

**AMENDMENT TO H.R. 5136, AS REPORTED
OFFERED BY MR. BLUMENAUER OF OREGON**

Page 84, after line 24, insert the following:

1 **SEC. 315. NOTIFICATION AND ALERT PRIOR TO LAND AC-**
2 **TIVITIES AT FORMERLY USED DEFENSE**
3 **SITES CONTAINING UNEXPLODED ORD-**
4 **NANCE, DISCARDED MUNITIONS, AND MUNI-**
5 **TIONS CONSTITUENTS.**

6 (a) LAND ACTIVITY NOTIFICATION PROCEDURES.—
7 For each area described in subsection (b), the Secretary
8 of Defense shall implement, or shall reimburse the States
9 pursuant to section 2701(d) of title 10, United States
10 Code, to implement, a procedure—

11 (1) to identify and aggregate, on an ongoing
12 basis, publicly available land activity records con-
13 cerning anticipated land activities and uses includ-
14 ing—

15 (A) local zoning records;

16 (B) local permitting records;

17 (C) regional excavation clearance records;
18 real estate listings;

19 (D) sensitive occupancy records such as
20 daycare, school, hospital or senior care; and

1 (E) other records of anticipated activities
2 that may reasonably be expected to contact, dis-
3 turb, or be adversely impacted by the presence
4 of munitions or ordnance;

5 (2) to compare land activities to the location of
6 areas described in subsection (b), on an ongoing
7 basis ranging in frequency from daily to monthly,
8 depending on the nature of the land activity records;

9 (3) if known or suspected hazards exist near an
10 anticipated land activity, to provide timely notifica-
11 tion of the nature of any known or suspected hazard
12 to the person or entity, or their agent or designee,
13 who intends to carry out any such activity;

14 (4) as necessary or appropriate, to advise the
15 person or entity referred to in paragraph (3), or
16 their agent or designee, who intends to carry out
17 any such activity for the purpose of guiding safe
18 land use, or as warranted accelerate remediation to
19 clear the property of hazards so that land activities
20 can proceed; and

21 (5) to maintain a record of activities performed
22 under this section.

23 (b) AREA DESCRIBED.—An area described in this
24 subsection is a discrete areas that—

1 (1) is part of a formerly used defense site that
2 has been identified pursuant to section 2710 of title
3 10, United States Code;

4 (2) is known to contain or suspected of con-
5 taining unexploded ordnance, discarded military mu-
6 nitions, or munitions constituents, or live ordnance
7 and live munitions, including “shock responsive”
8 ordnance and munitions likely to explode if con-
9 tacted or disturbed.

10 (3) is identified for purposes of this section by
11 the Secretary of Defense who, in making such an
12 identification—

13 (A) may rely solely on information gath-
14 ered during preliminary assessments and site
15 investigations performed pursuant to section
16 313 of the John Warner National Defense Au-
17 thorization Act for Fiscal Year 2007 (Public
18 Law 109-364; 120 Stat. 2138; 10 U.S.C. 2710
19 note); and

20 (B) shall consider the possibility of future
21 land development, excavation, grading, and fu-
22 ture uses.

23 (c) SCHEDULE.—The procedure required by sub-
24 section (a) shall be implemented—

1 (1) in three States, by not later than September
2 1, 2011;

3 (2) in 20 States or Territories of the United
4 States, by not later than September 1, 2013;

5 (3) in all States and Territories of the United
6 States, by not later than September 1, 2015.

7 (d) USE OF COMMERCIALY AVAILABLE TECH-
8 NOLOGY.—In carrying out the procedure required by sub-
9 section (a), the Secretary of Defense or the State, as the
10 case may be, shall employ commercially available elec-
11 tronic technologies, as appropriate, including such tech-
12 nologies described in the publication of the Interstate
13 Technology and Regulatory Council entitled “An Overview
14 of Land Use Control Management System” and dated De-
15 cember 2008.

16 (e) FUNDING.—

17 (1) SOURCE OF FUNDS.—Amounts required to
18 carry out this section shall be made available from
19 the account known as “Environmental Restoration
20 Account, Formerly Used Defense Sites” that was es-
21 tablished under section 2703(a)(5) of title 10,
22 United States Code.

23 (2) AVAILABILITY OF FUNDS.—Of the amount
24 authorized to be appropriated to the account re-
25 ferred to in paragraph (1), not less than \$2,500,000

1 shall be available in each of fiscal years 2011
2 through 2015 to carry out this section.

