

Public Law 100-526  
100th Congress

An Act

To provide certain additional fiscal year 1989 defense authorization policies, to provide procedures to facilitate the closure and realignment of obsolete or unnecessary military installations, and for other purposes.

Oct. 24, 1988  
[S. 2749]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE**

This Act may be cited as the "Defense Authorization Amendments and Base Closure and Realignment Act".

Defense  
Authorization  
Amendments  
and Base Closure  
and  
Realignment  
Act.  
10 USC 2687  
note.

**TITLE I—ADDITIONAL FISCAL YEAR 1989 AUTHORIZATION PROVISIONS**

**SEC. 101. ADDITIONAL AUTHORIZATIONS FOR MILITARY CONSTRUCTION AND LAND ACQUISITION PROJECTS**

(a) **ARMY.**—(1) In addition to projects otherwise authorized by law, the Secretary of the Army may acquire real property and may carry out a military construction project for the construction of a barracks modernization at Fort Bliss, Texas, in an amount not exceed \$7,100,000.

(2) In addition to projects otherwise authorized by law, the Secretary of the Army may make advances to the Secretary of Transportation for the construction of defense access roads under section 210 of title 23, United States Code, at New Cumberland Army Depot, Pennsylvania, in an amount not to exceed \$5,300,000.

(3) In addition to any other authorization of appropriations for the Department of the Army, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1988, for projects of the Department of the Army described in paragraphs (1) and (2) in the amount of \$12,400,000.

(4) The forty units of military family housing authorized to be constructed at Schofield Barracks, Hawaii, by section 2101 of the Military Construction Authorization Act, 1989, may be constructed at Helemano Military Reservation, Hawaii.

(b) **AIR FORCE.**—(1) In addition to projects otherwise authorized by law, the Secretary of the Air Force may acquire real property and may carry out military construction projects at Blytheville Air Force Base, Arkansas, in an amount not to exceed \$4,086,000.

(2) In addition to any other authorization of appropriations for the Department of the Air Force, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1988, for military construction and land acquisition projects of the Department of the Air Force authorized by paragraph (1) in the amount of \$4,086,000.

**SEC. 102. ADDITIONAL AUTHORIZATIONS FOR GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS**

(a) **AUTHORIZATIONS OF APPROPRIATIONS.**—In addition to funds otherwise authorized by law, there are authorized to be appropriated for fiscal years beginning after September 30, 1988, for cost of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army, \$17,506,000 for the Army National Guard of the United States.

(2) For the Department of the Air Force, \$2,300,000 for the Air National Guard of the United States.

(b) **AUTHORIZATION OF USE OF FUNDS FOR CERTAIN PROJECTS.**—Construction and acquisition projects for the Air National Guard of the United States at the following locations and in the following amounts are authorized to be carried out using unexpended funds from amounts appropriated for fiscal years beginning before October 1, 1988:

(1) Anchorage Kulis Air National Guard Base, Alaska, \$3,500,000.

(2) Allen C. Thompson Field, Mississippi, \$2,000,000.

**SEC. 103. ARMY AIR DEFENSE SYSTEM**

(a) **LIMITATION.**—The Secretary of the Army may obligate fiscal year 1989 missile procurement funds that are available for advance procurement for the Air Defense Anti-Tank (ADATS) System only to support continued low-rate production of such system.

(b) **FUNDS COVERED.**—For purposes of subsection (a), fiscal year 1989 missile procurement funds are funds appropriated to or for the use of the Army for fiscal year 1989 for procurement of missiles and funds otherwise made available to the Army for fiscal year 1989 for that purpose.

**SEC. 104. MULTIYEAR PROCUREMENT AUTHORITY**

(a) **REQUESTS FOR RELIEF.**—If for any fiscal year a multiyear contract to be entered into under section 2306(h) of title 10, United States Code, is authorized by law for a particular procurement program and that authorization is subject to certain conditions established by law (including a condition as to cost savings to be achieved under the multiyear contract in comparison to specified other contracts) and if it appears (after negotiations with contractors) that such savings cannot be achieved, but that substantial savings could nevertheless be achieved through the use of a multiyear contract rather than specified other contracts, the President may submit to Congress a request for relief from the specified cost savings that must be achieved through multiyear contracting for that program. Any such request by the President shall include details about the request for a multiyear contract, including details about the negotiated contract terms and conditions.

(b) **TOW II MISSILE PROGRAM.**—Section 8031 of the Department of Defense Appropriations Act, 1989 (Public Law 100-463), is amended by striking out the last proviso.

Contracts.  
President  
of U.S.  
10 USC 2306  
note.

*Ante*, p. 2270-22.

**SEC. 105. FIXED-PRICE DEVELOPMENT CONTRACTS**

Section 8085 of the Department of Defense Appropriations Act, 1989 (Public Law 100-463), relating to fixed-price development type contracts, is amended by—

*Ante*, p. 2270-32.

- (1) striking out “fixed price-type contracts” and inserting in lieu thereof “firm fixed-price contracts”; and  
 striking out “: *Provided further*,” and all that follows through the end of the section and inserting in lieu thereof a period.

**SEC. 106. TECHNICAL AMENDMENTS**

(a) CONFORMANCE OF AUTHORIZATION AND APPROPRIATION PROVISIONS.—(1) Section 826(c) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456), is amended—

10 USC 2324  
note.

- (A) in subsection (c), by inserting “and the Committees on Appropriations” after “Committees on Armed Services”; and  
 (B) in subsection (d), by striking out “three years after the date of the enactment of this Act” and inserting in lieu thereof “on September 30, 1991”.

(2) Section 8105 of the Department of Defense Appropriations Act, 1989 (Public Law 100-463), and the amendment made by that section, shall cease to be effective.

10 USC 2324 and  
note.

(b) DEFINITIONS.—(1) Section 1095a(c) of title 10, United States Code, is amended—

- (A) in paragraph (1), by striking out “(1) ‘Captive’ and inserting in lieu thereof “(1) The terms ‘captive’”; and

- (B) in paragraph (2), by striking out “(2) ‘Dependent’ and inserting in lieu thereof “(2) The term ‘dependent’”.

(2) Section 2683(c) of such title is amended—

- (A) in paragraph (2)(B), by inserting “the term” after “In subparagraph (A),”; and

(B) in paragraph (4)—

- (i) by inserting “The term” after “(A)”; and

- (ii) by striking out “(B) ‘Minimum’ and inserting in lieu thereof “(B) The term ‘minimum’”.

(c) CORRECTION OF REFERENCE TO SCHOOL OF THE AMERICAS.—Section 4415 of title 10, United States Code, is amended by striking out “School for the Americas” in subsections (b) and (c) and inserting in lieu thereof “School of the Americas”.

**SEC. 107. TERM OF OFFICE OF VICE CHAIRMAN OF JOINT CHIEFS OF STAFF**

10 USC 154 note.

Notwithstanding the term of office stated in the first sentence of section 154(a)(3) of title 10, United States Code, the President may extend until June 1, 1989, the term of office of the officer serving as Vice Chairman of the Joint Chiefs of Staff for the term which began on February 6, 1987.

**SEC. 108. REPORT ON CLOSE AIR SUPPORT ALTERNATIVES**

(a) ASSESSMENT.—(1) The Secretary of Defense shall conduct an independent assessment of Army and Air Force studies and analyses of close air support aircraft alternatives for meeting the military requirements of the United States (A) for the interim period between the date of the completion of the assessment and the year 2000, and (B) for the period after such year.

(2) In conducting such assessment, the Secretary shall consider both the development of new aircraft and the modification of exist-

ing aircraft, including the A-7 Plus Strikefighter, the F/A-16, the AV-8B, and the A-10 aircraft in current or modified configuration.

(3) In conducting such assessment, the Secretary shall also address the following issues:

- (A) Cost.
- (B) Development and production schedules.
- (C) Technical risks.
- (D) Manpower requirements.
- (E) Force structure.
- (F) Five-year funding profiles.
- (G) Cost effectiveness.
- (H) Military effectiveness.

(b) **OPERATIONAL TEST PLAN.**—The Director of Defense Operational Test and Evaluation shall develop an operational test plan for a competitive fly-off of alternative aircraft for the close air support mission. The Director shall complete the development of such plan no later than March 31, 1989. In developing such plan, the Director shall consult with the Air Force Test and Evaluation Center, the Army Operational Testing and Evaluation Activity, and the Marine Corps Operational Test and Evaluation Activity.

(c) **TRANSFER FEASIBILITY.**—The Secretary of Defense shall assess the feasibility of transferring, no later than fiscal year 1992, the close air support mission from the Air Force to the Army. In conducting such assessment, the Secretary shall consider the cost, schedules, five-year funding profiles, manpower requirements, and force structure implications of such a transfer.

(d) **REPORTS.**—Not later than March 31, 1989, the Secretary of Defense shall submit to the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives an interim report on the matters referred to in subsections (a) through (c). The Secretary shall submit a final report on such matters to those Committees not later than December 31, 1989. Such reports shall be submitted in both classified and unclassified form.

Classified  
information.  
Public  
information.

#### SEC. 109. EXTENSION OF DATE FOR REPORT ON POTENTIAL START TREATY

Section 908 of the National Defense Authorization Act, Fiscal Year 1989, is amended—

(1) in subsection (b), by striking out “September 15, 1988” and inserting in lieu thereof “March 15, 1989”; and

(2) by striking out subsection (c) and inserting in lieu thereof the following:

“(c) **INTERIM REPORT.**—The President shall submit an interim report to Congress containing the information described in subsection (b) not later than December 15, 1988.

“(d) **FORM OF REPORT.**—The President shall submit the reports under subsections (b) and (c) in both classified and unclassified form.”

President of U.S.

President of U.S.  
Classified  
information.  
Public  
information  
Maryland.  
New York.

#### SEC. 110. TRANSFER OF CERTAIN OBSOLETE SUBMARINES

Clauses (2) and (3) of section 7308(c) of title 10, United States Code, shall not apply with respect to transfers, under section 7308(a) of such title, of obsolete vessels by the Secretary of the Navy as follows:

(1) Transfer of the obsolete submarine United States ship Blenny to the town of Ocean City, Maryland.

(2) Transfer of the obsolete submarine ex-Croaker (ex-SS-246) to the Buffalo and Erie County Naval and Servicemen's Park, a nonprofit corporation organized under the laws of the State of New York.

## TITLE II—CLOSURE AND REALIGNMENT OF MILITARY INSTALLATIONS

10 USC 2687  
note.

### SEC. 201. CLOSURE AND REALIGNMENT OF MILITARY INSTALLATIONS

The Secretary shall—

(1) close all military installations recommended for closure by the Commission on Base Realignment and Closure in the report transmitted to the Secretary pursuant to the charter establishing such Commission;

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

(3) initiate all such closures and realignments no later than September 30, 1991, and complete all such closures and realignments no later than September 30, 1995, except that no such closure or realignment may be initiated before January 1, 1990.

### SEC. 202. CONDITIONS

(a) **IN GENERAL.**—The Secretary may not carry out any closure or realignment of a military installation under this title unless—

(1) no later than January 16, 1989, the Secretary transmits to the Committees on Armed Services of the Senate and the House of Representatives a report containing a statement that the Secretary has approved, and the Department of Defense will implement, all of the military installation closures and realignments recommended by the Commission in the report referred to in section 201(1);

(2) the Commission has recommended, in the report referred to in section 201(1), the closure or realignment, as the case may be, of the installation, and has transmitted to the Committees on Armed Services of the Senate and the House of Representatives a copy of such report and the statement required by section 203(b)(2); and

(3) the Secretary of Defense has transmitted to the Commission the study required by section 206(b).

(b) **JOINT RESOLUTION.**—The Secretary may not carry out any closure or realignment under this title if, within the 45-day period beginning on March 1, 1989, a joint resolution is enacted, in accordance with the provisions of section 208, disapproving the recommendations of the Commission. The days on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain shall be excluded in the computation of such 45-day period.

(c) **TERMINATION OF AUTHORITY.**—The authority of the Secretary to carry out any closure or realignment under this title shall terminate on October 1, 1995.

### SEC. 203. THE COMMISSION

(a) **MEMBERSHIP.**—The Commission shall consist of 12 members appointed by the Secretary of Defense.

(b) **DUTIES.**—The Commission shall—

Reports.

Reports.

(1) transmit the report referred to in section 201(1) to the Secretary no later than December 31, 1988, and shall include in such report a description of the Commission's recommendations of the military installations to which functions will be transferred as a result of the closures and realignments recommended by the Commission; and

Reports.

(2) on the same date on which the Commission transmits such report to the Secretary, transmit to Committees on Armed Services of the Senate and the House of Representatives—

(A) a copy of such report; and

(B) a statement certifying that the Commission has identified the military installations to be closed or realigned by reviewing all military installations inside the United States, including all military installations under construction and all those planned for construction.

(c) **STAFF.**—Not more than one-half of the professional staff of the Commission shall be individuals who have been employed by the Department of Defense during calendar year 1988 in any capacity other than as an employee of the Commission.

#### SEC. 204. IMPLEMENTATION

(a) **IN GENERAL.**—In closing or realigning a military installation under this title, the Secretary—

(1) subject to the availability of funds authorized for and appropriated to the Department of Defense for use in planning and design, minor construction, or operation and maintenance and the availability of funds in the Account, may carry out actions necessary to implement such closure or realignment, 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 such military installation to another military installation;

Community development.

(2) subject to the availability of funds authorized for and appropriated to the Department of Defense for economic adjustment assistance or community planning assistance and the availability of funds in the Account, shall provide—

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

(B) community planning assistance to any community located near a military installation to which functions will be transferred as a result of such closure or realignment, if the Secretary determines that the financial resources available to the community (by grant or otherwise) for such purposes are inadequate; and

Environmental protection.  
Waste disposal.  
Hazardous materials.

(3) subject to the availability of funds authorized for and appropriated to the Department of Defense for environmental restoration and the availability of funds in the Account, may carry out activities for the purpose of environmental restoration, including reducing, removing, and recycling hazardous wastes and removing unsafe buildings and debris.

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

(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); and

(C) the authority of the Administrator to grant approvals and make determinations under section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(g)).

(2)(A) Subject to subparagraph (B), the Secretary shall exercise authority delegated to the Secretary pursuant to paragraph (1) in accordance with—

(i) all regulations in effect on the date of the enactment of this title governing utilization of excess property and disposal of surplus property under the Federal Property and Administrative Services Act of 1949; and

(ii) all regulations in effect on the date of the enactment of this title 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, after consulting with the Administrator of General Services, may issue regulations that are necessary to carry out the delegation of authority required by paragraph (1).

(C) The authority required to be delegated by paragraph (1) to the Secretary by the Administrator of General Services shall not include the authority to prescribe general policies and methods for utilizing excess property and disposing of surplus property.

(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 title, the Secretary 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.

(E) The provisions of this paragraph and paragraph (1) are subject to paragraphs (3) and (4).

(3) Before any action is taken with respect to the disposal or transfer of any real property or facility located at a military installation to be closed or realigned under this title, the Secretary shall notify all departments and other instrumentalities (including nonappropriated fund instrumentalities) within the Department of Defense of the availability of such property or facility, or portion thereof, and may transfer such property, facility, or portion, without reimbursement, to any such department or instrumentality. In carrying out this paragraph, the Secretary shall give a priority, and shall transfer, to any such department or other instrumentality that agrees to pay fair market value for the property or facility, or portion thereof. For purposes of this paragraph, fair market value shall be determined on the basis of the use of the property or facility on December 31, 1988. This paragraph shall take precedence over any other provision of this title or other provision of law with respect to the disposal or transfer of real property or facility located at a military installation to be closed or realigned under this title.

(4)(A) Except as provided in subparagraph (B), all proceeds—

(i) from any transfer under paragraph (3); and

(ii) from the transfer or disposal of any other property or facility made as a result of a closure or realignment under this title,

shall be deposited into the Account established by section 207(a)(1).

State and local governments.

(B) In any case in which the General Services Administration is involved in the management or disposal of such property or facility, the Secretary shall reimburse the Administrator of General Services from the proceeds of such disposal, in accordance with section 1535 of title 31, United States Code, for any expenses incurred in such activities.

(c) **APPLICABILITY OF OTHER LAW.**—(1) The provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall not apply to—

(A) the actions of the Commission, including selecting the military installations which the Commission recommends for closure or realignment under this title, recommending any military installation to receive functions from an installation to be closed or realigned, and making its report to the Secretary and the committees under section 203(b); and

(B) the actions of the Secretary in establishing the Commission, in determining whether to accept the recommendations of the Commission, in selecting any military installation to receive functions from an installation to be closed or realigned, and in transmitting the report to the Committees referred to in section 202(a)(1).

(2) The provisions of the National Environmental Policy Act of 1969 shall apply to the actions of the Secretary (A) during the process of the closing or realigning of a military installation after such military installation has been selected for closure or realignment but before the installation is closed or realigned and the functions relocated, and (B) during the process of the relocating of 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. In applying the provisions of such Act, the Secretary shall not have to consider—

(i) the need for closing or realigning a military installation which has been selected for closure or realignment by the Commission;

(ii) the need for transferring functions to another military installation which has been selected as the receiving installation; or

(iii) alternative military installations to those 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), or with respect to any requirement of the Commission made by this title, of any action or failure to act by the Secretary during the closing, realigning, or relocating referred to in clauses (A) and (B) of paragraph (2), or of any action or failure to act by the Commission under this title, may not be brought later than the 60th day after the date of such action or failure to act.

#### SEC. 205. WAIVER

The Secretary may carry out this title without regard to—

(1) any provision of law restricting the use of funds for closing or realigning military installations included in any appropriation or authorization Act; and

(2) the procedures set forth in sections 2662 and 2687 of title 10, United States Code.

Claims.



**SEC. 206. REPORTS**

(a) **IN GENERAL.**—As part of each annual budget request for the Department of Defense, the Secretary shall transmit to the appropriate committees of Congress—

(1) a schedule of the closure and realignment actions to be carried out under this title 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.

(b) **STUDY.**—(1) The Secretary shall conduct a study of the military installations of the United States outside the United States to determine if efficiencies can be realized through closure or realignment of the overseas base structure of the United States. Not later than October 15, 1988, the Secretary shall transmit a report of the findings and conclusions of such study to the Commission and to the Committees on Armed Services of the Senate and the House of Representatives. In developing its recommendations to the Secretary under this title, the Commission shall consider the Secretary's study.

(2) Upon request of the Commission, the Secretary shall provide the Commission with such information about overseas bases as may be helpful to the Commission in its deliberations.

(3) The Commission, based on its analysis of military installations in the United States and its review of the Secretary's study of the overseas base structure, may provide the Secretary with such comments and suggestions as it considers appropriate regarding the Secretary's study of the overseas base structure.

**SEC. 207. FUNDING**

(a) **ACCOUNT.**—(1) There is hereby established on the books of the Treasury an account to be known as the "Department of Defense Base Closure Account" 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 with respect to fiscal year 1990 and fiscal years beginning thereafter;

(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 appropriate committees of Congress; and

(C) proceeds described in section 204(b)(4)(A).

(3)(A) The Secretary may use the funds in the Account only for the purposes described in section 204(a).

(B) When a decision is made to use funds in the Account to carry out a construction project under section 204(a)(1) and the cost of the project will exceed the maximum amount authorized by law for a minor construction project, the Secretary shall notify in writing the appropriate committees of Congress of the nature of, and justifica-

tion 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.

Reports.

(4) No later than 60 days after the end of each fiscal year in which the Secretary carries out activities under this title, the Secretary shall transmit a report to the appropriate committees of Congress 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 204(a) during such fiscal year.

(5) Unobligated funds which remain in the Account after the termination of the authority of the Secretary to carry out a closure or realignment under this title shall be held in the Account until transferred by law after the appropriate committees of Congress receive the report transmitted under paragraph (6).

Reports.

(6) No later than 60 days after the termination of the authority of the Secretary to carry out a closure or realignment under this title, the Secretary shall transmit to the appropriate committees of Congress a report containing an accounting of—

- (A) all the funds deposited into and expended from the Account or otherwise expended under this title; and
- (B) any amount remaining in the Account.

#### SEC. 208. CONGRESSIONAL CONSIDERATION OF COMMISSION REPORT

(a) **TERMS OF THE RESOLUTION.**—For purposes of section 202(b), the term “joint resolution” means only a joint resolution which is introduced before March 15, 1989, 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 Commission on Base Realignment and Closure established by the Secretary of Defense as submitted to the Secretary of Defense on \_\_\_\_\_”, the blank space being appropriately filled in; and

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

(b) **REFERRAL.**—A resolution described in subsection (a), 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 resolution (or an identical resolution) before March 15, 1989, such committee shall be, as of March 15, 1989, 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 (but only on the day after the calendar day on which such Member announces to the House concerned the Member's intention to do so). All points of order against the resolution

(and against consideration of the resolution) are waived. 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 10 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. 209. DEFINITIONS

In this title:

(1) The term "Account" means the Department of Defense Base Closure Account established by section 207(a)(1).

(2) The term "appropriate committees of Congress" means the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives.

(3) The terms "Commission on Base Realignment and Closure" and "Commission" mean the Commission established by the Secretary of Defense in the charter signed by the Secretary on May 3, 1988, and as altered thereafter with respect to the membership and voting.

(4) The term "charter establishing such Commission" means the charter referred to in paragraph (3).

(5) The term "initiate" includes any action reducing functions or civilian personnel positions but does not include studies, planning, or similar activities carried out before there is a reduction of such functions or positions.

(6) 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 Secretary of a military department.

(7) The term "realignment" includes any action which both reduces and relocates functions and civilian personnel positions.

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

(9) 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.

Approved October 24, 1988.

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#### LEGISLATIVE HISTORY—S. 2749 (H.R. 4264):

HOUSE REPORTS: No. 100-1076 (Comm. of Conference); No. 100-563 (Comm. on Armed Services) and No. 100-753 (Comm. of Conference), both accompanying H.R. 4264.

CONGRESSIONAL RECORD, Vol. 134 (1988):

Apr. 26-29, May 2-5, 11, H.R. 4264 considered and passed House.

May 27, considered and passed Senate, amended, in lieu of S. 2355.

July 14, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 24 (1988):

Aug. 3, Presidential veto message of H.R. 4264.

CONGRESSIONAL RECORD, Vol. 134 (1988):

Aug. 11, S. 2749 considered and passed Senate.

Oct. 3, considered and passed House, amended.

Oct. 12, Senate and House agreed to conference report to S. 2749.