

109TH CONGRESS  
2D SESSION

# H. R. 5172

To improve the effectiveness of Department of Defense programs for the remediation of unexploded ordnance on former defense sites, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 25, 2006

Mr. BLUMENAUER (for himself, Mr. FARR, Mr. PALLONE, Mr. McDERMOTT, and Mr. CASE) introduced the following bill; which was referred to the Committee on Armed Services

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## A BILL

To improve the effectiveness of Department of Defense programs for the remediation of unexploded ordnance on former defense sites, 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 AND TABLE OF CONTENTS.**

4       (a) SHORT TITLE.—This Act may be cited as the  
5       “Military Range Legacy Act of 2006”.

6       (b) TABLE OF CONTENTS.—The table of contents for  
7       this Act is as follows:

- Sec. 1. Short title and table of contents.
- Sec. 2. Definitions.

- Sec. 3. Department of Defense implementation of requirements regarding unexploded ordnance, discarded military munitions, and munitions constituents.
- Sec. 4. Wide-area assessment of suspected UXO sites.
- Sec. 5. Detection instrument technology research.
- Sec. 6. Single Munitions Response Program.
- Sec. 7. Inventory.
- Sec. 8. Public database of incidents involving unexploded ordnance or discarded military munitions.
- Sec. 9. Sense of Congress regarding procurement and use of munitions.
- Sec. 10. Report on defense site cleanup at military installations closed or realigned under base closure law.
- Sec. 11. Comptroller General study on adequacy of funding, staffing, and organization of military munitions response program.
- Sec. 12. Comptroller General study on defense land management and transfer.

## 1 **SEC. 2. DEFINITIONS.**

2 In this Act—

3 (1) The term “unexploded ordnance” has the  
 4 meaning given such term in sections 101(e)(5) of  
 5 title 10, United States Code.

6 (2) The terms “defense site”, “discarded mili-  
 7 tary munitions”, and “munitions constituents” have  
 8 the meanings given such terms in sections 2710(e)  
 9 of such title.

10 (3) The term “Secretary” means the Secretary  
 11 of Defense.

12 (4) The term “appropriate congressional com-  
 13 mittees” means the Committee on Armed Services of  
 14 the House of Representatives and the Committee on  
 15 Armed Services of the Senate.

1 **SEC. 3. DEPARTMENT OF DEFENSE IMPLEMENTATION OF**  
2 **REQUIREMENTS REGARDING UNEXPLODED**  
3 **ORDNANCE, DISCARDED MILITARY MUNI-**  
4 **TIONS, AND MUNITIONS CONSTITUENTS.**

5 It is the sense of Congress that the Secretary of De-  
6 fense should fully implement, within the shortest possible  
7 time-frame, all of the requirements of—

8 (1) chapter 160, United States Code, related to  
9 all previous Congressional directives related to the  
10 inventorying, characterization, remediation, and  
11 management of explosive and related risks with re-  
12 spect to unexploded ordnance, discarded military  
13 munitions, and munitions constituents at defense  
14 sites; and

15 (2) section 313 of the National Defense Author-  
16 ization Act for Fiscal Year 2002 (Public Law 107–  
17 107; 10 U.S.C. 2706 note) related to the assessment  
18 of environmental remediation of unexploded ord-  
19 nance, discarded military munitions, and munitions  
20 constituents at defense sites.

21 **SEC. 4. WIDE-AREA ASSESSMENT OF SUSPECTED UXO**  
22 **SITES.**

23 Section 2710 of title 10, United States Code, is  
24 amended by adding at the end the following new sub-  
25 section:

1       “(f) WIDE-AREA ASSESSMENT.—(1) The Secretary  
2 shall establish a program (to be known as the ‘wide-area  
3 assessment program’) to conduct an assessment of for-  
4 merly used defense sites that are known or suspected to  
5 contain unexploded ordnance, discarded military muni-  
6 tions, or munitions constituents using archival searches of  
7 existing records, visual site inspections, airborne wide-area  
8 screening, and related technologies, for the purpose of de-  
9 lineating which areas within those sites do not contain  
10 unexploded ordnance and discarded military munitions.

11       “(2) The wide-area assessment program shall be com-  
12 pleted by the end of the fifth complete fiscal year begin-  
13 ning after the date of the enactment of the Military Range  
14 Legacy Act of 2006.

15       “(3) There is authorized to be appropriated a total  
16 of \$1,000,000,000 during fiscal years 2007 through 2011  
17 to carry out the wide-area assessment program. Amounts  
18 appropriated pursuant to this authorization of appropria-  
19 tions shall remain available until expended.

20       “(4) The Secretary shall include as part of the annual  
21 inventory and site-prioritization list required by subsection  
22 (c) a review of the progress of the wide-area assessment  
23 program.”

1 **SEC. 5. DETECTION INSTRUMENT TECHNOLOGY RE-**  
2 **SEARCH.**

3 (a) RESEARCH PROGRAM REQUIRED.—The Secretary  
4 shall establish a program for the research, development,  
5 testing, and evaluation of unexploded ordnance detection  
6 instrument technology. The research shall be done in con-  
7 sultation with appropriate munitions developers in order  
8 to encourage the development of complementary munitions  
9 and detection technologies.

10 (b) RESEARCH APPROACHES.—The Secretary may  
11 carry out the program through—

12 (1) grants, contracts or other financial arrange-  
13 ments in accordance with other applicable law to pri-  
14 vate companies, academic and research institutions,  
15 or other appropriate nongovernmental entities; or

16 (2) by utilizing an existing Federal agency, lab-  
17 oratory or research entity, as appropriate.

18 (c) APPLICATION OF TECHNOLOGY TO DETECTION  
19 OF IMPROVISED EXPLOSIVE DEVICES.—Up to 10 percent  
20 of the total amount appropriated to carry out the program  
21 may be obligated for research into applying unexploded  
22 ordnance detection instrument technology to the detection  
23 of improvised explosive devices in theaters of combat.

24 (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
25 authorized to be appropriated \$30,000,000 for each of fis-  
26 cal years 2007 through 2011 to carry out the program.

1 Amounts appropriated pursuant to this authorization of  
2 appropriations shall remain available until expended.

3 (e) TECHNOLOGY TRANSFER.—The Secretary shall  
4 review impediments to the transition of new unexploded  
5 ordnance detection instrument technologies to regular op-  
6 eration in remediation programs and the transfer of such  
7 technologies to private companies involved in the detection  
8 of unexploded ordnance. The Secretary shall conduct the  
9 review in consultation with appropriate private companies  
10 and Federal contracting agencies and submit, not later  
11 than 180 days after the date of the enactment of this Act,  
12 a report to the appropriate congressional committees de-  
13 scribing efforts to improve the transfer of such technology.

14 **SEC. 6. SINGLE MUNITIONS RESPONSE PROGRAM.**

15 (a) PROGRAM MANAGER.—Subsection (k) of section  
16 2701 of title 10, United States Code, is amended to read  
17 as follows:

18 “(k) UXO PROGRAM MANAGER.—(1) The Secretary  
19 of Defense shall establish a program manager who shall  
20 serve as the single point of contact in the Department of  
21 Defense for policy and budgeting issues involving the char-  
22 acterization, remediation, research and management of  
23 military munitions response at defense sites (as defined  
24 in section 2710 of this title).

1       “(2) The program manager shall be the single point  
2 of contact for military departments and defense agencies  
3 with munitions response responsibilities. The program  
4 manager shall report to the Assistant Deputy Under Sec-  
5 retary of Defense (Environment, Safety, and Occupational  
6 Health).

7       “(3) The program manager shall establish an inde-  
8 pendent advisory and review panel that may include rep-  
9 resentatives of the National Academy of Sciences, non-  
10 governmental organizations with expertise regarding  
11 unexploded ordnance, discarded military munitions, or  
12 munitions constituents, the Environmental Protection  
13 Agency, States (as defined in section 2710 of this title),  
14 and tribal governments. The panel shall report annually  
15 to Congress on progress made by the Department of De-  
16 fense to address unexploded ordnance, discarded military  
17 munitions, or munitions constituents at defense sites and  
18 make such recommendations as the panel considers appro-  
19 priate.

20       “(4) The program manager shall be responsible for  
21 the execution of the funds appropriated with regard to the  
22 program element established pursuant to section 2703(b)  
23 of this title and for carrying out the program element for  
24 ordnance remediation.”.

1 (b) MILITARY MUNITIONS RESPONSE ACCOUNT.—

2 Section 2703 of such title is amended—

3 (1) by inserting at the end of subsection (a) the  
4 following new paragraph:

5 “(6) An account to be known as the ‘Military  
6 Munitions Response Account’.”; and

7 (2) by striking subsection (b) and inserting the  
8 following new subsection:

9 “(b) PROGRAM ELEMENT FOR ORDNANCE REMEDI-  
10 ATION.—The Secretary of Defense shall establish a pro-  
11 gram element for remediation of unexploded ordnance (as  
12 defined in section 101(e)(5) of this title) and discarded  
13 military munitions and munitions constituents (as defined  
14 in section 2710(e) of this title) within the account estab-  
15 lished under subsection (a)(6).”.

16 **SEC. 7. INVENTORY.**

17 Section 2710 of title 10, United States Code, is  
18 amended—

19 (1) in subsection (a), by striking paragraph (1)  
20 and inserting the following new paragraph:

21 “(1) The Secretary of Defense shall develop and  
22 maintain an inventory of defense sites that are known or  
23 suspected to contain unexploded ordnance, discarded mili-  
24 tary munitions, munitions constituents, or offshore chem-  
25 ical munitions.”; and



1           (2) in subsection (b)(2), by adding at the end  
2           the following new subparagraph:

3           “(I) The potential economic value of the site  
4           after transfer of the defense site from military con-  
5           trol.”.

6 **SEC. 8. PUBLIC DATABASE OF INCIDENTS INVOLVING**  
7                           **UNEXPLODED ORDNANCE OR DISCARDED**  
8                           **MILITARY MUNITIONS.**

9           Section 2710 of title 10, United States Code, is  
10          amended by inserting after subsection (f), as added by sec-  
11          tion 4, the following new subsection:

12          “(g) PUBLIC DATABASE OF INCIDENTS INVOLVING  
13          UNEXPLODED ORDNANCE OR DISCARDED MILITARY MU-  
14          NITIONS.—(1) The Secretary shall establish and maintain  
15          a database of incidents and accidents since January 1,  
16          1917, in which unexploded ordnance or discarded military  
17          munitions have—

18                 “(A) been discovered by a person in the United  
19                 States in an area other than a defense site included  
20                 in the inventory; or

21                 “(B) caused harm or death to a person within  
22                 the United States.

23          “(2) The database shall be developed from a review  
24          of Department of Defense and other appropriate Federal  
25          and State records and media reports and include details

1 of each incident and accident. The Secretary shall make  
 2 the database available to the entities specified in sub-  
 3 section (c)(2) and the public in electronic and printed  
 4 form.”.

5 **SEC. 9. SENSE OF CONGRESS REGARDING PROCUREMENT**  
 6 **AND USE OF MUNITIONS.**

7 It is the sense of Congress that the Secretary of each  
 8 of the military departments should—

9 (1) develop methods to account for the full life-  
 10 cycle cost of munitions, including the impact of fail-  
 11 ure rate on the cost of disposal, in procurement deci-  
 12 sions; and

13 (2) undertake a review of live-fire practices for  
 14 the purpose of reducing unexploded ordnance and  
 15 munitions-constituent contamination without imped-  
 16 ing military readiness.

17 **SEC. 10. REPORT ON DEFENSE SITE CLEANUP AT MILITARY**  
 18 **INSTALLATIONS CLOSED OR REALIGNED**  
 19 **UNDER BASE CLOSURE LAW.**

20 (a) REPORT AND STRATEGY.—Not later than one  
 21 year after the date of the enactment of this Act, the Sec-  
 22 retary shall submit to Congress a report containing the  
 23 strategy of the Department of Defense to complete the en-  
 24 vironmental remediation of all military installations ap-  
 25 proved for closure or realignment under title II of the De-

1 fense Authorization Amendments and Base Closure and  
2 Realignment Act (Public Law 100–526; 10 U.S.C. 2687  
3 note). The report shall include an estimate of the amount  
4 of funds that will be necessary each fiscal year to complete  
5 the environmental remediation under the strategy.

6 (b) CONSULTATION.—The strategy shall be developed  
7 in consultation with interested persons in the locality of  
8 each installation covered by the report.

9 (c) FUNDING SOURCE.—There is authorized to be ap-  
10 propriated to the Secretary from funds in the Department  
11 of Defense Base Closure Account 1990 not more than  
12 \$1,000,000 to permit the Secretary to prepare the report  
13 and strategy.

14 **SEC. 11. COMPTROLLER GENERAL STUDY ON ADEQUACY**  
15 **OF FUNDING, STAFFING, AND ORGANIZATION**  
16 **OF MILITARY MUNITIONS RESPONSE PRO-**  
17 **GRAM.**

18 (a) STUDY REQUIRED.—The Comptroller General  
19 shall conduct a study assessing the adequacy of the fund-  
20 ing, staffing, and organization of the Military Munitions  
21 Response Program, an assessment of the mechanisms for  
22 accountability, reporting and monitoring of progress, and  
23 methods to reduce the length of time of munitions re-  
24 sponse projects.

1 (b) SUBMISSION OF RESULTS OF STUDY.—Not later  
 2 than one year after the date of the enactment of this Act,  
 3 the Comptroller General shall submit to Congress, the  
 4 Secretary, and the advisory and review panel established  
 5 by section 2701(k)(3) of title 10, United States Code, as  
 6 amended by section 6, a report containing the results of  
 7 the study conducted under subsection (a).

8 **SEC. 12. COMPTROLLER GENERAL STUDY ON DEFENSE**  
 9 **LAND MANAGEMENT AND TRANSFER.**

10 (a) STUDY REQUIRED.—The Comptroller General  
 11 shall conduct a study assessing the effectiveness of current  
 12 procedures and institutions for the management and  
 13 transfer of former defense land. The study shall also in-  
 14 clude an assessment of the potential benefits and dis-  
 15 advantages of the establishment of—

16 (1) a centralized Department of Defense office  
 17 for land management and transfer; or

18 (2) a Federal Government Corporation for dis-  
 19 position of Department of Defense land.

20 (b) SUBMISSION OF RESULTS OF STUDY.—Not later  
 21 than one year after the date of the enactment of this Act,  
 22 the Comptroller General shall submit to Congress and the  
 23 Secretary a report containing the results of the study con-  
 24 ducted under subsection (a).

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