SEC. 2704. AUTHORITY TO EXTEND DEADLINE FOR COMPLETION OF LIMITED NUMBER OF BASE CLOSURE AND REALIGNMENT RECOMMENDATIONS.

Section 2904 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) in subsection (a)(5), by striking "complete" and inserting "except in the case of a closure or realignment recommendation extended pursuant to subsection (c), complete"; and

(2) by adding at the end the following new subsection:

"(c) LIMITED AUTHORITY TO EXTEND IMPLEMENTATION PERIOD.—(1) In the case of the recommendations of the Commission contained in the report of the Commission transmitted by the President to Congress in accordance with section 2914(e) on September 15, 2005, the Secretary may extend the period for completing not more than 10 of the closure or realignment recommendations until the later of the following:

"(A) September 15, 2012.

"(B) The date of the enactment of an Act authorizing funds for military construction for fiscal year 2013.

"(2) To extend a closure or realignment recommendation under this subsection, the Secretary shall submit to the congressional defense committees a report containing the following:

"(A) A justification of the need for the extension of the closure or realignment recommendation.

"(B) A certification that the extension is necessary to ensure the operational readiness of units or functions being relocated as part of the implementation of the recommendation.

"(C) An explanation of the impact of the extension on communities in the vicinity of the affected installations.

"(D) An explanation of the impacts of not providing the extension on operational readiness.

"(E) An estimation of the costs to the Government associated with the extension.

"(F) A schedule for completing the closure or realignment recommendation in light of the extension.

"(3) The extension of a closure or realignment recommendation under this subsection shall take effect only after—

"(A) the end of the 21-day period beginning on the date on which the report required by paragraph (2) with respect to that recommendation is received by the congressional defense committees; or

"(B) if earlier, the end of the 14-day period beginning on the date on which a copy of the report is provided in an electronic medium pursuant to section 480 of title 10, United States Code.

"(4) The authority of the Secretary under paragraph (1) may be exercised only by the Secretary or Deputy Secretary of Defense.".

Section-by-Section Analysis

Section 2904 of the Defense Base Closure and Realignment (BRAC) Act imposes on the Department a legal obligation to close and realign all installations so recommended by the BRAC Commission to the President and to complete all such closures and realignments no later than September 15, 2011. Of the 221 recommendations forwarded by the Commission to the

President, the Department has a handful of recommendations with schedules that complete implementation very close to the statutory deadline. Of those, the closure of Walter Reed and the realignment of medical care in the National Capital Region deals directly with casualty care in the National Capital Region (NCR); therefore, specific concern exists over the small margin of error the current execution timeline can absorb.

In order to ensure no disruption to the full and complete implementation of each of these recommendations, as well as continuity of operations, this legislation would modify the BRAC Act to provide the Secretary or Deputy Secretary of Defense with limited authority to extend the BRAC implementation period when necessary to ensure the operational readiness of units or functions being relocated as part of the implementation of the recommendation. This provision does not modify the substance of any BRAC recommendation nor does it eliminate the legal obligation to fully implement each recommendation; it merely provides the Secretary or Deputy Secretary with limited authority to extend the implementation period.

To ensure this authority can only be exercised at the highest levels, it is specifically limited to the Secretary and Deputy Secretary. Additionally, such an extension would be authorized only after the Secretary provides an extensive report to Congress and 21 days has elapsed.

Budget Implications: This proposal would not have any budgetary implications.

Changes to Existing Law: This proposal would make the following changes to section 2904 of the Defense Base Closure and Realignment Act, Public Law 101-510, as amended:

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~~ <u>except in the case of a closure or realignment recommendation extended pursuant to subsection (c), complete</u> 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.

(c) LIMITED AUTHORITY TO EXTEND IMPLEMENTATION PERIOD.--(1) In the case of the recommendations of the Commission contained in the report of the Commission transmitted by the President to Congress in accordance with section 2914(e) on September 15, 2005, the Secretary may extend the period for completing not more than 10 of the closure or realignment recommendations until the later of the following:

(A) September 15, 2012.

(B) The date of the enactment of an Act authorizing funds for military construction for fiscal year 2013.

(2) To extend a closure or realignment recommendation under this subsection, the Secretary shall submit to the congressional defense committees a report containing the following:

(A) A justification of the need for the extension of the closure or realignment recommendation.

(B) A certification that the extension is necessary to ensure the operational readiness of units or functions being relocated as part of the implementation of the recommendation.

(C) An explanation of the impact of the extension on communities in the vicinity of the affected installations.

(D) An explanation of the impacts of not providing the extension on operational readiness.

(E) An estimation of the costs to the Government associated with the extension.

(F) A schedule for completing the closure or realignment recommendation in light of the extension.

(3) The extension of a closure or realignment recommendation under this subsection shall take effect only after--

(A) the end of the 21-day period beginning on the date on which the report required by paragraph (2) with respect to that recommendation is received by the congressional defense committees; or

(B) if earlier, the end of the 14-day period beginning on the date on which a copy of the report is provided in an electronic medium pursuant to section 480 of title 10, United States Code.

(4) The authority of the Secretary under paragraph (1) may be exercised only by the Secretary or Deputy Secretary of Defense.