

117TH CONGRESS  
2D SESSION

# H. R. 8158

To amend title 10, United States Code, to direct the Secretary of Defense to make certain improvements relating to access to military installations in the United States, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

JUNE 21, 2022

Mr. GARAMENDI (for himself and Mr. NORCROSS) introduced the following bill; which was referred to the Committee on Armed Services

---

## A BILL

To amend title 10, United States Code, to direct the Secretary of Defense to make certain improvements relating to access to military installations in the United States, and for other purposes.

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 “Base Access Privileges  
5 Improvement Act”.

1 **SEC. 2. IMPROVEMENTS RELATING TO ACCESS TO MILI-**  
2 **TARY INSTALLATIONS IN UNITED STATES.**

3 (a) ADDITIONAL CATEGORIES FOR EXPEDITED AC-  
4 CESS.—Chapter 159 of title 10, United States Code, is  
5 amended by adding at the end the following new section  
6 (and conforming the table of sections at the beginning of  
7 such chapter accordingly):

8 **“§ 2698. Access to military installations: standards for**  
9 **entry to military installations in United**  
10 **States**

11 “(a) ACCESS TO MILITARY INSTALLATIONS IN  
12 UNITED STATES.—(1) The Secretary of Defense shall  
13 maintain access standards applicable to all military instal-  
14 lations in the United States. Such standards shall require  
15 screening standards appropriate to the type of installation  
16 involved, the security level of the installation, the category  
17 of individuals authorized to visit the installation, and the  
18 level of access to be granted, including—

19 “(A) protocols to determine the fitness of the  
20 individual to enter an installation; and

21 “(B) standards and methods for verifying the  
22 identity of the individual.

23 “(2) In developing the standards under paragraph  
24 (1), the Secretary shall, with respect to military installa-  
25 tions in the United States—

1           “(A) provide for expedited access to such mili-  
2           tary installations for covered individuals;

3           “(B) provide for closer scrutiny of categories of  
4           individuals determined by the Secretary of Defense  
5           to pose a higher potential security risk;

6           “(C) in the case of such a military installation  
7           that the Secretary determines contains particularly  
8           sensitive facilities, provide additional screening re-  
9           quirements, as well as physical and other security  
10          measures for the installation; and

11          “(D) prescribe regulations setting forth min-  
12          imum criteria for the fitness of individuals to be  
13          granted unescorted access to such military installa-  
14          tions, taking into account individuals who hold a  
15          covered Federally recognized access credential, and  
16          including a process by which such individuals may  
17          be eligible for expedited unescorted access.

18          “(3) Upon publication in the Federal Register of the  
19          final regulations under paragraph (2)(D), the Secretary  
20          shall publish the minimum criteria set forth therein on a  
21          publicly accessible Internet website of the Department of  
22          Defense.

23          “(4) In carrying out this subsection, the Secretary  
24          shall seek to procure and field existing identification  
25          screening technology (including technology to enable the

1 Secretary to validate other Federally recognized access  
2 credentials) and develop additional technology only to the  
3 extent necessary to assist commanders of military installa-  
4 tions in the United States in implementing the standards  
5 under paragraph (1) at points of entry for such installa-  
6 tions.

7       “(b) SPECIFIC PROTOCOL FOR ACCESS TO MILITARY  
8 INSTALLATIONS IN UNITED STATES FOR CERTAIN DELIV-  
9 ERIES.—The Secretary shall ensure that the standards  
10 under subsection (a) include a specific protocol for the  
11 screening, prior to any delivery of a freight shipment or  
12 shipment of household goods, of the identity, fitness, and  
13 purpose of any individual seeking access to a military in-  
14 stallation in the United States for such delivery. Under  
15 such protocol—

16           “(1) the screening shall occur not less than 24  
17 hours prior to the time of such delivery; and

18           “(2) if an individual is determined fit to enter  
19 the installation pursuant to the screening, access  
20 may only be granted upon arrival at the military in-  
21 stallation on the date of the delivery, following a  
22 verification of the identity of the individual.

23       “(c) UNESCORTED ACCESS TO MILITARY INSTALLA-  
24 TIONS IN UNITED STATES FOR CERTAIN CIVILIANS.—The  
25 Secretary shall maintain guidance regarding the granting

1 of unescorted access to military installations in the United  
2 States for covered civilians and ensure such guidance is  
3 circulated to the commanders of each such military instal-  
4 lation. Such guidance shall—

5           “(1) identify the categories of covered civilians  
6           that may obtain such unescorted access;

7           “(2) include a recommendation to issue access  
8           cards that expire on the date that is two years after  
9           the date of issuance, notwithstanding any change in  
10          the commander of the installation or delegation of  
11          authority letters issued by the previous commander;

12          “(3) be consistent across military installations  
13          in the United States; and

14          “(4) be in accordance with any privileges or  
15          benefits accorded under, procedures developed pur-  
16          suant to, or requirements of, each covered provision  
17          and subsection (a).

18          “(d) ACCESS CARDS.—The Secretary of Defense  
19          shall develop access cards to be issued to individuals  
20          granted access to military installations in the United  
21          States. To the extent practicable, such access cards shall  
22          be interoperable across the following:

23                 “(1) Military installations.

24                 “(2) Military departments.

25                 “(3) Defense Agencies.

1       “(e) PHYSICAL ENTRANCES TO CERTAIN MILITARY  
2 INSTALLATIONS.—The Secretary shall ensure that, to the  
3 extent practicable—

4           “(1) each military installation in the United  
5 States has a designated main entrance that, at all  
6 times, is manned by at least one member of the  
7 armed forces or civilian employee of the Department;

8           “(2) the location of each such designated main  
9 entrance is published on a publicly accessible Inter-  
10 net website of the Department;

11          “(3) if a military installation in the United  
12 States has any additional entrance designated for  
13 commercial deliveries to the military installation, the  
14 location of such entrance (and any applicable days  
15 or hours of operation for such entrance) is published  
16 on the same Internet website specified in paragraph  
17 (2); and

18          “(4) the information published on the Internet  
19 website specified in paragraph (2) is reviewed and,  
20 as necessary, updated on a basis that is not less fre-  
21 quent than annually.

22       “(f) REVIEWS AND SUBMISSION TO CONGRESS.—On  
23 a basis that is not less frequent than once every five years,  
24 the Secretary shall—

1           “(1) review the standards and guidance under  
2 this section, and make such updates as may be de-  
3 termined appropriate by the Secretary; and

4           “(2) submit to the Committees on Armed Serv-  
5 ices of the House of Representatives and the Senate  
6 the most recently reviewed and, as applicable, up-  
7 dated version of such standards and guidance.

8           “(g) DEFINITIONS.—In this section:

9           “(1) The term ‘covered civilian’ means an indi-  
10 vidual who is not a Department of Defense per-  
11 sonnel or a dependent of such personnel.

12           “(2) The term ‘covered Federally recognized ac-  
13 cess credential’ means a Federally recognized access  
14 credential the grant or recognition of which requires  
15 vetting at a level that the Secretary of Defense de-  
16 termines is commensurate with or greater than the  
17 level of vetting that would otherwise be required by  
18 the Secretary for the purpose concerned, and in-  
19 cludes the following:

20           “(A) A Transportation Worker Identifica-  
21 tion Credential.

22           “(B) A Secure Identification Display Area  
23 credential issued pursuant to section 1540.5 of  
24 title 49, Code of Federal Regulations, or any  
25 successor regulation to such section.

1           “(C) A personnel identity verification cre-  
2           dential issued pursuant to the Presidential di-  
3           rective of August 27, 2004, titled ‘Homeland  
4           Security Presidential Directive–12’.

5           “(D) A credential accepted for purposes of  
6           the Personnel Surety Program of the Chemical  
7           Facilities Anti-Terrorism Program under sec-  
8           tion 2102(d)(2) of the Homeland Security Act  
9           of 2002 (6 U.S.C. 622(d)(2)).

10          “(E) A credential issued for purposes of  
11          the access authorization program of the Nu-  
12          clear Regulatory Commission, or any successor  
13          to such program, in accordance with part 73 of  
14          title 10, Code of Federal Regulations.

15          “(3) The term ‘covered individual’ means, with  
16          respect to a military installation in the United  
17          States, the following:

18               “(A) A member of the armed forces or ci-  
19               vilian employee of the Department of Defense,  
20               or an employee or family member of such mem-  
21               ber or employee, who resides, attends school, re-  
22               ceives health care services, or shops at a com-  
23               missary or exchange store on the installation.

24               “(B) A retired member of the armed  
25               forces, including the reserve components, or a



1 family member of such retired member, who re-  
2 sides, attend schools, receives health care serv-  
3 ices, or shops at a commissary or exchange  
4 store on the installation.

5 “(C) A covered civilian performing work at  
6 the installation under a contract or subcontract  
7 (at any tier), including a military construction  
8 project, military family housing project, or a  
9 Facilities Sustainment, Restoration, and Mod-  
10 ernization project.

11 “(D) A motor carrier or household goods  
12 motor carrier providing transportation services  
13 for the United States Transportation Com-  
14 mand.

15 “(E) An official who is employed by an  
16 agency of the State in which the installation is  
17 located that enforces laws relating to workers’  
18 compensation or minimum wage with respect to  
19 such State and who is seeking such access per-  
20 taining to a specific military construction  
21 project, military family housing project, or Fa-  
22 cilities Sustainment, Restoration, and Mod-  
23 ernization project.

24 “(F) A representative of any labor organi-  
25 zation (as defined in section 2 of the National

1 Labor Relations Act (29 U.S.C. 152)), includ-  
2 ing a member of any labor management com-  
3 mittee described in section 205A of the Labor  
4 Management Relations Act, 1947 (29 U.S.C.  
5 175a), who is—

6 “(i) seeking access to a covered civil-  
7 ian performing work at the installation  
8 who is a member of such labor organiza-  
9 tion—

10 “(I) in connection with a specific  
11 military construction project, military  
12 family housing project, or Facilities  
13 Sustainment, Restoration, and Mod-  
14 ernization project; or

15 “(II) pursuant to a concessions  
16 or service contract subject to chapter  
17 67 of title 41 (known as the ‘McNa-  
18 mara-O’Hara Service Contract Act of  
19 1965’); or

20 “(ii) seeking access to a covered civil-  
21 ian performing work at the installation for  
22 the purposes of soliciting such covered ci-  
23 vilian to join such labor organization.

24 “(G) A representative of any labor organi-  
25 zation (as defined in section 2 of the National

1 Labor Relations Act (29 U.S.C. 152)), includ-  
2 ing a member of any labor management com-  
3 mittee described in section 205A of the Labor  
4 Management Relations Act, 1947 (29 U.S.C.  
5 175a), or a representative of a program reg-  
6 istered under the Act of August 16, 1937 (com-  
7 monly known as the ‘National Apprenticeship  
8 Act’; 29 U.S.C. 50 et seq.), conducting a voca-  
9 tional training, job fair, or similar workforce  
10 development event for members of the armed  
11 forces or veterans at the installation.

12 “(4) The term ‘covered provision’ means the  
13 following:

14 “(A) Chapter 54 of this title.

15 “(B) Section 202 of the REAL ID Act of  
16 2005 (Public Law 109–13; 49 U.S.C. 30301  
17 note).

18 “(C) Section 2812 of the National Defense  
19 Authorization Act for Fiscal Year 2013 (Public  
20 Law 112–239; 126 Stat. 2150; 10 U.S.C. 113  
21 note).

22 “(D) Sections 346 and 1050 of the Na-  
23 tional Defense Authorization Act for Fiscal  
24 Year 2017 (Public Law 114–328; 10 U.S.C.  
25 113 note).

1           “(E) Section 626 of the John S. McCain  
2           National Defense Authorization Act for Fiscal  
3           Year 2019 (Public Law 115–232; 132 Stat.  
4           1802; 10 U.S.C. 113 note).

5           “(F) Section 1090 of the William M.  
6           (Mac) Thornberry National Defense Authoriza-  
7           tion Act for Fiscal Year 2021 (Public Law  
8           116–283; 134 Stat. 3879; 10 U.S.C. 113 note).

9           “(5) The term ‘Federally recognized access cre-  
10          dential’ means a credential authorized by Federal  
11          law or otherwise issued by the head of a Federal de-  
12          partment or agency that requires the vetting of an  
13          individual for access to a facility, area, or program.

14          “(6) The terms ‘household goods’, ‘household  
15          goods motor carrier’, and ‘motor carrier’ have the  
16          meanings given those terms in section 13102 of title  
17          49.

18          “(7) The terms ‘labor organization’ and ‘rep-  
19          resentative’ have the meanings given those terms in  
20          section 2 of the National Labor Relations Act (29  
21          U.S.C. 152).

22          “(8) The term ‘military installation’ has the  
23          meaning given that term in section 2801 of this  
24          title.

1           “(9) The term ‘State’ means any of the several  
2 States, the District of Columbia, the Commonwealth  
3 of Puerto Rico, Guam, American Samoa, the Virgin  
4 Islands of the United States, or the Commonwealth  
5 of the Northern Mariana Islands.

6           “(10) The term ‘Transportation Worker Identifi-  
7 cation Credential’ means a card issued pursuant to  
8 section 70105 of title 46, United States Code (also  
9 referred to as a ‘transportation security card’).

10           “(11) The term ‘United States’ includes each  
11 State, as such term is defined in this subsection.”.

12           (b) DEADLINE FOR FIRST REVIEW AND SUBMISSION  
13 TO CONGRESS.—Not later than 180 days after the date  
14 of the enactment of this Act, the Secretary of Defense  
15 shall—

16           (1) conduct the first review of the standards  
17 and guidance required under section 2698 of title  
18 10, United States Code (as added by subsection (a));  
19 and

20           (2) submit to the Committees on Armed Serv-  
21 ices of the House of Representatives and the Senate  
22 the reviewed and, as applicable, updated version of  
23 such standards and guidance.

24           (c) MODIFICATION TO CERTAIN NOTIFICATION RE-  
25 QUIREMENT.—Section 1090(b)(2)(B) of the William M.

1 (Mac) Thornberry National Defense Authorization Act for  
2 Fiscal Year 2021 (Public Law 116–283; 134 Stat. 3879;  
3 10 U.S.C. 113 note) is amended by striking “is” and in-  
4 serting “and, as appropriate, the Secretary of Homeland  
5 Security and the Director of the Federal Bureau of Inves-  
6 tigation, are”.

7 (d) TECHNICAL AND CONFORMING AMENDMENTS.—

8 (1) REPEAL OF DUPLICATE PROVISION.—Sec-  
9 tion 1069 of the National Defense Authorization Act  
10 for Fiscal Year 2008 (Public Law 110–181; 122  
11 Stat. 326) is repealed.

12 (2) CONFORMING AMENDMENTS TO PRIOR NA-  
13 TIONAL DEFENSE AUTHORIZATION ACT.—Section  
14 1050 of the National Defense Authorization Act for  
15 Fiscal Year 2017 (10 U.S.C. 113 note; 130 Stat.  
16 2396) is amended—

17 (A) in subsection (a), by striking “Depart-  
18 ment of Defense installations” and inserting  
19 “military installations in the United States”;

20 (B) in subsection (b), by striking “Depart-  
21 ment of Defense facilities” and inserting “mili-  
22 tary installations in the United States”; and

23 (C) by adding at the end the following new  
24 subsection:

25 “(c) DEFINITIONS.—In this section:

1           “(1) The terms ‘military installation’ and  
2           ‘United States’ have the meanings given such terms  
3           in section 2698(e) of title 10, United States Code.

4           “(2) The terms ‘Transportation Worker Identi-  
5           fication Credential’ and ‘TWIC’ mean a card issued  
6           pursuant to section 70105 of title 46, United States  
7           Code (also referred to as a ‘transportation security  
8           card’).”.

○