

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2491

To amend the Defense Authorization Amendments and Defense Base Closure and Realignment Act and the Defense Base Closure and Realignment Act of 1990 to improve the base closure process, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 30 (legislative day, SEPTEMBER 12), 1994

Mrs. FEINSTEIN introduced the following bill; which was read twice and referred to the Committee on Armed Services

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## A BILL

To amend the Defense Authorization Amendments and Defense Base Closure and Realignment Act and the Defense Base Closure and Realignment Act of 1990 to improve the base closure process, 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. SHORT TITLE.**

4 This Act may be cited as the “Base Closure Commu-  
5 nity Redevelopment Act of 1994”.

1 **SEC. 2. DISPOSAL OF BUILDINGS AND PROPERTY AT MILI-**  
2 **TARY INSTALLATIONS APPROVED FOR CLO-**  
3 **SURE.**

4 (a) IN GENERAL.—Section 2905(b) of the Defense  
5 Base Closure and Realignment Act of 1990 (part A of title  
6 XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is  
7 amended—

8 (1) by redesignating paragraph (7) as para-  
9 graph (8); and

10 (2) by inserting after paragraph (6) the follow-  
11 ing new paragraph (7):

12 “(7)(A) Determinations of the use to assist the home-  
13 less of buildings and property located at installations ap-  
14 proved for closure under this part after the date of the  
15 enactment of this paragraph shall be determined under  
16 this paragraph rather than paragraph (6).

17 “(B)(i) Not later than the date on which the Sec-  
18 retary of Defense completes the final determination re-  
19 ferred to in paragraph (5) relating to the use or transfer-  
20 ability of any portion of an installation covered by this  
21 paragraph, the Secretary shall—

22 “(I) identify the buildings and property at the  
23 installation for which the Department of Defense  
24 has a use, for which another department or agency  
25 of the Federal Government has identified a use, or

1 of which another department or agency will accept  
2 a transfer;

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

7 “(III) submit to the Secretary of Housing and  
8 Urban Development and to the redevelopment au-  
9 thority for the installation (or the chief executive of-  
10 ficer of the State in which the installation is located  
11 if there is no redevelopment authority for the instal-  
12 lation at the completion of the determination) infor-  
13 mation on any building or property that is identified  
14 under subclause (II); and

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

20 “(ii) Upon the recognition of a redevelopment author-  
21 ity for an installation covered by this paragraph, the Sec-  
22 retary of Defense shall publish in the Federal Register and  
23 in a newspaper of general circulation in the communities  
24 in the vicinity of the installation information on the rede-  
25 velopment authority.

1       “(C)(i) State and local governments, representatives  
2 of the homeless, and other interested parties located in  
3 the communities in the vicinity of an installation covered  
4 by this paragraph shall submit to the redevelopment au-  
5 thority for the installation a notice of the interest, if any,  
6 of such governments, representatives, and parties in the  
7 buildings or property, or any portion thereof, at the instal-  
8 lation that are identified under subparagraph (B)(i)(II).  
9 A notice of interest under this clause shall describe the  
10 need of the government, representative, or party concerned  
11 for the buildings or property covered by the notice.

12       “(ii) The redevelopment authority for an installation  
13 shall assist the governments, representatives, and parties  
14 referred to in clause (i) in evaluating buildings and prop-  
15 erty at the installation for purposes of this subparagraph.

16       “(iii) In providing assistance under clause (ii), a rede-  
17 velopment authority shall—

18               “(I) consult with representatives of the home-  
19 less in the communities in the vicinity of the instal-  
20 lation concerned; and

21               “(II) undertake outreach efforts to provide in-  
22 formation on the buildings and property to rep-  
23 resentatives of the homeless, and to other persons or  
24 entities interested in assisting the homeless, in such  
25 communities.

1       “(iv) It is the sense of Congress that redevelopment  
2 authorities should begin to conduct outreach efforts under  
3 clause (iii)(II) with respect to an installation as soon as  
4 is practicable after the date of approval of closure of the  
5 installation.

6       “(D)(i) State and local governments, representatives  
7 of the homeless, and other interested parties shall submit  
8 a notice of interest to a redevelopment authority under  
9 subparagraph (C) not later than the date specified for  
10 such notice by the redevelopment authority.

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

12               “(I) in the case of an installation for which a  
13 redevelopment authority has been established as of  
14 the date of the completion of the determinations re-  
15 ferred to in paragraph (5), not earlier than 3  
16 months and not later than 6 months after that date;  
17 and

18               “(II) in the case of an installation for which a  
19 redevelopment authority is not established as of such  
20 date, not earlier than 3 months and not later than  
21 6 months after the date of the establishment of a re-  
22 development authority for the installation.

23       “(iii) Upon specifying a date for an installation under  
24 this subparagraph, the redevelopment authority for the in-  
25 stallation shall—

1           “(I) publish the date specified in a newspaper  
2 of general circulation in the communities in the vi-  
3 cinity of the installation concerned; and

4           “(II) notify the Secretary of Defense of the  
5 date.

6           “(E)(i) In submitting to a redevelopment authority  
7 under subparagraph (C) a notice of interest in the use  
8 of buildings or property at an installation to assist the  
9 homeless, a representative of the homeless shall submit the  
10 following:

11           “(I) A description of the homeless assistance  
12 program that the representative proposes to carry  
13 out at the installation.

14           “(II) An assessment of the need for the pro-  
15 gram.

16           “(III) An assessment of the extent to which the  
17 program is or will be coordinated with other home-  
18 less assistance programs in the communities in the  
19 vicinity of the installation.

20           “(IV) A description of the buildings and prop-  
21 erty at the installation that are necessary in order  
22 to carry out the program.

23           “(V) A description of the financial plan and the  
24 organizational capacity of the representative to carry  
25 out the program.

1           “(VI) An assessment of the time required in  
2           order to commence carrying out the program.

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

10          “(F)(i) The redevelopment authority for each instal-  
11 lation covered by this paragraph shall prepare a redevelop-  
12 ment plan for the installation. The redevelopment author-  
13 ity shall, in preparing the plan, consider the interests in  
14 the use to assist the homeless of the buildings and prop-  
15 erty at the installation that are expressed in the notices  
16 submitted to the redevelopment authority under subpara-  
17 graph (C).

18          “(ii)(I) In preparing a redevelopment plan for an in-  
19 stallation, a redevelopment authority and representatives  
20 of the homeless shall prepare legally binding agreements  
21 that provide for the use to assist the homeless of buildings  
22 and property, resources, and assistance on or off the in-  
23 stallation. The implementation of such agreements shall  
24 be contingent upon the approval of the redevelopment plan

1 by the Secretary of Housing and Urban Development  
2 under subparagraph (H) or (J).

3 “(II) Agreements under this clause shall provide for  
4 the reversion to the redevelopment authority concerned, or  
5 to such other entity or entities as the agreements shall  
6 provide, of buildings and property that are made available  
7 under this paragraph for use to assist the homeless in the  
8 event that such buildings and property cease being used  
9 for that purpose.

10 “(iii) A redevelopment authority shall provide oppor-  
11 tunity for public comment on a redevelopment plan before  
12 submission of the plan to the Secretary of Defense and  
13 the Secretary of Housing and Urban Development under  
14 subparagraph (G).

15 “(iv) A redevelopment authority shall complete prepa-  
16 ration of a redevelopment plan for an installation and sub-  
17 mit the plan under subparagraph (G) not later than 1 year  
18 after the date specified by the redevelopment authority for  
19 the installation under subparagraph (D).

20 “(G)(i) Upon completion of a redevelopment plan  
21 under subparagraph (F), a redevelopment authority shall  
22 submit an application containing the plan to the Secretary  
23 of Defense and to the Secretary of Housing and Urban  
24 Development.

1       “(ii) A redevelopment authority shall include in an  
2 application under clause (i) the following:

3           “(I) A copy of the redevelopment plan, includ-  
4 ing a summary of any public comments on the plan  
5 received by the redevelopment authority under sub-  
6 paragraph (F)(iii).

7           “(II) A copy of each notice of interest of use of  
8 buildings and property to assist the homeless that  
9 was submitted to the redevelopment authority under  
10 subparagraph (C), together with a description of the  
11 manner, if any, in which the plan addresses the in-  
12 terest expressed in each such notice and, if the plan  
13 does not address such an interest, an explanation  
14 why the plan does not address the interest.

15           “(III) A summary of the outreach undertaken  
16 by the redevelopment authority under subparagraph  
17 (C)(iii)(II) in preparing the plan.

18           “(IV) A statement identifying the representa-  
19 tives of the homeless and the homeless assistance  
20 planning boards, if any, with which the redevelop-  
21 ment authority consulted in preparing the plan, and  
22 the results of such consultations.

23           “(V) An assessment of the manner in which the  
24 redevelopment plan balances the expressed needs of  
25 the homeless and the need of the communities in the

1 vicinity of the installation for economic redevelop-  
2 ment and other development.

3 “(VI) Copies of the agreements that the rede-  
4 velopment authority proposes to enter into under  
5 subparagraph (F)(ii).

6 “(H)(i) Not later than 60 days after receiving a rede-  
7 velopment plan under subparagraph (G), the Secretary of  
8 Housing and Urban Development shall complete a review  
9 of the plan. The purpose of the review is to determine  
10 whether the plan—

11 “(I) takes into consideration the size and na-  
12 ture of the homeless population in the communities  
13 in the vicinity of the installation, the availability of  
14 existing services in such communities to meet the  
15 needs of the homeless in such communities, and the  
16 suitability of the buildings and property covered by  
17 the plan to meet the needs of the homeless in such  
18 communities;

19 “(II) takes into consideration, in regards to the  
20 expressed interest and requests of representatives of  
21 the homeless, the needs of the communities in the vi-  
22 cinity of the installation for economic redevelopment  
23 and other development with the needs of the home-  
24 less in such communities;

1           “(III) includes copies of the agreements that  
2           the redevelopment authority proposes to enter into  
3           under subparagraph (F)(ii);

4           “(IV) was developed in consultation with rep-  
5           resentatives of the homeless and the homeless assist-  
6           ance planning boards, if any, in the communities in  
7           the vicinity of the installation; and

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

12          “(ii) The Secretary of Housing and Urban Develop-  
13          ment may engage in negotiations and consultations with  
14          a redevelopment authority before or during the course of  
15          a review under clause (i) with a view toward resolving any  
16          preliminary determination of the Secretary that a redevel-  
17          opment plan does not meet a requirement set forth in that  
18          clause. The redevelopment authority may modify the rede-  
19          velopment plan as a result of such negotiations and con-  
20          sultations.

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

1 the Secretary of Housing and Urban Development under  
2 that clause.

3 “(iv) If the Secretary of Housing and Urban Develop-  
4 ment determines as a result of such a review that a rede-  
5 velopment plan does not meet the requirements set forth  
6 in clause (i), a notice under clause (iii) shall include—

7 “(I) an explanation of that determination; and

8 “(II) a statement of the actions that the rede-  
9 velopment authority must undertake in order to ad-  
10 dress that determination.

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

15 “(I) revise the plan in order to address the de-  
16 termination; and

17 “(II) submit the revised plan to the Secretary  
18 of Housing and Urban Development.

19 “(ii) A redevelopment authority shall submit a revised  
20 plan under this subparagraph to the Secretary of Housing  
21 and Urban Development, if at all, not later than 90 days  
22 after the date on which the redevelopment authority re-  
23 ceives the notice referred to in clause (i).

24 “(J)(i) Not later than 30 days after receiving a re-  
25 vised redevelopment plan under subparagraph (I), the Sec-

1 retery of Housing and Urban Development shall review  
2 the revised plan for purposes of determining if the plan  
3 meets the requirements set forth in subparagraph (H)(i).

4 “(ii) The Secretary of Housing and Urban Develop-  
5 ment shall notify the Secretary of Defense and the redevel-  
6 opment authority concerned of the determination of the  
7 Secretary of Housing and Urban Development under this  
8 subparagraph.

9 “(K) Upon receipt of a notice under subparagraph  
10 (H)(iii) or (J)(ii) of the determination of the Secretary  
11 of Housing and Urban Development that a redevelopment  
12 plan for an installation meets the requirements set forth  
13 in subparagraph (H)(i), the Secretary of Defense shall dis-  
14 pose of the buildings and property located at the installa-  
15 tion that are identified in the plan as available for use  
16 to assist the homeless in accordance with the provisions  
17 of the plan. The Secretary of Defense may dispose of such  
18 buildings or property directly to the representatives of the  
19 homeless concerned or to the redevelopment authority con-  
20 cerned.

21 “(L)(i) If the Secretary of Housing and Urban Devel-  
22 opment determines under subparagraph (J) that a revised  
23 redevelopment plan for an installation does not meet the  
24 requirements set forth in subparagraph (H)(i), or if no  
25 revised plan is so submitted, that Secretary shall—

1           “(I) review the original redevelopment plan sub-  
2           mitted to that Secretary under subparagraph (G),  
3           including the notice or notices of representatives of  
4           the homeless referred to in clause (ii)(II) of that  
5           subparagraph;

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

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

14          “(IV) based on the actions of that Secretary  
15          under subclauses (I) and (II), and on any informa-  
16          tion obtained by that Secretary as a result of such  
17          actions, indicate to the Secretary of Defense the  
18          buildings and property at the installation that meets  
19          the requirements set forth in subparagraph (H)(i).

20          “(ii) The Secretary of Housing and Urban Develop-  
21          ment may request under clause (i)(III) that a representa-  
22          tive of the homeless submit to that Secretary the following:

23                  “(I) A description of the program of such rep-  
24                  resentative to assist the homeless.

1           “(II) A description of the manner in which the  
2 buildings and property that the representative pro-  
3 poses to use for such purpose will assist the home-  
4 less.

5           “(III) Such information as that Secretary re-  
6 quires in order to determine the financial capacity of  
7 the representative to carry out the program and to  
8 ensure that the program will be carried out in com-  
9 pliance with Federal environmental law and Federal  
10 law against discrimination.

11           “(IV) A certification that police services, fire  
12 protection services, and water and sewer services  
13 available in the communities in the vicinity of the in-  
14 stallation concerned are adequate for the program.

15           “(iii) The Secretary of Housing and Urban Develop-  
16 ment shall indicate to the Secretary of Defense and to the  
17 redevelopment authority concerned the buildings and  
18 property at an installation under clause (i)(IV) to be dis-  
19 posed of not later than 90 days after the date of a receipt  
20 of a revised plan for the installation under subparagraph  
21 (J).

22           “(iv) The Secretary of Defense shall dispose of the  
23 buildings and property at an installation referred to in  
24 clause (iii) to entities indicated by the Secretary of Hous-  
25 ing and Urban Development or by transfer to the redevel-

1 opment authority concerned for sale, exchange, lease, per-  
2 mit, or transfer to such entities. Such disposal shall be  
3 in accordance with the indications of the Secretary of  
4 Housing and Urban Development under clause (i)(IV).

5 “(M)(i) In the event of the disposal of buildings and  
6 property of an installation pursuant to subparagraph (K),  
7 the redevelopment authority for the installation shall be  
8 responsible for the implementation of agreements under  
9 the redevelopment plan described in that subparagraph for  
10 the installation.

11 “(ii) If a building or property reverts to a redevelop-  
12 ment authority under such an agreement, the redevelop-  
13 ment authority shall take appropriate actions to secure,  
14 to the maximum extent practicable, the utilization of the  
15 building or property by other homeless representatives to  
16 assist the homeless. A redevelopment authority may not  
17 be required to utilize the building or property to assist  
18 the homeless.

19 “(N) The Secretary of Defense with respect to activi-  
20 ties under this paragraph that are under the jurisdiction  
21 of that Secretary and the Secretary of Housing and Urban  
22 Development with respect to activities under this para-  
23 graph that are under the jurisdiction of that Secretary  
24 may, in consultation with the redevelopment authority  
25 concerned, postpone or extend any deadline provided for

1 under this paragraph in the case of an installation covered  
2 by this paragraph for such period as the Secretary consid-  
3 ers appropriate if the Secretary determines that such post-  
4 ponement is in the interests of the communities affected  
5 by the closure of the installation.”.

6 (b) DEFINITIONS.—Section 2910 of such Act is  
7 amended by adding at the end the following:

8 “(10) The term ‘representative of the homeless’  
9 has the meaning given such term in section  
10 501(h)(4) of the Stewart B. McKinney Homeless As-  
11 sistance Act (42 U.S.C. 11411(h)(4)).”.

12 (c) CONFORMING AMENDMENT.—Section  
13 2905(b)(6)(A) of such Act is amended by adding at the  
14 end the following: “For procedures relating to the use to  
15 assist the homeless of buildings and property at installa-  
16 tions closed under this part after the date of the enact-  
17 ment of this sentence, see paragraph (7).”.

18 (d) APPLICABILITY TO INSTALLATIONS APPROVED  
19 FOR CLOSURE BEFORE ENACTMENT OF ACT.—(1)(A)  
20 Notwithstanding any provision of the 1988 base closure  
21 Act or the 1990 base closure Act, as such provision was  
22 in effect on the day before the date of the enactment of  
23 this Act, and subject to subparagraphs (B) and (C), the  
24 use to assist the homeless of building and property at mili-  
25 tary installations approved for closure under the 1988

1 base closure Act or the 1990 base closure Act, as the case  
2 may be, before such date shall be determined in accord-  
3 ance with the provisions of paragraph (7) of section  
4 2905(b) of the 1990 base closure Act, as amended by sub-  
5 section (a), in lieu of the provisions of the 1988 base clo-  
6 sure Act or the 1990 base closure Act that would other-  
7 wise apply to the installations.

8 (B)(i) The provisions of such paragraph (7) shall  
9 apply to an installation referred to in subparagraph (A)  
10 only if the redevelopment authority for the installation  
11 submits a request to the Secretary of Defense not later  
12 than 60 days after the date of the enactment of this Act.

13 (ii) In the case of an installation for which no redevel-  
14 opment authority exists on the date of the enactment of  
15 this Act, the chief executive officer of the State in which  
16 the installation is located shall submit the request referred  
17 to in clause (i) and act as the redevelopment authority  
18 for the installation.

19 (C) The provisions of such paragraph (7) shall not  
20 apply to any buildings or property at an installation re-  
21 ferred to in subparagraph (A) for which the redevelopment  
22 authority submits a request referred to in subparagraph  
23 (B) within the time specified in such subparagraph (B)  
24 if the buildings or property, as the case may be, have been  
25 transferred or leased for use to assist the homeless under

1 the 1988 base closure Act or the 1990 base closure Act,  
2 as the case may be, before the date of the enactment of  
3 this Act.

4 (2) For purposes of the application of such paragraph  
5 (7) to the buildings and property at an installation, the  
6 date on which the Secretary receives a request with respect  
7 to the installation under paragraph (1) shall be treated  
8 as the date on which the Secretary of Defense completes  
9 the final determination referred to in subparagraph (B)  
10 of such paragraph (7).

11 (3) Upon receipt under paragraph (1)(B) of a timely  
12 request with respect to an installation, the Secretary of  
13 Defense shall publish in the Federal Register and in a  
14 newspaper of general circulation in the communities in the  
15 vicinity of the installation information describing the rede-  
16 velopment authority for the installation.

17 (4)(A) The Secretary of Housing and Urban Develop-  
18 ment and the Secretary of Health and Human Services  
19 shall not, during the 60-day period beginning on the date  
20 of the enactment of this Act, carry out with respect to  
21 any military installation approved for closure under the  
22 1988 base closure Act or the 1990 base closure Act before  
23 such date any action required of such Secretaries under  
24 the 1988 base closure Act or the 1990 base closure Act,  
25 as the case may be, or under section 501 of the Stewart

1 B. McKinney Homeless Assistance Act (42 U.S.C.  
2 11411).

3 (B)(i) Upon receipt under paragraph (1)(A) of a  
4 timely request with respect to an installation, the Sec-  
5 retary of Defense shall notify the Secretary of Housing  
6 and Urban Development and the Secretary of Health and  
7 Human Services that the disposal of buildings and prop-  
8 erty at the installation shall be determined under such  
9 paragraph (7) in accordance with this subsection.

10 (ii) Upon receipt of a notice with respect to an instal-  
11 lation under this subparagraph, the requirements, if any,  
12 of the Secretary of Housing and Urban Development and  
13 the Secretary of Health and Human Services with respect  
14 to the installation under the provisions of law referred to  
15 in subparagraph (A) shall terminate.

16 (iii) Upon receipt of a notice with respect to an instal-  
17 lation under this subparagraph, the Secretary of Health  
18 and Human Services shall notify each representative of  
19 the homeless that submitted to that Secretary an applica-  
20 tion to use buildings or property at the installation to as-  
21 sist the homeless under the 1988 base closure Act or the  
22 1990 base closure Act, as the case may be, that the use  
23 of buildings and property at the installation to assist the  
24 homeless shall be determined under such paragraph (7)  
25 in accordance with this subsection.

1 (5) In preparing a redevelopment plan for buildings  
2 and property at an installation covered by such paragraph  
3 (7) by reason of this subsection, the redevelopment au-  
4 thority concerned shall—

5 (A) consider and address specifically any appli-  
6 cations for use of such buildings and property to as-  
7 sist the homeless that were received by the Secretary  
8 of Health and Human Services under the 1988 base  
9 closure Act or the 1990 base closure Act, as the case  
10 may be, before the date of the enactment of this Act  
11 and are pending with that Secretary on that date;  
12 and

13 (B) incorporate in the plan an accommodation  
14 of the needs of the homeless on or off the installa-  
15 tion that is at least substantially equivalent to the  
16 accommodations of the needs of the homeless that  
17 were provided for in any such applications that were  
18 so received before such date and were approved by  
19 that Secretary before that date.

20 (6) In the case of an installation to which the provi-  
21 sions of such paragraph (7) apply by reason of this sub-  
22 section, the date specified by the redevelopment authority  
23 for the installation under subparagraph (D) of such para-  
24 graph (7) shall be not less than 1 month and not more  
25 than 6 months after the date of the submittal of the re-

1 quest with respect to the installation under paragraph  
2 (1)(B).

3 (7) For purposes of this subsection:

4 (A) The term “1988 base closure Act” means  
5 the Defense Authorization Amendments and Base  
6 Closure and Realignment Act (Public Law 100–526;  
7 10 U.S.C. 2687 note).

8 (B) The term “1990 base closure Act” means  
9 the Defense Base Closure and Realignment Act of  
10 1990 (part A of title XXIX of Public Law 101–510;  
11 10 U.S.C. 2687 note).

12 (e) CLARIFYING AMENDMENTS TO BASE CLOSURE  
13 ACTS.—(1) Section 204(b)(6)(F)(i) of the Defense Au-  
14 thorization Amendments and Base Closure Act and Re-  
15 alignment Act (Public Law 100–526; 10 U.S.C. 2687  
16 note) is amended by inserting “and buildings and property  
17 referred to in subparagraph (B)(ii) which are not identi-  
18 fied as suitable for use to assist the homeless under sub-  
19 paragraph (C),” after “subparagraph (D),”.

20 (2) Section 2905(b)(6)(F)(i) of the Defense Base  
21 Closure and Realignment Act of 1990 (part A of title  
22 XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is  
23 amended by inserting “and buildings and property re-  
24 ferred to in subparagraph (B)(ii) which are not identified

1 as suitable for use to assist the homeless under subpara-  
2 graph (C),” after “subparagraph (D),”.

3 **SEC. 3. REPORTS ON COSTS OF ENVIRONMENTAL REMEDI-**  
4 **ATION AT INSTALLATIONS TO BE CLOSED OR**  
5 **REALIGNED.**

6 (a) REPORTS REQUIRED.—(1) Not later than Janu-  
7 ary 30 of each year in which the Secretary of Defense  
8 will undertake activities relating to the closure or realign-  
9 ment of a military installation approved for closure or re-  
10 alignment under a base closure law, the Secretary shall  
11 submit to the President, Congress, and the chief executive  
12 officer of each State in which such an installation is lo-  
13 cated the report referred to in paragraph (2).

14 (2) The report referred to in paragraph (1) shall—

15 (A) describe the costs, if any, incurred by the  
16 Secretary during the previous year in carrying out  
17 environmental restoration, waste management, and  
18 environmental compliance activities at the installa-  
19 tion; and

20 (B) include an estimate of the amounts re-  
21 quired by the Secretary during the year in which the  
22 report is submitted in order to carry out environ-  
23 mental restoration, waste management, and environ-  
24 mental compliance activities at the installation in ac-

1 cordance with the base realignment and closure  
2 cleanup plan for the installation.

3 (b) DEFINITIONS.—In this section:

4 (1) The term “base closure law” means the fol-  
5 lowing:

6 (A) The provisions of title II of the De-  
7 fense Authorization Amendments and Defense  
8 Base Closure and Realignment Act (Public Law  
9 100–526; 10 U.S.C. 2687 note).

10 (B) The Defense Base Closure and Re-  
11 alignment Act of 1990 (part A of title XXIX of  
12 Public Law 101–510; 10 U.S.C. 2687 note).

13 (2) The term “base realignment and closure  
14 cleanup plan”, with respect to a military installation,  
15 means the plan for the expeditious environmental  
16 cleanup necessary to facilitate conveyance of the  
17 property of the installation to communities for eco-  
18 nomic redevelopment.

19 **SEC. 4. DESIGNATION OF AREAS AFFECTED BY BASE CLO-**  
20 **SURES AND REALIGNMENTS AS ENTERPRISE**  
21 **COMMUNITIES.**

22 (a) DESIGNATION.—Section 1391(b) of the Internal  
23 Revenue Code of 1986 is amended by adding at the end  
24 the following new paragraph:

1           “(3) ADDITIONAL ENTERPRISE COMMUNITIES  
2 FROM BASE CLOSURE AREAS.—

3           “(A) IN GENERAL.—The appropriate Sec-  
4 retaries may, in addition to any designations  
5 under paragraph (1), designate 20 nominated  
6 areas as enterprise communities but only if the  
7 nominated areas are areas affected by the clo-  
8 sure or realignment of a military installation  
9 under a base closure law.

10           “(B) DEFINITION.—In this paragraph, the  
11 term ‘base closure law’ means the following:

12           “(i) The provisions of title II of the  
13 Defense Authorization Amendments and  
14 Defense Base Closure and Realignment  
15 Act (Public Law 100–526; 10 U.S.C. 2687  
16 note).

17           “(ii) The Defense Base Closure and  
18 Realignment Act of 1990 (part A of title  
19 XXIX of Public Law 101–510; 10 U.S.C.  
20 2687 note).”.

21           (b) CRITERIA.—Section 1392 of such Code is amend-  
22 ed by adding at the end the following new subsection:

23           “(d) SPECIAL RULE FOR BASE CLOSURE AREAS.—  
24 In the case of a designation under section 1391(b)(3), sub-  
25 section (a) shall not apply.”

1 (c) APPROPRIATE SECRETARY.—Section 1393(a)(1)  
 2 of such Code is amended by striking “and” at the end  
 3 of subparagraph (A), by striking the period at the end  
 4 of subparagraph (B) and inserting “, and”, and by adding  
 5 at the end the following new subparagraph:

6 “(C) the Secretary of Defense in the case  
 7 of a designation of a nominated area under sec-  
 8 tion 1391(b)(3).”.

9 **SEC. 5. APPRAISAL OF PROPERTY AT INSTALLATIONS TO**  
 10 **BE CLOSED OR REALIGNED.**

11 (a) UNDER 1988 ACT.—Section 204(b)(4) of the De-  
 12 fense Authorization Amendments and Defense Base Clo-  
 13 sure and Realignment Act (Public Law 100–526; 10  
 14 U.S.C. 2687 note) is amended—

15 (1) by redesignating subparagraphs (D) and  
 16 (E) as subparagraphs (E) and (F), respectively; and

17 (2) by inserting after subparagraph (C) the fol-  
 18 lowing new subparagraph (D):

19 “(D)(i) Before determining the estimated fair market  
 20 value of any real property or personal property to be  
 21 transferred under this paragraph, the Secretary shall—

22 “(I) notify the redevelopment authority con-  
 23 cerned of the guidelines and procedures to be used  
 24 by the Secretary in determining such fair market  
 25 value; and

1           “(II) incorporate into such guidelines and pro-  
2           cedures any recommendations of the redevelopment  
3           authority that the Secretary considers appropriate.

4           “(ii) In the case of transfer of any real property or  
5           personal property referred to in clause (iii), the fair mar-  
6           ket value of the property upon transfer shall be—

7           “(I) the amount jointly determined by the Sec-  
8           retary and the redevelopment authority concerned;  
9           or

10           “(II) if the Secretary and the redevelopment  
11           authority cannot agree upon an amount under  
12           subclause (I), the amount determined by an appro-  
13           priate third party jointly selected by the Secretary  
14           and the redevelopment authority for the purpose of  
15           such determination.

16           “(iii) Clause (ii) applies any to real property or per-  
17           sonal property that may be transferred under this para-  
18           graph if the estimated fair market value of such property,  
19           as determined by the Secretary, exceeds the estimated fair  
20           market value of such property, as determined by the rede-  
21           velopment authority concerned, by the greater of—

22           “(I) the amount equal to 25 percent of the fair  
23           market value of such property as determined by the  
24           redevelopment authority; or

25           “(II) \$500,000.”.

1 (b) UNDER 1990 ACT.—Section 2905(b)(4) of the  
2 Defense Base Closure and Realignment Act of 1990 (Pub-  
3 lic Law 100–526; 10 U.S.C. 2687 note) is amended—

4 (1) by redesignating subparagraphs (D) and  
5 (E) as subparagraphs (E) and (F), respectively; and

6 (2) by inserting after subparagraph (C) the fol-  
7 lowing new subparagraph (D):

8 “(D)(i) Before determining the estimated fair market  
9 value of any real property or personal property to be  
10 transferred under this paragraph, the Secretary shall—

11 “(I) notify the redevelopment authority con-  
12 cerned of the guidelines and procedures to be used  
13 by the Secretary in determining such fair market  
14 value; and

15 “(II) incorporate into such guidelines and pro-  
16 cedures any recommendations of the redevelopment  
17 authority that the Secretary considers appropriate.

18 “(ii) In the case of transfer of any real property or  
19 personal property referred to in clause (iii), the fair mar-  
20 ket value of the property upon transfer shall be—

21 “(I) the amount jointly determined by the Sec-  
22 retary and the redevelopment authority concerned;  
23 or

24 “(II) if the Secretary and the redevelopment  
25 authority cannot agree upon an amount under

1 subclause (I), the amount determined by an appro-  
2 priate third party jointly selected by the Secretary  
3 and the redevelopment authority for the purpose of  
4 such determination.

5 “(iii) Clause (ii) applies any to real property or per-  
6 sonal property that may be transferred under this para-  
7 graph if the estimated fair market value of such property,  
8 as determined by the Secretary, exceeds the estimated fair  
9 market value of such property, as determined by the rede-  
10 velopment authority concerned, by the greater of—

11 “(I) the amount equal to 25 percent of the fair  
12 market value of such property as determined by the  
13 redevelopment authority; or

14 “(II) \$500,000.”.

15 **SEC. 6. CREDIT FOR REDUCTION IN EMISSIONS OF AIR**  
16 **POLLUTANTS AS A RESULT OF THE CLOSURE**  
17 **OF MILITARY INSTALLATIONS.**

18 (a) UNDER 1988 ACT.—Section 204 of the Defense  
19 Authorization Amendments and Base Closure and Re-  
20 alignment Act (Public Law 100-526; 10 U.S.C. 2687  
21 note) is amended by adding at the end the following:

22 “(e) CREDITS FOR EMISSIONS OF AIR POLLUT-  
23 ANTS.—(1)(A) The Secretary of Defense shall determine  
24 the amount of the reduction in the emission of air pollut-  
25 ants that will result from the cessation of activities of the

1 Department of Defense at a military installation approved  
2 for closure under this title. The Secretary shall determine  
3 such amount with respect to each air pollutant emitted  
4 by the installation.

5 “(B) The Secretary shall determine the amount of  
6 the reduction in the emission of an air pollutant under  
7 subparagraph (A) with respect to an installation in a man-  
8 ner consistent with the determination of rates of emission  
9 of the air pollutant under the plan established under title  
10 I of the Clean Air Act (42 U.S.C. 7401 et seq.) for a re-  
11 duction in or limit on the emission of the air pollutant  
12 in the air quality control region in which the installation  
13 is located.

14 “(2) Notwithstanding any other provision of law, the  
15 Secretary, in consultation with the redevelopment author-  
16 ity concerned, shall—

17 “(A) use the amount of the reduction in the  
18 emission of an air pollutant under paragraph (1) as  
19 an offsetting emission reduction against the emission  
20 of the air pollutant by the Department of Defense  
21 at another installation within the same air quality  
22 control region as the installation achieving the re-  
23 duction; or

24 “(B) if the Secretary determines that such use  
25 is not desirable or necessary, by making the amount

1 of the reduction available to a person or entity in ac-  
2 cordance with paragraph (3).

3 “(3)(A) Notwithstanding any other provision of law,  
4 a person or entity referred to in subparagraph (B) may  
5 use the amount of an air pollutant emission reduction re-  
6 ferred to in subparagraph (C) as an offsetting emission  
7 reduction against the emission of the air pollutant by the  
8 person or entity as a result of the operations of the person  
9 or entity at the installation referred to in subparagraph  
10 (B) for purposes of compliance with a plan established  
11 under title I of the Clean Air Act for a reduction in or  
12 limit on the emission of the air pollutant in the air quality  
13 control region in which the installation is located.

14 “(B) Subparagraph (A) applies to any person or en-  
15 tity—

16 “(i) who is the transferee from the Secretary of  
17 Defense under this section of any real property or  
18 facility located at a military installation approved for  
19 closure under this title; and

20 “(ii) who owns or operates a major stationary  
21 source (as used under section 182 of the Clean Air  
22 Act (42 U.S.C. 7511a)) at the property or facility.

23 “(C) The amount of the offsetting air pollutant emis-  
24 sion reduction available to a person or entity under sub-

1 paragraph (A) as the result of the closure of a military  
2 installation is the lesser of—

3 “(i) the amount of the air pollutant that the air  
4 quality planning agency for the air quality control  
5 region in which the installation is located determines  
6 will be emitted by the major stationary source owned  
7 or operated by the person or entity at the property  
8 or facility; or

9 “(ii) the amount of the reduction in the emis-  
10 sion of the air pollutant for the installation as deter-  
11 mined under paragraph (1).

12 “(4) For purposes of this subsection, the term ‘air  
13 pollutant’ shall include each air pollutant required to be  
14 offset under part D of title I of the Clean Air Act (42  
15 U.S.C. 7501 et seq.) or under applicable State law.”.

16 (b) UNDER 1990 ACT.—Section 2905 of the Defense  
17 Base Closure and Realignment Act of 1990 (part A of title  
18 XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is  
19 amended by adding at the end the following:

20 “(f) CREDITS FOR EMISSIONS OF AIR POLLUT-  
21 ANTS.—(1)(A) The Secretary of Defense shall determine  
22 the amount of the reduction in the emission of air pollut-  
23 ants that will result from the cessation of activities of the  
24 Department of Defense at a military installation approved  
25 for closure under this part. The Secretary shall determine

1 such amount with respect to each air pollutant emitted  
2 by the installation.

3       “(B) The Secretary shall determine the amount of  
4 the reduction in the emission of an air pollutant under  
5 subparagraph (A) with respect to an installation in a man-  
6 ner consistent with the determination of rates of emission  
7 of the air pollutant under the plan established under title  
8 I of the Clean Air Act (42 U.S.C. 7401 et seq.) for a re-  
9 duction in or limit on the emission of the air pollutant  
10 in the air quality control region in which the installation  
11 is located.

12       “(2) Notwithstanding any other provision of law, the  
13 Secretary, in consultation with the redevelopment author-  
14 ity concerned, shall—

15               “(A) use the amount of the reduction in the  
16 emission of an air pollutant under paragraph (1) as  
17 an offsetting emission reduction against the emission  
18 of the air pollutant by the Department of Defense  
19 at another installation within the same air quality  
20 control region as the installation achieving the re-  
21 duction; or

22               “(B) if the Secretary determines that such use  
23 is not desirable or necessary, by making the amount  
24 of the reduction available to a person or entity in ac-  
25 cordance with paragraph (3).

1       “(3)(A) Notwithstanding any other provision of law,  
2 a person or entity referred to in subparagraph (B) may  
3 use the amount of an air pollutant emission reduction re-  
4 ferred to in subparagraph (C) as an offsetting emission  
5 reduction against the emission of the air pollutant by the  
6 person or entity as a result of the operations of the person  
7 or entity at the installation referred to in subparagraph  
8 (B) for purposes of compliance with a plan established  
9 under title I of the Clean Air Act for a reduction in or  
10 limit on the emission of the air pollutant in the air quality  
11 control region in which the installation is located.

12       “(B) Subparagraph (A) applies to any person or en-  
13 tity—

14               “(i) who is the transferee from the Secretary of  
15 Defense under this section of any real property or  
16 facility located at a military installation approved for  
17 closure under this title; and

18               “(ii) who owns or operates a major stationary  
19 source (as used under section 182 of the Clean Air  
20 Act (42 U.S.C. 7511a)) at the property or facility.

21       “(C) The amount of the offsetting air pollutant emis-  
22 sion reduction available to a person or entity under sub-  
23 paragraph (A) as the result of the closure of a military  
24 installation is the lesser of—



1 fense may carry out all environmental restoration, waste  
2 management, and environmental compliance activities, or  
3 any of a related series of such activities, at a military in-  
4 stallation approved for closure or realignment under a  
5 base closure law through a single entity if the Secretary  
6 determines that carrying out such activities through such  
7 an entity is feasible and appropriate.

8 (c) DEFINITION.—In this section, the term “base clo-  
9 sure law” means the following:

10 (1) The provisions of title II of the Defense Au-  
11 thorization Amendments and Defense Base Closure  
12 and Realignment Act (Public Law 100–526; 10  
13 U.S.C. 2687 note).

14 (2) The Defense Base Closure and Realignment  
15 Act of 1990 (part A of title XXIX of Public Law  
16 101–510; 10 U.S.C. 2687 note).

17 **SEC. 8. REIMBURSEMENT OF CERTAIN TRANSFEREES OF**  
18 **DEPARTMENT OF DEFENSE FOR BUSINESS**  
19 **LOSS DUE TO ENVIRONMENTAL HAZARDS ON**  
20 **TRANSFERRED PROPERTY.**

21 (a) IN GENERAL.—(1) Except as provided in para-  
22 graph (3) and subject to subsection (b), the Secretary of  
23 Defense may reimburse in full the persons and entities re-  
24 ferred to in paragraph (2) for any economic loss suffered  
25 by the persons or entities as a result of the release or

1 threatened release of any hazardous substance, pollutant  
2 or contaminant, or petroleum or petroleum derivative as  
3 a result of Department of Defense activities at any mili-  
4 tary installation (or portion thereof) that is closed pursu-  
5 ant to a base closure law.

6 (2) The persons and entities referred to in paragraph  
7 (1) are the following:

8 (A) Any person or entity (other than an entity  
9 of a State government or political subdivision there-  
10 of) that acquires ownership or control of any facility  
11 at a military installation (or any portion thereof) de-  
12 scribed in paragraph (1) for the purposes (as deter-  
13 mined by the Secretary of Defense) of carrying out  
14 for-profit business activities at the facility.

15 (B) Any successor, assignee, transferee, or les-  
16 see of a person or entity referred to in subparagraph  
17 (A) if the Secretary determines that such successor,  
18 assignee, transferee, or lessee carries out for-profit  
19 business activities at the facility.

20 (C) Any lender of a person or entity referred to  
21 in subparagraph (A) or (B).

22 (3) Paragraph (1) shall not apply to a person or en-  
23 tity referred to in paragraph (2) to the extent that the  
24 person or entity contributed to any release or threatened  
25 release referred to in paragraph (1).

1 (b) CONDITIONS.—No reimbursement may be pro-  
2 vided under this section unless the person or entity mak-  
3 ing a claim for reimbursement—

4 (1) notifies the Department of Defense in writ-  
5 ing within 2 years after the claim accrues;

6 (2) furnishes to the Department of Defense  
7 copies of pertinent documents the person or entity  
8 receives;

9 (3) furnishes evidence or proof of any claim,  
10 loss, or damage covered by this section; and

11 (4) provides, upon request of the Secretary of  
12 Defense, access to the records and personnel of the  
13 person or entity for purposes of settling the claim.

14 (c) SCOPE OF AUTHORITY OF SECRETARY OF DE-  
15 FENSE.—In any case in which the Secretary of Defense  
16 determines that a person or entity referred to in para-  
17 graph (2) of subsection (a) may be entitled to reimburse-  
18 ment under this section for economic loss suffered by the  
19 person or entity as a result of a release or threatened re-  
20 lease referred to in paragraph (1) of that subsection, the  
21 Secretary may, at the discretion of the Secretary—

22 (1) pay the person or entity—

23 (A) an amount equal to the amount of the  
24 economic loss (as determined by the Secretary);

25 and

1           (B) an amount determined by the Sec-  
2           retary to be appropriate in order to permit the  
3           person or entity to maintain on-going for-profit  
4           business activities at the facility while the Sec-  
5           retary carries out remediation of the release or  
6           threatened release; or

7           (2) purchase the facility from the person or en-  
8           tity at a price jointly agreed upon by the Secretary  
9           and the person or entity.

10          (d) RELATIONSHIP TO OTHER LAW.—Nothing in this  
11          section shall be construed as affecting or modifying in any  
12          way section 120(h) of the Comprehensive Environmental  
13          Response, Compensation, and Liability Act of 1980 (42  
14          U.S.C. 9620(h)).

15          (e) DEFINITIONS.—In this section:

16           (1) The terms “facility”, “hazardous sub-  
17           stance”, “release”, and “pollutant or contaminant”  
18           have the meanings given such terms in paragraphs  
19           (9), (14), (22), and (33) of section 101 the Com-  
20           prehensive Environmental Response, Compensation,  
21           and Liability Act of 1980 (42 U.S.C. 9601(9), (14),  
22           (22), and (33)), respectively.

23           (2) The term “base closure law” means the fol-  
24           lowing:

1 (A) The provisions of title II of the De-  
2 fense Authorization Amendments and Defense  
3 Base Closure and Realignment Act (Public Law  
4 100–526; 10 U.S.C. 2687 note).

5 (B) The Defense Base Closure and Re-  
6 alignment Act of 1990 (part A of title XXIX of  
7 Public Law 101–510; 10 U.S.C. 2687 note).

8 **SEC. 9. TREATMENT UNDER COMMUNITY REINVESTMENT**  
9 **ACT OF COMMUNITIES AFFECTED BY THE**  
10 **CLOSURE OR REALIGNMENT OF MILITARY IN-**  
11 **STALLATIONS.**

12 Section 804 of the Community Reinvestment Act of  
13 1977 (12 U.S.C. 2903) is amended—

14 (1) in subsection (a)—

15 (A) in paragraph (1), by striking “and” at  
16 the end;

17 (B) in paragraph (2), by striking “(2) take  
18 such record” and inserting “(3) take the  
19 records referred to in paragraphs (1) and (2)”;  
20 and

21 (C) by inserting after paragraph (1) the  
22 following new paragraph:

23 “(2) if the institution serves a community af-  
24 fected by the closure or realignment of a military in-  
25 stallation under a base closure law, assess the insti-

1       tution’s record of meeting the credit needs of that  
 2       entire community, consistent with the safe and  
 3       sound operation of the institution; and”;

4               (2) by adding at the end the following new sub-  
 5       section:

6       “(c) DEFINITION.—For purposes of subsection  
 7 (a)(2), the term ‘base closure law’ means the following:

8               “(1) The provisions of title II of the Defense  
 9       Authorization Amendments and Defense Base Clo-  
 10       sure and Realignment Act (Public Law 100–526; 10  
 11       U.S.C. 2687 note).

12               “(2) The Defense Base Closure and Realign-  
 13       ment Act of 1990 (part A of title XXIX of Public  
 14       Law 101–510; 10 U.S.C. 2687 note).”.

○

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