

107TH CONGRESS
1ST SESSION

H. R. 2605

To amend title 10, United States Code, to require the development and maintenance of an inventory of sites within former military ranges known or suspected to contain unexploded ordnance (UXO) or other abandoned military munitions that pose a threat to human health, human safety, or the environment, to improve security at such sites and public awareness of the dangers associated with such sites, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 24, 2001

Mr. BLUMENAUER (for himself, Mr. RILEY, Mr. EVANS, Mr. MANZULLO, Mr. UNDERWOOD, Mr. EHLERS, Mr. FARR of California, Mr. WALDEN, Mrs. TAUSCHER, Mr. HERGER, Mr. THOMPSON of California, Mr. HILL, Ms. MCKINNEY, Mr. DELAHUNT, Ms. HARMAN, Mr. KIND, Ms. NORTON, Ms. VELÁZQUEZ, and Mr. BAIRD) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to require the development and maintenance of an inventory of sites within former military ranges known or suspected to contain unexploded ordnance (UXO) or other abandoned military munitions that pose a threat to human health, human safety, or the environment, to improve security at such sites and public awareness of the dangers associated with such 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Ordnance and Explo-
3 sives Risk Management Act”.

4 **SEC. 2. SINGLE POINT OF CONTACT FOR POLICY AND**
5 **BUDGETING ISSUES REGARDING FORMER**
6 **MILITARY RANGES.**

7 Section 2701 of title 10, United States Code, is
8 amended by adding at the end the following new sub-
9 section:

10 “(k) UXO PROGRAM MANAGER.—The Secretary of
11 Defense shall establish a program manager for unexploded
12 ordnance (UXO) and other abandoned military munitions
13 who shall serve as the single point of contact in the De-
14 partment of Defense for policy and budgeting issues in-
15 volving the characterization, remediation, and manage-
16 ment of explosive and related risks at former military
17 ranges (as defined in section 2410 of this title) known or
18 suspected to contain unexploded ordnance or other aban-
19 doned military munitions that pose a threat to human
20 health or safety. The authority of the Secretary may not
21 be further delegated, other than to the Secretary of the
22 Army and the Under Secretary of the Army.”.

1 **SEC. 3. INVENTORY OF EXPLOSIVE RISK SITES AT FORMER**
2 **MILITARY RANGES.**

3 (a) INVENTORY REQUIRED.—(1) Chapter 160 of title
4 10, United States Code, is amended by adding at the end
5 the following new section:

6 **“§ 2710. Former military ranges: inventory of explo-**
7 **sive risk sites; use of inventory; public**
8 **safety issues**

9 “(a) DEFINITIONS.—In this section:

10 “(1) The term ‘former military range’ means a
11 military range presently located in the United States
12 that—

13 “(A) is or was owned by, leased to, or oth-
14 erwise possessed or used by the Federal Gov-
15 ernment;

16 “(B) is designated as a closed, transferred,
17 or transferring military range (rather than as
18 an active or inactive range); or

19 “(C) is or was used as a site for the dis-
20 posal of military munitions or for the use of
21 military munitions in training or research, de-
22 velopment, testing, and evaluation.

23 “(2) The term ‘abandoned military munitions’
24 means unexploded ordnance and other abandoned
25 military munitions, including components thereof

1 and chemical weapons materiel, that pose a threat to
2 human health or safety.

3 “(3) The term ‘State’ includes the District of
4 Columbia, the Commonwealth of Puerto Rico, and
5 the territories and possessions.

6 “(4) The term ‘United States’, in a geographic
7 sense, includes the Commonwealth of Puerto Rico
8 and the territories and possessions.

9 “(b) INVENTORY REQUIRED.—(1) The Secretary of
10 Defense shall develop and maintain an inventory of former
11 military ranges that are known or suspected to contain
12 abandoned military munitions.

13 “(2) The information for each former military range
14 in the inventory shall include, at a minimum, the fol-
15 lowing:

16 “(A) A unique identifier for the range and its
17 current designation as either a closed, transferred,
18 or transferring range.

19 “(B) An appropriate record showing the loca-
20 tion, boundaries, and extent of the range, including
21 identification of the State and political subdivisions
22 of the State in which the range is located and any
23 Tribal lands encompassed by the range.

1 “(C) Known persons and entities, other than a
2 military department, with any current ownership in-
3 terest or control of lands encompassed by the range.

4 “(D) Any restrictions or other land use controls
5 currently in place that might affect the potential for
6 public and environmental exposure to abandoned
7 military munitions.

8 “(c) SITE PRIORITIZATION.—(1) With respect to
9 each former military range included on the inventory, the
10 Secretary of Defense shall assign the range a relative pri-
11 ority for response activities based on the overall conditions
12 at the range. The level of response priority assigned the
13 range shall be included with the information required by
14 subsection (b)(2) to be maintained for the range.

15 “(2) In assigning the response priority for a former
16 military range, the Secretary of Defense shall primarily
17 consider factors relating to safety and environmental haz-
18 ard potential, such as the following:

19 “(A) Whether there are known, versus sus-
20 pected, abandoned military munitions on all or any
21 portion of the range and the types of munitions
22 present or suspected to be present.

23 “(B) Whether public access to the range is con-
24 trolled, and the effectiveness of these controls.

1 “(C) The potential for direct human contact
2 with abandoned military munitions at the range and
3 evidence of people entering the range.

4 “(D) Whether a response action has been or is
5 being undertaken at the range under the Formerly
6 Used Defense Sites program or other programs.

7 “(E) The planned or mandated dates for trans-
8 fer of the range from military control.

9 “(F) The extent of any documented incidents
10 involving abandoned military munitions at or from
11 the range. In this subparagraph, the term ‘incidents’
12 means any or all of the following: explosions, discov-
13 eries, injuries, reports, and investigations.

14 “(G) The potential for drinking water contami-
15 nation or the release of weapon components into the
16 air.

17 “(H) The potential for destruction of sensitive
18 ecosystems and damage to natural resources.

19 “(d) UPDATES AND AVAILABILITY.—(1) The Sec-
20 retary of Defense shall annually update the inventory and
21 site prioritization list to reflect new information that be-
22 comes available. The inventory shall be available in pub-
23 lished and electronic form.

24 “(2) The Secretary of Defense shall work with adja-
25 cent communities to provide information concerning condi-

1 tions at the former military range and response activities,
 2 and shall respond to inquiries. At a minimum, the Sec-
 3 retary shall notify immediately affected individuals, appro-
 4 priate State, local, tribal, and Federal officials, and, when
 5 appropriate, civil defense or emergency management agen-
 6 cies.”.

7 (2) The table of sections at the beginning of such
 8 chapter is amended by adding at the end the following
 9 new item:

“2710. Former military ranges: inventory of explosive risk sites; use of inven-
 tory; public safety issues.”.

10 (b) INITIAL INVENTORY.—The inventory required by
 11 section 2710 of title 10, United States Code, as added by
 12 subsection (a), shall be completed and made available not
 13 later than 180 days after the date of the enactment of
 14 this Act.

15 **SEC. 4. SEPARATE DEPARTMENT OF DEFENSE ACCOUNT**
 16 **FOR REMOVAL AND CLEANUP OF ABAN-**
 17 **DONED MILITARY MUNITIONS.**

18 (a) ESTABLISHMENT AND USE.—Section 2703 of
 19 title 10, United States Code, is amended—

20 (1) in subsection (a), by adding at the end the
 21 following new paragraph:

22 “(6) An account to be known as the ‘Aban-
 23 doned Military Munitions Account, Defense’.”; and

24 (2) in subsection (b)(1)—

1 (A) by striking “and” at the end of sub-
 2 paragraph (A);

3 (B) by striking the period at the end of
 4 subparagraph (B) and inserting “; and”; and

5 (C) by adding at the end the following new
 6 subparagraph:

7 “(C) in the case of the account established
 8 under subsection (a)(6), to carry out the activities
 9 required under section 2710 of this title and to pro-
 10 vide for the removal of, and cleanup associated with
 11 the presence of, abandoned military munitions at
 12 former military ranges (as such terms are defined in
 13 subsection (a) of such section).”.

14 (b) BUDGET REQUEST.—Subsection (c) of such sec-
 15 tion is amended by adding before the period at the end
 16 the following: “and the amounts requested for deposit in
 17 the account established under subsection (a)(6) for use as
 18 provided in subsection (b)(1)(C)”.

19 **SEC. 5. ENHANCED SECURITY MEASURES AT FORMER MILI-**
 20 **TARY RANGES AND PUBLIC AWARENESS EF-**
 21 **FORTS REGARDING DANGERS ASSOCIATED**
 22 **WITH SUCH RANGES.**

23 Section 2710 of title 10, United States Code, as
 24 added by section 3, is amended by adding at the end the
 25 following new subsection:

1 “(e) SITE SECURITY PLAN.—(1) Not later than 18
2 months after the inclusion of a former military range on
3 the inventory, the Secretary of Defense shall prepare a
4 site security plan for the range describing the measures
5 (such as patrols, signs and other informational materials,
6 maps, and fencing and other physical barriers) to be
7 used—

8 “(A) to restrict public access to abandoned mili-
9 tary munitions at or from the range; and

10 “(B) to inform and educate the public as to the
11 risks of handling abandoned military munitions and
12 related items.

13 “(2) The Secretary of Defense is encouraged to co-
14 operate with property owners (including Federal land
15 management agencies), State, Federal, and tribal govern-
16 ments, private industry, institutions of higher education,
17 non-governmental organizations, and other interested per-
18 sons in developing the site security plan for a former mili-
19 tary range.

20 “(3) The Secretary of Defense may enter into a
21 memorandum of agreement with a Federal agency, and
22 cooperative agreements with non-Federal entities referred
23 to in paragraph (2), to support the implementation of spe-
24 cific elements of the site security plan for a former mili-
25 tary range.”.

1 **SEC. 6. INDEPENDENT OVERSIGHT PANEL.**

2 The Program Manager for UXO shall establish an
3 independent advisory and review panel that shall include
4 the National Academy of Sciences, one nongovernmental
5 organization with expertise in UXO, the Environmental
6 Protection Agency, and a representative of the States. The
7 panel shall be responsible for reporting annually to Con-
8 gress on progress made by the Department of Defense and
9 make recommendations for UXO program improvement.

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