

115TH CONGRESS
1ST SESSION

H. R. 4046

To amend title 10, United States Code, to require the Secretary of a military department to make certifications regarding the feasibility of using existing space in property under the jurisdiction of the Department of Defense prior to entering into certain agreements to acquire or lease real property for the use of such military department, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 12, 2017

Mrs. BUSTOS (for herself, Mr. JONES, Mr. LOEBSACK, Mr. MEADOWS, and Mr. GOSAR) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Department of Defense
3 Check Before You Rent Act”.

4 **SEC. 2. CERTIFICATION RELATED TO CERTAIN ACQUISI-**
5 **TIONS OR LEASES OF REAL PROPERTY FOR**
6 **USE OF DEPARTMENT OF DEFENSE.**

7 (a) CERTIFICATION.—Section 2662(a) of title 10,
8 United States Code, is amended—

9 (1) in paragraph (2), by striking the period at
10 the end of the first sentence and inserting the fol-
11 lowing: “, as well as the certification described in
12 paragraph (5).”; and

13 (2) by adding at the end the following:

14 “(5) For purposes of paragraph (2), the certification
15 described in this paragraph with respect to an acquisition
16 or lease of real property is a certification that the Sec-
17 retary concerned—

18 “(A) evaluated the feasibility of using space in
19 property under the jurisdiction of the Department of
20 Defense to satisfy the purposes of the acquisition or
21 lease; and

22 “(B) determined that—

23 “(i) space in property under the jurisdic-
24 tion of the Department of Defense is not rea-
25 sonably available to be used to satisfy the pur-
26 poses of the acquisition or lease;

1 “(ii) acquiring the property or entering
2 into the lease would be more cost effective than
3 the use of the Department of Defense property;
4 or

5 “(iii) the use of the Department of De-
6 fense property would interfere with the ongoing
7 military mission of the property.”.

8 (b) EFFECTIVE DATE.—The amendment made by
9 subsection (a) shall apply with respect to transactions oc-
10 curring during fiscal year 2018 and each succeeding fiscal
11 year.

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