

111TH CONGRESS
1ST SESSION

H. R. 740

To amend title 10, United States Code, to take reasonable steps to prevent avoidable disasters related to seismic activity in connection with the lease and development of non-excess property of military departments, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 2009

Mr. FILNER introduced the following bill; which was referred to the
Committee on Armed Services

A BILL

To amend title 10, United States Code, to take reasonable steps to prevent avoidable disasters related to seismic activity in connection with the lease and development of non-excess property of military departments, 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 “Additional Safeguards
5 For Lease and Development of Non-Excess Property of
6 Military Departments Act”.

1 **SEC. 2. LEASE AND DEVELOPMENT OF NON-EXCESS PROP-**
2 **ERTY OF MILITARY DEPARTMENTS LOCATED**
3 **IN AREAS DESIGNATED UBC SEISMIC ZONE 4.**

4 (a) PROHIBITION ON LEASES IN CERTAIN SEISMIC
5 AREAS; EXCEPTIONS.—Section 2667 of title 10, United
6 States Code, is amended by adding at the end the fol-
7 lowing new subsection:

8 “(k)(1) Except as provided in paragraph (1), the Sec-
9 retary concerned may not enter into a lease under this
10 section regarding any land that is located in an area des-
11 ignated UBC Seismic Zone 4.

12 “(2) Notwithstanding paragraph (1), the Secretary
13 concerned may enter into the lease if the Secretary deter-
14 mines that seismic activity would not have any significant
15 impact on any portion of the proposed development under
16 the lease. The determination of the Secretary may only
17 be made on the record after an opportunity for a hearing.
18 In the hearing, admissible seismic evidence shall be limited
19 to geotechnical investigations that are not more than three
20 years old. The Secretary may commission geotechnical in-
21 vestigations in connection with the hearing, but such in-
22 vestigations must be conducted using the best technology
23 then available.

24 “(3) The Secretary concerned may not omit a revoca-
25 tion provision from a lease authorized by paragraph (2).”.

26 (b) REVOCATION OF EXISTING LEASES.—

1 (1) REVOCATION REQUIRED.—Except as pro-
2 vided in paragraph (2), the Secretary of a military
3 department shall revoke any lease entered into be-
4 fore the date of the enactment of this Act by the
5 Secretary under the authority of section 2667 of
6 title 10, United States Code, or other provision of
7 law, including section 2732 of the National Defense
8 Authorization Act for Fiscal Year 1987 (Public Law
9 99–661; 100 Stat. 4046), if the land subject to the
10 lease is located in an area designated UBC Seismic
11 Zone 4. The revocation shall occur even in the case
12 of a lease that does not include a revocation provi-
13 sion.

14 (2) EXCEPTIONS.—Paragraph (1) shall not
15 apply to a lease—

16 (A) under which substantial construction,
17 as determined by the Secretary concerned, on
18 the property subject to the lease has been com-
19 menced before the date of the enactment of this
20 Act; or

21 (B) that the Secretary concerned deter-
22 mines, pursuant to paragraph (2) of subsection
23 (k) of section 2667 of title 10, United States

- 1 Code, as added by subsection (a), should not be
- 2 revoked.

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