

103^D CONGRESS
1ST SESSION

H. R. 2719

To provide for the use of an independent site manager, selected by the Secretary of Defense in consultation with local governments and residents of communities adversely affected by base closures, to perform management functions in connection with the closure or realignment of military installations.

IN THE HOUSE OF REPRESENTATIVES

JULY 23, 1993

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

A BILL

To provide for the use of an independent site manager, selected by the Secretary of Defense in consultation with local governments and residents of communities adversely affected by base closures, to perform management functions in connection with the closure or realignment of military installations.

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 “Defense Reuse Com-
5 munity Partnership Act”.

1 **SEC. 2. BASE DISPOSAL MANAGEMENT CONTRACT.**

2 (a) USE OF INDEPENDENT SITE MANAGER.—(1) In
3 order to fulfill the responsibilities of the Secretary of De-
4 fense under a base closure law, the Secretary may enter
5 into one or more contracts with independent entities (in
6 this section referred to as a “Site Manager”) to assist the
7 Secretary in managing the site planning, approval, prepa-
8 ration, and disposal of excess and surplus real property
9 at military installations to be closed or realigned under
10 such base closure law. The Secretary shall select a Site
11 Manager in consultation with the affected local community
12 and may make the selection without reference to Federal
13 acquisition laws and regulations.

14 (2) During the term of a contract entered under this
15 subsection and the five-year period beginning on the ter-
16 mination date of the contract, the Site Manager subject
17 to that contract (and its affiliates) shall be barred from
18 bidding for or acquiring any interest in real property or
19 facilities located at any of the military installations to be
20 managed by the Site Manager, unless such acquisition is
21 necessary to execute the terms of the contract.

22 (b) QUALIFICATIONS.—In selecting a Site Manager,
23 the Secretary of Defense shall ensure that the Site Man-
24 ager, either directly or through its principals, has had
25 prior experience—

1 (1) in the site planning of properties located at
2 military installations;

3 (2) in dealing with local land use authorities in
4 the States in which the military installations to be
5 managed are located;

6 (3) in managing the cleanup of hazardous waste
7 contamination;

8 (4) in resolving land use issues under the Na-
9 tional Environmental Policy Act of 1969 (42 U.S.C.
10 4321 et seq.) and the National Historic Preservation
11 Act of 1966 (16 U.S.C. 470 et seq.); and

12 (5) in meeting such other qualifications as the
13 Secretary considers to be necessary to perform the
14 tasks set forth in this section.

15 (c) DUTIES GENERALLY.—Under the contract en-
16 tered into under subsection (a), a Site Manager shall—

17 (1) analyze the land use potential of the mili-
18 tary installations to be managed by the Site Man-
19 ager;

20 (2) coordinate with the applicable State and
21 local authorities to develop reuse options and obtain
22 necessary zoning and infrastructure approvals with
23 respect to these installations;

24 (3) manage the remediation of any adverse en-
25 vironmental conditions on these installations;

1 (4) coordinate with State and Federal agencies
2 to complete all reports and analyses required under
3 applicable law with respect to these installations;

4 (5) initiate and coordinate the notices and con-
5 sultations with Federal, State, regional, and local
6 agencies contemplated under the authority delegated
7 to the Secretary of Defense under a base closure law
8 and the procedures contemplated under section 501
9 of the Stewart B. McKinney Homeless Assistance
10 Act (42 U.S.C. 11411);

11 (6) manage through the use of community as-
12 sets the maintenance and interim use of these instal-
13 lations pending final disposition;

14 (7) prepare real property and facilities at these
15 installations for disposal (including any necessary
16 site-clearing and infrastructure installation); and

17 (8) manage the sale of sale parcels in accord-
18 ance with subsection (f).

19 (d) APPRAISAL.—Before incurring any expenses
20 under the contract, the Secretary of Defense shall cause
21 each proposed sale parcel at a military installation to be
22 managed by a Site Manager to be appraised to determine
23 the then-current “as-is” value of the parcel. The appraisal
24 shall be conducted in accordance with land appraisal regu-
25 lations issued by the Office of the Comptroller of the Cur-

1 rency and the Office of Thrift Supervision under title XI
2 of the Financial Institutions Reform, Recovery, and En-
3 forcement Act of 1989 (12 U.S.C. 3331 et seq.).

4 (e) BUDGET.—A Site Manager and the Secretary of
5 Defense shall jointly develop a detailed budget for each
6 phase of the site preparation and approval process for
7 each military installation to be managed by the Site Man-
8 ager. The contract entered into under subsection (a) shall
9 authorize the Site Manager through the sole exercise of
10 its reasonable business judgment, in accordance with the
11 approved budget and without reference to Federal acquisi-
12 tion laws and regulations, to engage contractors and other
13 professionals to complete all aspects of the site prepara-
14 tion and approval process, including environmental reme-
15 diation. The Secretary shall reimburse the Site Manager
16 for the reasonable overhead costs incurred by the Site
17 Manager and for payments due under the contracts and
18 subcontracts contemplated by this section.

19 (f) SALE PROCEDURES AND DISPOSITION OF PRO-
20 CEEDS.—After a sale parcel managed by a Site Manager
21 has received all necessary approvals and is otherwise ready
22 for sale, the Site Manager shall sell the parcel, as an agent
23 for the Secretary of Defense, in one or more transactions.
24 Each sale shall be on terms acceptable to the Secretary,
25 determined in consultation with the Site Manager and ap-

1 appropriate local authorities. The proceeds from each sale
2 shall be divided among the Department of Defense, the
3 Site Manager involved, and appropriate local authorities
4 as follows:

5 (1) The Secretary of Defense shall receive an
6 amount equal to—

7 (A) the initial “as-is” appraised value of
8 the parcel established in accordance with sub-
9 section (d);

10 (B) the costs incurred by the Secretary
11 under the contract with the Site Manager
12 (other than environmental analysis and remedi-
13 ation costs, costs of preparing or conducting re-
14 ports, analyses, notices, and consultations re-
15 quired under applicable law, property mainte-
16 nance costs, and all other costs that the Sec-
17 retary would be required to incur if the contract
18 with the Site Manager did not exist) and the
19 reasonable costs of conducting the sale; and

20 (C) $\frac{1}{3}$ of the remainder of the proceeds.

21 (2) From amounts remaining after operation of
22 paragraph (1), the applicable local authorities, as de-
23 termined by the Secretary, shall receive $\frac{1}{2}$ of the re-
24 mainder. If the appropriate local authorities cannot
25 be determined satisfactorily to the Secretary, the

1 State in which the military installation involved is lo-
2 cated shall receive the amount that would be distrib-
3 uted pursuant to this paragraph.

4 (3) From amounts remaining after operation of
5 paragraph (1), the Site Manager involved shall re-
6 ceive $\frac{1}{2}$ of the remainder.

7 (g) REPORTS.—(1) At such intervals as the Secretary
8 of Defense may prescribe, each Site Manager shall submit
9 to the Secretary reports describing the activities of the
10 Site Manager under a contract entered into under sub-
11 section (a) and such other information as the Secretary
12 may require.

13 (2) Not later than May 31, 1994, and May 31, 1995,
14 the Secretary of Defense shall submit to Congress a report
15 regarding all military installations covered by a contract
16 under this section and the status of the site preparation
17 and disposal process at the installations.

18 (h) BASE CLOSURE LAW DEFINED.—For purposes
19 of this section, the term “base closure law” means each
20 of the following:

21 (1) The Defense Base Closure and Realignment
22 Act of 1990 (part A of title XXIX of Public Law
23 101–510; 10 U.S.C. 2687 note).

1 (2) Title II of the Defense Authorization
2 Amendments and Base Closure and Realignment
3 Act (Public Law 100-526; 10 U.S.C. 2687 note).

4 (3) Section 2687 of title 10, United States
5 Code.

6 (4) Any other similar law enacted after the date
7 of the enactment of this Act.

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