



DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
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WASHINGTON, D.C. 20350-1000

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IEG/MMC

26 February 2003

MEMORANDUM

Subj: MINUTES OF THE INFRASTRUCTURE EVALUATION GROUP MEETING OF
6 FEBRUARY 2003

- Encl: (1) 6 February 2003 IEG Meeting Agenda and Briefing Slides
(23 slides)
(2) Defense Base Closure and Realignment Act of 1990
(as amended through the FY03 Authorization Act)
(3) SECDEF memo of 15 Nov 02
(4) SECNAV memo of 25 Nov 02
(5) IEG membership list of 6 Feb 03
(6) IEG membership biographies
(7) Sample Nondisclosure Statement

1. The first meeting of the Department of the Navy (DON) Infrastructure Evaluation Group (IEG) was convened at 1518 on 6 February 2003 in Room 4E765 at the Pentagon. The following members of the IEG were present: Mr. H. T. Johnson, Assistant Secretary of the Navy, Installations and Environment (ASN (I&E)), Chair; Mrs. Anne R. Davis, Deputy Assistant Secretary of the Navy for Infrastructure Analysis (DASN (IA)), Vice Chair; VADM Charles W. Moore Jr., USN, Deputy Chief of Naval Operations for Fleet Readiness and Logistics (N4), Member; VADM Albert H. Konetzni Jr., USN, Deputy and Chief of Staff, U.S. Atlantic Fleet, Member; Ms. Carla Liberatore, Assistant Deputy Commandant, Installations and Logistics, Headquarters, U.S. Marine Corps, serving as Alternate for LtGen Richard L. Kelly, USMC, Deputy Commandant for Installations and Logistics (I&L), Member; LtGen Michael A. Hough, USMC, Deputy Commandant for Aviation (AVN), Member; Dr. John A. Montgomery, Director of Research, Naval Research Laboratory, serving as Alternate for Mr. Michael F. McGrath, Deputy Assistant Secretary of the Navy for Research Development Test & Evaluation (DASN (RDT&E)), Member; Dr. Russ Beland, Deputy Assistant Secretary of the Navy for Manpower Analysis and Assessment (DASN (MA&A)), Member; Mr. Ronnie J. Booth, Navy Audit Service (NAVAUDSVC) Representative; Mr. Thomas N. Ledvina, Office of General Counsel (OGC) Representative; Mr. James Recasner, Senior Counsel, Infrastructure Analysis; and CDR Margaret M. Carlson, JAGC, USN, Recorder. Dr. Beland departed the meeting at 1606. The IEG members were provided enclosures (1) through (6) at the beginning of the meeting.

2. Mr. Johnson opened the meeting, noting the significance of the IEG in the Base Closure and Realignment (BRAC) process. Mrs. Davis described the IEG's purpose, roles and responsibilities. She advised that the IEG would be the senior leadership group responsible for developing DON BRAC recommendations. Mrs. Davis advised that the substance of discussion in IEG sessions is not to be disclosed outside the IEG. All present signed a Nondisclosure Statement, enclosure (7).

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3. Mrs. Davis briefed the presentation at enclosure (1) to the IEG. Mrs. Davis noted that key concepts from past BRACs remain, namely a fair, objective, clear process based on certified data, and also discussed differences for BRAC 2005, as listed on Slide 3 of enclosure (1). The OSD and DON guidance, enclosures (3) and (4), as to the BRAC 2005 organization and procedure was reviewed. Mr. Johnson emphasized the need to avoid informal analysis groups. Evaluation is to be accomplished within the IEG with evaluation support from the Infrastructure Analysis Team (IAT). The DON BRAC 2005 proposed approach is "functional" centric vice "installation" centric. Mr. Johnson noted that the functional analysis would then be mapped back to the bases. The IEG also discussed how the IAT would be staffed to support the IEG and interact with IEG members' staffs. The IEG discussed the roles of principals and alternates. It was decided that each principal could designate one alternate to attend IEG meetings and speak for the principal.

4. The IEG then discussed preparation for the ISG meeting on 13 February 2003. The group discussed the proposed DON joint functions as compared to the OSD joint functions. Mr. Johnson noted that, on the OSD timeline, the joint functions need to be identified by 15 April 2003. The IEG discussed potential options in sequencing JCSG and Department analyses.

5. The next IEG meeting was tentatively set for Thursday, 20 February 2003. The IEG was asked to consider meeting every other week through OSD development of joint cross service groups. Meeting schedules will be a topic for the next meeting. The meeting adjourned at 1700.



H. T. JOHNSON
Chairman, IEG

TAB 1

Infrastructure Evaluation Group (IEG) Meeting Agenda 6 February 2003

- Introductions
- Legal Framework
- BRAC 2005 Guidance/Organizations
- IEG and Infrastructure Analysis Team (IAT) Responsibilities
- IEG Administrative Matters
- BRAC 2005 Proposed Approach
- ISG Meeting Preparation
- Next steps

Defense Base Closure and Realignment Act of 1990 (PL 101-510 as amended)

- Originally established 1991, 1993, 1995 Defense Base Closure and Realignment Commissions
 - 2002 DOD Authorization Act added 2005 round
 - Some differences, but basic process the same
- All activities treated equally
- Use only certified data
- All decisions based on:
 - Force Structure Plan
 - Selection Criteria (Military Value Paramount)

Key Differences Between BRAC 1995 and BRAC 2005

- 20-year force structure plan
- Worldwide inventory of infrastructure
- Infrastructure requirements report
- Certification of need for BRAC round and of savings by 2011
- Prior selection criteria inapplicable
- Multiple go/no-go points
- Explicit consideration of “jointness”

BRAC 2005 OSD Guidance

(15 November 2002)

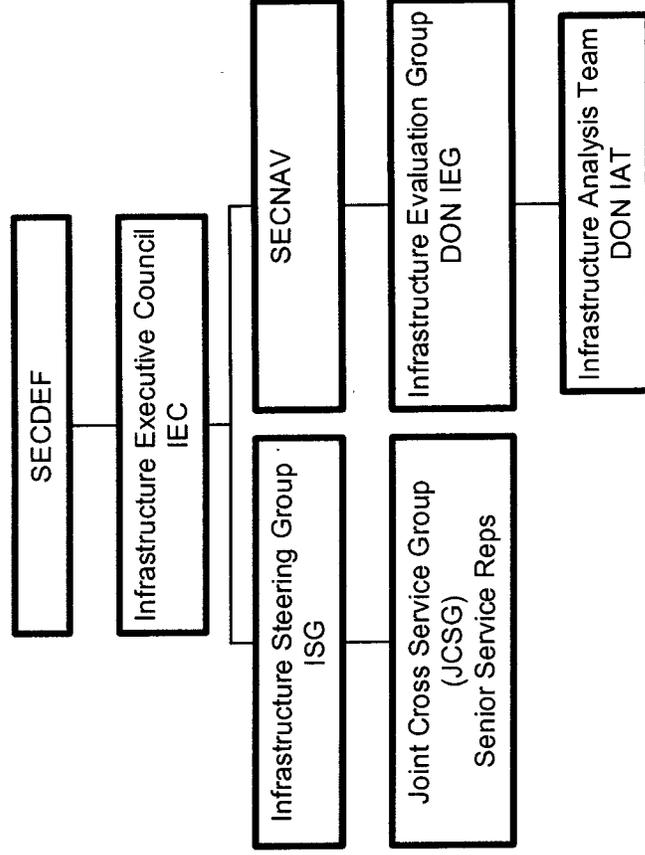
- **Goals:**
 - Elimination of excess physical capacity
 - Transformation by rationalizing infrastructure with defense strategy
- **Established two leadership groups**
 - Infrastructure Executive Council (IEC) – policy and oversight
 - SECNAV/CNO/CMC members
 - Infrastructure Steering Group (ISG) – joint cross-service analyses
 - ASN I&E/VCNO/ACMC members
- **Key element: analyze functions that are common business-oriented support functions across the Services**
 - Joint cross-service groups (JCSG) to analyze common business-oriented support functions
 - Departments analyze service unique functions

BRAC 2005 DON Guidance

(25 November 2002)

- Forwards OSD BRAC memo
- Endorses major purpose – reconfigure current infrastructure so that operational capacity maximizes warfighting capability and efficiency
- Establishes two DON groups
 - Infrastructure Evaluation Group (IEG)
 - Infrastructure Analysis Team (IAT)
- Provides guidance on planning efforts outside BRAC process
 - Infrastructure reduction efforts
 - Below threshold closure/realignments
- Provides guidance on dealing with local communities
 - Information requests
 - Membership in organizations
 - Acceptance of gifts

BRAC 2005 Organizations



BRAC 2005 Timeline

- **13 February 2003: First ISG meeting**
- **15 April 2003: ISG recommends to IEC specific functions for joint analysis and associated metrics**
- **31 December 2003: DoD publishes new selection criteria**
- **February 2004: DoD submits 20-year force structure plan, world-wide infrastructure inventory, and report of infrastructure requirements and excess capacity. SECDEF certifies need for BRAC round**
- **February 2004: Begin gathering data and conducting analysis**
- **November 2004: IEG begins developing recommendations**
- **March 2005: President nominates Commissioners**
- **15 May 2005: SECDEF recommendations due to Commission and Congress**
- **8 September 2005: Commission report due to President**
- **7 November 2005: Last date President may send recommendation to Congress**

Statutory OSD/DON

DON BRAC 2005 Proposed Approach

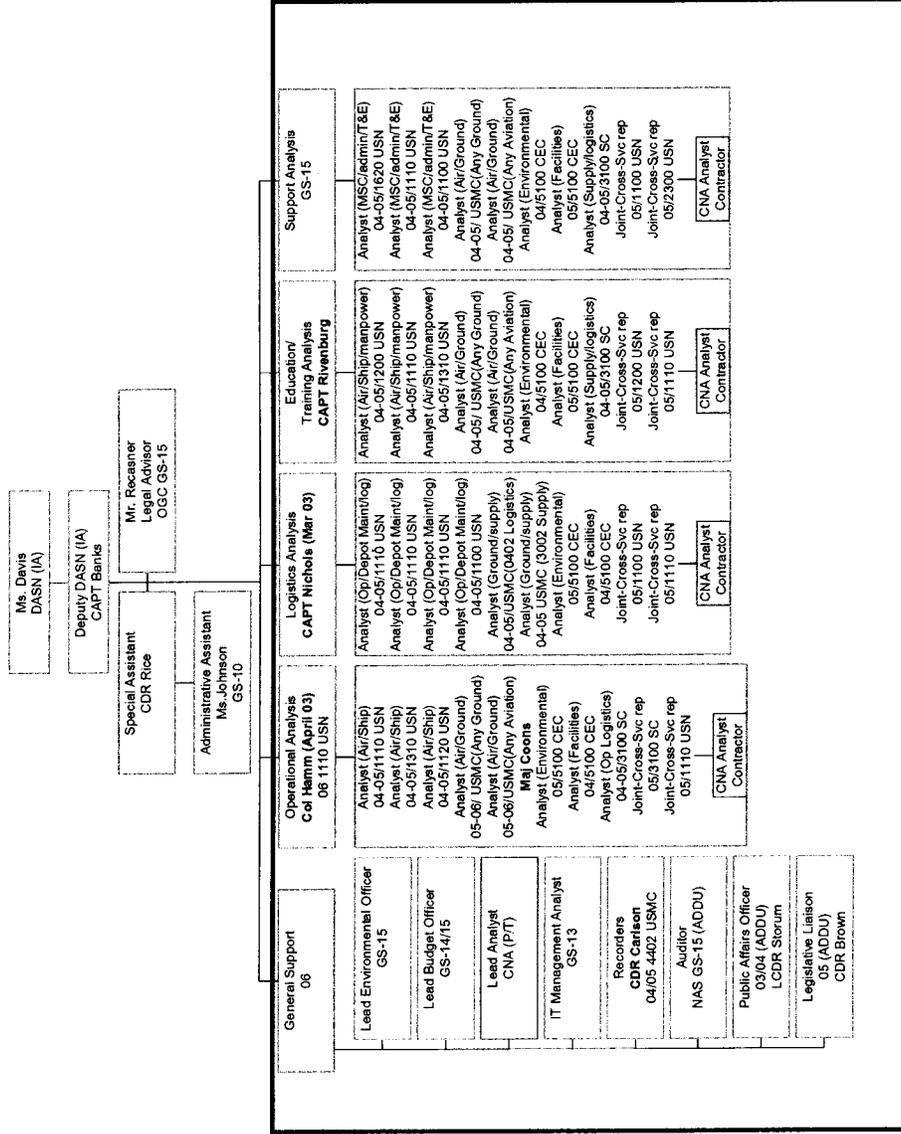
- “Functional” Centric vice “Installation” Centric
- Evaluate force structure requirements with focus on core functions
 - Analyze functions first, then map to bases
 - Use base closure and realignment process to optimize required functional capability and eliminate the excess
- Approach consistent with SECDEF direction to analyze functions that are common business-oriented support functions across the Services
- DON Notional Functions
 - Maintenance/Industrial
 - Supply/Storage
 - Education/Training
 - Administrative/Medical
 - Technical
 - Operational
- Metrics
 - Similar measures for all Departments
 - Support both DON and joint analysis

OSD Proposed Functions
- Depots & Industrial
- Supply & Storage
- Technical
- Education & Training
- Administrative
- Medical Centers

Responsibilities of IEG

- Develop BRAC recommendations for SECNAV
 - DON (not Service) recommendations
 - Ensure operational factors are considered
- Play critical role in the DON BRAC process
 - Members will have a valued voice
 - Draft, develop, and present recommendations
- Provide direction to IAT
 - IAT is IEG's only working group
 - No independent Service cells – one DON effort
 - N4/DC I&L official POCs for IAT interface with Navy/Marine Corps

IAT Organization Chart



Responsibilities:

- Develop analytical methodologies
- Develop Joint and cross-service opportunities
- Collect data and perform analysis
- Present analytical results to IEG for evaluation
- Support staff for DON BRAC 2005 process

DON IAT
 Billets: 52
 On board: 3
 In bound: 2

IEG Administrative Matters

- Principal/Alternate roles?
- Role of IAT
 - BRAC 2005 Support staff
 - Admin/logistics for meetings
 - Not decision makers
- Role of Recorders
- Role of Naval Audit representative
- Role of Office of General Counsel (OGC) representative
- Role of Chair/Vice Chair
- Difference between Meeting and Deliberative Session
 - Meeting – Covers matters external to decision making
 - Deliberative Session – Evaluation done as part of the decision making and recommendation development process
- Non-disclosure agreements

Organizational Issues

- Proposed DON interface with other BRAC Groups
 - IEG members prepare ISG members (VCNO/ACMC/ASN I&E)
 - IEG members prepare IEC members (SECNAV/CNO/CMC)
 - IAT, OPNAV N4, and DC I&L staffs prepare IEG members
- Formal coordination of documents
- What about JCSG - TBD
 - Who or how interfaces from DON BRAC teams

First ISG Meeting, 13 Feb 2003

1430-1530, Room 3D1019

- Anticipated Agenda
 - ISG Roles
 - Joint Cross-Service Analysis
 - Selecting Functions for Review
 - Determining Leadership of JCSG
 - Developing Joint Cross-Service Analytical Approach
 - Other Issues
 - Analytical Framework
 - Joint Utilization
 - Defense Agency Involvement

Infrastructure Steering Group (ISG)

- Roles
 - Oversees joint cross-service process and analysis
 - Integrates joint review with service-specific analysis
 - Determines priorities
 - Issues guidance
 - Decides tough issues
- Considerable work – proposing meeting every 3 weeks
- Principals or designated alternate

Joint Cross-Service Analysis

- SECDEF kickoff memo establishes two categories of analysis:
 - Service-Unique Functions
 - Analyzed by each Military Department
 - Common (and) Business-Oriented Support Functions
 - Analyzed by Joint Cross-Service teams (Service and Defense Agency representatives)
 - Common - More than one Service
 - Business - Oriented - Not exclusive to the military
- ISG tasked to recommend to IEC specific functions for joint analysis and associated metrics

Joint Cross-Service Analysis – First Task:

Selecting Functions for Review

- OSD interpretation of “common business-oriented support functions” broad and intuitive
- May need screening criteria to focus on possibilities
 - Study functions that allow us to operate in “homeport/garrison” to foster improved operational training and war-fighting readiness
 - Train together/fight together
 - Seamless to war-fighter
 - Study functions that gain efficiencies and save \$
 - Eliminate unnecessary redundancy
 - Eliminate excess capacity

OSD Proposed Candidates for

Joint Cross-Service Analysis

Depots and Industrial

- Aviation Depots (NADEP's, ALC's)
- Engineering Offices
- Ammunition Production
- Non-Aviation Maintenance and Logistics Depots
- Intermediate Maintenance

Education and Training

- Initial Entry Skill Education (Chaplin, Cook)
- Advanced Skill Training
- Professional Education (NCO/SNCO acad)
- Graduate Degree Education (AFIT,NPGS)
- Undergraduate Flight Training (includes Nav Training)
- Joint Program Training (V-22,,JSF)

Supply and Storage

- Munitions Storage (arsenals/ammo
- Plants/Ordnance stations/weapons stations)
- Inventory Supply and storage (dist depots/def supply ctrs/NICPs/FISCs)
- DLA Activities (DRMS)

Administrative

- Location of Headquarters and Command and Control Functions
- Location of Operational Support Functions
- Armories (if NG included in JCSG)
- National Capital Region (Who & Where)

Technical

- Laboratories
- Test & Evaluation
- Ranges
- Research Centers
- Warfare/Engineering Centers

Medical Centers (includes training hospitals)

Reuse Review

DON Proposed "Universe" of Functions

Maintenance/industrial

- Depot (Joint)
- Aviation (Joint)
- Non-aviation ground (Joint)
- Non-aviation non-ground (e.g., ordnance) (Joint)
- Shipyards (Service)
- Intermediate (Service)
- Manufacturing (Service)
- Disposal/demilitarization (Joint)

Supply/storage

- Warehousing (Joint)
- Distribution (Joint)
- Inventory control (Joint)
- Disposal (Joint)
- Fuel (Joint)
- Ammo Storage/Repair (Joint)

Technical

- Laboratories (S&T) (Joint)
- Test and evaluation (Joint)
- Research and development (Joint)
- Ranges (Joint/Combine with Readiness Ranges)

Education/training

- Initial (Service)
- Advanced (Joint)
- Continuing (Joint)
- Graduate (Joint)

Administrative

- Headquarters/control/acquisition
- Personnel support
- Medical (Joint)
- Clinics (Service)
- Hospitals (Joint)
- Network Operations Centers (Joint)
- Communications Transmitting and Receiving (Joint)

Operational (berthing/support)

- Aviation (Joint)
- Ship
- Ground
- Communications/electronics/computers (Joint)
- Construction (Joint)
- Training (Joint)

Joint Cross-Service Analysis – Second Task: Determining Leadership of JCSGs

- **OSD Proposed Leadership Alternatives**
 - OSD functional advocate (BRAC 95 construct)
 - Use the Joint Staff as functional leads
 - Evenly distribute functions across MilDepts and OSD
 - Identify private sector “experts” to lead groups
- **DON Proposed Leadership**
 - Senior Reps from each Service
 - Senior Rep owns the function that is being studied
 - Vested interest and accountable for outcome
 - Group Chair is one of the Service Reps
 - Each Service chairs at least one JCSG
 - Subordinate Working Groups for each JCSG (manned by IAT & counterparts)
- **Rationale**
 - Service executes function not OSD
 - Joint Functions use “Lead” Service model (don’t create new bureaucracy)

Joint Cross-Service Analysis – Third Task: Developing Joint Cross-Service Analytical Approach

- ISG agrees on some functions immediately
 - OSD proponents will be invited in to describe how a joint analysis would be approached/conducted
 - ISG deliberates and approves approach/metrics
- Functions that cannot be agreed to upfront framed for subsequent discussion
 - Designate OSD proponent to provide paper on pros and cons and recommendation for considering jointly
 - ISG deliberates and recommends functions for joint review to the IEC for the Secretary's approval
- **DON Concerns**
 - OSD proponents need to consult with MilDepts in developing analytical approach
 - Process should be concurrent/iterative vice consecutive

Other Issues

- Analytical Framework
 - SECDEF directed analysis of a wide range of options for stationing and supporting forces
 - OSD proposes to invite groups to provide ideas/options to ISG for consideration
- Joint Utilization
 - Joint basing, asset utilization is a SECDEF priority
 - OSD proposes ISG should formalize information sharing across Services
- Defense Agencies and Activities
 - 16 Defense Agencies subject to BRAC law
 - OSD proposes ISG invite Defense Agencies to offer their approach

Summary of ISG Meeting Issues

- Selecting functions for JCSCG analysis
 - Screening Criteria
 - Changes/Additions
- Leadership of JCSCGs – use DON proposal
- Analytical approach concerns
- Other issues – need further discussion

Next

- Infrastructure Steering Group (ISG) meeting
13 February 2003
 - Prepare ASN I&E/VCNO/ACMC
- Future work
 - Refine DON functions list
 - Develop metrics for DON functions list
- Next IEG meeting – 20 Feb 03 ?

TAB 2

DEFENSE BASE CLOSURE AND REALIGNMENT ACT OF 1990
(As amended through FY 03 Authorization Act)

SEC. 2901. SHORT TITLE AND PURPOSE

(a) **SHORT TITLE.**--This part may be cited as the "Defense Base Closure and Realignment Act of 1990".

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

SEC. 2902. THE COMMISSION

(a) **ESTABLISHMENT.**--There is established an independent commission to be known as the "Defense Base Closure and Realignment Commission".

(b) **DUTIES.**--The Commission shall carry out the duties specified for it in this part.

(c) **APPOINTMENT.**--(1)(A) The Commission shall be composed of eight members appointed by the President, by and with the advise and consent of the Senate.

(B) The President shall transmit to the Senate the nominations for appointment to the Commission--

(i) by no later than January 3, 1991, in the case of members of the Commission whose terms will expire at the end of the first session of the 102nd Congress;

(ii) by no later than January 25, 1993, in the case of members of the Commission whose terms will expire at the end of the first session of the 103rd Congress; and

(iii) by no later than January 3, 1995, in the case of members of the Commission whose terms will expire at the end of the first session of the 104th Congress.

(C) If the President does not transmit to Congress the nominations for appointment to the Commission on or before the date specified for 1993 in clause (ii) of subparagraph (B) or for 1995 in clause (iii) of such subparagraph, the process by which military installations may be selected for closure or realignment under this part with respect to that year shall be terminated.

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

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

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

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

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

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

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

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

(e) MEETINGS.--(1) The Commission shall meet only during calendar years 1991, 1993, and 1995.

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

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

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

(ii) The Chairman and the ranking minority party member of the Subcommittee on Military Installations and Facilities of the Committee on Armed Services of the House of Representatives, or such other members of the Subcommittee designated by such Chairman or ranking minority party member.

(iii) The Chairmen and ranking minority party members of the Subcommittees on Military Construction of the Committees on Appropriations of the Senate and of the House of Representatives, or such other members of the Subcommittees designated by such Chairmen or ranking minority party members.

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

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

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

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

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

(2) The Director shall be paid at the rate of basic pay payable for level IV of the

Executive Schedule under section 5315 of title 5, United States Code.

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

(2) The Director may make such appointments without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and any personnel so appointed may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay payable for GS-18 of the General Schedule.

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

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

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

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

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

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

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

(iii) approve or disapprove such a report.

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

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

(6) The following restrictions relating to the personnel of the Commission shall apply during 1992 and 1994:

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

(B) The staff may perform only such functions as are necessary to prepare for the transition to new membership on the Commission in the following year.

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

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

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

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

(2) If no funds are appropriated to the Commission by the end of the second session of the 101st Congress, the Secretary of Defense may transfer, for fiscal year 1991, to the Commission funds from the Department of Defense Base Closure Account established by section 207 of Public Law 100-526. Such funds shall remain available until expended.

(3)(A) The Secretary may transfer not more than \$300,000 from unobligated funds in the account referred to in subparagraph (B) for the purpose of assisting the Commission in carrying out its duties under this part during October, November, and December 1995. Funds transferred under the preceding sentence shall remain available until December 31, 1995.

(B) The account referred to in subparagraph (A) is the Department of Defense Base Closure Account established under section 207(a) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(l) TERMINATION.--The Commission shall terminate on December 31, 1995.

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

SEC. 2903. PROCEDURE FOR MAKING RECOMMENDATIONS FOR BASE CLOSURES AND REALIGNMENTS

(a) FORCE-STRUCTURE PLAN.--(1) As part of the budget justification documents submitted to Congress in support of the budget for the Department of Defense for each of the fiscal years 1992, 1994, and 1996, the Secretary shall include a force-structure plan for the Armed Forces based on an assessment by the Secretary of the probable threats to the national security during the six-year period beginning with the fiscal year for which the budget request is made and of the anticipated levels of funding that will be available for national defense purposes during such period.

(2) Such plan shall include, without any reference (directly or indirectly) to military installations inside the United States that may be closed or realigned under such plan--

(A) a description of the assessment referred to in paragraph (1);

(B) a description (i) of the anticipated force structure during and at the end of such period for each military department (with specifications of the number and type of units in the active and reserve forces of each such department), and (ii) of the units that will need to be forward based (with a justification thereof) during and at the end of each such period; and

(C) a description of the anticipated implementation of such force-structure plan.

(3) The Secretary shall also transmit a copy of each such force-structure plan to the Commission.

(b) SELECTION CRITERIA.--(1) The Secretary shall, by no later than December 31, 1990, publish in the *Federal Register* and transmit to the congressional defense committees the criteria proposed to be used by the Department of Defense in making recommendations for the closure or realignment of military installations inside the United States under this part. The Secretary shall provide an opportunity for public comment on the proposed criteria for a period of at least 30 days and shall include notice of that opportunity in the publication required under the preceding sentence.

(2)(A) The Secretary shall, by no later than February 15, 1991, publish in the *Federal Register* and transmit to the congressional defense committees the final criteria to be used in making recommendations for the closure or realignment of military installations inside the United States under this part. Except as provided in subparagraph (B), such criteria shall be the final criteria to be used, making such recommendations unless disapproved by a joint resolution of Congress enacted on or before March 15, 1991.

(B) The Secretary may amend such criteria, but such amendments may not become effective until they have been published in the *Federal Register*, opened to public comment for at least 30 days, and then transmitted to the congressional defense committees in final form by no later than January 15 of the year concerned. Such amended criteria shall be the final criteria to be used, along with the force-structure plan referred to in subsection (a), in making such recommendations unless disapproved by a joint resolution of Congress enacted on or before February 15 of the year concerned.

(c) DOD RECOMMENDATIONS.--(1) The Secretary may, by no later than April 15, 1991, March 15, 1993, and March 1, 1995, publish in the *Federal Register* and transmit to the congressional defense committees and to the Commission a list of the military installations inside the United States that the Secretary recommends for closure or realignment on the basis of the force-structure plan and the final criteria referred to in subsection (b)(2) that are applicable to the year concerned.

(2) The Secretary shall include, with the list of recommendations published and transmitted pursuant to paragraph (1), a summary of the selection process that resulted in the recommendation for each installation, including a justification for each recommendation. The Secretary shall transmit the matters referred to in the preceding sentence not later than 7 days after the date of the transmittal to the congressional defense committees and the Commission of the list referred to in paragraph (1).

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

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

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

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

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

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

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

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

(i) The Secretaries of the military departments.

(ii) The heads of the Defense Agencies.

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

(6) Any information provided to the Commission by a person described in paragraph (5)(B) shall also be submitted to the Senate and the House of Representatives to be made available to the Members of the House concerned in accordance with the rules of that House. The information shall be submitted to the Senate and House of Representatives within 24 hours after the submission of the information to the Commission.

(d) REVIEW AND RECOMMENDATIONS BY THE COMMISSION.--(1) After receiving the recommendations from the Secretary pursuant to subsection (c) for any year, the Commission shall conduct public hearings on the recommendations. All testimony before the Commission at a public hearing conducted under this paragraph shall be presented under oath. [*The preceding sentence shall apply with respect to all public hearings conducted by the Defense Base Closure and Realignment Commission after November 30, 1993.*]

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

(B) Subject to subparagraph (C), in making its recommendations, the Commission may make changes in any of the recommendations made by the Secretary if the Commission

determines that the Secretary deviated substantially from the force-structure plan and final criteria referred to in subsection (c)(1) in making recommendations.

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

- (i) makes the determination required by subparagraph (B);
- (ii) determines that the change is consistent with the force-structure plan and final criteria referred to in subsection (c)(1);
- (iii) publishes a notice of the proposed change in the *Federal Register* not less than 45 days before transmitting its recommendations to the President pursuant to paragraph (2); and
- (iv) conducts public hearings on the proposed change.

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

- (i) add a military installation to the list of military installations recommended by the Secretary for closure;
- (ii) add a military installation to the list of military installations recommended by the Secretary for realignment; or
- (iii) increase the extent of a realignment of a particular military installation recommended by the Secretary.

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

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

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

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

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

(B) by no later than April 15 of each year in which the Secretary makes such recommendations, transmit to the Congress and to the Commission a report containing a detailed analysis of the Secretary's recommendations and selection process.

(e) REVIEW BY THE PRESIDENT.--(1) The President shall, by no later than July 15 of each year in which the Commission makes recommendations under subsection (d), transmit to the Commission and to the Congress a report containing the President's approval or disapproval of the Commission's recommendations.

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

such approval.

(3) If the President disapproves the recommendations of the Commission, in whole or in part, the President shall transmit to the Commission and the Congress the reasons for that disapproval. The Commission shall then transmit to the President, by no later than August 15 of the year concerned, a revised list of recommendations for the closure and realignment of military installations.

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

(5) If the President does not transmit to the Congress an approval and certification described in paragraph (2) or (4) by September 1 of any year in which the Commission has transmitted recommendations to the President under this part, the process by which military installations may be selected for closure or realignment under this part with respect to that year shall be terminated.

SEC. 2904. CLOSURE AND REALIGNMENT OF MILITARY INSTALLATIONS

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

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

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

(3) carry out the privatization in place of a military installation recommended for closure or realignment by the Commission in the 2005 report only if privatization in place is a method of closure or realignment of the military installation specified in the recommendations of the Commission in such report and is determined by the Commission to be the most cost-effective method of implementation of the recommendation;

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

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

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

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

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

(2) For purposes of paragraph (1) of this subsection and subsections (a) and (c) of section 2908, the days on which either House of Congress is not in session because of adjournment of

more than three days to a day certain shall be excluded in the computation of a period.

SEC. 2905. IMPLEMENTATION

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

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

(B) provide--

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

(ii) community planning assistance to any community located near a military installation to which functions will be transferred as a result of the closure or realignment of a military installation, if the Secretary of Defense determines that the financial resources available to the community (by grant or otherwise) for such purposes are inadequate, and may use for such purposes funds in the Account or funds appropriated to the Department of Defense for economic adjustment assistance or community planning assistance;

(C) carry out activities for the purposes of environmental restoration and mitigation at any such installation, and shall use for such purposes funds in the Account. [*Amendments to this subsection took effect on December 5, 1991.*]

(D) provide outplacement assistance to civilian employees employed by the Department of Defense at military installations being closed or realigned, and may use for such purpose funds in the Account or funds appropriated to the Department of Defense for outplacement assistance to employees; and

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

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

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

(A) the authority of the Administrator to utilize excess property under section 202

of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483);

(B) the authority of the Administrator to dispose of surplus property under section 203 of that Act (40 U.S.C. 484);

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

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

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

(i) all regulations governing the utilization of excess property and the disposal of surplus property under the Federal Property and Administrative Services Act of 1949; and

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

(B) The Secretary may, with the concurrence of the Administrator of General Services--

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

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

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

(D) Before any action may be taken with respect to the disposal of any surplus real property or facility located at any military installation to be closed or realigned under this part, the Secretary of Defense shall consult with the Governor of the State and the heads of the local governments concerned for the purpose of considering any plan for the use of such property by the local community concerned.

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

(i) inventory the personal property located at the installation; and

(ii) identify the items (or categories of items) of such personal property that the Secretary determines to be related to real property and anticipates will support the implementation of the redevelopment plan with respect to the installation.

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

(i) the local government in whose jurisdiction the installation is wholly located; or

(ii) a local government agency or State government agency designated for the purpose of such consultation by the chief executive officer of the State in which the installation is located.

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

clause until the earlier of--

- (I) one week after the date on which the redevelopment plan for the installation is submitted to the Secretary;
- (II) the date on which the redevelopment authority notifies the Secretary that it will not submit such a plan;
- (III) twenty-four months after the date of approval of the closure or realignment of the installation; or
- (IV) ninety days before the date of the closure or realignment of the installation.

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

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

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

(D) Except as provided in paragraph (4), the Secretary may not transfer items of personal property located at an installation to be closed or realigned under this part to another installation, or dispose of such items, if such items are identified in the redevelopment plan for the installation as items essential to the reuse or redevelopment of the installation. In connection with the development of the redevelopment plan for the installation, the Secretary shall consult with the entity responsible for developing the redevelopment plan to identify the items of personal property located at the installation, if any, that the entity desires to be retained at the installation for reuse or redevelopment of the installation.

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

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

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

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

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

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

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

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

(B) With respect to military installations for which the date of approval of closure or

realignment is after January 1, 2005, the Secretary shall seek to obtain consideration in connection with any transfer under this paragraph of property located at the installation in an amount equal to the fair market value of the property, as determined by the Secretary. The transfer of property of a military installation under subparagraph (A) may be without consideration if the redevelopment authority with respect to the installation—

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

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

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

- (i) Road construction.
- (ii) Transportation management facilities.
- (iii) Storm and sanitary sewer construction.
- (iv) Police and fire protection facilities and other public facilities.
- (v) Utility construction.
- (vi) Building rehabilitation.
- (vii) Historic property preservation.
- (viii) Pollution prevention equipment or facilities.
- (ix) Demolition.
- (x) Disposal of hazardous materials generated by demolition.
- (xi) Landscaping, grading, and other site or public improvements.
- (xii) Planning for or the marketing of the development and reuse of the installation.

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

(E)(i) The Secretary may transfer real property at an installation approved for closure or realignment under this part (including property at an installation approved for realignment which will be retained by the Department of Defense or another Federal agency after realignment) to the redevelopment authority for the installation if the redevelopment authority agrees to lease, directly upon transfer, one or more portions of the property transferred under this subparagraph to the Secretary or to the head of another department or agency of the Federal Government. Subparagraph (B) shall apply to a transfer under this subparagraph.

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

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

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

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

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

(II) firefighting or security-guard functions.

(F) The transfer of personal property under subparagraph (A) shall not be subject to the provisions of sections 202 and 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483, 484) if the Secretary determines that the transfer of such property is necessary for the effective implementation of a redevelopment plan with respect to the installation at which such property is located.

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

(H)(i) In the case of an agreement for the transfer of property of a military installation under this paragraph that was entered into before April 21, 1999, the Secretary may modify the agreement, and in so doing compromise, waive, adjust, release, or reduce any right, title, claim, lien, or demand of the United States, if—

(I) the Secretary determines that as a result of changed economic circumstances, a modification of the agreement is necessary;

(II) the terms of the modification do not require the return of any payments that have been made to the Secretary;

(III) the terms of the modification do not compromise, waive, adjust, release, or reduce an right, title, claim, lien, or demand of the United States with respect to in-kind consideration; and

(IV) the cash consideration to which the United States is entitled under the modified agreement, when combined with the cash consideration to be received by the United States for the disposal of other real property assets on the installation, are as sufficient as they were under the original agreement to fund the reserve account established under section 204(b)(7)(C) of the Defense Authorization Amendments and Base Closure and Realignment Act, with the depreciated value of the investment made with commissary store funds or nonappropriated funds in property disposed of pursuant to the agreement being modified, in accordance with section 2906(d).

(ii) When exercising the authority granted by clause (i), the Secretary may waive some or

all future payments if, and to the extent that, the Secretary determines such waiver is necessary.

(iii) With the exception of the requirement that the transfer be without consideration, the requirements of subparagraphs (B), (C), and (D) shall be applicable to any agreement modified pursuant to clause (i).

(I) In the case of an agreement for the transfer of property of a military installation under this paragraph that was entered into during the period beginning on April 21, 1999, and ending on the date of enactment of the National Defense Authorization Act for Fiscal Year 2000, at the request of the redevelopment authority concerned, the Secretary shall modify the agreement to conform to all the requirements of subparagraphs (B), (C), and (D). Such a modification may include the compromise, waiver, adjustment, release, or reduction of any right, title, claim, lien, or demand of the United States under the agreement.

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

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

(B) The Secretary may, in consultation with the redevelopment authority with respect to an installation, postpone making the final determinations referred to in subparagraph (A) with respect to the installation for such period as the Secretary determines appropriate if the Secretary determines that such postponement is in the best interests of the communities affected by the closure or realignment of the installation.

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

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

(iii) This subparagraph shall apply during the period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998 and ending on July 31, 2001.

(6)(A) Except as provided in this paragraph, nothing in this section shall limit or

otherwise affect the application of the provisions of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.) to military installations closed under this part. For procedures relating to the use to assist the homeless of buildings and property at installations closed under this part after the date of the enactment of this sentence, see paragraph (7).

(B)(i) Not later than the date on which the Secretary of Defense completes the determination under paragraph (5) of the transferability of any portion of an installation to be closed under this part, the Secretary shall—

(I) complete any determinations or surveys necessary to determine whether any building or property referred to in clause (ii) is excess property, surplus property, or unutilized or underutilized property for the purpose of the information referred to in section 501(a) of such Act (42 U.S.C. 11411(a)); and

(II) submit to the Secretary of Housing and Urban Development information on any building or property that is so determined.

(ii) The buildings and property referred to in clause (i) are any buildings or property located at an installation referred to in that clause for which no use is identified, or of which no Federal department or agency will accept transfer, pursuant to the determination of transferability referred to in that clause.

(C) Not later than 60 days after the date on which the Secretary of Defense submits information to the Secretary of Housing and Urban Development under subparagraph (B)(ii), the Secretary of Housing and Urban Development shall--

(i) identify the buildings and property described in such information that are suitable for use to assist the homeless;

(ii) notify the Secretary of Defense of the buildings and property that are so identified;

(iii) publish in the *Federal Register* a list of the buildings and property that are so identified, including with respect to each building or property the information referred to in section 501(c)(1)(B) of such Act; and

(iv) make available with respect to each building and property the information referred to in section 501(c)(1)(C) of such Act in accordance with such section 501(c)(1)(C).

(D) Any buildings and property included in a list published under subparagraph (C)(iii) shall be treated as property available for application for use to assist the homeless under section 501(d) of such Act.

(E) The Secretary of Defense shall make available in accordance with section 501(f) of such Act any buildings or property referred to in subparagraph (D) for which--

(i) a written notice of an intent to use such buildings or property to assist the homeless is received by the Secretary of Health and Human Services in accordance with section 501(d)(2) of such Act;

(ii) an application for use of such buildings or property for such purpose is submitted to the Secretary of Health and Human Services in accordance with section 501(e)(2) of such Act; and

(iii) the Secretary of Health and Human Services—

(I) completes all actions on the application in accordance with section 501(e)(3) of such Act; and

(II) approves the application under section 501(e) of such Act.

(F)(i) Subject to clause (ii), a redevelopment authority may express in writing an interest in using buildings and property referred to subparagraph (D), and buildings and property referred to in subparagraph (B)(ii) which have not been identified as suitable for use to assist the homeless under subparagraph (C), or use such buildings and property, in accordance with the redevelopment plan with respect to the installation at which such buildings and property are located as follows:

(I) If no written notice of an intent to use such buildings or property to assist the homeless is received by the Secretary of Health and Human Services in accordance with section 501(d)(2) of such Act during the 60-day period beginning on the date of the publication of the buildings and property under subparagraph (C)(iii).

(II) In the case of buildings and property for which such notice is so received, if no completed application for use of the buildings or property for such purpose is received by the Secretary of Health and Human Services in accordance with section 501(e)(2) of such Act during the 90-day period beginning on the date of the receipt of such notice.

(III) In the case of buildings and property for which such application is so received, if the Secretary of Health and Human Services rejects the application under section 501(e) of such Act.

(ii) Buildings and property shall be available only for the purpose of permitting a redevelopment authority to express in writing an interest in the use of such buildings and property, or to use such buildings and property, under clause (i) as follows:

(I) In the case of buildings and property referred to in clause (i)(I), during the one-year period beginning on the first day after the 60-day period referred to in that clause.

(II) In the case of buildings and property referred to in clause (i)(II), during the one-year period beginning on the first day after the 90-day period referred to in that clause.

(III) In the case of buildings and property referred to in clause (i)(III), during the one-year period beginning on the date of the rejection of the application referred to in that clause.

(iii) A redevelopment authority shall express an interest in the use of buildings and property under this subparagraph by notifying the Secretary of Defense, in writing, of such an interest.

(G)(i) Buildings and property available for a redevelopment authority under subparagraph (F) shall not be available for use to assist the homeless under section 501 of such Act while so available for a redevelopment authority.

(ii) If a redevelopment authority does not express an interest in the use of buildings or property, or commence the use of buildings or property, under subparagraph (F) within the applicable time periods specified in clause (ii) of such subparagraph, such buildings or property shall be treated as property available for use to assist the homeless under section 501(a) of such Act.

(7)(A) The disposal of buildings and property located at installations approved for closure or realignment under this part after October 25, 1994, shall be carried out in accordance with this paragraph rather than paragraph (6).

(B)(i) Not later than the date on which the Secretary of Defense completes the final

determinations referred to in paragraph (5) relating to the use or transferability of any portion of an installation covered by this paragraph, the Secretary shall--

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

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

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

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

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

(C)(i) State and local governments, representatives of the homeless, and other interested parties located in the communities in the vicinity of an installation covered by this paragraph shall submit to the redevelopment authority for the installation a notice of the interest, if any, of such governments, representatives, and parties in the buildings or property, or any portion thereof, at the installation that are identified under subparagraph (B)(i)(II). A notice of interest under this clause shall describe the need of the government, representative, or party concerned for the buildings or property covered by the notice.

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

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

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

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

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

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

(ii) The date specified under clause (i) shall be-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

in the event that such buildings and property cease being used for that purpose.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(I) an explanation of that determination; and

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

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

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

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

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

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

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

(K)(i) Upon receipt of a notice under subparagraph (H)(iv) or (J)(ii) of the determination of the Secretary of Housing and Urban Development that a redevelopment plan for an installation meets the requirements set forth in subparagraph (H)(i), the Secretary of Defense shall dispose of the buildings and property at the installation.

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

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

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

(v) In the case of a request for a conveyance under clause (i) of buildings and property for public benefit under section 203(k) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)) or sections 47151 through 47153 of title 49, United States Code, the sponsoring Federal agency shall use the eligibility criteria set forth in such section or such subchapter (as the case may be) to determine the eligibility of the applicant and use proposed in the request for the public benefit conveyance. The determination of such eligibility should be made before submission of the redevelopment plan concerned under subparagraph (G).

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

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

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

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

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

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

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

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

(III) Such information as that Secretary requires in order to determine the financial capacity of the representative to carry out the program and to ensure that the program will be carried out in compliance with Federal environmental law and Federal law against discrimination.

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

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

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

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

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

(II) For purposes of carrying out an environmental assessment of the closure or realignment of an installation, the Secretary of Defense shall treat the redevelopment plan submitted by the redevelopment authority for the installation (including the aspects of the plan providing for disposal to State or local governments, representatives of the homeless, and other interested parties) as part of the proposed Federal action for the installation. The Secretary of Defense shall incorporate the notification of the Secretary of Housing and Urban Development under clause (iii)(I) as part of the proposed Federal action for the installation only to the extent, if any, that the Secretary of Defense considers such incorporation to be appropriate and consistent with the best and highest use of the installation as a whole, taking into consideration the redevelopment plan submitted by the redevelopment authority.

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

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

(V) In the case of a request for a conveyance under subclause (I) of buildings and property for public benefit under section 203(k) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)) or sections 47151 through 47153 of title 49, United States Code, the sponsoring Federal agency shall use the eligibility criteria set forth in such section or such subchapter (as the case may be) to determine the eligibility of the applicant and use proposed in the request for the public benefit conveyance. The determination of such eligibility should be made before submission of the redevelopment plan concerned under subparagraph (G).

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

(ii) If a building or property reverts to a redevelopment authority under such an

agreement, the redevelopment authority shall take appropriate actions to secure, to the maximum extent practicable, the utilization of the building or property by other homeless representatives to assist the homeless. A redevelopment authority may not be required to utilize the building or property to assist the homeless.

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

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

(P) For purposes of this paragraph, the term "other interested parties", in the case of an installation, includes any parties eligible for the conveyance of property of the installation under section 203(k) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)) or sections 47151 through 47153 of title 49, United States Code, whether or not the parties assist the homeless.

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

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

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

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

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

(2)(A) The provisions of the National Environmental Policy Act of 1969 shall apply to actions of the Department of Defense under this part (i) during the process of property disposal, and (ii) during the process of relocating functions from a military installation being closed or

realigned to another military installation after the receiving installation has been selected but before the functions are relocated.

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

- (i) the need for closing or realigning the military installation which has been recommended for closure or realignment by the Commission;
- (ii) the need for transferring functions to any military installation which has been selected as the receiving installation; or
- (iii) military installations alternative to those recommended or selected.

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

(d) WAIVER.--The Secretary of Defense may close or realign military installations under this part without regard to--

- (1) any provision of law restricting the use of funds for closing or realigning military installations included in any appropriations or authorization Act; and
- (2) sections 2662 and 2687 of title 10, United States Code.

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

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

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

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

- (A) the costs of all environmental restoration, waste management, and

environmental compliance activities otherwise to be paid by the Secretary with respect to the property or facilities are equal to or greater than the fair market value of the property or facilities to be transferred, as determined by the Secretary; or

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

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

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

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

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

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

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

(f) **TRANSFER AUTHORITY IN CONNECTION WITH CONSTRUCTION OR PROVISION OF MILITARY FAMILY HOUSING.**--(1) Subject to paragraph (2), the Secretary may enter into an agreement to transfer by deed real property or facilities located at or near an installation closed or to be closed under this part with any person who agrees, in exchange for the real property or facilities, to transfer to the Secretary housing units that are constructed or provided by the person and located at or near a military installation at which there is a shortage of suitable housing to meet the requirements of members of the Armed Forces and their dependents.

(2) A transfer of real property or facilities may be made under paragraph (1) only if--

(A) the fair market value of the housing units to be received by the Secretary in exchange for the property or facilities to be transferred is equal to or greater than the fair market value of such property or facilities, as determined by the Secretary; or

(B) in the event the fair market value of the housing units is less than the fair market value of property or facilities to be transferred, the recipient of the property or facilities agrees to pay to the Secretary the amount equal to the excess of the fair market

value of the property or facilities over the fair market value of the housing units.

(3) Notwithstanding paragraph (2) of section 2906(a), the Secretary may deposit funds received under paragraph (2)(B) in the Department of Defense Family Housing Improvement Fund established under section 2883(a) of title 10, United States Code.

(4) The Secretary shall submit to the congressional defense committees a report describing each agreement proposed to be entered into under paragraph (1), including the consideration to be received by the United States under the agreement. The Secretary may not enter into the agreement until the end of the 30-day period beginning on the date the congressional defense committees receive the report regarding the agreement.

(5) The Secretary may require any additional terms and conditions in connection with an agreement authorized by this subsection as the Secretary considers appropriate to protect the interests of the United States.

(g) ACQUISITION OF MANUFACTURED HOUSING.--(1) In closing or realigning any military installation under this part, the Secretary may purchase any or all right, title, and interest of a member of the Armed Forces and any spouse of the member in manufactured housing located at a manufactured housing park established at an installation closed or realigned under this part, or make a payment to the member to relocate the manufactured housing to a suitable new site, if the Secretary determines that--

(A) it is in the best interests of the Federal Government to eliminate or relocate the manufactured housing park; and

(B) the elimination or relocation of the manufactured housing park would result in an unreasonable financial hardship to the owners of the manufactured housing.

(2) Any payment made under this subsection shall not exceed 90 percent of the purchase price of the manufactured housing, as paid by the member or any spouse of the member, plus the cost of any permanent improvements subsequently made to the manufactured housing by the member or spouse of the member.

(3) The Secretary shall dispose of manufactured housing acquired under this subsection through resale, donation, trade or otherwise within one year of acquisition.

SEC. 2906. DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990

(a) IN GENERAL.--(1) There is hereby established on the books of the Treasury an account to be known as the "Department of Defense Base Closure Account 1990" which shall be administered by the Secretary as a single account.

(2) There shall be deposited into the Account--

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

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

(C) except as provided in subsection (d), proceeds received from the lease, transfer, or disposal of any property at a military installation closed or realigned under

this part the date of approval of closure or realignment of which is before January 1, 2005; and

(D) proceeds received after September 30, 1995, from the lease, transfer, or disposal of any property at a military installation closed or realigned under title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

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

(b) USE OF FUNDS.--(1) The Secretary may use the funds in the Account only for the purposes described in section 2905 with respect to military installations the date of approval of closure or realignment of which is before January 1, 2005, or, after September 30, 1995, for environmental restoration and property management and disposal at installations closed or realigned under title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note). After July 13, 2001, the Account shall be the sole source of Federal funds for environmental restoration, property management, and other caretaker costs associated with any real property at military installations closed or realigned under this part or such title II.

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

(c) REPORTS.--(1)(A) No later than 60 days after the end of each fiscal year in which the Secretary carries out activities under this part, the Secretary shall transmit a report to the congressional defense committees of the amount and nature of the deposits into, and the expenditures from, the Account during such fiscal year and of the amount and nature of other expenditures made pursuant to section 2905(a) during such fiscal year.

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

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

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

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

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

year, including an explanation of--

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

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

(2) No later than 60 days after the termination of the authority of the Secretary to carry out a closure or realignment under this part with respect to military installations the date of approval of closure or realignment of which is before January 1, 2005, and no later than 60 days after the closure of the Account under subsection (a)(3), the Secretary shall transmit to the congressional defense committees a report containing an accounting of--

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

(B) any amount remaining in the Account.

(d) DISPOSAL OR TRANSFER OF COMMISSARY STORES AND PROPERTY PURCHASED WITH NONAPPROPRIATED FUNDS.--(1) If any real property or facility acquired, constructed, or improved (in whole or in part) with commissary store funds or nonappropriated funds is transferred or disposed of in connection with the closure or realignment of a military installation under this part the date of approval of closure or realignment of which is before January 1, 2005,, a portion of the proceeds of the transfer or other disposal of property on that installation shall be deposited in the reserve account established under section 204(b)(7)(C) of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note).

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

(3) The Secretary may use amounts in the account (in such an aggregate amount as is provided in advance in appropriation Acts) for the purpose of acquiring, constructing, and improving--

(A) commissary stores; and

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

(4) As used in this subsection:

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

(B) The term "nonappropriated funds" means funds received from a nonappropriated fund instrumentality.

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

(e) ACCOUNT EXCLUSIVE SOURCE OF FUNDS FOR ENVIRONMENTAL RESTORATION

PROJECTS.—Except as provided in section 2906A(e) with respect to funds in the Department of Defense Base Closure Account 2005 under section 2906A and except for funds deposited into the Account under subsection (a), funds appropriated to the Department of Defense may not be used for purposes described in section 2905 (a)(1)(C). The prohibition in this subsection shall expire upon the closure of the Account under subsection (a)(3).

SEC. 2906A. DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

(a) IN GENERAL.—(1) If the Secretary makes the certifications required under section 2912(b), there shall be established on the books of the Treasury an account to be known as the "Department of Defense Base Closure Account 2005" (in this section referred to as the "Account"). The Account shall be administered by the Secretary as a single account.

(2) There shall be deposited into the Account—

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

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

(C) except as provided in subsection (d), proceeds received from the lease, transfer, or disposal of any property at a military installation that is closed or realigned under this part pursuant to a closure or realignment the date of approval of which is after January 1, 2005.

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

(b) USE OF FUNDS.—(1) The Secretary may use the funds in the Account only for the purposes described in section 2905 with respect to military installations the date of approval of closure or realignment of which is after January 1, 2005.

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

(c) REPORTS.—(1)(A) No later than 60 days after the end of each fiscal year in which the Secretary carries out activities under this part using amounts in the Account, the Secretary shall transmit a report to the congressional defense committees of the amount and nature of the deposits into, and the expenditures from, the Account during such fiscal year and of the amount

and nature of other expenditures made pursuant to section 2905(a) during such fiscal year.

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

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

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

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

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

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

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

(2) No later than 60 days after the termination of the authority of the Secretary to carry out a closure or realignment under this part with respect to military installations the date of approval of closure or realignment of which is after January 1, 2005, and no later than 60 days after the closure of the Account under subsection (a)(3), the Secretary shall transmit to the congressional defense committees a report containing an accounting of—

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

(B) any amount remaining in the Account.

(d) DISPOSAL OR TRANSFER OF COMMISSARY STORES AND PROPERTY PURCHASED WITH NONAPPROPRIATED FUNDS.—(1) If any real property or facility acquired, constructed, or improved (in whole or in part) with commissary store funds or nonappropriated funds is transferred or disposed of in connection with the closure or realignment of a military installation under this part the date of approval of closure or realignment of which is after January 1, 2005, a portion of the proceeds of the transfer or other disposal of property on that installation shall be deposited in the reserve account established under section 204(b)(7)(C) of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note).

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

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

(A) commissary stores; and

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

(4) In this subsection, the terms "commissary store funds", "nonappropriated funds", and "nonappropriated fund instrumentality" shall have the meaning given those terms in section

2906(d)(4).

(e) ACCOUNT EXCLUSIVE SOURCE OF FUNDS FOR ENVIRONMENTAL RESTORATION PROJECTS.—Except as provided in section 2906(e) with respect to funds in the Department of Defense Base Closure Account 1990 under section 2906 and except for funds deposited into the Account under subsection (a), funds appropriated to the Department of Defense may not be used for purposes described in section 2905(a)(1)(C). The prohibition in this subsection shall expire upon the closure of the Account under subsection (a)(3).

SEC. 2907. REPORTS

As part of the budget request for fiscal year 1993 and for each fiscal year thereafter for the Department of Defense, the Secretary shall transmit to the congressional defense committees of Congress--

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

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

SEC. 2908. CONGRESSIONAL CONSIDERATION OF COMMISSION REPORT

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

(1) which does not have a preamble;

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

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

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

(c) DISCHARGE.--If the committee to which a resolution described in subsection (a) is

referred has not reported such a resolution (or an identical resolution) by the end of the 20-day period beginning on the date on which the President transmits the report to the Congress under section 2903(e), such committee shall be, at the end of such period, discharged from further consideration of such resolution, and such resolution shall be placed on the appropriate calendar of the House involved.

(d) CONSIDERATION.--(1) On or after the third day after the date on which the committee to which such a resolution is referred has reported, or has been discharged (under subsection (c)) from further consideration of, such a resolution, it is in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution. A member may make the motion only on the day after the calendar day on which the Member announces to the House concerned the Member's intention to make the motion, except that, in the case of the House of Representatives, the motion may be made without such prior announcement if the motion is made by direction of the committee to which the resolution was referred. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the respective House shall immediately proceed to consideration of the joint resolution without intervening motion, order, or other business, and the resolution shall remain the unfinished business of the respective House until disposed of.

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

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

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

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

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

(B) With respect to a resolution described in subsection (a) of the House receiving the resolution--

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

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

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

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

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

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

SEC. 2909. RESTRICTION ON OTHER BASE CLOSURE AUTHORITY

(a) IN GENERAL.--Except as provided in subsection (c), during the period beginning on November 5, 1990, and ending on April 15, 2006, this part shall be the exclusive authority for selecting for closure or realignment, or for carrying out any closure or realignment of, a military installation inside the United States.

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

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

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

(c) EXCEPTION.--Nothing in this part affects the authority of the Secretary to carry out

(1) closures and realignments under title II of Public Law 100-526; and

(2) closures and realignments to which section 2687 of title 10, United States Code, is not applicable, including closures and realignments carried out for reasons of national security or a military emergency referred to in subsection (c) of such section.

SEC. 2910. DEFINITIONS

As used in this part:

(1) The term "Account" means the Department of Defense Base Closure Account 1990 established by section 2906(a)(1).

(2) The term "congressional defense committees" means the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

(3) The term "Commission" means the Commission established by section 2902.

(4) The term "military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility. Such term does not include any facility used primarily for civil works, rivers and harbors projects, flood control, or other projects not under the primary jurisdiction or control of the Department of Defense. [*The preceding sentence shall take effect as of November 5, 1990, and shall apply as if it had been included in section 2910(4) of the Defense Base Closure and Realignment Act of 1990 on that date.*]

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

(6) The term "Secretary" means the Secretary of Defense.

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

(8) The term "date of approval", with respect to a closure or realignment of an installation, means the date on which the authority of Congress to disapprove a recommendation of closure or realignment, as the case may be, of such installation under this part expires. [*The date of approval of closure of any installation approved for closure before November 30, 1993 shall be deemed to be November 30, 1993.*]

(9) The term "redevelopment authority", in the case of an installation to be closed or realigned under this part, means any entity (including an entity established by a State or local government) recognized by the Secretary of Defense as the entity responsible for developing the redevelopment plan with respect to the installation or for directing the implementation of such plan. [*The above revision shall take effect as if included in the amendments made by section 2918 of Pub. L. 103-160.*]

(10) The term "redevelopment plan" in the case of an installation to be closed or realigned under this part, means a plan that--

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

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

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

SEC. 2911. CLARIFYING AMENDMENT

Section 2687(e)(1) of title 10, United States Code, is amended--

(1) by inserting "homeport facility for any ship," after "center,"; and

(2) by striking out "under the jurisdiction of the Secretary of a military department" and inserting in lieu thereof "under the jurisdiction of the Department of Defense, including any leased facility,".

SEC. 2912. 2005 ROUND OF REALIGNMENTS AND CLOSURES OF MILITARY INSTALLATIONS.

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

(1) **PREPARATION AND SUBMISSION.—**As part of the budget justification documents submitted to Congress in support of the budget for the Department of Defense for fiscal year 2005, the Secretary shall include the following:

(A) A force-structure plan for the Armed Forces based on an assessment by the Secretary of the probable threats to the national security during the 20-year period beginning with fiscal year 2005, the probable end-strength levels and major military force units (including land force divisions, carrier and other major combatant vessels, air wings, and other comparable units) needed to meet these threats, and the anticipated levels of funding that will be available for national defense purposes during such period.

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

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

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

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

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

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

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

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

(4) **REVISION.—**The Secretary may revise the force-structure plan and infrastructure inventory; If the Secretary makes such a revision, the Secretary shall submit the revised plan or inventory to Congress as part of the budget justification documents submitted to Congress for fiscal year 2006.

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

(1) **CERTIFICATION REQUIRED—**On the basis of the force-structure plan and

infrastructure inventory prepared under subsection (a) and the descriptions and economic analysis prepared under such subsection, the Secretary shall include as part of the submission of the plan and inventory—

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

(B) if such need exists, a certification that the additional round of closures and realignments would result in annual net savings for each of the military departments beginning not later than fiscal year 2011.

(2) EFFECT OF FAILURE TO CERTIFY.—If the Secretary does not include the certifications referred to in paragraph (1), the process by which military installations may be selected for closure or realignment under this part in 2005 shall be terminated.

(c) COMPTROLLER GENERAL EVALUATION.—

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

(A) The force-structure plan and infrastructure inventory prepared under subsection (a) and the final selection criteria prepared under section 2913, including an evaluation of the accuracy and analytical sufficiency of such plan, inventory, and criteria.

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

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

(d) AUTHORIZATION OF ADDITIONAL ROUND; COMMISSION.—

(1) APPOINTMENT OF COMMISSION.—Subject to the certifications required under subsection (b), the President may commence an additional round for the selection of military installations for closure and realignment under this part in 2005 by transmitting to the Senate, not later than March 15, 2005, nominations pursuant to section 2902(c) for the appointment of new members to the Defense Base Closure and Realignment Commission.

(2) EFFECT OF FAILURE TO NOMINATE.—If the President does not transmit to the Senate the nominations for the Commission by March 15, 2005, the process by which military installations may be selected for closure or realignment under this part in 2005 shall be terminated.

(3) MEMBERS.—Notwithstanding section 2902(c) (1), the Commission appointed under the authority of this subsection shall consist of nine members.

(4) TERMS; MEETINGS; TERMINATION.—Notwithstanding subsections (d), (e)(1), and (1) of section 2902, the Commission appointed under the authority of this subsection shall meet during calendar year 2005 and shall terminate on April 15, 2006.

(5) FUNDING.—If no funds are appropriated to the Commission by the end of the second session of the 108th Congress for the activities of the Commission in 2005, the Secretary may transfer to the Commission for purposes of its activities under this part in

that year such funds as the Commission may require to carry out such activities. The Secretary may transfer funds under the preceding sentence from any funds available to the Secretary. Funds so transferred shall remain available to the Commission for such purposes until expended.

SEC. 2913. SELECTION CRITERIA FOR 2005 ROUND.

(a) PREPARATION OF PROPOSED SELECTION CRITERIA.—

(1) **IN GENERAL.**—Not later than December 31, 2003, the Secretary shall publish in the Federal Register and transmit to the congressional defense committees the criteria proposed to be used by the Secretary in making recommendations for the closure or realignment of military installations inside the United States under this part in 2005.

(2) **PUBLIC COMMENT.**—The Secretary shall provide an opportunity for public comment on the proposed criteria for a period of at least 30 days and shall include notice of that opportunity in the publication required under this subsection.

(b) MILITARY VALUE AS PRIMARY CONSIDERATION.— The selection criteria prepared by the Secretary shall ensure that military value is the primary consideration in the making of recommendations for the closure or realignment of military installations under this part in 2005. Military value shall include at a minimum the following:

(1) Preservation of training areas suitable for maneuver by ground, naval, or air forces to guarantee future availability of such areas to ensure the readiness of the Armed Forces.

(2) Preservation of military installations in the United States as staging areas for the use of the Armed Forces in homeland defense missions.

(3) Preservation of military installations throughout a diversity of climate and terrain areas in the United States for training purposes.

(4) The impact on joint warfighting, training, and readiness.

(5) Contingency, mobilization, and future total force requirements at both existing and potential receiving locations to support operations and training.

(c) SPECIAL CONSIDERATIONS.—The selection criteria for military installations shall also address at a minimum the following:

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

(2) The economic impact on existing communities in the vicinity of military installations.

(3) The ability of both existing and potential receiving communities' infrastructure to support forces, missions, and personnel.

(4) The impact of costs related to potential environmental restoration, waste management, and environmental compliance activities.

(d) EFFECT ON DEPARTMENT AND OTHER AGENCY COSTS.—Any selection criteria

proposed by the Secretary relating to the cost savings or return on investment from the proposed closure or realignment of military installations shall take into account the effect of the proposed closure or realignment on the costs of any other activity of the Department of Defense or any other Federal agency that may be required to assume responsibility for activities at the military installations.

(e) FINAL SELECTION CRITERIA.—Not later than February 16, 2004, the Secretary shall publish in the Federal Register and transmit to the congressional defense committees the final criteria to be used in making recommendations for the closure or realignment of military installations inside the United States under this part in 2005. Such criteria shall be the final criteria to be used, along with the force-structure plan and infrastructure inventory referred to in section 2912, in making such recommendations unless disapproved by an Act of Congress enacted on or before March 15, 2004.

(f) RELATION TO CRITERIA FOR EARLIER ROUNDS.— Section 2903(b), and the selection criteria prepared under such section, shall not apply with respect to the process of making recommendations for the closure or realignment of military installations in 2005.

SEC. 2914. SPECIAL PROCEDURES FOR MAKING RECOMMENDATIONS FOR REALIGNMENTS AND CLOSURES FOR 2005 ROUND; COMMISSION CONSIDERATION OF RECOMMENDATIONS.

(a) RECOMMENDATIONS REGARDING CLOSURE OR REALIGNMENT OF MILITARY INSTALLATIONS.—If the Secretary makes the certifications required under section 2912(b), the Secretary shall publish in the Federal Register and transmit to the congressional defense committees and the Commission, not later than May 16, 2005, a list of the military installations inside the United States that the Secretary recommends for closure or realignment on the basis of the force-structure plan and infrastructure inventory prepared by the Secretary under section 2912 and the final selection criteria prepared by the Secretary under section 2913.

(b) PREPARATION OF RECOMMENDATIONS.—

(1) IN GENERAL.—The Secretary shall comply with paragraphs (2) through (6) of section 2903(c) in preparing and transmitting the recommendations under this section. However, paragraph (0) of section 2903(e) relating to submission of information to Congress shall be deemed to require such submission within 48 hours.

(2) CONSIDERATION OF LOCAL GOVERNMENT VIEWS.—(A) In making recommendations to the Commission in 2005, the Secretary shall consider any notice received from a local government in the vicinity of a military installation that the government would approve of the closure or realignment of the installation,

(B) Notwithstanding the requirement in subparagraph (A), the Secretary shall make the recommendations referred to in that subparagraph based on the force-structure plan, infrastructure inventory, and final selection criteria otherwise applicable to such recommendations.

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

(e) RECOMMENDATIONS TO RETAIN BASES IN INACTIVE STATUS.—In making recommendations for the closure or realignment of military installations, the Secretary may recommend that an installation be placed in an inactive status if the Secretary determines that—

- (1) the installation may be needed in the future for national security purposes; or
- (2) retention of the installation is otherwise in the interest of the United States.

(d) COMMISSION REVIEW AND RECOMMENDATIONS.—

(1) IN GENERAL.—Except as provided in this subsection, section 2903(d) shall apply to the consideration by the Commission of the recommendations transmitted by the Secretary in 2005. The Commission's report containing its findings and conclusions, based on a review and analysis of the Secretary's recommendations, shall be transmitted to the President not later than September 8, 2005.

(2) AVAILABILITY OF RECOMMENDATIONS TO CONGRESS.—After September 8, 2005, the Commission shall promptly provide, upon request, to any Member of Congress information used by the Commission in making its recommendations.

(3) LIMITATIONS ON AUTHORITY TO ADD TO CLOSURE OR REALIGNMENT LISTS.—The Commission may not consider making a change in the recommendations of the Secretary that would add a military installation to the Secretary's list of installations recommended for closure or realignment unless, in addition to the requirements of section 2903(d)(2)(C)—

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

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

(4) TESTIMONY BY SECRETARY.—The Commission shall invite the Secretary to testify at a public hearing, or a closed hearing if classified information is involved, on any proposed change by the Commission to the Secretary's recommendations.

(5) SITE VISIT.—In the report required under section 2903(d)(2)(A) that is to be transmitted under paragraph (1), the Commission may not recommend the closure of a military installation not recommended for closure by the Secretary under subsection (a) unless at least two members of the Commission visit the installation before the date of the transmittal of the report.

(6) COMPTROLLER GENERAL REPORT.—The Comptroller General report required by section 2903(d)(5)(B) analyzing the recommendations of the Secretary and the selection process in 2005 shall be transmitted to the congressional defense committees not later than July 1, 2005.

(e) REVIEW BY THE PRESIDENT.—

(1) IN GENERAL.—Except as provided in this subsection, section 2903(e) shall apply to the review by the President of the recommendations of the Commission under this section, and the actions, if any, of the Commission in response to such review, in 2005. The President shall review the recommendations of the Secretary and the recommendations contained in the report of the Commission under subsection (d) and prepare a report, not later than September '23, 2005, containing the President's approval or disapproval of the Commission's recommendations.

(2) COMMISSION RECONSIDERATION.—If the Commission prepares a revised list of recommendations under section 2903(e)(3) in 2005 in response to the review of the President in that year under paragraph (1), the Commission shall transmit the revised list to the President not later than October 20, 2005.

(3) EFFECT OF FAILURE TO TRANSMIT.—If the President does not transmit to Congress an approval and certification described in paragraph (2) or (4) of section 2903(e) by November 7, 2005, the process by which military installations may be selected for closure or realignment under this part in 2005 shall be terminated.

(4) EFFECT OF TRANSMITTAL.—A report of the President under this subsection containing the President's approval of the Commission's recommendations is deemed to be a report under section 2903(e) for purposes of sections 2904 and 2908.

TAB 3



THE SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

November 15, 2002

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
DIRECTOR, DEFENSE RESEARCH AND ENGINEERING
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF
DEFENSE
INSPECTOR GENERAL OF THE DEPARTMENT OF
DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTORS OF THE DEFENSE AGENCIES

Subject: Transformation Through Base Realignment and Closure

As a result of the Quadrennial Defense Review, we embarked on a comprehensive review of our defense and security needs toward transforming the force. New force structures must be accompanied by a new base structure. The first step was my request to the Chairman to direct the geographic combatant commanders to prepare, in coordination with their Service component commands, draft overseas basing plans for their respective areas of responsibility.

Congress authorized a base realignment and closure (BRAC) round in 2005. At a minimum, BRAC 2005 must eliminate excess physical capacity; the operation, sustainment and recapitalization of which diverts scarce resources from defense capability. However, BRAC 2005 can make an even more profound contribution to transforming the Department by rationalizing our infrastructure with defense strategy. BRAC 2005 should be the means by which we reconfigure our current infrastructure into one in which operational capacity maximizes *both* warfighting capability and efficiency. I am directing this process begin immediately, under the structure set out herein.

Two senior groups, as reflected in the attachment, will oversee and operate the BRAC 2005 process. The Infrastructure Executive Council (IEC), chaired by the Deputy Secretary, and composed of the Secretaries of the Military Departments and their Chiefs of Services, the Chairman of the Joint Chiefs of Staff and Under Secretary of Defense (Acquisition, Technology and Logistics) (USD(AT&L)), will be the policy making and oversight body for the entire BRAC 2005 process.



U18364-02

The subordinate Infrastructure Steering Group (ISG), chaired by the USD(AT&L) and composed of the Vice Chairman of the Joint Chiefs of Staff, the Military Department Assistant Secretaries for installations and environment, the Service Vice Chiefs, and the Deputy Under Secretary of Defense (Installations & Environment) (DUSD(I&E)), will oversee joint cross-service analyses of common business oriented functions and ensure the integration of that process with the Military Department and Defense Agency specific analyses of all other functions. The USD(AT&L) will have the authority and responsibility for issuing the operating policies and detailed direction necessary to conduct the BRAC 2005 analyses.

A primary objective of BRAC 2005, in addition to realigning our base structure to meet our post-Cold War force structure, is to examine and implement opportunities for greater joint activity. Prior BRAC analyses considered all functions on a service-by-service basis and, therefore, did not result in the joint examination of functions that cross services. While some unique functions may exist, those functions that are common across the Services must be analyzed on a joint basis.

Accordingly, the BRAC 05 analysis will be divided into two categories of functions.

- Joint cross-service teams will analyze the common business-oriented support functions and report their results through the ISG to the IEC.
- The Military Departments will analyze all service unique functions and report their results directly to the IEC.

Within 150 days of this memorandum, the ISG will recommend to the IEC the specific functions to receive joint analysis and the metrics for that analysis for my approval. The Military Departments through their representatives on the ISG, as well as the Defense Agencies, should communicate regularly with the ISG to ensure that their recommendations are fully consistent with the joint cross-service teams' recommendations.

A comprehensive infrastructure rationalization requires an analysis that examines a wide range of options for stationing and supporting forces and functions, rather than simply reducing capacity in a status-quo configuration. To that end, in accordance with the force structure plan and selection criteria, the ISG will recommend to the IEC for my approval a broad series of options for stationing and supporting forces and functions to increase efficiency and effectiveness. The Military Department and the joint cross-service analytical teams must consider all options endorsed by the IEC in the course of their analysis. The analytical teams may consider additional options, but they may not modify or dismiss those endorsed by the IEC without my approval.

In accordance with section 2909 of BRAC 90, as amended, BRAC 2005, as directed by this memorandum, will be the exclusive means for selecting for closure or realignment, or for carrying out any closure or realignment of, a military installation located in the United States until April 15, 2006. This exclusivity clause does not apply to closures and realignments to which section 2687 of title 10, United States Code, is not applicable. Closures or realignments to which section 2687 is not applicable will require approval on the basis of guidance issued by the USD(AT&L). Competitive sourcing conducted under the provisions of OMB Circular A-76 may proceed independently.

In accordance with the direction of Congress expressed in the BRAC legislation, the Department will not make any binding closure or realignment decisions prior to the submission of final recommendations to the Commission no later than May 15, 2005. The process and structure outlined in this memorandum are designed to ensure the Department's ability to provide recommendations by this date and to meet several interim statutory requirements, including publishing draft selection criteria by December 31, 2003, and final criteria by February 16, 2004. In addition, the Department must provide Congress a force structure plan, inventory, capacity analysis, and certification of the need for BRAC with the FY 2005 budget documentation.

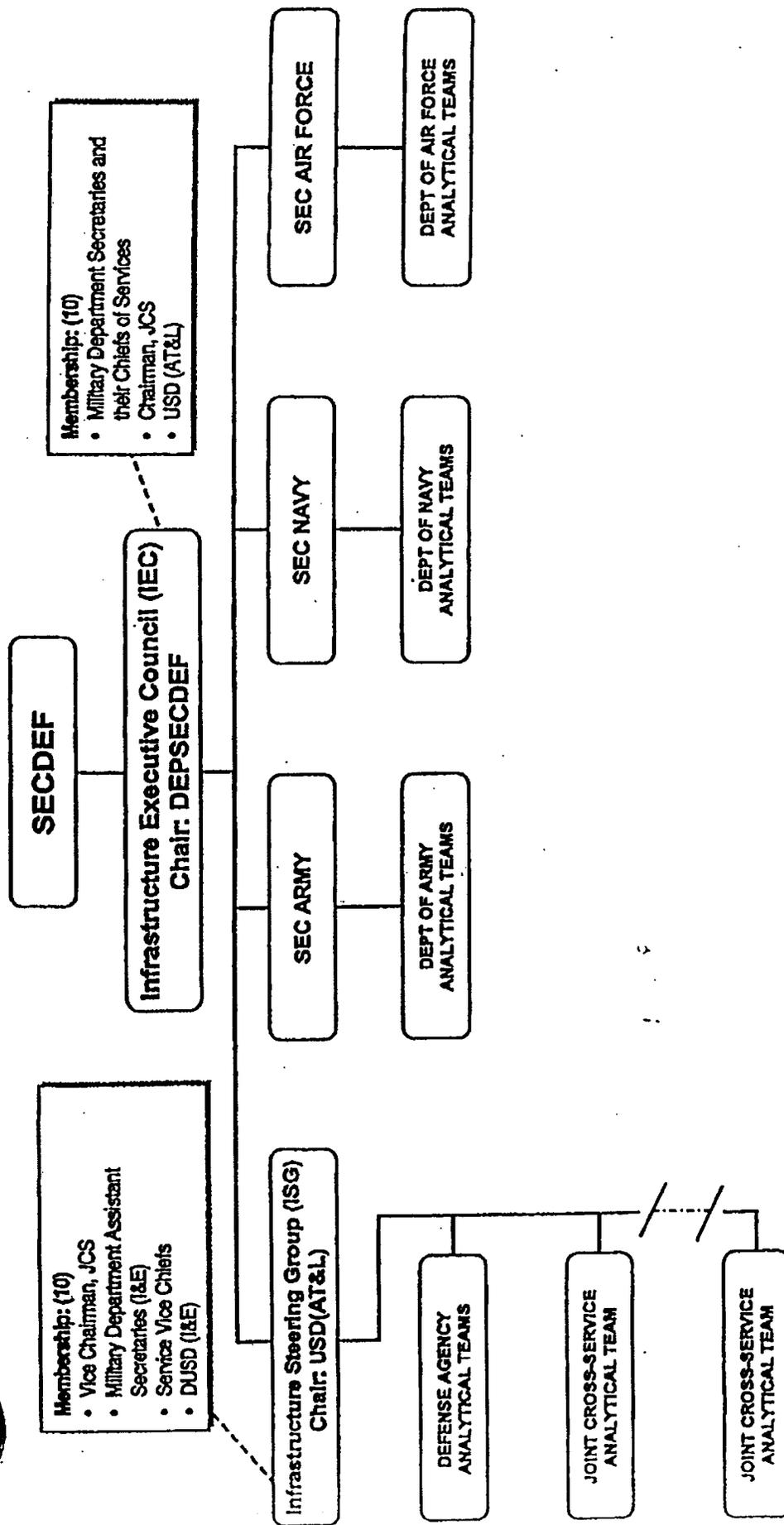
I cannot overemphasize the importance of BRAC 2005. This effort requires the focus and prioritization only senior leadership can bring. I am confident we can produce BRAC recommendations that will advance transformation, combat effectiveness, and the efficient use of the taxpayer's money.

A handwritten signature in black ink, appearing to be "D. R. ...", written over a horizontal line.

Attachment
BRAC 2005 Organization



BRAC 2005 Leadership



TAB 4



DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
1000 NAVY PENTAGON
WASHINGTON, D.C. 20350-1000

November 25, 2002

MEMORANDUM FOR DISTRIBUTION

Subj: BASE REALIGNMENT AND CLOSURE (BRAC) 2005

Ref: (a) Defense Base Closure and Realignment Act of 1990, as amended by Fiscal Year (FY) 2002 National Defense Authorization Act (the Act)

The Secretary of Defense (SECDEF) directed that the process begin for the base realignment and closure (BRAC) round authorized by reference (a) for 2005 (Attachment 1). The stated goal for BRAC 2005 is transformation, which envisions reconfiguration of current infrastructure so that operational capacity maximizes war-fighting capability and efficiency. This will be accomplished by elimination of excess physical capacity and rationalization of Department of Defense (DoD) infrastructure with defense strategy.

An additional objective of this round will be to examine and implement opportunities for greater joint activity. To that end, SECDEF has indicated that the BRAC 2005 analysis will be divided into two categories. Joint cross-service teams will analyze common business-oriented support functions, and the Military Departments will analyze all service unique functions. SECDEF will decide what specific functions are analyzed jointly based on recommendations from the senior leadership groups identified in the memo. However, DoD will not make any binding closure or realignment decisions prior to submission of final recommendations to the Base Closure and Realignment Commission no later than May 15, 2005.

The SECDEF memo establishes an Infrastructure-Executive Council (IEC) as the policy making and oversight body for the entire process, and a subordinate group, the Infrastructure Steering Group (ISG), to oversee the joint cross-service analyses and integrate that process with the Military Department analyses of all other functions. The Secretary of the Navy (SECNAV), the Chief of Naval Operations (CNO), and the Commandant of the Marine Corps (CMC) are members of the IEC. The Assistant Secretary of the Navy (Installations and Environment) (ASN (I&E)), the Vice Chief of Naval Operations (VCNO), and the Assistant Commandant of the Marine Corps (ACMC) are members of the ISG.

Within the Department of the Navy (DON), the overall BRAC 2005 process will be under the Secretary of the Navy's oversight

and guidance. As an initial step in this process, I am establishing the Department of the Navy's Infrastructure Evaluation Group (IEG) and Infrastructure Analysis Team (IAT). The IEG will be responsible for developing recommendations for closure and realignment of the Department of the Navy military installations and ensuring that operational factors of concern to the operational commanders are considered. In consultation with CNO and CMC, the IEG will prepare recommendations for SECNAV approval and transmittal to SECDEF. The IEG will have eight members, as follows:

(a) ASN (I&E), will be Chair;

(b) The Deputy Assistant Secretary of the Navy (Infrastructure Analysis) (DASN (IA)), will be the Vice Chair;

(c) Two Navy Flag officers and two Marine Corps General officers will be recommended for my approval by CNO and CMC, respectively; and

(d) Two individuals of Flag, General officer or Senior Executive Service rank, one will be recommended for my approval by the Assistant Secretary of the Navy (Research, Development and Acquisition) (ASN (RD&A)) and one will be recommended by the Assistant Secretary of the Navy (Manpower and Reserve Affairs) (ASN (M&RA)).

The Navy and Marine Corps Flag/General officers should have experience in logistics, planning, requirements, and/or operations.

The IAT will be responsible for developing analytical methodologies, developing joint and cross-servicing opportunities, collecting data and performing analyses, and presenting the analytical results to the IEG for evaluation. Membership of the IAT will consist of the following:

(a) DASN (IA), will be the Director of the IAT and Vice Chair of the IEG;

(b) Individuals representing a broad range of DON experience and warfare disciplines who are assigned full-time to support the BRAC 2005 efforts; and

(c) One Navy and one Marine Corps judge advocate to serve as the permanent Recorders for the sessions of the IEG.

VCNO and ACMC will propose individuals for the IAT to DASN (IA), who will recommend team composition to ASN (I&E) for his approval. In addition to the assigned IAT members, dedicated

support will be required from the Office of the General Counsel, the Naval Audit Service, the Office of Information, and the Office of Legislative Affairs.

Reference (a) sets out a very fair process with very specific timelines and milestones to which the Department must adhere in developing its recommendations for closure and realignment. Where the Act applies, it is the exclusive authority for selecting military installations for closure, realignment or for carrying out any closure or realignment. Planning efforts outside the established BRAC process will adhere to the following guidelines:

(a) Planning and recommendations for reducing the infrastructure must be limited to requirements and overall capacity and must not consider or identify specific installations for closure or realignment.

(b) Closures or realignments that are below the thresholds defined in 10 U. S. Code 2687 will require approval in accordance with guidance to be issued by the Under Secretary of Defense (USD) Acquisition, Technology, & Logistics (AT&L). Until guidance is promulgated, such actions must be fully justified and coordinated with DASN (IA). Competitive sourcing conducted under the provisions of Office of Management and Budget (OMB) Circular A-76 may proceed independently.

With the beginning of another BRAC process, many communities will focus on what can be done to preclude closure of local military bases. While we should always strive to improve the facilities on our installations, we must avoid creating a community expectation that any action or group of actions would preclude an installation from being considered for closure. The Act requires us to "consider all military installations within the United States equally without regard to whether the installation has been previously considered or proposed for closure or realignment by the Department." This means we must ensure that every Navy and Marine Corps installation is treated equally and fairly. Similarly, we must ensure that all Departmental actions are fully consistent with and supportive of the SECDEF's stated goals for this process. Accordingly, the following guidance applies:

(a) Requests received for installation-related information shall be processed under the parameters of the Freedom of Information Act (FOIA). Examples of releasable information would include current plant account information, mission detail, and capital investment plans that do not compromise national security. However, future investment projects, programming objectives, and mission speculation shall not be discussed or

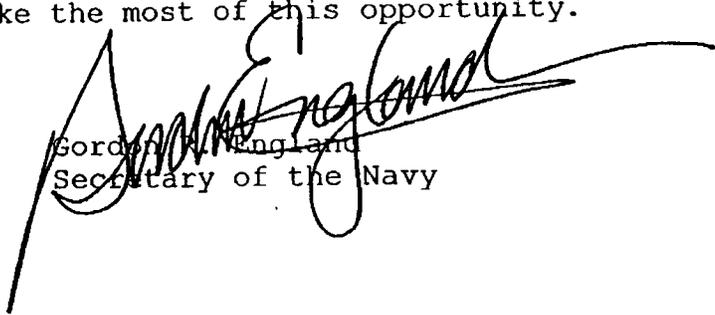
released. Whatever is provided to one requester shall be provided to all such requesters. This guidance does not apply to release of official BRAC data calls which, when issued, will constitute pre-decisional information.

(b) It is permissible to attend meetings as a representative or liaison of the Department of the Navy with state and local officials and/or organizations or other entities that may seek to develop plans and programs aimed at improving the ability of Navy and Marine Corps installations to discharge their national defense/national security mission. DON representatives may not be involved in matters of management or control of any such organization or participate in voting. Invitations to participate in such organizations should be discussed with appropriate ethics counselors. However, Navy and Marine Corps personnel may not participate in their official capacities in activities of any organization that has as its purpose, either directly or indirectly, insulating Navy and Marine Corps installations from closure or realignment.

(c) SECNAVINST 4001.2F, Acceptance of Gifts, states that DON personnel shall not request gifts or contributions to the Department unless specifically authorized to do so by the Secretary. Seeking a grant of State or local funds for construction of improvements on military installations is such a request, and gifts initiated without Secretarial authorization shall not be accepted. Additionally, based on past experience, some communities may offer financial or material assistance to local military bases in the form of unsolicited gifts. It is the Department's policy to decline any gift, solicited or unsolicited, that at some future time, might embarrass the Department of the Navy by reasons of favors expected as a result of a gift or by creating the appearance of a relationship in which favors are granted. If state or local government officials could conclude, based on their dealings with DON personnel, that their expenditures would give them a favored status during the BRAC process, the Department may be embarrassed and public relations with the community will be adversely affected. These gifts may also call into question the integrity of the base closure decision-making process. Accordingly, any such offers shall be closely examined. In dealing with State and local communities, DON personnel shall clearly communicate that there will be no favored status in the BRAC process as the result of any offer and subsequent acceptance of such a gift.

DASN (IA) will be the DON focal point for BRAC 2005. Any questions that arise in connection with this guidance should be referred to that office.

A successful BRAC 2005 is most important to the Department of the Navy, the Department of Defense, and to the Nation. It may well be our last opportunity in the foreseeable future both to reduce excess infrastructure (and thus be able to move scarce dollars to areas that result in increasingly-improved readiness) and to transform the infrastructure that remains in a manner that reflects the changing mission and force structure needs of the 21st Century. We owe it to all Americans - particularly our Sailors and Marines - to make the most of this opportunity.



Gordon R. England
Secretary of the Navy

Attachment:

1. Secretary of Defense memo of November 15, 2002

Distribution:
See next page

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TAB 5

INFRASTRUCTURE EVALUATION GROUP (IEG): 6 Feb 03
DOR

Mr. H.T. Johnson; Chair

Assistant Secretary of the Navy, Installations and Environment
The Pentagon, Room 4E765
POC: *Betsy Davis/CAPT Marty Jenkins (693-4530, FAX 693-1165)*

Ms. Anne R. Davis; Vice Chair

Deputy Assistant Secretary of the Navy for Infrastructure Analysis
1000 Navy Pentagon, Room 4A668
POC: *CDR Rice/Daphne Johnson (697-6638, FAX 697-6658)*

1 JAN 02

VADM Charles W. Moore Jr; Member

Deputy Chief of Naval Operations for Fleet Readiness and Logistics, N4
2000 Navy Pentagon, Room 4E384
POC: *YNM Rieger/LCDR Shepard (693-7651, FAX 695-4338)*

1 OCT 98

VADM Albert H. Konetzni Jr; Member

Deputy and Chief of Staff, U.S. Atlantic Fleet
1562 Mitscher Avenue, Suite 250, Norfolk VA, 23551-2487
POC: *YNC Kelsey/LCDR Adams ((757) 836-3636, FAX (757) 836-7131)*

1 JUN 01

LTGEN Richard L. Kelly; Member

Deputy Commandant for Installations and Logistics (I&L)
HQMC, 2 Navy Annex
POC: *Col Rivers/ Ms Byram (695-8572, FAX 695-8580)*

1 NOV 02

LTGEN Michael A. Hough; Member

Deputy Commandant for Aviation (AVN)
Pentagon, Room 4E482
POC: *Ms. Amelia Coram/ Maj Celigoy (614-1022, FAX 695-5446)*

1 NOV 02

Mr. Michael F. McGrath; Member

Deputy Assistant Secretary of the Navy for Research Development Test & Evaluation
Pentagon, Room 5E785
POC: *Megan Reynolds (697-1091, FAX 697-5100)*

DR. Russ Beland; Member

Deputy Assistant Secretary of the Navy for Manpower Analysis and Assessment
1000 Navy Pentagon, Room 5D821
POC: *CDR Slay (693-0592, FAX 693-4959)*

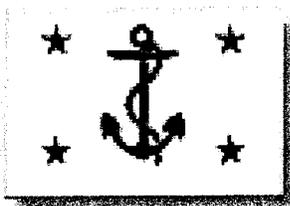
Mr. Ron Booth, NAVAUDSVC Representative

Washington Navy Yard
1006 Beatty pl, Bldg 219, Washington D.C. 20374
(614-5324, FAX 614-5832)

Mr. Tom Ledvina, OGC Representative

1000 Navy Pentagon, Room 5E677
(614-1097, FAX 614-1149)

TAB 6



ASSISTANT SECRETARY OF THE NAVY (Installations and Environment)

HANSFORD T. (H.T.) JOHNSON



Mr. Johnson was nominated on August 3, 2001 by President George W. Bush to serve as the Assistant Secretary of the Navy (Installations and Environment) and was sworn in on August 7, 2001.

H.T. Johnson has over 41 years of service to our nation in front-line leadership and planning experience in the military, public, and business sectors. H.T. grew up in Aiken, SC, attended Clemson College, and was the outstanding graduate in thermodynamics and aeronautics in the first class (1959) of the U.S. Air Force Academy. In 1989, he became the first graduate of the Air Force Academy to be promoted to General (four stars). Continuing his education, H.T. received a Master's Degree in Aeronautics from Stanford in 1967 and an MBA from Colorado in 1970. He furthered his military education at the U.S. Army Command and General Staff College in 1972, the National War College in 1976, and Advance Management Program at Dartmouth in 1980. He qualified as "Professional Engineer" in Colorado and as a "registered principal" with the National Association of Security Dealers. He was a forward air controller in Viet Nam and flew 423 combat missions. After the combat tour, he served as an assistant professor of Aeronautics at the Air Force Academy.

After serving in Air Force Plans and attending the National War College, H.T. joined the Strategic Air Command and served as a Wing Commander and in SAC Plans.

During a period of defense downsizing (1982-85), he led the team that successfully rebalanced the Air Force programs in the \$100 billion annual Air Force Budget.

... led Strategic Air Command operations in 1985 and directed the refueling and strategic reconnaissance forces during CORONADO CANYON, the bombing of Libya. He then became the Vice Commander in Chief of the Pacific Air Force.

In late 1987, he became the Deputy Commander in Chief of the Central Command during EARNEST WILL, the U.S. reflagging of Kuwaiti oil tankers and escort operations in the Persian Gulf. He was intimately involved in all of the conflicts with Iran during the escort operations.

In 1989, H.T. served as Admiral Bill Crowe's director of the Joint Staff, Joint Chiefs of Staff.

As Commander in Chief of the U.S. Transportation and the Military Airlift Commands, H.T. worked directly for Secretary of Defense, Dick Cheney; Chairman of the Joint Chiefs, Colin Powell; and Air Force Chief of Staff, Larry Welch in leading all transportation components of the Army, Navy, and Air Force (which he also commanded). His Air Force command provided all airlift and special operations forces for the extremely effective JUST CAUSE invasion of Panama. He very successfully implemented Total Quality Management in the Military Airlift Command. All military and commercial aspects of the DESERT SHIELD/STORM movement of troops, equipment, and supplies to and from the Persian Gulf were led by him and his commands. This was the most concentrated movement in American military history -- moving the equivalent of Richmond, Virginia across the world in four months.

After retirement from the Air Force, H.T. joined USAA Capital Corporation, part of one of the largest and most successful financial services organizations in America. He was responsible for providing non-insurance services to USAA members through the USAA Federal Savings Bank (selected as the Best Bank in America by Money Magazine), the USAA Investment Management Company, the USAA Real Estate Company, and USAA Buying Service. These companies managed \$13 billion in USAA insurance portfolios, over \$16 billion in mutual funds, \$10 billion bank, and \$1 billion in real estate holdings.

While at USAA, President Bush and President Clinton appointed him to the 1993 Base Realignment and Closure Commission. When the 1995 Commission closed Kelly AFB, H.T. was appointed to lead the Greater Kelly Development Corporation (GKDC). The GKDC was charged with transforming the closing \$7.5 billion Kelly Air Force Base with a workforce of 19,000 into a thriving industrial park employing in excess of 21,000 workers.

He served as an Executive Vice President and Chief Operating Officer of the Credit Union National Association (CUNA) in Madison, Wisconsin. ... il reaching 65, H.T. served as President & CEO of EG&G Technical Service and later of EG&G when purchased by The Carlyle Group. EG&G provides the full range of management, scientific, technical, operational, and support services to both government and commercial customers. H.T. is active in community and church activities.

H.T. and his wife of 43 years, Linda, live in McLean, Virginia. They have a son, a daughter, and six grandchildren.

The United States Navy



United States Navy Biography

Vice Admiral Charles W. Moore, Jr.
United States Navy
Deputy Chief of Naval Operations (N4)
(Fleet Readiness and Logistics)

Vice Admiral Charles W. Moore, Jr., is a 1968 graduate of the United States Naval Academy. He earned his first Masters Degree in International Relations from Salve Regina University. A designated naval aviator and surface warfare officer qualified, Vice Adm. Moore has served in a broad range of operational, staff, and command billets.

Operational tours at sea include, two combat tours during the Vietnam conflict with VA-146 flying the A-7 Corsair II on board *USS America* (CV 66) and *USS Constellation* (CV 64); Assistant Strike Operations Officer on board *USS John F. Kennedy* (CV 67); two Mediterranean deployments with VA-83 on board *USS Forrestal* (CV 59); a Mediterranean deployment on board *USS Theodore Roosevelt* (CVN 71) and the shakedown cruise of *USS Abraham Lincoln* (CVN 72) as Deputy Commander, Carrier Air Wing EIGHT.

Shore and staff assignments include, instructor duty at VA-174; staff duty with Commander, Light Attack Wing ONE; Naval War College where he earned his second Masters Degree in Strategic Policy; Deputy Director, Program Resource Appraisal Division (OP-81B), Chief of Naval Operations; and in the Joint Staff, Special Technical Operations Division, Operations Directorate. Vice Adm. Moore's first flag assignment was Deputy Director for Operations (Current Operations), Joint Staff.

Command experiences include a tour as the Commanding Officer, Strike Fighter Squadron One Three One where he led his squadron into combat during the 1986 Libyan crisis while embarked in *USS Coral Sea* (CV 43) and earned the Vice Admiral James B. Stockdale Award for inspirational leadership; and as Commander, Carrier Air Wing EIGHT on board *USS Theodore Roosevelt* (CVN 71). Vice Adm. Moore served as Commander, Carrier Group FIVE on board *USS Independence* (CV 62), prior to being assigned Commander, U.S. Naval Forces Central Command and Commander, U.S. Fifth Fleet where he led U.S. naval forces in *Operation Enduring Freedom* in Afghanistan.

Vice Adm. Moore has over 5,000 flight hours and more than 1,000 carrier arrested landings on nine different carriers. He has been awarded the Distinguished Service Medal, Defense Superior Service Medal, Legion of Merit (2 awards), Meritorious Service Medal (2 awards), Air Medal (3 Individual awards and 17 Strike/Flight awards), Navy Commendation Medal (4 awards w/Combat V), Presidential Unit Citation, Vietnamese Cross of Gallantry, Republic of Korea Order of National Security Merit Cheonsu Medal, Bahrain First Class Medal, United Arab Emirates Military Medal First Class, and various unit and campaign awards.

Updated: 5 August 2002

Deputy and Chief of Staff U.S. Atlantic Fleet Vice Admiral Albert H. Konetzni, Jr.



Vice Admiral Albert H. Konetzni was born in New York City in 1944. He attended Archbishop Stepinac High School in White Plains, New York and entered the United States Naval Academy where he graduated with merit and received his commission in 1966.

Following graduation from the Naval Academy, Vice Admiral Konetzni attended Naval Submarine School in New London, Connecticut, Nuclear Power School in Mare Island, California and Naval Nuclear Power Prototype Training in West Milton, New York. He reported to USS MARIANO G. VALLEJO (SSBN 658) (Gold) in 1968. In 1970, Vice Admiral Konetzni reported to the United States Naval Academy and served as a Company Officer.

In 1972, Vice Admiral Konetzni reported to the Precommissioning Unit WILLIAM H. BATES (SSN 680) under construction in Pascagoula, Mississippi and served as Engineer Officer through commissioning until 1976. Following that tour, Vice Admiral Konetzni served as Executive Officer, USS KAMEHAMEHA (SSBN 642) (Gold) from June 1976 to December 1978. In December 1978, Vice Admiral Konetzni reported to the Naval Military Personnel Command and served as Submarine Placement Officer and Executive Officer Detailer. His first command tour was onboard USS GRAYLING (SSN 646) from August 1981 until May 1984.

Vice Admiral Konetzni served as Deputy Commandant of the U.S. Naval Academy from August 1984 until May 1987. He commanded Commander Submarine Squadron SIXTEEN from May 1987 until July 1989. After his squadron command, he served as Senior Fellow of the Chief of Naval Operations Strategic Studies Group. Vice Admiral Konetzni served as Deputy Director of the Submarine Strategic Division in the Office of the Assistant Chief of Naval Operations (Undersea Warfare) from July 1990 until April 1991. From April 1991 to April 1993, he served as Chief of Staff to Commander Submarine Force, U.S. Atlantic Fleet. His next assignment was as Director, Attack Submarine Division (N872) at the Pentagon from June 1993 until February 1994. From February 1994 to November 1995, he served as the Assistant Chief of Naval Personnel for Total Force Programming and Manpower (PERS-5) and Assistant Chief of Naval Personnel for Personnel Policy and Career Progression (PERS-2). Prior to his current duties, he served as Commander Submarine Group SEVEN in Yokosuka, Japan from December 1995 to April 1998 and Commander Submarine Force, U.S. Pacific Fleet from May 1998 to May 2001. Vice Admiral Konetzni assumed his current duties as Deputy and Chief of Staff U.S. Atlantic Fleet on 4 May 2001.

Vice Admiral Konetzni is entitled to wear the Legion of Merit with a silver star, the Defense Meritorious Service Medal, the Meritorious Service Medal with two gold stars, the Navy and Marine Corps Commendation Medal with two gold stars, and the Navy and Marine Corps Achievement Medal. He was also awarded the Order of National Security Merite Cheonsu Medal by the Republic of Korea in December 1997. He holds a Master's Degree in Industrial Personnel Management from George Washington University and is the co-author of the book *Command at Sea*.

Vice Admiral Konetzni and his wife Shirley (Missy) have six adult children.

Lieutenant General

Richard L. Kelly

Deputy Commandant for Installations and Logistics



Lieutenant General Richard L. Kelly is the Deputy Commandant, Installations and Logistics, Headquarters, U. S. Marine Corps. He is responsible for the leadership, management, integration and modernization of worldwide Marine Corps logistics, engineering, services, and installations.

General Kelly attended Central Catholic High School in Pittsburgh, Pennsylvania. He graduated from Penn State University in 1970 and enlisted in the Marines. He was commissioned in 1971 and designated an infantry officer. General Kelly was redesignated a Supply and Logistics Officer in 1978.

General Kelly has commanded four Platoons, two Companies, two Battalions, and Combat Service Support Detachment-10, which supported 1st Marine Division during the Gulf War. He also served as Executive Officer, Marine Amphibious Unit Service Support Group-38. As a General Officer, he commanded 1st Force Service Support Group, I Marine Expeditionary Force.

His staff assignments include 1st Marine Aircraft Wing; Headquarters, U.S. Marine Corps; Headquarters, U.S. Central Command; Marine Aide to the Assistant Secretary of the Navy (Shipbuilding and Logistics); and Vice Director for Logistics, the Joint Staff.

General Kelly is a graduate of the Marine Corps Amphibious Warfare School; the Marine Corps Command and Staff College; and the Industrial College of the Armed Forces (with distinction). His civilian degrees include a BA in History from Penn State University, a BA in Economics and Business Administration from Chapman College, and an MBA from Pepperdine University.

His awards include the Defense Superior Service Medal, the Bronze Star Medal, the Combat Action Ribbon, the Southwest Asia Service Medal, the Kuwait Liberation Medals, the Vietnam Service Medal, the Vietnam Cross of Gallantry, and the Navy-Marine Corps Parachutist Insignia.



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Lieutenant General

Michael A. Hough

Deputy Commandant for Aviation, HQMC



Lieutenant General Michael A. Hough is currently serving as the Deputy Commandant for Aviation, Headquarters, U.S. Marine Corps.

Enlisting into the U.S. Navy in 1963 and subsequent to graduation from the U.S. Naval Academy with a B.S. in Applied Science in 1969, he was commissioned a second lieutenant in the U.S. Marine Corps. Upon completion of The Basic School and U.S. Navy pilot flight training in Beeville, Texas, he was assigned to VMFA-122 (F-4Bs) as the S-4 officer in Kaneohe, Hawaii. Subsequent to a tour in WESTPAC, he was reassigned to VT-19, Meridian, Miss. as a flight instructor where he served as maintenance officer and standardization officer.

In 1976, Captain Hough reported to Camp Schwab, Okinawa, where he served as the ALO and Operation's Officer of BLT 2/9 ashore and afloat as ARG-Bravo. Returning to CONUS in 1977, Captain Hough reported to VMFA-451, MAG-31, MCAS Beaufort, where he served until 1981 as the squadron S-1, maintenance officer and operations officer.

In 1981, he attended USAF Command and Staff College at Maxwell AFB. Subsequent to graduation, he reported to the F/A-18 class desk for duty as assistant program manager until reassignment in 1986 to U.S. Army War College in Carlisle, Pa.

In 1987, Lieutenant Colonel Hough returned to MAG-31 where he served as the group operations officer and executive officer until his assignment as Commanding Officer of VMFA-312 (F/A-18) from 1988 to 1991.

Returning to Washington, D.C. in 1991, Colonel Hough served as the Executive Assistant to the Deputy Chief of Staff for Aviation until ordered in February 1992 to assume command of Marine Aircraft Group 24, Kaneohe, Hawaii. Upon completion of his tour in MAG-24 in February 1993, he was assigned as the Branch Head, Aviation Weapons Systems Requirements Branch, Headquarters, U.S. Marine Corps, Washington D.C., where he was selected for promotion to brigadier general in January 1995. He served as the Deputy Assistant Secretary of the Navy, Expeditionary Forces Programs, (Research Development & Acquisition), from July 1995 until assigned as the Deputy Director of Joint Strike Fighter Program in August 1997. In May 1999, he was assigned as Director of Joint Strike Fighter Program and promoted to major general. On 7 December 2001, Major General Hough was assigned as the Assistant Deputy Commandant for Aviation. On 2 October 2002, Lieutenant General Hough assumed the duties as Deputy Commandant for Aviation.

General Hough's personal decorations include the Defense Distinguished Service Medal, Air Force Distinguished Service Medal, Legion of Merit with one gold star, Meritorious Service Medal with two Gold Stars, Navy Achievement Medal and the Combat Action Ribbon.

(Revised 22 October 2002)



ANNE RATHMELL DAVIS
DEPUTY ASSISTANT SECRETARY OF THE NAVY
(INFRASTRUCTURE ANALYSIS)

Anne Rathmell Davis was appointed Deputy Assistant Secretary of the Navy (Infrastructure Analysis) in the Office of the Assistant Secretary of the Navy (Installations and Environment) in January 2002. She is responsible for basing and infrastructure requirements and policy determinations for the Department of the Navy, with primary responsibility for reviews and analysis to support the Department's base closures and realignment.



Mrs. Davis received her B.A. in Political Science from Denison University, Granville, Ohio, in 1975 and her J.D. from the University of Pittsburgh School of Law in 1978.

Commissioned as a Second Lieutenant in the U.S. Marine Corps in 1975, her initial assignments were with the 3d Force Service Support Group and the 3d Marine Division, Okinawa, Japan. She subsequently served in a variety of legal and administrative positions, including Head of the Legal Assistance Branch, Head of Real Estate Branch, Manpower Officer, and Associate Counsel for the Commandant in land use and environmental law, all at Headquarters, Marine Corps. As an active member of the Marine Corps Reserve with the present rank of Colonel, Mrs. Davis has held reserve billets with the Judge Advocate Division, Headquarters, Marine Corps and the Warfighting Center, Marine Corps Combat Development Command, Quantico, Virginia. Retained on active duty after being activated for Desert Shield/Desert Storm, she was assigned to the Base Structure Analysis Team, part of the Department of the Navy's organization for the 1993 base closure process, as the recording secretary and legal advisor.

Upon release from active duty in 1993, Mrs. Davis became the Senior Counsel (Installations) within the Navy Office of the Assistant General Counsel (Installations and Environment), where she provided advice and counsel within the Navy Secretariat on real estate, installation, natural resources, and base closure issues and served as primary legal advisor to the Base Structure Evaluation Committee for the 1995 Department of the Navy base closure process. She then transferred to the Naval Air Systems Command, Arlington, Virginia, where she was the Senior Associate Counsel for Environmental and Special Programs, with primary cognizance over base closure, privatization, facilities, and environmental matters. Mrs. Davis then held a term SES appointment as the Director, Investigation and Analysis, within the Office of the Special Assistant to the Deputy Secretary of Defense for Gulf War Illnesses. Responsible for collection and evaluation of all information related to Gulf War veterans' illnesses, she managed a large government/contractor team tasked with the investigation of possible causes of Gulf War illnesses and with reporting the results of those investigations to veterans, the Department of Defense, Presidential oversight committees, and Congress. Prior to assuming her current position, she was assigned as Associate Counsel to the Naval Supply Systems Command, Mechanicsburg, PA, with responsibility for legal advice and support to the Command and field activities on a full range of business and commercial issues, including performance-based logistics contracts and strategic sourcing.

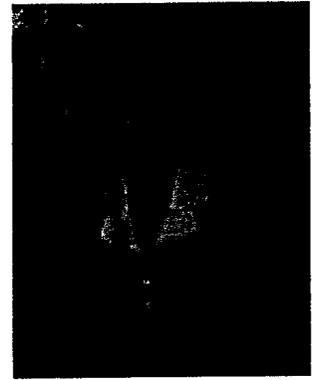
Mrs. Davis' civilian awards include a Secretary of Defense Meritorious Civilian Service Award (1999), a Department of the Navy Superior Civilian Service Award (1996), and a Department of the Navy Meritorious Civilian Service Award (1995). Her military awards include a Legion of Merit (1993), two Meritorious Service Medals (1987, 1992), a Navy Commendation Medal (1983), and the Navy Achievement Medal (1985).

Mrs. Davis is married to Robert A. (Tony) Davis and has one son, Porter.

Senior Executive Service

Carla Liberatore

Assistant Deputy Commandant, Installations and Logistics



Ms. Carla Liberatore is the Assistant Deputy Commandant, Installations and Logistics, Headquarters, U.S. Marine Corps, Washington, DC. She was assigned to this position on 11 August 2002.

Ms. Liberatore began her government career in 1982 as an Industrial Engineer at the Seneca Army Depot in Romulus, New York. In December 1984, she moved to the Air Force Plant Representative Office, as an Industrial Engineer, at Westinghouse in Baltimore, and subsequently to the Air Force Systems Command Headquarters at Andrews Air Force Base in 1986.

In 1988, Ms. Liberatore became the Chief of the Program and Technical Support Division at the Defense Plant Representative Office at Westinghouse, Baltimore. She remained in this position until 1991 when she was recruited by the Headquarters, Defense Contract Management Command as the Assistant Chief, Operations Management, and then the Process Oriented Contract Administration Services Program Manager in 1993. From 1994 to 1995, Ms. Liberatore worked for the Defense Logistics Agency as the Assistant Executive Director, Information Management and as the Staff Director, Corporate Performance Office, respectively.

Ms. Liberatore was assigned as the Deputy Commander, DCMC Lockheed Martin Missiles and Space, Sunnyvale, California in 1997. While there, she led 126 military and civilian personnel in managing contract performance for the design, development and production of satellites, missiles and other space assets for the Department of Defense and the National Aeronautics and Space Administration. The \$36 billion portfolio included the Space-Based Infra Red System, the International Space Station, Fleet Ballistic Missile, Airborne and Space-Based Laser Programs, MILSTAR and the Theater High Altitude Area Defense Missile.

Ms. Liberatore's last assignment was as the Comptroller and Executive Director, Financial and Business Operations, Headquarters, Defense Contract Management Agency, Alexandria, Virginia, where she oversaw \$973 billion in Defense contracts at 960 contractor locations world wide. Ms. Liberatore led 65 military and civilian personnel in managing the Agency's \$1 billion budget, accounting, international business, strategic planning, policy development, facilities, and A-76. Most recently, she was on a detail assignment to the Office of the Under Secretary of Defense (Acquisition, Technology and Logistics) as a Special Assistant to the Director, Acquisition, Resources and Analysis. There she managed the Defense Department's core/non-core competency program, coordinated the President's Management Agenda, and led an effort to improve accounting for service contracts.

In 1981, Ms. Liberatore graduated from the State University of New York at Binghamton with a Bachelor of Arts in Economics and in 1982 she received her Master of Science degree in Industrial and Systems Engineering from Ohio University. She also received a Master of Science degree in National Security Strategy from the National War College at Ft. McNair, Washington, DC in 1994. Ms. Liberatore is the recipient of the Defense Contract Management Command-Lockheed Martin Missiles and Space 1998 Equal Employment Opportunity Federal Women's Program Award, the Air Force Plant Representative Office Outstanding Civilian Award, two Meritorious Civilian Service Awards, and the Exceptional Civilian Service Award.



DR. JOHN A. MONTGOMERY
Director of Research
Naval Research Laboratory

Dr. Montgomery received his Bachelor of Science degree in Physics from North Texas State University in 1967 and his Masters degree, also in Physics, in 1969. He received his PhD in Physics from the Catholic University of America in 1982. Dr. Montgomery is presently the Director of Research at the Naval Research Laboratory, where he oversees research and development expenditures of approximately \$800 million per year.

Dr. Montgomery joined the Naval Research Laboratory (NRL) in 1968 as a research physicist in the Advanced Techniques Branch of the Electronic Warfare Division, where he conducted research on a wide range of Electronic Warfare (EW) topics. In 1980, he was selected to head the Off-Board Countermeasures Branch. In 1985, he was appointed to the Senior Executive Service and was selected as Superintendent of the Tactical Electronic Warfare Division. He has been responsible for numerous systems that have been developed/approved for operational use by the Navy and other services. He has had great impact through the application of advanced technologies to solve unusual or severe operational deficiencies noted during world crises, most recently in the Persian Gulf, the Kosovo campaign, in Afghanistan, and for Homeland Defense. During his career, Dr. Montgomery has contributed more than 60 publications, papers, symposia presentations, and lectures.

Dr. Montgomery received the Department of Defense Distinguished Civilian Service Award in 2001. He was recognized by the Department of the Navy Distinguished Civilian Service Award in 1999 and by the Department of the Navy Meritorious Civilian Service Award in 1986. As a member of the Senior Executive Service, he received the Presidential Rank of Distinguished Executive award in 1991 and again in 2002, the Presidential Rank of Meritorious Executive award in 1988, and again in 1999. He also received the 1997 Dr. Arthur E. Bisson Prize for Naval Technology Achievement, awarded by the Chief of Naval Research in 1998. Further, he has received the Association of Old Crows (Electronic Defense Association) Joint Services Award in 1993. He was an NRL Edison Scholar, and is a member of Sigma Xi. He has served as the U.S. National Leader of The Technical Cooperation Program's multinational Group on Electronic Warfare from 1987 to 2002, and served as its Executive Chairman.

THOMAS N. LEDVINA

Department of the Navy
Assistant General Counsel
(Installations and Environment)

Mr. Ledvina received his Bachelor of Science degree from the United States Naval Academy in 1971 and was commissioned as a line officer. Following graduation, Mr. Ledvina served as Weapons/ Supply Officer aboard *USS Beacon*, (PG-99), from 1971 to 1974. He then served as Combat Information Center Officer aboard *USS Luce* (DLG-7) from 1974 to 1975. He qualified as Officer of the Deck, Tactical Action Officer, and was designated a Surface Warfare Officer. In 1975 he was selected for the Law Education Program and attended the Ohio State University, receiving a Juris Doctor degree. Upon his graduation from law school, he completed Naval Justice School and served as a trial attorney at Naval Legal Service Office, Norfolk, from 1978 to 1979. In 1979 he was named Officer in Charge at Naval Legal Service Office Detachment, Naval Air Station, Oceana. In 1980, he was ordered back to the Naval Legal Service Office, Norfolk, where he served as Senior Defense Counsel until 1981. From 1981 to 1984, Mr. Ledvina served as Legal Advisor to the Commandant at the Naval Academy. From 1984 to 1986, he was assigned to the Naval Legal Service Office, Pearl Harbor, where he served as Senior Trial Counsel and as a Special Assistant United States Attorney.

After being selected for postgraduate education in environmental law, Mr. Ledvina attended the University of Virginia from 1986 to 1987, receiving a Master of Laws degree.. Upon graduation, he joined the General Litigation Division of the Office of the Judge Advocate General, where he has served as a litigation attorney and as Head of the Environmental Law Branch. In December, 1989, he became the Deputy Director of the General Litigation Division. In July, 1990, he was named Deputy Assistant Judge Advocate General (General Litigation), leading 13 attorneys in the litigation of a caseload of over 125 civil cases. In July 1991, he moved to the Office of the Assistant General Counsel (Installations and Environment), where he served as Deputy Assistant General Counsel (Environment). The Office of the Assistant General Counsel (Installations and Environment) provides legal advice to the Assistant Secretary of the Navy (Installations and Environment) and Director, Environmental Protection, Safety and Occupational Health Division of the Office of the Chief of Naval Operations. On September 1, 1995, Mr. Ledvina retired from active duty as a Captain and became the Deputy Assistant General Counsel (Installations and Environment). He was selected for his current position with the Office of the Assistant Secretary of the Navy (Installations and Environment) in January 2003.

Mr. Ledvina is married to the former Patricia A. Cummings of Virginia Beach, Virginia. They reside in Springfield, Virginia.

CDR MARGARET M. CARLSON JAGC, USN

CDR Carlson graduated Summa Cum Laude from Villanova University in 1983 with a BA in English. She received her JD in 1986 from the Marshall-Wythe School of Law at the College of William and Mary. In 1999, CDR Carlson received her LLM in International Environmental Law from the University of Washington.

From 1987 to 1989, CDR Carlson served as a trial counsel and, later, a defense counsel at Naval Legal Service Office San Francisco. She also served as the Branch Office Head for the NLSO Branch at NAS Moffett from 1988-1989. In July of 1989, CDR Carlson became the Staff Judge Advocate at Naval Station Pearl Harbor. CDR Carlson was Assistant Force Judge Advocate on the staff of Commander Naval Air Force, U.S. Pacific Fleet from 1991-1994. In 1994, she became the Senior Trial Counsel at Naval Legal Service Office San Diego. CDR Carlson then went on to be the Command Judge Advocate for the USS ABRAHAM LINCOLN (CVN-72) from 1996-1998. From 1998 to 1999 she attended the University of Washington. CDR Carlson then served as the senior Staff Judge Advocate and Environmental Counsel for Navy Region Northeast from July 1999-Aug 2002. She is currently the Deputy Division Director for the Administrative Law Division of the Office of the Judge Advocate General of the Navy.

Her military awards include two Meritorious Service Medals (1996, 2002), three Navy Commendation Medals (1991, 1994, 1998) and a Navy Achievement Medal (1989).

CDR Carlson is married to Mr. John Carlson who is a computer systems analyst for the Sonalysts Corporation in Dahlgren, VA. She is the proud mother of twins, James Joseph (J.J.) and Cathleen Clare (Catie). CDR Carlson and her family reside in Stafford, Virginia.

TAB 7

Nondisclosure Agreement

My duties include work assignments and responsibilities in which I may acquire personal knowledge of or access to information concerning the development of recommendations relating to potential closure or realignment of military installations in the Base Realignment and Closure (BRAC) 2005 process. I understand and agree that it is my duty and obligation to comply with the provisions of this agreement respecting such information, and that my violation of this agreement may result in administrative or disciplinary action.

1. I understand that the development of any BRAC 2005 information, written or oral, pursuant to the Defense Base Closure and Realignment Act of 1990, as amended, is an official, sensitive, and deliberative process. "BRAC 2005 information" includes, but is not limited to, data, processes, methodologies, and information and data request formats. "Written" information includes all electronic and hard copy forms of communication. I further understand that the development of such information is not limited to final documents or products, but also includes all draft and feeder documents, briefings and notes, as well as any other related oral or written communication.
2. The public and all levels of federal, state, and local government have a right to expect and trust that the BRAC 2005 process will be conducted objectively and impartially. Any unauthorized disclosure of BRAC 2005 information undermines that expectation and trust and is therefore prohibited. Unauthorized disclosures may also constitute a violation of law and DoD or Military Department directives, regulations, instructions, policies, or guidance. I promise not to disclose any BRAC 2005 information, except as specifically authorized.
3. I further understand that any BRAC 2005 document or any other written communication, whether draft or final, is the official property and record of the Department of Defense and shall be retained, disseminated, released, and destroyed in accordance with requirements of law and applicable DoD or Military Department directives, regulations, instructions, policies or guidance.
4. I understand that the provisions of this agreement bind me personally until the Secretary of Defense transmits BRAC 2005 recommendations to the Commission and Congress even if I am reassigned to other duties or stations, retire, or otherwise cease employment or any contract, agency, or other relationship or association with the Department of Defense.

Name, Title and Organization

Date