this 90-day period, the Secretary of Defense's authority to development recommendations for consolidation, closure, and realignment of military infrastructure shall terminate.

Sec. 5. Recommendations for consolidation, closure, or realignment of military installations.

If a joint resolution of disapproval is not enacted, this section provides the authority for the Secretary of Defense to begin develop recommendations for the consolidation, closure, and realignment of military infrastructure using the selection criteria described in Section 6.

Sec. 6. Final selection criteria for making recommendations for consolidation, closure, and realignment of military installations.

This section establishes the selection criteria the Secretary of Defense shall use to develop recommendations for the consolidation, closure, and realignment of military infrastructure. In addition to the military value criteria, this section requires the Secretary of Defense place an emphasis on developing recommendations that yield net-savings within five years. This section also prohibits the Secretary from making recommendations that do not yield net-savings within 20-years unless the Secretary certifies that the recommendations support or enhance critical national security interests;

Sec. 7. Military Infrastructure Consolidation and Efficiency Commission of 2019.

This section establishes the independent commission, which will review the Secretary of Defense's recommendations for the consolidation, closure, and realignment of military infrastructure and submit a final list of recommendations to the President. This section also provides for the composition, appointment, and terms of Commissioners, and authorizes the pay and travel of Commissioners and commission staff.

Sec. 8. Secretary of Defense recommendations for consolidation, closure, or realignment of military installations.

This section provides for the Secretary of Defense to submit recommendations to the independent commission for the consolidation, closure, and realignment of military infrastructure.

Sec. 9. Commission review of Secretary of Defense recommendations for consolidation, closure, or realignment of military installations.

This section provides the process for the independent commission to review the recommendations of the Secretary of Defense, to include the authority and process for making changes to the Secretary's recommendations and submitting a list of final recommendations to the President.

Sec. 10. Presidential review of Commission recommendations for consolidation, closure, or realignment of military installations.

This section provides for the process for the President to review and report to Congress on the approval or disapproval of the independent commission's recommendations for the consolidation, closure, and realignment of military infrastructure. If the President disapproves of the recommendations, this section allows an opportunity for the independent commission to submit a revised list of recommendations to the President.

Sec. 11. Prohibition on implementation of recommendations pending congressional review.

This section prohibits the Secretary of Defense from implementing the independent commission's recommendations for the consolidation, closure, and realignment of military infrastructure, as approved by the President, until a period of 45-days has passed to allow for Congress to consider a joint resolution of disapproval. If a joint resolution of disapproval is enacted within this 45-day period, the Secretary of Defense's authority to implement the recommendations shall terminate.

Sec. 12. Implementation.

This section provides the Secretary of Defense with the authority to implement the final recommendations of the independent commission, as approved by the President, if a joint resolution of disapproval is not enacted within the 45-day time period prescribed.

Sec. 13. Management and disposal of property.

This section provides the Secretary of Defense with the authority to manage and dispose of real property, facilities, and personal property at military installations consolidated, closed, and realigned pursuant to this legislation. It requires the Secretary of Defense to establish a new Field Activity to act as the executive agent on behalf of the Department of Defense for the management and disposal of excess and surplus property.

Sec. 14. Account.

This section establishes the Military Infrastructure Consolidation and Efficiency 2019 Account and establishes the activities that can be funded through the account.

Sec. 15. Restriction on other base closure authority.

This section prohibits the Secretary of Defense from selecting installations for consolidation, closure, and realignment, or implementing such actions, between the date of enactment and April 15, 2020, except for those authorized by this Act or those to which 10 U.S.C. § 2687 does not apply.

Sec. 16. Required reports.

This section requires an annual report to Congress regarding the deposit and expenditure of funds in the Military Infrastructure Consolidation and Efficiency 2019 Account as well as an annual report on the implementation of the recommendations for the consolidation, closure, and realignment of military infrastructure.

Sec. 17. Definitions.

This section defines a number of terms used throughout the legislation.

Sec. 18. Treatment as a base closure law for purposes of other provisions of law.

This section adds references to the Military Infrastructure Consolidation and Efficiency Act of 2016 to various sections of Title 10, United States Code and previously enacted Public Laws that reference a base closure law.

Sec. 19. Conforming amendments.

This section makes other conforming amendments to references and authorities within Title 10, United States Code regarding the base closure law or the Military Infrastructure Consolidation and Efficiency Act of 2016

Notional Timeline:

- | | |
|-------------------|---|
| December 31, 2016 | Congress authorizes a new round for the consolidation, closure, and realignment of military infrastructure in the United States |
| February 5, 2018 | Deadline for Secretary of Defense to submit a report to Congress with a force structure plan, infrastructure inventory, infrastructure capacity analysis, and a certification on the need for round of consolidation, closure, and realignment of military infrastructure, and the standard rules that would be used to calculate annual recurring savings. <u>Note:</u> If the Secretary of Defense fails to certify the need for the round of consolidations, closures, and realignments, the authority to conduct the round is terminated |
| April 6, 2018 | Deadline for the Comptroller General to provide a report to Congress on the results of its analysis of the Secretary of Defense’s force structure plan, infrastructure inventory, infrastructure capacity analysis, certification, and standard rules that would be used to calculate annual recurring savings. |
| May 6, 2019 | Deadline for enactment of joint resolution of Congress disapproving of the force structure plan, infrastructure inventory, or the Secretary’s certification on the need to commence a round of consolidation, closure, and realignment of military infrastructure. <u>Note:</u> If a joint resolution is enacted by the deadline, the authority to commence a round for the selection of military installations for consolidation, closure, and realignment provided by this legislation is terminated. |
| February 1, 2019 | Deadline for the President to nominate individuals to serve as members of the independent commission. |

Note: If the President fails to transmit to the Senate the nominations for appointment by the deadline, the authority to commence a round for the selection of military installations for consolidation, closure, and realignment provided by this legislation is terminated.

- April 1, 2019 Deadline for the Chairman of the independent commission to certify that the commission has adequate staff capacity
- April 15, 2019 Deadline for Secretary of Defense to transmit a list, to the independent commission and Congress, of military installations recommended for consolidation, closure, and realignment.
- May 30, 2019 Deadline for GAO to complete its review and analysis of the Secretary of Defense's recommendations for consolidations, closures, and realignments and transmit its report and analysis to the independent commission and Congress.
- October 1, 2019 Deadline for the independent commission to transmit its final recommendations to the President.
- October 15, 2019 Deadline for the President to submit approval or disapproval of the independent commission's final recommendations to Congress.

Note: The President has the ability to disapprove the final recommendations of the independent commission, which triggers a 30-day period in which the commission may submit a list of revised recommendations to the President.

If the President does not submit a final list of approved recommendations by December 31, 2019, the authority to commence a round for the selection of military installations for consolidation, closure, and realignment provided by this legislation is terminated.

- November 30, 2019 Deadline for enactment of a joint resolution of disapproval to reject the independent commission's final recommendations, as approved by the President and transmitted to Congress.

Note: If a joint resolution of disapproval is enacted by November 29, 2019, the authority to commence a round for the selection of military installations for consolidation, closure, and realignment provided by this legislation is terminated.

- April 15, 2020 Date at which the independent commission is terminated.
- October 15, 2024 Deadline to complete all consolidation, closure, and realignment actions included in the final approved list of recommendations.