

111TH CONGRESS
1ST SESSION

S. 590

To assist local communities with closed and active military bases, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 12, 2009

Ms. SNOWE (for herself and Mr. PRYOR) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To assist local communities with closed and active military bases, 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 “The Defense Commu-
5 nities Assistance Act of 2009”.

6 **SEC. 2. SENSE OF CONGRESS.**

7 It is the sense of the Congress, that as the Federal
8 Government implements base closures and realignments,
9 global repositioning, and grow the force initiatives, it is
10 necessary to assist local communities coping with the im-

1 pact of these programs at both closed and active military
 2 installations. To aid communities to either recover quickly
 3 from closures or to accommodate growth associated with
 4 troop influxes, the Federal Government must provide as-
 5 sistance to communities to effectively implement the var-
 6 ious initiatives of the Department of Defense.

7 **SEC. 3. PERMANENT AUTHORITY TO CONVEY PROPERTY AT**
 8 **MILITARY INSTALLATIONS TO SUPPORT MILI-**
 9 **TARY CONSTRUCTION AND AGREEMENTS TO**
 10 **LIMIT ENCROACHMENT.**

11 Section 2869(a)(3) of title 10, United States Code,
 12 is amended by striking “shall apply only during the pe-
 13 riod” and all that follows through “September 30, 2008”
 14 and inserting “without limitation on duration”.

15 **SEC. 4. EXTENSION OF AUTHORITY TO PURCHASE MUNIC-**
 16 **IPAL SERVICES FOR MILITARY INSTALLA-**
 17 **TIONS IN THE UNITED STATES.**

18 (a) PERMANENT AUTHORITY.—Chapter 146 of title
 19 10, United States Code, is amended by inserting after sec-
 20 tion 2465 the following new section:

21 **“§ 2465a. Contracts for procurement of municipal**
 22 **services for military installations in the**
 23 **United States**

24 “(a) CONTRACT AUTHORITY.—Subject to section
 25 2465 of this title, the Secretary concerned may enter into

1 a contract for the procurement of municipal services de-
2 scribed in subsection (b) for a military installation in the
3 United States from a county, municipal government, or
4 other local governmental unit in the geographic area in
5 which the installation is located.

6 “(b) COVERED MUNICIPAL SERVICES.—The munic-
7 ipal services that may be procured for a military installa-
8 tion under the authority of this section are as follows:

9 “(1) Refuse collection.

10 “(2) Refuse disposal.

11 “(3) Library services.

12 “(4) Recreation services.

13 “(5) Facility maintenance and repair.

14 “(6) Utilities.

15 “(c) EXCEPTION FROM COMPETITIVE PROCE-
16 DURES.—The Secretary concerned may enter into a con-
17 tract under subsection (a) using procedures other than
18 competitive procedures if—

19 “(1) the term of the proposed contract does not
20 exceed 5 years;

21 “(2) the Secretary determines that the price for
22 the municipal services to be provided under the con-
23 tract is fair, reasonable, represents the least cost to
24 the Federal Government, and, to the maximum ex-
25 tent practicable, takes into consideration the inter-

1 ests of small business concerns (as that term is de-
2 fined in section 3(a) of the Small Business Act (15
3 U.S.C. 632(a))); and

4 “(3) the business case supporting the Sec-
5 retary’s determination under paragraph (2)—

6 “(A) describes the availability, benefits,
7 and drawbacks of alternative sources; and

8 “(B) establishes that performance by the
9 county or municipal government or other local
10 governmental unit will not increase costs to the
11 Federal Government, when compared to the
12 cost of continued performance by the current
13 provider of the services.

14 “(d) LIMITATION ON DELEGATION.—The authority
15 to make the determination described in subsection (c)(2)
16 may not be delegated to a level lower than a Deputy As-
17 sistant Secretary for Installations and Environment, or
18 another official of the Department of Defense at an equiv-
19 alent level.

20 “(e) CONGRESSIONAL NOTIFICATION.—The Sec-
21 retary concerned may not enter into a contract under sub-
22 section (a) for the procurement of municipal services until
23 the Secretary notifies the Committees on Armed Services
24 of the Senate and the House of Representatives of the pro-
25 posed contract and a period of 14 days elapses from the

1 date the notification is received by the committees. The
 2 notification shall include a summary of the business case
 3 and an explanation of how the adverse impact, if any, on
 4 civilian employees of the Department of Defense will be
 5 minimized.

6 “(f) GUIDANCE.—The Secretary of Defense shall
 7 issue guidance to address the implementation of this sec-
 8 tion.”.

9 (b) CLERICAL AMENDMENT.—The table of sections
 10 at the beginning of such chapter is amended by inserting
 11 after the item relating to section 2465 the following new
 12 item:

“2465a. Contracts for purchase of municipal services for military installations
 in the United States.”.

13 (c) EXTENSION OF PILOT PROGRAM.—Section 325(f)
 14 of the Ronald W. Reagan National Defense Authorization
 15 Act for Fiscal Year 2005 (Public Law 108–375; 10 U.S.C.
 16 2461 note) is amended by striking “September 30, 2010”
 17 and inserting “September 30, 2020”.

18 **SEC. 5. REIMBURSABLE ACTIVITIES UNDER THE DEFENSE-**
 19 **STATE MEMORANDUM OF AGREEMENT PRO-**
 20 **GRAM.**

21 Section 2701(d)(1) of title 10, United States Code,
 22 is amended by inserting before the period at the end the
 23 following: “and the processing of property transfers before
 24 or after remediation, provided the Secretary shall not con-

1 dition funding based on the manner in which a State exer-
 2 cises its enforcement authority, or its willingness to enter
 3 into dispute resolution prior to exercising that enforce-
 4 ment authority.”.

5 **SEC. 6. INDEMNIFICATION OF TRANSFEREES OF CLOSING**
 6 **DEFENSE PROPERTIES.**

7 Section 330(a)(1) of the National Defense Authoriza-
 8 tion Act for Fiscal Year 1993 (Public Law 102–484; 10
 9 U.S.C. 2687 note), is amended by striking “cost or other
 10 fee” and all that follows through “contaminant,” and in-
 11 serting “cost, statutory or regulatory requirement or
 12 order, or other cost, expense, or fee arising out of any such
 13 requirement or claim for personal injury, environmental
 14 remediation, or property damage (including death, illness,
 15 or loss of or damage to property or economic loss) that
 16 results from, or is in any manner predicated upon, the
 17 release or threatened release of any hazardous substance,
 18 pollutant, or contaminant”.

19 **SEC. 7. REQUIREMENT FOR NO-COST ECONOMIC DEVELOP-**
 20 **MENT CONVEYANCES.**

21 (a) **REPEAL OF CERTAIN REQUIREMENTS.**—Sub-
 22 section (a) of section 3006 of the National Defense Au-
 23 thorization Act for Fiscal Year 2002 (Public Law 107–
 24 107; 115 Stat. 1350), and the amendments made by that
 25 subsection, are hereby repealed. Effective as of the date

1 of the enactment of this Act, the provisions of section
2 2905 of the Defense Base Closure and Realignment Act
3 of 1990 (part A of title XXIX of Public Law 101–510;
4 10 U.S.C. 2687 note) that were amended by section
5 3006(a) of the National Defense Authorization Act for
6 Fiscal Year 2002, as such provisions were in effect on De-
7 cember 27, 2001, are hereby revived.

8 (b) REGULATIONS.—Not later than 60 days after the
9 date of the enactment of this Act, the Secretary of Defense
10 shall prescribe regulations to implement the provisions of
11 section 2905 of the Defense Base Closure and Realign-
12 ment Act of 1990 revived by subsection (a) to ensure that
13 the military departments transfer surplus real and per-
14 sonal property at closed or realigned military installations
15 without consideration to local redevelopment authorities
16 for economic development purposes, and without the re-
17 quirement to value such property.

18 (c) REPORT.—Not later than 180 days after the date
19 of the enactment of this Act, the Secretary of Defense
20 shall submit to Congress a report on the status of current
21 and anticipated economic development conveyances, pro-
22 jected job creation, community reinvestment, and progress
23 made as a result of the enactment of this section.

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