

110TH CONGRESS  
1ST SESSION

# H. R. 4719

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.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 17, 2007

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

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## 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 LEASE IN CERTAIN SEISMIC  
5 AREAS; EXCEPTIONS.—Subsection (j) of section 2667 of  
6 title 10, United States Code, is amended—

7 (1) by inserting “(1)” before “This section”;  
8 and

9 (2) by adding at the end the following new  
10 paragraph:

11 “(2)(A) Except as provided in subparagraph (B), the  
12 Secretary concerned may not enter into a lease under this  
13 section regarding any land that is located in an area des-  
14 ignated UBC Seismic Zone 4.

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

1       “(C) The Secretary concerned may not omit a revoca-  
2 tion provision from a lease authorized by subparagraph  
3 (B).”.

4       (b) REVOCATION OF EXISTING LEASES.—

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

18           (2) EXCEPTIONS.—Paragraph (1) shall not  
19 apply to a lease—

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

1           (B) that the Secretary concerned deter-  
2           mines, pursuant to paragraph (2)(B) of section  
3           2667(j) of title 10, United States Code, as  
4           added by subsection (a), should not be revoked.

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