

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

“(a) **CONTRACT AUTHORITY.**—Subject to section 2465 of this title, the Secretary concerned may enter into a contract for the procurement of municipal services described in subsection (b) for a military installation in the United States from a county, municipal government, or other local governmental unit in the geographic area in which the installation is located.

“(b) **COVERED MUNICIPAL SERVICES.**—The municipal services that may be procured for a military installation under the authority of this section are as follows:

- “(1) Refuse collection.
- “(2) Refuse disposal.
- “(3) Library services.
- “(4) Recreation services.
- “(5) Facility maintenance and repair.
- “(6) Utilities.

“(c) **EXCEPTION FROM COMPETITIVE PROCEDURES.**—The Secretary concerned may enter into a contract under subsection (a) using procedures other than competitive procedures if—

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

“(2) the Secretary determines that the price for the municipal services to be provided under the contract is fair, reasonable, represents the least cost to the Federal Government, and, to the maximum extent practicable, takes into consideration the interests of small business concerns (as that term is defined in section 3(a) of the Small Business Act (15 U.S.C. 632(a))); and

“(3) the business case supporting the Secretary's determination under paragraph (2)—

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

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

“(d) **LIMITATION ON DELEGATION.**—The authority to make the determination described in subsection (c)(2) may not be delegated to a level lower than a Deputy Assistant Secretary for Installations and Environment, or another official of the Department of Defense at an equivalent level.

“(e) **CONGRESSIONAL NOTIFICATION.**—The Secretary concerned may not enter into a contract under subsection (a) for the procurement of municipal services until the Secretary notifies the Committees on Armed Services of the Senate and the House of Representatives of the proposed contract and a period of 14 days elapses from the date the notification is received by the committees. The notification shall include a summary of the business case and an explanation of how the adverse impact, if any, on civilian employees of the Department of Defense will be minimized.

“(f) **GUIDANCE.**—The Secretary of Defense shall issue guidance to address the implementation of this section.”.

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

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

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

SEC. 5. REIMBURSABLE ACTIVITIES UNDER THE DEFENSE-STATE MEMORANDUM OF AGREEMENT PROGRAM.

Section 2701(d)(1) of title 10, United States Code, is amended by inserting before the period at the end the following: “and the processing of property transfers before or after remediation, provided the Secretary shall not condition funding based on the manner in which a State exercises its enforcement authority, or its willingness to enter into dispute resolution prior to exercising that enforcement authority.”.

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

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

SEC. 7. REQUIREMENT FOR NO-COST ECONOMIC DEVELOPMENT CONVEYANCES.

(a) **REPEAL OF CERTAIN REQUIREMENTS.**—Subsection (a) of section 3006 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1350), and the amendments made by that subsection, are hereby repealed. Effective as of the date of the enactment of this Act, the provisions of section 2905 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) that were amended by section 3006(a) of the National Defense Authorization Act for Fiscal Year 2002, as such provisions were in effect on December 27, 2001, are hereby revived.

(b) **REGULATIONS.**—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations to implement the provisions of section 2905 of the Defense Base Closure and Realignment Act of 1990 revived by subsection (a) to ensure that the military departments transfer surplus real and personal property at closed or realigned military installations without consideration to local redevelopment authorities for economic development purposes, and without the requirement to value such property.

(c) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the status of current and anticipated economic development conveyances, projected job creation, community re-investment, and progress made as a result of the enactment of this section.

By Mr. REID (for himself and Mr. ENSIGN):

S. 591. A bill to establish a National Commission on High-Level Radioactive Waste and Spent Nuclear Fuel, and for other purposes; to the Committee on Environment and Public Works.

Mr. REID. Mr. President, I am pleased to say that we are closing the book on our Nation's failed nuclear waste policy. After decades of fighting the Yucca Mountain project, I can say with confidence that Nevada will not serve as the Nation's nuclear waste dump.

Nevadans and all Americans will be safer and more secure thanks to Presi-

dent Obama's commitment to finding scientifically sound and responsible solutions to dealing with nuclear waste.

I am proud to say that I have been working on a new volume in this terribly difficult debate. Bad policy like the Yucca Mountain project is easy to oppose. But it is not always easy to craft better policy.

That is what I am doing with Senator ENSIGN today—working to replace our failed approach to dealing with nuclear waste with a much better policy. We are unveiling our plan to form a congressional commission to evaluate and make recommendations on alternative approaches to managing nuclear waste.

This is a step that is way past due.

I began opposing the idea of dumping nuclear waste in Nevada when it was first proposed in the early 1980s. I was still a member of the House then, and I continued this fight in the Senate with most Nevadans firmly behind my efforts to kill the project. I have fought against the Yucca Mountain project vigorously, but from the very beginning I was also calling for long-range planning on nuclear waste because it was the right thing to do.

I continued calling for researching alternatives to Yucca in 1995 when I introduced legislation with my close friend and colleague, Senator Dick Bryan, to establish a commission on nuclear waste. Unfortunately, Congress did not listen, even though evidence was piling up showing that Yucca Mountain could become a death trap for Nevadans.

The Government's decades-long focus on Yucca Mountain has left us barren with very few good proposals for dealing with nuclear waste. Now that President Obama and Secretary Chu have taken Yucca Mountain off the table, we need to begin looking closely at new ideas. We should even dust off some older ones that have been ignored for far too long.

The legislation we are introducing today forms a temporary commission to review and make recommendations on a wide variety of alternatives to Yucca.

The commission will look at everything from at-reactor dry cask storage to reprocessing. The commission will consider having the Federal Government take title to nuclear waste, but will also consider chartering a Federal corporation to manage nuclear waste.

Very importantly, the commission will consider the security of temporary storage facilities for nuclear waste so we can give assurances to communities near nuclear power plants that their safety will not be compromised.

The cosponsors of this legislation do not all share the same views about nuclear power and we do not share the same views about nuclear waste. For example, I have long said that nuclear waste needs to remain on site where it is produced until the Government has a safe and scientifically sound solution. Others would like to reprocess and

reuse nuclear waste in nuclear reactors. Many still feel that some form of permanent disposal is a good solution.

But forming a commission is something the bill's sponsors and others agree upon because it will create a process that will help our Nation take a critical step away from the failed Yucca Mountain policy.

I look forward to continuing working with my colleagues to make sure we take responsible actions necessary to begin addressing nuclear waste.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 591

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “National Commission on High-Level Radioactive Waste and Spent Nuclear Fuel Establishment Act of 2009”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Establishment of Commission.
- Sec. 3. Purposes.
- Sec. 4. Composition.
- Sec. 5. Duties.
- Sec. 6. Powers.
- Sec. 7. Applicability of Federal Advisory Committee Act.
- Sec. 8. Staff.
- Sec. 9. Compensation; travel expenses.
- Sec. 10. Security clearances.
- Sec. 11. Reports.
- Sec. 12. Authorization of appropriations.
- Sec. 13. Termination.

SEC. 2. ESTABLISHMENT OF COMMISSION.

There is established a commission to be known as the “National Commission on High-Level Radioactive Waste and Spent Nuclear Fuel” (referred to in this Act as the “Commission”).

SEC. 3. PURPOSES.

The purposes of the Commission are—

(1) to evaluate potential improvements in the approach of the United States to high-level radioactive waste and spent nuclear fuel management in the event that the proposed Yucca Mountain high-level waste repository is never operational or constructed for any spent nuclear fuel, high-level waste, or other radioactive waste disposal; and

(2) to submit to the appropriate committees of Congress a report that contains a description of the findings, conclusions, and recommendations of the Commission to improve the approach of the United States for the management of defense waste, spent nuclear fuel, high-level waste, and commercial radioactive waste.

SEC. 4. COMPOSITION.

(a) **MEMBERS.**—The Commission shall be composed of 9 members who meet each qualification described in subsection (b), of whom—

(1) 2 shall be appointed by the Majority Leader of the Senate, in consultation with the chairperson of each appropriate committee of the Senate;

(2) 2 shall be appointed by the Minority Leader of the Senate, in consultation with the ranking member of each appropriate committee of the Senate;

(3) 2 shall be appointed by the Speaker of the House of Representatives, in consultation with the chairperson of each appro-

priate committee of the House of Representatives;

(4) 2 shall be appointed by the Minority Leader of the House of Representatives, in consultation with the ranking member of each appropriate committee of the House of Representatives; and

(5) 1 shall be appointed jointly by the Majority Leader of the Senate and the Speaker of the House of Representatives.

(b) QUALIFICATIONS.—

(1) **NONGOVERNMENTAL APPOINTEES.**—An individual appointed to the Commission may not be—

- (A) engaged in any high-level radioactive waste or spent nuclear fuel activities under contract with the Department of Energy; or
- (B) an officer or employee of—
 - (i) the Federal Government;
 - (ii) an Indian tribe;
 - (iii) a State; or
 - (iv) a unit of local government.

(2) **OTHER QUALIFICATIONS.**—Individuals appointed to the Commission shall, to the maximum extent practicable, be prominent United States citizens, with national recognition and significant depth of experience in engineering, fields of science relevant to used nuclear fuel management, energy, governmental service, environmental policy, law, public administration, or foreign affairs.

(3) **DEADLINE FOR APPOINTMENT.**—All members of the Commission shall be appointed by not later than 90 days after the date of enactment of this Act.

(c) **CHAIRPERSON.**—The individual appointed under subsection (a)(5) shall serve as Chairperson of the Commission.

(d) **INITIAL MEETING.**—The Commission shall meet and begin the operations of the Commission as soon as practicable after the date of enactment of this Act.

(e) ADMINISTRATION.—

(1) **MEETINGS.**—After the initial meeting of the Commission, the Commission shall meet on the call of the Chairperson or a majority of the members of the Commission.

(2) **QUORUM.**—Five members of the Commission shall constitute a quorum.

(3) **VACANCIES.**—Any vacancy on the Commission—

(A) shall not affect the powers of the Commission; and

(B) shall be filled in the same manner in which the original appointment was made.

SEC. 5. DUTIES.

(a) **IN GENERAL.**—The Commission shall—

(1) conduct an evaluation to advise Congress on the feasibility, cost, risks, and legal, public health, and environmental impacts (including such impacts on local communities) of alternatives to the spent fuel and high-level waste strategies of the Federal Government including—

(A) transferring from the Department of Energy responsibility for the high-level radioactive waste and spent fuel management program of the United States to a Government corporation established for that purpose;

(B) endowing such a Federal Government corporation with authority and funding necessary to provide for storage and management of high-level radioactive waste and spent nuclear fuel;

(C) cost-sharing options between the Federal Government and private industry for the development of nuclear fuel management technology and licensing;

(D) establishing Federal or private centralized interim storage facilities in communities that are willing to serve as hosts;

(E) research and development leading to deployment of advanced fuel cycle technologies (including reprocessing, transmutation, and recycling technologies) that are not vulnerable to weapons proliferation;

(F) transferring to the Department of Energy title to—

(i) spent nuclear fuel inventories at reactor sites in existence as of the date of enactment of this Act; and

(ii) future nuclear fuel inventories at reactor sites;

(G) while long-term solutions for spent nuclear fuel management are developed, requiring the transfer of spent nuclear fuel inventories—

(i) to at-reactor dry casks in a manner to ensure public safety and the security of the inventories; and

(ii) after the date on which the spent nuclear fuel inventory has been stored in a cooling pond for a period of not less than 7 years;

(H) permanent, deep geologic disposal for civilian and defense wastes, and interim strategies for the treatment of defense wastes; and

(I) additional management and technological approaches, including improved security of spent nuclear fuel storage installations, as the Commission determines to be appropriate for consideration;

(2) consult with Federal agencies (including the Nuclear Waste Technical Review Board and the National Academy of Sciences), interested individuals, States, local governments, organizations, and businesses as the Commission determines to be necessary to carry out the duties of the Commission;

(3) submit recommendations on the disposition of the existing fees charged to nuclear energy ratepayers, and the recommended disposition of the available balances consistent with the recommendations of the Commission regarding the management of spent nuclear fuel; and

(4) analyze the financial impacts of the recommendations of the Commission described in paragraph (3) on the contractual liability of the Federal Government under section 302 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222).

(b) **REPORT.**—The Commission shall submit to Congress a final report in accordance with this Act containing such findings, conclusions, and recommendations as the Commission considers appropriate.

SEC. 6. POWERS.

(a) **HEARINGS AND EVIDENCE.**—The Commission or, on the authority of the Commission, any subcommittee may, for the purpose of carrying out this Act, hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Commission considers to be appropriate.

(b) **CONTRACTING.**—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge the duties of the Commission under this Act.

(c) **INFORMATION FROM FEDERAL AGENCIES.**—

(1) **IN GENERAL.**—The Commission may secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Federal Government, information, suggestions, estimates, and statistics for the purposes of this Act.

(2) **FURNISHING OF INFORMATION.**—Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics in a timely manner directly to the Commission, on request made by the Chairperson of the Commission, or any member designated by a majority of the Commission.