

106TH CONGRESS  
2D SESSION

# H. R. 5650

To declare certain Federal lands in the Commonwealth of Puerto Rico as excess, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 8, 2000

Mr. ROMERO-BARCELO introduced the following bill; which was referred to the Committee on Armed Services

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## A BILL

To declare certain Federal lands in the Commonwealth of Puerto Rico as excess, 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. AMENDMENTS TO TITLE XV OF THE FLOYD D.**

4 **SPENCE NATIONAL DEFENSE AUTHORIZA-**

5 **TION ACT FOR FISCAL YEAR 2001, NAVY AC-**

6 **TIVITIES ON THE ISLAND OF VIEQUES, PUER-**

7 **TO RICO.**

8 (a) Section 1505(c) is amended by striking subsection

9 (c) and substituting the following:

1       “ACTIONS REQUIRED OF SECRETARY OF THE  
2 NAVY.—

3           (1) The Secretary of the Navy shall report as  
4       excess all lands under the jurisdiction of the Sec-  
5       retary on the eastern side of Vieques Island, with  
6       the exception of the property identified in paragraph  
7       (2), to the General Services Administration for dis-  
8       posal under the Federal Property and Administra-  
9       tive Services Act of 1949.

10          “(2) The Secretary of the Navy, in consultation  
11       with the Secretary of the Interior and the Adminis-  
12       trator of General Service, shall transfer, without re-  
13       imbursement, to the administrative jurisdiction of  
14       the Secretary of the Interior all Department of De-  
15       fense real properties on the eastern side of the is-  
16       land that are identified as conservation zones in sec-  
17       tion IV of the 1983 Memorandum of Understanding  
18       between the Commonwealth of Puerto Rico and the  
19       Secretary of the Navy, the Live Impact Area, and  
20       any other real properties on the eastern side of the  
21       island that the Secretary of the Interior identifies as  
22       necessary for the management of these areas.”.

23          (b) Section 1505(d) is amended by striking the ref-  
24       erence to paragraphs (2) and (3) and substituting a ref-  
25       erence to paragraphs (1) and (2).

1 (c) Section 1505(e) is redesignated as subsection (f).

2 (d) Section 1505 is amended by substituting the fol-  
3 lowing new subsection (e):

4 “(e) DEPARTMENT OF DEFENSE RESPONSIBIL-  
5 ITIES.—

6 (1) The Department of Defense shall conduct  
7 all response actions on the lands transferred under  
8 section 1505, in accordance with the Comprehensive  
9 Environmental Response, Compensation, and Liabil-  
10 ity Act of 1980 and other environmental laws. As for  
11 the properties transferred to the Department of the  
12 Interior, this means response actions designed to  
13 meet the standards appropriate for use of the prop-  
14 erty as a wildlife refuge or a wilderness area as set  
15 forth in subsection 1505(d). For purposes of the  
16 lands reported as excess to the General Services Ad-  
17 ministration, such response actions shall occur be-  
18 fore the lands are further transferred or conveyed  
19 under the Federal Property and Administrative  
20 Services Act of 1949. Neither the Department of the  
21 Interior nor the General Services Administration  
22 shall be liable for environmental contamination, in-  
23 cluding unexploded ordnance, that is present at the  
24 time the property is transferred to the Department  
25 of the Interior or reported excess to the General

1 Services Administration by the Department of the  
2 Navy, including contamination resulting from De-  
3 partment of Defense activities that is discovered  
4 after transfer or subsequent conveyance. All eligible  
5 entities including the Government of Puerto Rico  
6 may request transfer of the remediated lands re-  
7 ported excess by paragraph (1) of subsection (e) in  
8 accordance with the Federal Property and Adminis-  
9 trative Services Act of 1949.”

10 “(2) Federal responsibility to fund and imple-  
11 ment any necessary response actions (including oper-  
12 ation and maintenance) to address environmental  
13 contamination resulting from the acts, omissions, or  
14 presence of the Department of Defense or which is  
15 present at the time of any conveyance by the Sec-  
16 retary of the Navy to the Secretary of the Interior  
17 pursuant to Section 1505 (including contamination  
18 subsequently discovered), shall be the exclusive re-  
19 sponsibility of the Secretary of Defense, and not the  
20 responsibility of the Secretary of the Interior, unless  
21 such contamination was caused or contributed to by  
22 the Department of the Interior. Any response ac-  
23 tions carried out by the Secretary of Defense shall  
24 be conducted subject to and in compliance with envi-  
25 ronmental laws, including but not limited to

1 CERCLA (42 U.S.C. Section 9601 et seq) and un-  
2 dertaken in a manner consistent with the conserva-  
3 tion and natural resources uses and mission for the  
4 property transferred to the Department of the Inte-  
5 rior.”.

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