

112TH CONGRESS
1ST SESSION

S. 1733

To establish the Commission on the Review of the Overseas Military Facility Structure of the United States.

IN THE SENATE OF THE UNITED STATES

OCTOBER 18, 2011

Mr. TESTER (for himself and Mrs. HUTCHISON) introduced the following bill;
which was read twice and referred to the Committee on Armed Services

A BILL

To establish the Commission on the Review of the Overseas Military Facility Structure of the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Commission on the
5 Review of the Overseas Military Facility Structure of the
6 United States Act of 2011”.

7 **SEC. 2. COMMISSION ON REVIEW OF OVERSEAS MILITARY**

8 **FACILITY STRUCTURE OF THE UNITED**
9 **STATES.**

10 (a) IN GENERAL.—

1 (1) ESTABLISHMENT.—There is established the
2 Commission on the Review of the Overseas Military
3 Facility Structure of the United States (in this sec-
4 tion referred to as the “Commission”).

5 (2) COMPOSITION.—

6 (A) IN GENERAL.—The Commission shall
7 be composed of eight members of whom—

8 (i) two shall be appointed by the ma-
9 jority leader of the Senate;

10 (ii) two shall be appointed by the mi-
11 nority leader of the Senate;

12 (iii) two shall be appointed by the
13 Speaker of the House of Representatives;
14 and

15 (iv) two shall be appointed by the mi-
16 nority leader of the House of Representa-
17 tives.

18 (B) QUALIFICATIONS.—Individuals ap-
19 pointed to the Commission shall have signifi-
20 cant experience in the national security or for-
21 eign policy of the United States.

22 (C) DEADLINE FOR APPOINTMENT.—Ap-
23 pointments of the members of the Commission
24 shall be made not later than 45 days after the
25 date of the enactment of this Act.

1 (D) CHAIRMAN AND VICE CHAIRMAN.—

2 The Commission shall select a Chairman and
3 Vice Chairman from among its members.

4 (3) TENURE; VACANCIES.—Members shall be
5 appointed for the life of the Commission. Any va-
6 cancy in the Commission shall not affect its powers,
7 but shall be filled in the same manner as the origi-
8 nal appointment.

9 (4) MEETINGS.—

10 (A) INITIAL MEETING.—Not later than 30
11 days after the date on which all members of the
12 Commission have been appointed, the Commis-
13 sion shall hold its first meeting.

14 (B) CALLING OF THE CHAIRMAN.—The
15 Commission shall meet at the call of the Chair-
16 man.

17 (C) QUORUM.—A majority of the members
18 of the Commission shall constitute a quorum,
19 but a lesser number of members may hold hear-
20 ings.

21 (b) DUTIES.—

22 (1) STUDY OF OVERSEAS MILITARY FACILITY
23 STRUCTURE.—

24 (A) IN GENERAL.—The Commission shall
25 conduct a thorough study of matters relating to

1 the military facility structure of the United
2 States overseas.

3 (B) SCOPE.—In conducting the study, the
4 Commission shall—

5 (i) assess the number of forces re-
6 quired to be forward based outside the
7 United States;

8 (ii) examine the current state of the
9 military facilities and training ranges of
10 the United States overseas for all perma-
11 nent stations and deployed locations, in-
12 cluding the condition of land and improve-
13 ments at such facilities and ranges and the
14 availability of additional land, if required,
15 for such facilities and ranges;

16 (iii) identify the amounts received by
17 the United States, whether in direct pay-
18 ments, in-kind contributions, or otherwise,
19 from foreign countries by reason of mili-
20 tary facilities of the United States over-
21 seas;

22 (iv) assess the feasibility and advis-
23 ability of the closure or realignment of
24 military facilities of the United States
25 overseas, or of the establishment of new

1 military facilities of the United States
2 overseas;

3 (v) consider the findings of the Feb-
4 ruary 2011 Government Accountability Of-
5 fice report, “Additional Cost Information
6 and Stakeholder Input Necessary to Assess
7 Military Posture in Europe”, GAO-11-
8 131; and

9 (vi) consider or assess any other issue
10 relating to military facilities of the United
11 States overseas that the Commission con-
12 siders appropriate.

13 (2) REPORT.—

14 (A) IN GENERAL.—Not later than 60 days
15 after holding its final public hearing, the Com-
16 mission shall submit to the President and Con-
17 gress a report which shall contain a detailed
18 statement of the findings and conclusions of the
19 Commission, together with its recommendations
20 for such legislation and administrative actions
21 as it considers appropriate.

22 (B) PROPOSED OVERSEAS BASING STRAT-
23 EGY.—In addition to the matters specified in
24 subparagraph (A), the report shall also include
25 a proposal by the Commission for an overseas

1 basing strategy for the Department of Defense
2 in order to meet the current and future mission
3 of the Department, taking into account height-
4 ened fiscal constraints.

5 (C) FOCUS ON PARTICULAR ISSUES.—The
6 report shall focus on current and future geo-
7 political posturing, operational requirements,
8 mobility, quality of life, cost, and synchroni-
9 zation with the combatant commands.

10 (c) POWERS.—

11 (1) HEARINGS.—The Commission may hold
12 such hearings, sit and act at such times and places,
13 take such testimony, and receive such evidence as
14 the Commission considers advisable to carry out this
15 section.

16 (2) INFORMATION SHARING.—The Commission
17 may secure directly from any Federal department or
18 agency such information as the Commission con-
19 siders necessary to carry out this section. Upon re-
20 quest of the Chairman of the Commission, the head
21 of such department or agency shall furnish such in-
22 formation to the Commission.

23 (3) ADMINISTRATIVE SUPPORT.—Upon request
24 of the Commission, the Administrator of General
25 Services shall provide to the Commission, on a reim-

1 bursable basis, the administrative support necessary
2 for the Commission to carry out its duties under this
3 section.

4 (4) **MAILS.**—The Commission may use the
5 United States mails in the same manner and under
6 the same conditions as other departments and agen-
7 cies of the Federal Government.

8 (5) **GIFTS.**—The Commission may accept, use,
9 and dispose of gifts or donations of services or prop-
10 erty.

11 (d) **PERSONNEL MATTERS.**—

12 (1) **COMPENSATION OF MEMBERS.**—Each mem-
13 ber of the Commission who is not an officer or em-
14 ployee of the Federal Government shall be com-
15 pensated at a rate equal to the daily equivalent of
16 the annual rate of basic pay prescribed for level IV
17 of the Executive Schedule under section 5315 of title
18 5, United States Code, for each day (including travel
19 time) during which such member is engaged in the
20 performance of the duties of the Commission under
21 this section. All members of the Commission who are
22 officers or employees of the United States shall serve
23 without compensation in addition to that received for
24 their services as officers or employees of the United
25 States.

1 (2) TRAVEL.—

2 (A) EXPENSES.—Members of the Commis-
3 sion shall be allowed travel expenses, including
4 per diem in lieu of subsistence, at rates author-
5 ized for employees of agencies under subchapter
6 I of chapter 57 of title 5, United States Code,
7 while away from their homes or regular places
8 of business in the performance of services for
9 the Commission under this section.

10 (B) MILITARY AIRCRAFT.—Members and
11 staff of the Commission may receive transpor-
12 tation on military aircraft to and from the
13 United States, and overseas, for purposes of the
14 performance of the duties of the Commission to
15 the extent that such transportation will not
16 interfere with the requirements of military oper-
17 ations.

18 (3) STAFFING.—

19 (A) EXECUTIVE DIRECTOR.—The Chair-
20 man of the Commission may, without regard to
21 the civil service laws and regulations, appoint
22 and terminate an executive director and such
23 other additional personnel as may be necessary
24 to enable the Commission to perform its duties
25 under this section. The employment of an execu-

1 utive director shall be subject to confirmation
2 by the Commission.

3 (B) STAFF.—The Commission may employ
4 a staff to assist the Commission in carrying out
5 its duties. The total number of the staff of the
6 Commission, including an executive director
7 under subparagraph (A), may not exceed 12.

8 (C) COMPENSATION.—The Chairman of
9 the Commission may fix the compensation of
10 the executive director and other personnel with-
11 out regard to chapter 51 and subchapter III of
12 chapter 53 of title 5, United States Code, relat-
13 ing to classification of positions and General
14 Schedule pay rates, except that the rate of pay
15 for the executive director and other personnel
16 may not exceed the rate payable for level V of
17 the Executive Schedule under section 5316 of
18 such title.

19 (4) DETAILS.—Any employee of the Depart-
20 ment of Defense, the Department of State, or the
21 Government Accountability Office may be detailed to
22 the Commission without reimbursement, and such
23 detail shall be without interruption or loss of civil
24 service status or privilege.

1 (5) TEMPORARY AND INTERMITTENT SERV-
2 ICES.—The Chairman of the Commission may pro-
3 cure temporary and intermittent services under sec-
4 tion 3109(b) of title 5, United States Code, at rates
5 for individuals which do not exceed the daily equiva-
6 lent of the annual rate of basic pay prescribed for
7 level V of the Executive Schedule under section 5316
8 of such title.

9 (e) SECURITY.—

10 (1) SECURITY CLEARANCES.—Members and
11 staff of the Commission, and any experts and con-
12 sultants to the Commission, shall possess security
13 clearances appropriate for their duties with the
14 Commission under this section.

15 (2) INFORMATION SECURITY.—The Secretary of
16 Defense shall assume responsibility for the handling
17 and disposition of any information relating to the
18 national security of the United States that is re-
19 ceived, considered, or used by the Commission under
20 this section.

21 (f) TERMINATION.—The Commission shall terminate
22 45 days after the date on which the Commission submits
23 its report under subsection (b).

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